

# MUNICIPAL PLAN 2014-2024

TOWN OF PORTUGAL COVE-ST. PHILIP'S

| SEPTEMBER 2014 |



**CONTACT INFORMATION:**

100 LEMARCHANT ROAD | ST. JOHN'S, NL | A1C 2H2 |  
CANADA

P. (709) 738-2500 | F. (709) 738-2499  
[WWW.TRACTCONSULTING.COM](http://WWW.TRACTCONSULTING.COM)

<b>URBAN AND RURAL PLANNING ACT (2000) RESOLUTION TO ADOPT .....</b>	<b>4</b>
<b>CANADIAN INSTITUTE OF PLANNERS (MCIP) CERTIFICATION.....</b>	<b>5</b>
<b>1.0 INTRODUCTION.....</b>	<b>6</b>
1.1 Purpose of the Municipal Plan .....	6
1.1.1 Contents of the Municipal Plan .....	6
1.1.2 Other Reports, Studies & Comments.....	7
1.1.3 Public Engagement .....	7
1.1.4 Bringing the Municipal Plan into Effect .....	8
1.1.5 Municipal Plan Administration .....	9
1.2 Summary of Community Research & Analysis .....	9
1.2.1 Population Growth.....	10
1.2.2 Physical Structure of the Municipality.....	10
1.2.3 Municipal Finances .....	17
<b>2.0 GOALS &amp; OBJECTIVES .....</b>	<b>18</b>
2.1 Community Structure & Character.....	18
2.2 Housing.....	19
2.3 Environment.....	19
2.4 Transportation.....	20
2.5 Economy.....	20
2.6 Recreation & Tourism.....	21
2.7 Municipal & Community Services .....	22
2.8 Municipal Finance .....	22
2.9 Sustainable Development .....	23
<b>3.0 LAND USE POLICIES .....</b>	<b>24</b>
3.1 Policy Framework .....	24
3.2 Regional Context .....	24
3.2.1 St. John's Urban Region Regional Plan (1976) .....	24
3.2.2 St. John's Agricultural Development Plan .....	26
3.3 General Land Use Policies .....	27
3.3.1 General Layout of the Town .....	27
3.3.2 General Environmental Policies.....	28
3.3.3 General Policies for the Subdivision of Land .....	31
3.3.4 Other General Land Use Policies.....	34

3.4	Specific Land Use Policies.....	38
3.4.1	Residential.....	38
3.4.2	Residential Development Scheme Areas.....	42
3.4.3	Traditional Community.....	46
3.4.4	Mixed Use.....	48
3.4.5	Public Use.....	49
3.4.6	Recreational Open Space Use.....	50
3.4.7	Protected Watershed.....	52
3.4.8	Agriculture.....	53
3.4.9	Rural.....	56
3.4.10	Transportation.....	58
<b>4.0</b>	<b>IMPLEMENTATION.....</b>	<b>62</b>
4.1	Administration of the Plan.....	62
4.2	Development Regulations.....	64
4.3	Development Control.....	65
4.4	Amending the Municipal Plan and Development Regulations.....	66

## MAPS

**Map 1:** Generalized Future Land Use Map

**Appendix 1:** Agricultural Map

# URBAN AND RURAL PLANNING ACT (2000) RESOLUTION TO ADOPT

## Town of Portugal Cove-St. Philip's Municipal Plan (2014-2024)

Under the authority of Section 16 of the Urban and Rural Planning Act (2000), the Town Council of Portugal Cove-St. Philip's adopts the Portugal Cove-St. Philip's Municipal Plan (2014-2024).

The Municipal Plan (2014-2024) was adopted by the Town Council of Portugal Cove-St. Philip's on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 2014.

Mayor Moses G. Tucker: \_\_\_\_\_

Municipal Clerk (Judy Squires): \_\_\_\_\_

\_\_\_\_\_

Town of Portugal Cove-St. Philip's seal

# CANADIAN INSTITUTE OF PLANNERS (MCIP) CERTIFICATION

I certify that the Town of Portugal Cove-St. Philip’s Municipal Plan (2014-2024) has been prepared in accordance with the requirements of the Urban and Rural Planning Act (2000) of the Province of Newfoundland and Labrador.

---

Member of Canadian Institute of Planners (MCIP) signature

---

MCIP seal

---

Date signed and sealed

# 1.0 INTRODUCTION

## 1.1 PURPOSE OF THE MUNICIPAL PLAN

The Portugal Cove – St. Philip’s Municipal Plan establishes guidelines and policies for managing future growth and development of the Town by providing a land use strategy for the ten year period 2014 to 2024. The Municipal Plan, which applies to the entirety of the Town’s defined Planning Area (and which corresponds to Municipal boundaries), outlines Council’s policies for overall land use development, for provision of community amenities, and for watershed and environmental protection. This Plan update replaces the Town’s former Municipal Plan that was adopted and registered in 1996.

The primary intent of the Municipal Plan policies is to encourage and to work towards a healthy, safe, economically prosperous, and a more complete and sustainable community, where opportunities for appropriate growth and expansion, and supporting municipal services, can be provided within the financial capabilities of the Town, within the realm of the NL Urban and Rural Planning Act (2000), and in conformity with the St. John’s Urban Region Regional Plan (1976). The Municipal Plan, and its companion Generalized Future Land Use Map, provide for future growth and physical improvement of the Town by identifying the designated locations and the specified manner in which varied types of land use development are to occur.

The Plan additionally serves as the basis for preparation of the companion regulatory planning document, the Development Regulations. The Regulations address land use zones, development standards and terms and conditions, advertisement and subdivision requirements in support of the Plan’s policies. The Regulations are also accompanied by a Zoning Map and an Environmental Protection Map. The Municipal Plan and the Development Regulations, once approved and registered, are administered by Town Council in the review and approval consideration of development permit and subdivision applications, and other land development proposal inquiries.

### 1.1.1 CONTENTS OF THE MUNICIPAL PLAN

The Municipal Plan was prepared in accordance with the content requirements of Section 13 of the NL Urban and Rural Planning Act (2000). This Municipal Plan document and its accompanying Generalized Future Land Use Map, constitutes a legal instrument of the municipality when adopted and approved by Council, and reviewed and registered in accordance with the Urban and Rural Planning Act (i.e. the Act). The principal content of the Municipal Plan includes:

- The land use planning goals, objectives and policy statements of Council;
- A land use planning strategy for managing future land and building development, including provision for dividing the Town’s land base into varied land use classes and uses; and,
- An implementation framework.

### 1.1.2 OTHER REPORTS, STUDIES & COMMENTS

While not deemed to be official components of the Municipal Plan, as part of the Plan preparation process, several additional research initiatives, related municipal studies and reports, and other information sources, helped influence the content of the Municipal Plan.

A background report of the then existing conditions and circumstance of the Town was prepared in 2006 to help provide baseline data for the plan preparation process. An update of the population trend findings of the background report is provided within Section 1.2 of this document. An additional supporting report to the lengthy Plan update process was compilation of a summary report that outlined a synopsis of the plan preparation process to 2011 and an accounting of the varied policy considerations that were incorporated into the Plan.

The varied relevant reports and information input that assisted to shape the content of the Municipal Plan include the following:

- Town of Portugal Cove-St. Philip's Infrastructure Assessment and Master Plan (2005);
- Background Report for Municipal Plan and Development Regulations (2006);
- Town's Parks and Recreation Master Plan (2007);
- Draft Municipal Plan Summary Report (2011);
- Town's Storm Water Management Plan (2012);
- St. John's Urban Region Regional Plan (1976);
- Written comments from the NL Department of Municipal Affairs and other provincial departments and agencies;
- Consultation with local residents and community organizations; and,
- Commissioner's August, 2014 Report on Public Hearing.

### 1.1.3 PUBLIC ENGAGEMENT

This Municipal Plan has been a long eight years plus in its preparation. Early public consultation open houses and community meetings, with cumulative involvement and attendance of up to 800 local residents, helped to shape the policies of the Plan.

More recently, at a June, 2011 Community Update meeting at the Portugal Cove-St. Philip's Community Centre, approximately 33 residents actively participated in a planning process that included mapping stations that graphically illustrated proposed land use changes and allowed residents to share their ideas by drawing on the maps. Some of the key issues mentioned by local residents at the meeting included:

- Concern for too many driveways and access points along Portugal Cove Road;
- Need for site landscape buffer treatment between uses on Portugal Cove Road;
- Concern for correct mix of business uses in proposed new Mixed Use zone;

- Need for attention to historic and traditional centres of Portugal Cove and St. Philip’s, and to creating stronger and more walk-able communities;
- Coastal access must be protected and improved; and,
- Energy projects, including wind turbines should not be allowed within the traditional communities.

Following this public meeting, a four week review period allowed local residents to read the proposed new Municipal Plan and Development Regulations online and provide their further input via email. A total of 31 responses relating to a range of land use issues that primarily focused on the protection and preservation of trails; appropriate measures for environmental protection; and a number of diverse ‘spot rezoning’ requests. Staff and Council considered each and every submission, approved some for inclusion within the proposed new Plan and Regulations, and did not support other proposed revision requests.

During the past two years of updates to the draft Plan and Regulations, and primarily as a result of recent Provincial review comments received in late 2013, local residents have been kept informed of the progress of the Plan update through the Town’s website and through reference at regularly scheduled Council meetings.

The Public Hearing for the proposed new Municipal Plan and Development Regulations (2014-2024) was held on August 14, 2014. Recommendations from the Public Hearing Commissioner’s Report respecting a new school site and re-designation and rezoning of specific agricultural lands have been also incorporated into the new planning documents. At the Public Hearing, local residents expressed that they are anxious to have new planning documents in place to guide and help manage current growth influences.

#### **1.1.4 BRINGING THE MUNICIPAL PLAN INTO EFFECT**

Sections 14 to 24 of the Urban and Rural Planning Act identify the requirements and process to bring the Municipal Plan into effect. Upon fulfillment of the community consultation in accordance with Section 14 of the Act, the Municipal Plan and Development Regulations were completed by Council and submitted to the Department of Municipal Affairs for review and determination of provincial and other government agency interest. Following receipt of the Province’s comments and recommendations, and addressing the required revisions, Council adopted the proposed new Municipal Plan and Development Regulations.

In accordance with Sections 17 and 18 of the Act, a Commissioner’s Hearing was arranged by the Municipality and notices of Council adoption are published in the local newspaper, announcing the time and place of the scheduled Hearing for August 14, 2014. The Commissioner appointed to conduct the Hearing reported to Council on the public representations received, and provided recommendations for Council’s consideration. After considering the Commissioner’s report and incorporating the cited recommendations, Council approved the Municipal Plan and Development Regulations with revisions.



Upon approval, the Municipal Plan and Development Regulations were certified by a full member of the Canadian Institute of Planners, and thereafter submitted to the Minister of Municipal and Intergovernmental Affairs, along with the Commissioner's Public Hearing report and copies of public representations and objections.

After the planning documents and companion maps are reviewed by the Minister to ensure compliance with the Act, they are to be officially registered and Council is to be notified. Within 10 days of receiving Provincial notice, Council publishes notice of registration in the Newfoundland and Labrador Gazette. Upon the date of publication within the Gazette, the Municipal Plan and Development Regulations, and the companion land use and zoning maps, become official and of legal effect.

### **1.1.5 MUNICIPAL PLAN ADMINISTRATION**

After Ministerial approval of the Portugal Cove-St. Philip's Municipal Plan and publication in the Gazette, the Plan becomes binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies by:

- Implementing the Development Regulations;
- Issuing development permits to applicants wishing to subdivide land, erect a building, or change the use of a building or land, or conversely refusing to issue permits for developments that are not in accordance with the Plan; and
- Undertaking the development schemes outlined in the Plan as financial resources become available.

In accordance with Section 28 of the Act, Council will review this Plan and Development Regulations not more than five years after the Plan comes into force, and may revise the documents as necessary in accordance with developments that can be foreseen during the upcoming ten-year period.

Where, after a review under Section 28, Council determines that changes to the Municipal Plan or Development Regulations are not required, it may by a majority vote retain the existing plan and regulations and submit a copy of that decision together with a report on consultations undertaken to the Minister for registration.

Amendments may be made by Council at any time, and brought into effect by the process described above for bringing the Municipal Plan into effect. Sections 14 to 25 of the Act apply to an amendment to the plan and development regulations.

## **1.2 SUMMARY OF COMMUNITY RESEARCH & ANALYSIS**

This Section of the Plan discusses varied community research and data analysis work conducted to support the preparation of the Town of Portugal Cove- St. Philip's Municipal Plan. More detailed results

are provided within the Municipal Plan summary report of 2011; additional population statistics have been updated from the more recent 2011 Census, as well as information related to local building permit trends.

### **1.2.1 POPULATION GROWTH**

Data from the 2011 Census identified that the Town's population had grown approximately 12.0% from 2006, from 6,575 local residents in 2006 to 7,366 residents in 2011. This compares to a national rate of growth of 5.9 %. The provincial average rate of population growth during this five year period was 1.8 %; in other words, the Town is growing at a rate six times greater than the entire province, and over twice the national average. During the Census years from 2001 to 2011, approximately 1500 new residents were living in the community, representing a 10 year sustained population increase of over 25%. In determining estimates for potential future growth, based upon a five year average of approximately 75 new single family residential dwelling permits issued each year, and an average household size of 2.7 persons, the following future population projections are provided:

- A continued High Growth scenario would see approximately 8,378 residents in the community by 2016, and nearly 9,400 residents by 2021.

If only two thirds of current housing development activity unfolded over the next five and ten year periods, the following population estimates are projected:

- A Medium Growth scenario would provide for over 8,040 residents in 2016 and approximately 8,716 residents by 2021.

The population dynamics of the community convey likely continued local demand for developable land; for housing construction; for provision of community infrastructure, services and amenities; for sustainable employment and commercial service opportunities; and for progressive and responsive land use planning policies and regulations.

### **1.2.2 PHYSICAL STRUCTURE OF THE MUNICIPALITY**

The land area of Portugal Cove- St. Philip's consists of approximately 5,970 hectares (59.7 square kilometers). The land base is characterized by the following attributes:

- Steeply sloping coastline on the west to Conception Bay;
- Diverse distribution of ponds, streams and brooks;
- Significant Rural area lands and the Blast Hole Protected Watershed in the north;
- Windsor Lake Watershed and the St. John's airport on the east;
- Serviced lands within the central area and adjacent southerly locations;
- Historic community cores within Portugal Cove and St. Philip's;
- Ferry transportation terminal to Bell Island;

- Agricultural designated locations within the north and south central areas; and,
- Linear patterns of semi and non-serviced residential developments.

The geographical diversity of development patterns within the community has resulted in a relatively low population density. Of the 15 communities within NL with a 2011 Census total population greater than 5,000 residents, 10 municipalities have a larger concentration of residents on their land base than Portugal Cove-St. Philips. Over the past five years however, the Town's population density has increased from 114 to 128 persons per square kilometer.

The challenge to the Municipal Plan will be to effectively manage and encourage a more compact form of growth and development in a manner that makes economic and efficient use of infrastructure and services, and to ensure that the rural character and livability of the community is maintained and enhanced. Background on varied land use classes is introduced within this section, as follows.

### **Residential Growth**

There were a total of 2,824 residential dwellings in Portugal Cove-St. Philip's identified by the 2011 Census. This represents a 15.4 % increase over the total number of dwelling units recorded in 2006, and reinforces the identified average of 75 new residential dwellings being built each year during the five year Census period.

The majority of new residential growth occurring in the Town is for the low density, single family dwelling. Given that the median age of the community is increasing (i.e. 38 years in 2006 and 39.5 in 2011), and that the proportion of residents aged 65 years and over increased locally by 21 % during the most recent five year Census period, in future years more varied types and higher density forms of residential housing are likely to be required to accommodate the needs of an aging population.

The geographical location of recent local residential development during the years 2008 to 2012 conveys a fairly equitable distribution between fully serviced infill and newly created subdivision lots, and with semi and non-serviced residential areas. Based upon a historic average land requirement of approximately 7,534 square feet(sf) (700 square meters(sm)) for serviced residential lots, and an approximate minimum lot size of 21,528 sf (2,000 sm) for semi and non-serviced residential homes, the following land area requirements to support future growth are estimated for the next ten year period:

- High Growth population forecast: 65 acres (26.3 hectares) of developable serviced land and 185 acres (74.9 hectares) of developable semi and non-serviced land; and,
- Medium Growth population forecast: 43 acres (17.4 hectares) of developable serviced land and 124 acres (50.2 hectares) of developable semi and non-serviced residential land.

In recognition that the Town's infrastructure serviced areas are expanding, it is likely that a greater proportion of future residential growth will occur with full services, and that less developable land will be required to support continued growth. While varied constraints to growth are evident within the

community such as topographical limitations and the need for regulatory adherence to designated agricultural lands and compliance to airport noise factors, the varied policy statements of this Plan contain provisions to ensure that new growth occurs on appropriate lands in suitable and serviced locations, as much as feasible.

### **Commercial/ Industrial**

Commercial and industrial uses are currently minor uses in Portugal Cove-St. Philip's and there is no well-defined existing commercial area within the Town. The result is a small commercial tax base, a lack of locally-based employment opportunities and inconvenience for residents having to travel longer distances for retail purchases and service needs. Census Canada data indicates that there is approximately only one local job available for each four local residents. The Census data also conveyed that each local resident who is employed in the Labour Force, commuted to work an average of 9.9 kilometres.

Although the majority of the commercial establishments, including convenience stores and service stations, can be found along Portugal Cove Road, the need for new mixed use areas to accommodate an increased selection of commercial uses has been identified by this Plan in order to meet local needs, reduce travel to adjoining areas and to improve the residential/commercial tax split.

Industrial uses in Portugal Cove-St. Philip's can be regarded as light industrial by nature. However varied marine and fisheries uses and activities do remain at the Town's harbour fronts. There are no heavy industries in the Town which are characterized by hazardous or dangerous activities or materials associated with their use. Some industrial uses are located within or close to residential areas, which pose potential problems in terms of conflicting land uses. While no new land is designated for industrial uses, some such uses may be permitted on a discretionary basis within proposed new mixed use areas. Preliminary plans for a technical park are also under discussion which may cause the Town to revisit the need to create a specific new commercial or industrial zone at some point in the future.

The Town has additionally recently hired its first Economic Development Officer to assist the community in expanding opportunities for local commercial and industrial business growth, and in advancing the tourism potential of Portugal Cove-St. Philip's.

### **Agriculture**

A significant portion of the Town's land base is designated as Agriculture. At the time of initial preparation of this Municipal Plan, the vast majority of this land is located within the St. John's Agricultural Development Area, which is under direct control of the Province. The Town has very recently been informed that a large extent of the designated Agricultural Development Area lands within the municipality has been released from provincial control.

Attached **Appendix 1** to this Municipal Plan, while not an official map schedule to the Plan, provides an illustrative land use identification of the historic provincially designated agricultural lands located within Portugal Cove-St. Philips. The three largest of these agricultural sub-areas include the following:

- The approximate 73 hectare (180.4 acre) Indian Meal Line location;
- The estimated 370 hectare (914.2 acre) Old Broad Cove setting; and,
- The expansive 558 hectare (1,378.8 acre) Windsor Heights area.

While traditional agricultural activity played an important role in the Town's past, today agriculture has become a less prominent industry in the community. Of the small number of commercial agricultural operations that continue to exist, primarily in the Portugal Cove area of the community, it is recognized that these do provide a stable source of local employment and income. Local organic farms are also responding to the specific market demands of consumers. This Municipal Plan provides for supportive policies that adhere to preservation of designated agricultural lands.

The agricultural lands designated by this Plan consist of Agricultural Development Areas (ADA) of the St. John's Agricultural Development Plan, under the authority of the St. John's Urban Region Regional Plan (1976), as well as other agricultural lands designated under the jurisdiction of the municipality. The Town acknowledges the requirements for non-agricultural uses on the ADA lands, and the further need to refer any proposed land development, or planning policy or regulation amendment, to the St. John's Development Advisory Authority and the Province for review and potential consideration of approval prior to the Municipality contemplating any change to ADA designated lands.

The Town is supportive of preserving the integrity of the extensive provincial agricultural land base. The Town supports the significant role and function that agricultural lands have in helping to address the local and regional food supply and the issue of longer term food security.

The challenges to designated agricultural lands within the Town are varied and include physical limitations such as bog soil profile constraints for some agriculture lands, the diminishing number of economically viable agricultural operations, and encroachment of residential development, land use conflicts, and competing future land uses.

A review of the ADA designated land base and boundaries was completed by the Province in 2008 but Cabinet at the time of initial preparation of this Municipal Plan, had not yet released the results or acted upon the recommendations of the review. With recent news of provincial release of much of the ADA lands within the Town's boundary, the municipality is considering the commencement of a comprehensive land use review of the released lands to ascertain their most appropriate land use designation and permitted zone uses. Specific Agricultural zoned lands, as referenced within the recent Public Hearing Commissioner's report recommendations, have been re-designated and rezoned to allow for appropriate infill residential development. Other recently released provincial ADA lands have sought through approval by the Minister updated Municipal Plan designations of Urban Development and Rural to account for recent and contemplated growth, and to revise the St. John's Urban Region Regional Plan map designations.

## Public Use

The community currently has one public school, Beachy Cove Elementary, with a new Grade 5 to 9 school planned for construction near the Town Hall. There are four churches serving the Town and an assortment of other public uses such as medical clinics, the Lions' Club, and the Royal Canadian Legion. A number of cemeteries can also be found throughout the town, which highlight the deep history of the community. The Town Hall, which serves as the seat of the Town's elected representatives and public administration, is located in the south end of the municipality on Thorburn Road.

## Recreation

The Town of Portugal Cove-St. Philip's currently operates three primary recreational facilities.

Rainbow Gully Recreation Park is situated behind the Town Hall on Thorburn Road and offers outdoor recreational facilities for softball, soccer, rugby and skateboarding, as well as a children's playground. The Park has plans for potential artificial turf and lighting upgrades, and a concession building, to expand its community use for local residents. A new school is also proposed for the site.

The Town also operates one indoor facility in the Portugal Cove–St. Philip's Community Centre near the Town Hall in Rainbow Gully Recreation Park, with plans in place to replace this structure with a new recreation-lifestyle centre. The new centre is to be a fitness, aquatic, cultural and community facility that acts as the "heart" of the Town's public life.

Voisey's Brook Recreation Park is located at the opposite end of the Town on Indian Meal Line and contains softball, basketball, soccer facilities and a playground.

The 2005 *Infrastructure Assessment and Master Plan*, commissioned by the Town and prepared by Newfoundland and Labrador Consulting Engineers Ltd., had recommended the development of a new community recreation centre to meet the social needs of a variety of users and age groups. Current facilities in the community were deemed by the Plan as being too limited in size and function to suit the current and emerging needs and desires of the Town.

The 2007 *Parks and Recreation Master Plan*, prepared by Tract Consulting also made recommendations for the additional development of both indoor and outdoor recreational facilities as part of a community-wide infrastructure approach. For example, varied recommendations to address active outdoor living needs for local residents were provided, including provisions for:

- Bicycle paths and trails;
- Coastal trails with lookouts and interpretation;
- Hiking and walking trails;
- Formalized staging areas for ATVs and snowmobile trails on community boundary areas;
- Improved signage and way finding; and
- Landscaping, silviculture and general forest enhancement.

Where appropriate, the findings and recommendations of these two master plans have been considered within the Municipal Plan and Development Regulations.

### **Road Network**

Approximately 59.3 kilometres of roads within the Town's boundaries are maintained by the Provincial Government, of which 54.8 kilometres are paved. The Town assumed responsibility of 4.5 kilometres of paved road from the Province in 2007.

Approximately 68.2 kilometres of roads is owned and maintained by the Town, with 6.8 kilometres of road unpaved, and 2.2 kilometres of road under construction.

There is a current total inventory of 209 roads within the Town; including all provincial, municipal, public, private and under construction roads.

The Town is currently serviced by a loose network of main arterial and collector routes. The main arterial road system is provincially owned and maintained; an additional nine collector routes are owned by the Town. The transportation network is supplemented by local roads providing access to new subdivisions and to existing residential areas.

The primary travel routes within the community include: Portugal Cove Road, Thorburn Road, Indian Meal Line, Bauline Line Extension, St. Thomas Line, Beachy Cove Road, Tuckers Hill Road, Old Broad Cove Road and Witch Hazel Road.

The 2005 *Infrastructure Assessment and Master Plan* identified various roads in need of repair and recommended that the Town implement an annual road improvement program but did not identify any particular traffic flow or volume issues within the overall system. A pending update of the *Infrastructure Master Plan* will provide for a more comprehensive assessment of the Town's infrastructure needs and requirements, including to the road network, in light of recent growth trends.

Recent discussions with local residents have also highlighted an increased concern with parking capacity. As the number of vehicles per household has increased over the past few years, so too has the demand for parking, particularly in residential areas.

### **Municipal Services**

Until 2004, the Portugal Cove side of the Town was served by a water supply reservoir at Blast Hole Pond which limited piped services to lands below an elevation of 130 metres. Since that time, through a Multi-Year Municipal Capital Works Program, the Town has been connected to the St. John's Regional Water Supply and has been able to provide services to lands between an elevation of 170 and 180 metres. Today, approximately one half of the Town's housing stock is serviced with municipal water.

Although it may be necessary to further upgrade or expand the Town's water supply system as residential development increases and intensifies, as noted in the Infrastructure Assessment and Master Plan, previous system designs provide ample capacity in most areas for new housing developments to continue in the foreseeable future without requiring major system upgrades. It may be prudent for the Town however to require larger land development applications to provide assessments of the available water capacity and any potential impacts on the supply and distribution system that a proposed new development may generate.

The majority of the Town's municipal sanitary sewer system was constructed in tandem with the water system, and generally follows the same distribution pattern to approximately the same number of properties. A portion of the new water line from the Bay Bulls Big Pond regional water supply did not have a tandem sewer development, resulting in a significant number of residential properties that have municipal water, but not municipal sewer. Outside of the serviced area, the remainder of the Town relies on individual domestic wells and septic effluent systems for water supply and sewage disposal. Lots without access to municipal sanitary sewers require approval for on-site septic treatment from Services NL. To address developments proposed to be serviced with individual water wells, the Town through the subdivision approval process for applications of five residential lots and more requires a groundwater supply assessment and report to be submitted by the proponent.

The Town currently has a wastewater treatment facility in St. Philip's with a capacity to accommodate a population of 1,000 before upgrades are required. It was commissioned in 2004. According to the 2005 Infrastructure Assessment and Master Plan, an additional investment of \$200,000 will increase the facility's capacity to accommodate a total of 1,485 people. The Master Plan indicated that 700 households are connected to the St. Philip's sewer system. Perhaps more significantly, raw sewage discharge into St. Philip's Harbour has been eliminated.

In the Portugal Cove portion of the community, a new wastewater treatment facility came on stream in 2008. Located off West Point of Portugal Cove Harbour, this new state-of-the art facility services a population of 3,000 people and will have an expansion allowance to handle an additional 750 users. This has eliminated the current discharge of raw sewage into Conception Bay from this part of the town.

Plans to extend water and sewer trunks beyond current limits will be considered within the context of this Municipal Plan, and in accordance with the Plan's priority for infill residential development. Any proposed future extensions to service residential subdivisions will be the financial responsibility of the private developers.

### **Flood Risks**

The Province has identified and mapped areas across Newfoundland and Labrador that are subject to flooding. The Canada-Newfoundland Flood Damage Reduction Program identified Portugal Cove-St. Philip's as having challenges with localized storm flooding generally caused by undersized culverts and bridges as well as ice jams and high water flows. As identified by the Province and the Town's Municipal



Infrastructure Assessment and Master Plan, the two main areas of concern for local flood management are located in the vicinity of Murray's Pond River/Main River and Broad Cove River.

The recently completed Storm Water Management Plan and the Environmental Protection Map of the Development Regulations recommend protection of these designated flood risk areas. The Storm Water Plan also addresses measures to manage the flow of storm water and run-off from newly developed sites. Schedule E of the Development Regulations, Environmental Protection Overlay, details the requirements for any proposed developments within the designated floodway and floodway fringe areas of the community.

### **1.2.3 MUNICIPAL FINANCES**

A significant improvement in the Town's fiscal capacity has occurred over the past few years through prudent financial management. Approaching a level of nearly 40% in 2008, the Town's debt ratio dropped to approximately 30% by 2009. After implementation of the current 2013 municipal budget, the Town's debt ratio is projected to be 21%. In recognition of the Province's reduction in cost-share ratios for government contributions to municipal infrastructure investments, the decreased debt ratio has improved the Town's fiscal capacity to invest in new capital works projects and amenities to support the expanding local population.

## 2.0 GOALS & OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2014-2024 timeframe. A goal is a desired state which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is a desired outcome that is preferred by Council in less than 10-years. The goals and objectives in this section are addressed through land use policies in Section 3.0.

### 2.1 COMMUNITY STRUCTURE & CHARACTER

#### Goals:

- Encourage a managed form of growth for Portugal Cove-St. Philip's that will facilitate orderly infill and new residential development, encourage appropriate growth of the commercial tax base, and seek to align demands on municipal services and facilities within the Town's fiscal capacity.
- Maintain the rural community character of Portugal Cove-St. Philip's while accommodating the changing needs of the population and the need to protect environmentally sensitive and important areas.

#### Objectives:

- Encourage appropriate new and infill land and building development in the water and sewer serviced areas of the municipality that have excess capacity, that are easily accessible and where such growth patterns represent an efficient use of land and municipal investments.
- Selectively consider less intensive development in areas not fully serviced with water and sewer systems.
- Selectively assess and review proposals for non-serviced developments in accordance with municipal standards and a comprehensive planning process prior to consideration by Council.
- Selectively consider appropriate residential infill development in non-serviced areas in a manner that is compatible with the surrounding neighbourhood.
- Preserve and protect open spaces, ponds, streams, coastal features, and environmentally sensitive areas for conservation and recreational uses.
- Designate a series of mixed use corridors that are appropriately scaled and located, and will permit the growth of the commercial tax base and increase access to local services.
- Encourage building construction and lot layout design that facilitates an appropriate location, scale and type of development that is sensitive to the physical form and character of the community.

## 2.2 HOUSING

### Goal:

- Provide for an adequate mix of housing appropriate to the rural character of the community.

### Objectives:

- Review proposals for residential development in a manner that maintains a high local quality of life and enhances the livability of neighbourhoods, and where possible, to provide for more compact forms of development within serviced areas.
- Identify opportunities to effectively respond to the changing housing needs of local seniors and young adults, and to manage developments within the more detached locations of the community.
- Seek improvements to sub-standard dwellings in accordance with the National Building Code and other applicable controls and regulations.
- Provide appropriate buffer zones between residential and non-residential areas and to prevent the inclusion of enterprises in residential areas that are incompatible with the scale, character and general enjoyment of residential areas. Where possible, buffers of natural vegetation will also be encouraged between new subdivisions and existing housing.

## 2.3 ENVIRONMENT

### Goals:

- Pursue initiatives to maintain and enhance the health, safety, and welfare of local residents and visitors to the community.
- Provide for the protection, preservation, and sustainability of the natural environment in locations throughout the community and in the manner that new growth and development is managed.

### Objectives:

- Ensure municipal infrastructure and services are developed and maintained to healthy, safe and environmentally acceptable standards.
- Restrict or prohibit development in environmentally sensitive areas such as ocean and pond shorelines, waterways, steep slopes, drainage areas and wetlands.
- Protect any watershed from development that might reduce the quality and/or quantity of present and future water available for municipal use.
- Adequately control development around ponds, lakes and bodies of water.

- Reduce potential damage to property and threats to life due to flooding in areas identified as having serious flood risk by restricting development, and limiting physical and structural alterations to the flood plain.
- Pursue opportunity to become a signatory to the Municipal Wetland Stewardship Program under the Provincial Eastern Habitat Joint Venture Program. A detailed conservation plan will then be developed jointly between the Province and Municipality.

## 2.4 TRANSPORTATION

### Goal:

- Provide an efficient transportation network to serve the future motorized and non-motorized (active transportation) needs of Portugal Cove-St. Philip's.

### Objectives:

- Provide safe and efficient access to all residential developments, commercial establishments, public use facilities and recreational areas.
- Ensure new development provides for traffic circulation that avoids congestion and hazardous intersections, and find ways to improve existing traffic efficiency, flow, circulation and safety.
- Through municipal infrastructure grants, pave all remaining gravel roads under municipal jurisdiction in Portugal Cove-St. Philip's in the next five years.
- Prior to approving a new street or street extension, require a development scheme that demonstrates to the satisfaction of Council that the development will be connected and linked appropriately with the surrounding neighbouring area in a manner that will minimize additional ribbon development and urban sprawl.
- Encourage the development and expansion of opportunities for varied alternative mobility and active transportation choices throughout the town, including provision for individuals with physical disabilities.

## 2.5 ECONOMY

### Goal:

- Encourage a more diversified and balanced economic base with additional employment opportunities for residents.

### Objectives:

- Facilitate investment in the local economy that will grow the commercial tax base through the retention and expansion of existing businesses, and the attraction of new businesses.

- Designate a series of mixed use corridors that will permit the expansion of local retail and commercial opportunities.
- Strengthen the tourism sector by supporting the development of seasonal retail areas, the preservation of historic and natural areas, the operation of the East Coast Trail and inland trails, and the programming of outdoor recreation-sites and tours.
- Support the continuation of agricultural operations as an important sector in the local economy, including the development of or participation in farmers' markets and vegetable stands in appropriate locations.
- Promote the quality of life and visual attractiveness of the town as a place to live, drawing upon its scenic beauty, rural character and location.
- Promote the historical communities of Portugal Cove and St. Philip's for the development of small-scale, mixed-use retail stores and services.
- Permit appropriate home occupations that fit with the neighbourhood character and do not impinge on the reasonable enjoyment of neighbouring residential properties.

## 2.6 RECREATION & TOURISM

### Goals:

- Upgrade existing recreation facilities and develop new amenities and opportunities to accommodate the changing needs of the population.
- Encourage the diversification and sustainability of the tourism sector and leisure-based activities.

### Objectives:

- Encourage public participation in the planning of recreational open space and conservation lands.
- Develop public recreational areas and facilities, both land- and water-based, in environmentally appropriate and accessible locations which will service the maximum number of residents of the Town.
- Implement the recommendations of the 2007 Parks and Recreation Master Plan wherever possible.
- Facilitate and encourage the continued development and maintenance of the East Coast Trail through the community on an ongoing basis.
- Work with local tourism operators and the regional tourism association in promoting the image of the Town and encouraging travelers to make Portugal Cove-St. Philip's a destination of choice.
- Encourage and facilitate the tourism potential of the Portugal Cove Ferry Terminal area.

- Consider recreational, tourism and marina plans and opportunities for St. Philip’s harbour area.
- Encourage recreational groups and community organizations to promote and organize festivals, fairs, sporting events and other attractions.
- Work towards preservation of scenic views and enhancement of the visual landscape.

## 2.7 MUNICIPAL & COMMUNITY SERVICES

### Goals:

- Provide a full range of municipal services to residents in the most economical manner including water, sewer and storm sewer services, fire protection and other community services.
- Seek the utilization of spare capacity in existing infrastructure prior to the installation of new services.

### Objectives:

- Maintain a water system within the Town capable of providing domestic water as well as fire flows to all feasible areas.
- Provide a system of sanitary sewer trunk mains, outfalls and local service lines capable of accommodating existing and feasible future sewage flows.
- Maintain a sewage treatment service in the longer-term which will have minimal impact on the natural environment and with which any associated permanent structures will sufficiently reflect and blend with the character of the Town.
- Continue to provide and upgrade storm sewer services and drainage ditches for flood prevention and erosion control wherever possible.
- Implement the priority items identified in the Stormwater Management Plan for Murray’s Pond River/Main River and Broad Cove River.
- Ensure adequate fire protection to all residences and buildings.
- Ensure that adequate educational and recreational services are provided at suitable locations to meet the needs of residents.
- Recognize and support the many volunteer organizations that contribute to the well being of the community.

## 2.8 MUNICIPAL FINANCE

### Goal:

- Manage municipal expenditures and revenues so as to provide municipal services and amenities within a fiscally responsible and reasonable framework for long-term financial stability.

**Objectives:**

- Manage municipal expenditures and debt burdens in a prudent manner and according to the Town's ability to pay.
- Encourage an enlarged economic base in the Town in order to generate more commercial revenues.
- Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.
- Require developers to fund off-site infrastructure deficiencies to support proposed land use developments

## **2.9 SUSTAINABLE DEVELOPMENT**

**Goal:**

- Encourage the preservation of natural resources and promote and facilitate appropriate sustainable community development activities and environmentally sensitive technologies.

**Objectives:**

- Help shape the community to become more complete where local residents have varied housing choices, and are increasingly able to work, to shop, to recreate and volunteer, to pursue education and training, and to partake in cultural and social events without continually getting into the automobile and leaving the community.
- Encourage the application of green (environmentally sustainable) technologies that adhere to acceptable standards and are compatible with the land uses and physical setting of the Town.
- Encourage the use of renewable resources like wind, solar, and geothermal as alternative energy sources.
- Promote industries that produce and use clean renewable energy.

## 3.0 LAND USE POLICIES

This Section provides the policy framework for land use planning of Portugal Cove-St. Philip's by translating the Goals and Objectives outlined in Section 2.0 into specific community planning policies. This Section, along with the accompanying Generalized Future Land Use Map, includes all policies that are seen as necessary by Council to ensure that the physical development of the Town is undertaken in an efficient and economic manner during the planning period (2014-2024). The policies are further addressed through the requirements detailed within the Town's Development Regulations.

### 3.1 POLICY FRAMEWORK

A primary purpose of the Municipal Plan is to ensure the continuance of a vibrant community and to maintain the traditional rural character of Portugal Cove-St. Philip's. This is important in order to provide continuity with the past, to achieve the Town's development vision, and to maintain and enhance a distinct identity within the Northeast Avalon Region. To accomplish the overall intent of the Plan, the following guidelines are outlined:

- i) The original settlements in the vicinity of Portugal Cove and St. Philip's are recognized as having a traditional outpost character that should be preserved;
- ii) Prominent and historic features that help to preserve community character, such as heights of land, viewpoints, and view planes, may be preserved;
- iii) A high quality standard will be maintained for both the built and natural environments, particularly for the protection of environmentally sensitive resources such as watercourses, wetlands, and steep slopes, historic areas and resources, and the built heritage of the traditional communities of Portugal Cove, St. Philip's, and Broad Cove;
- iv) Municipal services that can be reasonably provided within the Town's fiscal capacity and reasonably close to existing serviced areas will be a priority; and,
- v) Municipal services will be undertaken in an efficient and financially prudent manner. The extension of services to new subdivision developments will be the financial responsibility of the developers. Elsewhere, services will be provided on a cost recovery basis to the extent possible.

Individual policies that follow in this Municipal Plan in Sections 3.3 and 3.4 represent the formal expressed policy statements of Council.

### 3.2 REGIONAL CONTEXT

#### 3.2.1 ST. JOHN'S URBAN REGION REGIONAL PLAN (1976)

Portugal Cove-St. Philip's is subject to the policies and map designations of the St. John's Urban Region Regional Plan (1976). The Regional Plan forms the framework for municipal plans of local governments, located within the St. John's urban region, that are prepared subsequent to the Regional Plan approval. As part of the Town's Municipal Plan update process, the municipality has requested approval from the



Minister for varied changes to the Regional Plan map designations to account for growth patterns within the community over the past eighteen years.

As a designated Local Centre in the Regional Plan, Portugal Cove-St. Philip's is subject to the urban development policies contained in Section E(c) of the Regional Plan. Local centres must conform to the following six guidelines:

- i) Local centres shall be able to develop to the fullest extent possible within the areas shown on the Regional Plan Map, consistent with the constraints set out in Objective No. 11 of the Plan;
- ii) Within local centres, residential uses shall generally be of a low density nature with a continuing predominance of single-family dwellings;
- iii) Commercial uses shall be limited to those of a local nature but may include both retail and highway commercial functions;
- iv) Two prime aims in local centres will be infilling and consolidation of presently semi-developed areas once essential public services to existing development are installed and developing improved road systems for better traffic circulation;
- v) Recognize and define a core area(s) within which higher density development may be possible; and
- vi) Two levels of service may be provided in the local centre: one area within which water and sewer, full municipal services are installed, and beyond the 'heart' would be an additional area of somewhat lower density development with a lesser standard of services.

This Municipal Plan proposes a series of land use policies (refer to Sections 3.3 and 3.4) that generally conform to these six guidelines. Portugal Cove-St. Philip's is also subject to the non-urban development policies contained in Section F of the Regional Plan, including those related to agricultural uses, rural uses, restricted development, watershed protection areas, and forestry uses.

According to the Regional Plan Map of 1976, the majority of the town is classified as Rural. While this is still the case in much of the northern half of the town, much of the southern half has since been developed. The Rural designation makes provision for the demand for residential and other forms of development in the region's rural areas. The main objective is to provide for such demand while still retaining the qualities of a rural environment – an objective that aligns with the main vision of this Municipal Plan. The Regional Plan permits a number of uses within rural areas, including residential, commercial and industrial development, and others.

Residential development in rural areas must conform to the following criterion:

- (a) It cannot be located on lands identified for forestry, agriculture, mineral extraction, water supply areas or conservation and recreation lands;
- (b) The site can accommodate the development with minimal impact on the natural landscape;
- (c) The site is not on environmentally-sensitive lands;
- (d) The site has adequate soil conditions and groundwater supply; and

- (e) The development is not intended for seasonal residential or cottage use.

The Regional Plan also permits commercial and service uses (such as service stations and motels) along arterials or collector roads. As such, the proposed mixed use corridors contained in this Municipal Plan should be considered consistent with the policies of the Regional Plan as long as they do not encourage continued ribbon development; access points are limited; sufficient off-street parking is provided; and adequate buffering (especially between commercial and residential uses) is required.

The Town of Portugal Cove-St. Philip's is additionally subject to the Scenic Roads policy of the Regional Plan. Scenic Roads (including Beachy Cove Road, Tuckers Hill Road, Bauline Line Extension and St. Thomas Line from the intersection of Coady's Road to the Town boundary) are intended both to service traffic and provide access to adjoining lands. But the principle behind the development of such roads is to develop leisurely routes where scenic potential is of greater importance than the speed of traffic and optimum grades. The development of Scenic Roads should:

- (a) Incorporate frequent places where motorists can stop and park;
- (b) Make every effort to retain the landscape in its natural form, and allow for tree planting, or tree clearing, to open up views;
- (c) Strictly control advertising signs; and
- (d) Not allow for the extraction of sand or gravel or other quarrying within view of the road.

A portion of the Town also falls within the St. John's Airport Environs and is therefore subject to the Airport Environs Policy of the Regional Plan, which places restrictions on areas affected by airport noise. The policy states the following:

*"No new residential development shall be permitted above the 35 NEF (Noise Exposure Forecast) Contour. New subdivision development between the 30 and 35 NEF Contours shall include sufficient sound insulation as established by appropriate authorities. Canada Mortgage and Housing Corporation regulations concerning residential development near airports are a generally appropriate guide."*

This Municipal Plan adheres to the aforementioned Regional Plan policy.

The 30 and 35 NEF contours are outlined on the Generalized Future Land Use Map.

### **3.2.2 ST. JOHN'S AGRICULTURAL DEVELOPMENT PLAN**

At the time of initial preparation of this Municipal Plan, the St. John's Agricultural Development Plan had designated Agricultural Development Areas (ADAs) within the Town boundary for agricultural (and conservation) use only. These designations were made under provincial authority and, except where municipal land use controls are more restrictive, the provincial requirements for ADAs are to supersede

the Municipal Plan and Development Regulations. Any proposed developments on ADA lands are to be referred to the Province.

The boundaries of the St. John's Agricultural Development Area (the Agricultural Zone) were reviewed approximately six years ago; the review included a number of ADA areas in Portugal Cove-St. Philip's, but at the time that the majority of this Municipal Plan was prepared, no decision had yet been taken by Cabinet. Recent news however has conveyed that a significant inventory of ADA designated lands within the Town have been released from Provincial control. As a result, Town Council is currently considering options for a comprehensive review the future municipal land use policies, designations and zoned uses that should apply to these lands. In the interim period, the subject lands are for the most part to be designated as Rural on the St. John's Urban Region Regional Plan.

Specific infill residential lands are proposed within the updated Plan and Regulations to be re-designated and rezoned from agricultural, as per the Commissioner's Public Hearing report recommendations. The Town has also requested approval from the Minister for varied Regional Plan amendments of specific formerly designated ADA lands.

Until the proposed municipal land use review of recently released ADA lands is undertaken and completed, this Municipal Plan primarily adheres to the both the previous and current ADA boundaries, and to the St. John's Agricultural Development Plan.

### **3.3 GENERAL LAND USE POLICIES**

The policies outlined in this Section can be categorized as general in scope in that they apply to all areas of the Town.

#### **3.3.1 GENERAL LAYOUT OF THE TOWN**

##### **General Intent**

As stated in Section 2.1, it is the intention of Council to manage a form of growth that will accommodate orderly infill and new residential and commercial development, while maintaining the rural community character of the Town.

##### **General Layout Policies**

**Policy GL-1** Council shall encourage the consolidation of development in existing developed areas, particularly areas that can be economically connected with existing piped water and/or sewer services.

**Policy GL-2** Council shall discourage the spreading-out of development in more remote, less developed areas where the extension of piped services cannot be realistically expected in the foreseeable future.

- Policy GL-3** In areas that are located within 500m of existing water and/or sanitary sewer piped services, Council shall require that all larger subdivision developments be connected to these services, so long as the land is designated for serviced or semi-serviced development.
- Policy GL-4** In areas where the extension of piped services cannot be expected in the next ten years, it shall be a policy of Council to allow only a development form and density that is sustainable in relation to the effects of development on the quantity and quality of well water supplies.
- Policy GL-5** Council shall encourage the intensification of development in areas that are made newly accessible to piped water and sewer services. This may occur through infilling along existing roads and the development of new streets and street extensions.
- Policy GL-6** Site plans for infill development and land use intensification shall be required to be submitted by the development applicant. Site plans shall meet the approval of Council, on the basis that proposed developments shall be compatible with the existing character of the neighbourhood and adjacent buildings and in accordance with Council's objectives and development standards for the area with respect to lot size, frontages, road widths, alignments, installation of municipal services, and other matters concerning current or future public works, and other land use considerations.
- Policy GL-7** Where Council determines that a land development applicant is required to engage a qualified consultant to provide Council with further information on a particular issue related to a development site, including environmental, geotechnical, drainage or other considerations, the qualified consultant shall be engaged at the expense of the development applicant, the qualified consultant shall be licensed and/or registered as a professional within the Province of NL, and shall provide a certified report and recommendations for Council's consideration.
- Policy GL- 8** Where development is proposed on adjacent parcels of land to the Town's municipal boundary and correspondingly on adjacent parcels of land to another municipality's or adjacent parcels of land to another jurisdiction's boundary, and as determined by the Town, such proposed development shall be referred by the Town to the applicable adjacent municipality or jurisdiction for comment.

### **3.3.2 GENERAL ENVIRONMENTAL POLICIES**

#### **General Intent**

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas from the negative impacts of water contamination, excessive stormwater run-off, soil erosion,

watercourse scouring and sedimentation, coastal erosion, and loss and fragmentation of habitat. All land use decisions will duly consider environmental sustainability and biodiversity objectives. This Municipal Plan pays particular attention to protecting sensitive and scenic areas, including watercourses (rivers, streams, etc.), water bodies (lakes, ponds, etc.), coastlines, designated flood risk areas, wetlands and steep slopes, from the potentially adverse impacts of development.

## **General Environmental Policies**

### **Environmental Protection Schedule Overlay**

**Policy GE-1** Council shall establish an overlay Schedule E of the Development Regulations Zoning Map as an area designated for Environmental Protection. All land that falls within this Schedule, regardless of its land use designation in Section 3.4 Specific Land Use Policies and on the Generalized Future Land Use Map of this Plan, shall be subject to the terms and conditions mapped and detailed in the overlay Schedule.

**Policy GE-2** Council shall incorporate environmentally sensitive areas, including watercourses, water bodies, coastlines, designated flood risk areas, wetlands and steep slopes, into the overlay Schedule E in order to protect these areas from the potentially damaging effects of development.

### **Protection of Environmentally Sensitive Areas**

**Policy GE-3** Council shall consider potential environmental effects when reviewing development applications. In accordance with other statutory requirements, Council shall refer development proposals to the Provincial or Federal departments such as the Department of Environment and Conservation, and Services NL, and the federal Department of Fisheries and Oceans Canada for advice and/or regulatory approval and/or recommendations.

**Policy GE-4** Council shall only permit development on lands with soil and drainage conditions that, in the opinion of Council and/or a qualified hydrologist consultant engaged by the development applicant, are suitable for the proposed uses.

**Policy GE-5** Council shall strive to protect rivers, streams, ponds, wetlands and shorelines from pollution including the coastline of Conception Bay. Shoreline buffers will be maintained along banks and shorelines where possible. Development in these areas may require approval by the necessary provincial authorities, as detailed in the Terms and Conditions of the overlay Schedule E contained in the Development Regulations.

**Policy GE-6** Where Council believes that a proposed development may affect a wetland, it shall be a policy of Council to, at its discretion:

- (a) Require the developer to have the wetland delineated by a qualified environmental consultant;
- (b) Establish a sufficient buffer from the edge of the wetland, in which development will not be permitted;
- (c) Require other conditions or restrictions to protect the wetland; and/or
- (d) Refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

**Policy GE-7** In areas that are environmentally sensitive or hazardous for development due to wet or unstable soils, or unstable geological conditions, Council shall restrict development, or subject it to terms and conditions, to reduce potential impacts. Council may also require a suitability and compaction test on imported soil intended for building purposes, or for the development applicant to engage a qualified professional to provide a report and recommendations on the proposed development for Council’s consideration.

**Policy GE-8** Council shall require Conservation measures to protect coastal beaches, beach banks, salt marshes, rock platforms, and other sensitive features from the impacts of development.

**Policy GE-9** Council shall seek to protect designated flood risk areas, as defined in the Town’s Stormwater Management Plan and Schedule E of the Development Regulations, from the adverse impacts of built-up development. Areas within the overlay Schedule E that are identified as designated flood risk areas shall be subject to the Department of Environment and Conservation’s Policy for Floodplain Management W.R. 96-1 and the *Water Resources Act*.

**Policy GE-10** Council shall explore and evaluate opportunities to become a signatory to the Municipal Wetland Stewardship Program under the Provincial Eastern Habitat Joint Venture Program.

**Storm Drainage**

**Policy GE-11** Council shall require that all development, including buildings, driveways, parking areas, grading of land, and excavation of drainage ditches, is carried out in a manner that does not cause an excessive increase of stormwater runoff and/or erosion affecting adjacent properties, steep or unstable slopes, nearby watercourses, and other sensitive areas.

**Policy GE-12** Council shall prohibit development on any site where it would otherwise be permitted when in the opinion of Council and/or a qualified consultant, the development will create or aggravate significant stormwater impacts including, for example, excessive run-off onto adjacent properties, flooding, soil erosion, or siltation or scouring of streams.

- Policy GE-13** In order to minimize the effects of stormwater increases from land development, Council may require landowners and developers to:
- (a) Maintain a vegetated buffer between stormwater drainage outlets and watercourses to promote infiltration and minimize direct discharges into the watercourses;
  - (b) Plant additional trees and vegetation if existing vegetation is not deemed adequate to promote soil infiltration and capture sediments;
  - (c) Minimize impervious surfaces by reducing pavement area, using porous paving materials, etc.;
  - (d) Reduce runoff through measures such as capturing roof drainage in rain barrels and channeling runoff to gardens and low-lying areas;
  - (e) Take advantage of the topography to maintain natural drainage, for example, retaining natural depressions in the landscape to accumulate runoff and promote soil infiltration; and/or
  - (f) Re-establish vegetative cover as rapidly as possible in drainage ditches and other areas disturbed by construction activity.

### **Archaeological Sites**

The Provincial Archaeology Office (PAO) has informed the Town that there are three known archaeological sites located within the Town’s boundaries that are protected under the Historic Resources Act. The sites are listed as follows:

- CjAf-06 – A shipwreck in Portugal Cove Harbour (exact location and wreck date are unknown);
- CjAf-08 – Wester Point Burial Ground (a late 18<sup>th</sup> to early 19<sup>th</sup> century cemetery); and,
- CjAf-09 – Neary’s Pond (a possible 19<sup>th</sup>/20<sup>th</sup> century farmstead).

There is potential for other historic buildings within the community such as St. Philip’s Church, and for other historic resources to be discovered in undeveloped areas of the Town and along the coastline. The PAO requests that the Town report any major land development projects to their office early in the planning stages to ensure that historic resources are not disturbed or destroyed.

**Policy GE-14** Council shall advise the Provincial Archaeology Office, where feasible, of any proposed significant land development projects that involve major land use or ground disturbance.

### **3.3.3 GENERAL POLICIES FOR THE SUBDIVISION OF LAND**

The process (and result) of dividing a parcel of raw land into two or more smaller buildable sites, streets, open space and public areas is known as the “subdivision of land.” It is the intention of Council that such subdivisions be guided in a manner that strengthens the community’s structure by respecting the existing built and natural environments.

## **Evaluating Proposals to Subdivide Land**

- Policy SD-1** All proposed subdivisions of land shall be subject to an evaluation by Council, and additionally where applicable approval by the Province for development sites involving provincially designated agricultural land, archaeological sites, the need for septic effluent disposal approval, and similar considerations. The comprehensiveness of each evaluation by the Town will depend on the scale of the proposed subdivision, the environmental sensitivity of the area, and the nature of any public or neighbourhood concerns that may be identified. Evaluations will address:
- (a) Opportunities and constraints represented by the physical features of the site;
  - (b) The layout of proposed lots and roads with respect to the topography and natural and physical features of the land;
  - (c) That the proposed development of the subdivision (be it residential, mixed use, or for other purposes) will effectively integrate with existing neighbourhood developments, roads, and municipal services and provide for future access to undeveloped backland;
  - (d) Potential effects on environmentally sensitive resources;
  - (e) Future access to undeveloped lands in the area;
  - (f) Potential compatibility or conflict with nearby existing and future land uses;
  - (g) The proponent's proposal for access, road layout, pedestrian circulation, water and sewer servicing, and storm water management; and
  - (h) The estimated long-term costs to the Town to maintain the proposed roads and water and sewer infrastructure.

## **Fully-Serviced Areas**

- Policy SD-2** Applications to subdivide land in areas that require full municipal services shall be required to provide information on road access and location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space where applicable, water and sewer servicing, storm water management, connections to existing roads and infrastructure, other information that Council may request, and where applicable, required Provincial approvals. Proposed development within the subdivision shall conform to the development standards of the applicable zone as identified in the Development Regulations.

## **Semi-Serviced Areas**

- Policy SD-3** Applications to subdivide land in areas that require semi-serviced municipal services shall be required to provide information on road access and location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space where applicable, water and/or sewer servicing, on-site well and/or septic services,



storm water management, connections to existing roads and infrastructure, other information that Council may request, and where applicable, required Provincial approvals. Proposed development within the subdivision shall conform to the development standards of the applicable zone as identified in the Development Regulations.

### **Non-serviced Areas**

**Policy SD-4** Applications to subdivide land in areas remote from existing piped services shall be required to provide information on road access and location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space where applicable, on-site well and/or septic services, other information that Council may request, and where applicable, required Provincial approvals. Proposed development within the subdivision shall conform to the development standards of the applicable zone as outlined in the Development Regulations.

### **Public Input**

**Policy SD-5** Council may solicit and consider input from neighbouring landowners when reviewing applications to subdivide and development land, especially when four (4) or more lots are proposed.

### **Council Decision**

**Policy SD-6** Each application to subdivide and develop land shall be reviewed on a case by case basis. Upon review, Council may:

- (a) Approve the development as proposed;
- (b) Approve the development subject to certain terms or conditions;
- (c) Defer a decision subject to more detailed information; or
- (d) Not approve the development if it concludes that the development is unsuitable for the location, will be prohibitively expensive to service, or will create environmental or other land use impacts that cannot be sufficiently addressed, remedied, or mitigated.

### **Open Space Dedications**

**Policy SD-7** For each application to subdivide land into four (4) lots or more, Council shall require the developer to provide land to the Town for open space equal to 10% of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money equal to 10 percent of the equivalent value of the land to be dedicated as part of the development site.

### **Maintenance of Natural Vegetation**

**Policy SD-8** To enhance the rural character of the Town, Council shall require new residential developments to maintain buffers of natural trees and other vegetation, or to plant new trees and install other landscaping features, wherever feasible, along the rear portion of new building lots.

### **Subdivision Agreements**

**Policy SD-9** Council shall require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

## **3.3.4 OTHER GENERAL LAND USE POLICIES**

### **Municipal Infrastructure and Public Utility Works**

**Policy GLU-1** Council shall permit municipal infrastructure and services and public utility works such as telephone and power transmission lines, water and wastewater treatment facilities, and pollution control in all land use designations. The size and appearance of such works should be compatible with the surrounding neighbourhood.

**Policy GLU-2** Council may require site design revisions and/or buffering in the form of landscaped areas or screening between any municipal infrastructure and services, and public utility works and adjacent land uses.

### **Easements and Emergency Access**

**Policy GLU-3** Where land is required for utility easements or emergency access, Council shall require that such land be obtained for the appropriate agency in the course of consideration of approval of subdivision or other development applications.

### **Public Streets and Roads**

**Policy GLU-4** Council shall permit public streets, roads and associated infrastructure (e.g. bridges, drainage ditches, road signage, street lights etc.) in all land use designations. Where there is no alternative to a public street or road passing through lands within the environmental protection overlay Schedule E of the Development Regulations, Council may subject the development to terms and conditions that will reduce or mitigate environmental impacts.

### **Public Access to Watercourses**

**Policy GLU-5** Council shall ensure that sufficient and appropriate public access is maintained to ponds, lakes, rivers and streams, as well as to the community's extensive coastlines, for recreational use, provided that such access does not unreasonably impinge on the use and enjoyment of adjacent private lands.

### **Public Rights-of-Way**

**Policy GLU-6** Council shall ensure that the development of land and buildings in the vicinity of a public right-of-way does not obstruct public passage on the right-of-way or interfere with any legal right of Council to develop or improve the right-of-way for public access and recreation.

**Policy GLU-7** Council shall require a minimum setback, or set other terms and conditions, to a proposed development adjacent to a public right-of-way to ensure the development will not impede future public access and use of the right-of-way.

### **Building Setbacks**

**Policy GLU-8** Council shall require building setbacks from streets and roads that are sufficient enough to preserve the road right-of-way allowances specified in this Municipal Plan, and allow for appropriate landscaping and vehicle parking space clear of the road allowance.

### **Access to Public Streets and Roads**

**Policy GLU-9** Council shall require that all future building lots have appropriate lot frontage to abut and have vehicular access from a public street or road.

### **Aircraft Noise Setbacks**

**Policy GLU-10** In accordance with the St John's Airport Environs Policy of the St. John's Urban Region Regional Plan, it shall be a policy of Council that:

- (a) No new residential development be permitted above the 35 NEF (Noise Exposure Forecast) Contour, and
- (b) New residential development between the 30 and 35 NEF Contours include sufficient sound insulation in compliance with Canada Mortgage and Housing Corporation (CMHC) acoustic insulation requirements.

## **Sustainable Energy Development**

- Policy GLU-11** Council may consider and permit the development of renewable energy facilities. This Municipal Plan focuses upon the potential for wind power generation. Proposals for commercial and private wind energy turbines will be subject to the following:
- (a) Approval shall be at the discretion of Council based upon the land use zone and permitted and discretionary uses of the site, and upon the proposed size, number and scale of the turbine(s), the location and site size of the subject property proposed for the wind turbine use, neighbourhood considerations, whether the turbine is intended for private or commercial use, and other considerations applicable to the specific proposal;
  - (b) The proposed development shall meet all applicable Provincial and Federal regulatory requirements, in particular those applying to safety and environmental concerns;
  - (c) Wind turbine towers shall be designed and certified to withstand ice loads. The blades shall either have de-icing capabilities or be constructed of a material (e.g. poly carbonate composite) that resists ice build-up;
  - (d) The development shall not create hazards or negative impacts for adjacent or nearby property owners;
  - (e) Terms and conditions for development may include, but not be limited to: the size of the wind turbine or its generating capacity, the height of the tower; the number of turbines; setbacks from existing structures; side yard and rear yard standards; requirements for screening or buffering; and the overall scale of development;
  - (f) Commercial turbine(s), where energy is produced for sale to the power grid, shall be permitted at Council's discretion in rural and agricultural areas;
  - (g) Private turbine(s) shall primarily be for the generation of electrical power for the property owner of a residential use, for business owners and for varied public use buildings and other similar sites. Surplus energy shall be secondary in nature to the primary use requirements for the subject property and building where the turbine is located.

## **East Coast Trails**

Council recognizes the importance of the East Coast Trails Association initiative for the East Coast Trail along the coastal areas of the community to the future development of tourism, community recreational opportunities, and potential active transportation, greenhouse gas reductions, and community health benefits.

- Policy GLU-12** Council supports the development of the East Coast Trail as delineated on the Generalized Future Land Use Map and shall encourage landowners along the proposed route to cooperate in facilitating the trail's development.

**Policy GLU-13** Within the constraints of municipal resources, Council shall work with trail proponents, residents, and landowners to develop the East Coast Trail through the town.

### **Conservation and Open Space Uses**

**Policy GLU-14** Council may encourage, and sometimes shall require, lands to be set aside from active development in order to protect, maintain, or improve an environmental resource or sensitive natural feature. These lands may be used for uses such as woodlands, fields, walking trails, and passive recreational facilities, but shall not include structures such as buildings, tennis courts, parking lots, or other impervious land uses.

### **Separation of Non-Farm Developments and Livestock Operations**

**Policy GLU-15** Council shall minimize the potential for land use conflicts arising as a result of livestock confinement (including significant poultry operations) and non-agricultural land uses developing in proximity to each other through the establishment of separation buffers, and for more intense livestock (including poultry operations), through consultation with the Agrifoods Development Branch of the Department of Natural Resources.

**Policy GLU-16** Council shall require the development of new livestock facilities to maintain a minimum distance separation of 300m from existing dwellings and designated residential development areas. Council shall require that a notice be issued to prospective purchasers of properties within close proximity to a farm or livestock confinement operation.

**Policy GLU-17** It shall be a policy of Council to subject the development of residential dwellings and other non-farm buildings near livestock operations to maintain a minimum distance separation of 300m (984 ft) from existing livestock and poultry facilities. In consultation with the Department of Natural Resources, additional restrictions may be applied.

**Policy GLU-18** It shall be a policy of Council to permit the continuation of a non-conforming livestock facility located near an existing residential area. The non-conforming facility will be subject to the requirements for non-conforming uses of Ministerial Regulations 14, 15, 16 and 17, as well as Regulation 49 of the Town's Development Regulations. Council shall consult with neighbours prior to consideration of a decision on a proposed expansion of a non-conforming livestock facility.

### 3.4 SPECIFIC LAND USE POLICIES

The lands in Portugal Cove-St. Philip's shall be managed in accordance with the proposed land uses designated and shown on the Generalized Future Land Use Map and the land use policies of this Municipal Plan. Land use designations include:

- Residential
- Residential Development Scheme Areas
- Traditional Community
- Mixed Use
- Public Use
- Recreation Open Space
- Protected Watershed
- Agriculture
- Rural

Policies related to transportation, the road system, other rights-of-way and parking are also provided within this section of the Municipal Plan.

#### 3.4.1 RESIDENTIAL

##### General Intent

Lands for residential development are designated as Residential (RES) on the Generalized Future Land Use Map. The majority of lands designated Residential are located in the St. Philip's area of town, with a second large cluster of lands in Portugal Cove along local roads off Portugal Cove Road. These areas are designated Residential in order to preserve the amenity of existing residential areas and to accommodate new housing needs in areas with short- and medium-term development potential.

The highest priority for future residential development is given to areas that can be economically connected to existing piped services, including infill along existing roads, expansions of existing serviced subdivisions, and back-land areas that are readily accessible for servicing. Second priority is given to the development of non-serviced lands that front onto, or are in close proximity to, existing publicly maintained roads. Lowest priority is given to the development of new non-serviced subdivisions in areas where municipal piped services are not expected to become available before the Plan's statutory five-year review.

In guiding residential growth, Council shall endeavour to achieve a balance between the following guidelines:

- a) New residential development will maintain the Town's rural character and the heritage of the historical harbour areas in the vicinity of Portugal Cove and St. Philip's – implementation

- of new heritage design guidelines may be considered;
- b) New residential development will accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents, including seniors;
  - c) New residential development will ensure that municipal infrastructure and services can be delivered and maintained at a reasonable cost to taxpayers; and
  - d) New residential development will protect and conserve land, water, and natural resources at balanced and sustainable levels.

Within the areas designated as residential (RES) on the Generalized Future Land Use Map, areas shall be further categorized into the following zones on the Zoning Map: Residential Medium Density (RMD); Residential Low Density (RLD); and Residential Rural (RR). The requirements of each of these zones are outlined in Schedule C of the Development Regulations.

## **Residential Policies**

### **Land Uses**

**Policy RES-1** Council shall permit single-detached housing as the predominant use of land in areas designated Residential. Group homes and subsidiary apartments may be considered by Council as discretionary uses within single unit dwellings. Subsidiary apartments are typically secondary dwelling units that are located within the basement of a single unit residential home. Council may also consider granny suites as a type of subsidiary apartment where the secondary dwelling unit is built as an attachment to the main floor of the principal single unit home. Subsidiary apartments and granny suites are to provide for a firewall separation to the principal use in accordance with the National Building Code, and as secondary residential uses, are limited in floor area size in accordance with the provisions of the applicable use zones. Other types and densities of discretionary housing such as double dwelling, or duplex, may also be permitted, as detailed in Schedule C of the Development Regulations. Where higher density residential uses for apartments and townhouses are proposed as discretionary uses, Council may require site design information related to streetscape appearance, building and landscaping design, parking configuration and access, transition treatments to adjacent land uses and neighbourhood fit.

**Policy RES-2** Council shall permit conservation and recreational open space uses as compatible and complementary primary permitted uses within the Residential designation.

**Policy RES-3** Council may consider a range of discretionary uses for non-residential uses that are complementary to, and serve the everyday needs of, residential neighbourhoods. Such uses include convenience stores; take out food service, bed and breakfast operations, boarding house residential, churches, medical treatment and special care facilities,

antenna and other neighbourhood-oriented services and facilities, as detailed in Schedule C of the Development Regulations.

**Policy RES-4** Council may consider diverse and varied home-based businesses as discretionary uses in Residential zone areas, including child care, general service, medical and professional office, personal service and light industry, subject to the terms and conditions listed in Schedule C of the Development Regulations. However, certain types of traditional and previous home occupations, such as automobile repair and auto-body repair, shall not be permitted.

**Policy RES-5** Council may consider and permit renewable energy infrastructure such as private wind turbines, as a discretionary use, subject to the terms and conditions listed in Regulation 71 and Schedule C of the Development Regulations, and an assessment of the specific site location and neighbourhood character.

**Policy RES-6** Council may consider and permit small-scale, non-commercial agricultural uses as discretionary uses within the less-developed areas of the Residential designation, subject to the terms and conditions contained in Schedule C of the Development Regulations.

#### **Council Control of Land Development**

**Policy RES-7** With the exception of residential infill development on existing municipal services, Council shall not permit residential land development except in accordance with a residential subdivision plan that has received the final approval of Council.

**Policy RES-8** Council shall require that each residential subdivision plan demonstrates how the proposed residential development will affect the surrounding neighbourhood area and, if necessary, show how the development will provide access to accommodate future development of the surrounding area.

**Policy RES-9** Council shall monitor the development of each residential subdivision to ensure that the development complies with an approved residential subdivision plan and will not result in an undue financial burden for the Town.

**Policy RES-10** Council shall ensure that all costs associated with road development and the installation of off-site and on-site municipal infrastructure required to support the development are borne solely by the developer.

#### **Servicing New Residential Subdivision Development**

**Policy RES-11** Council shall require that all new residential subdivisions proposed to be located within 500m (1,640.4 ft) of existing municipal water and sewer infrastructure, to be connected



to the municipal system, so long as the land is designated for full services or semi-serviced development.

**Policy RES-12** Council shall require that all water and sewer infrastructure associated with new residential subdivision development meets the minimum standards of the Town and is approved by the Town's engineer.

**Policy RES-13** Council shall require that the costs of installing water and sewer services and connecting a new residential subdivision to the municipal system are borne solely by the developer.

### **Street Design and Construction Standards**

**Policy RES-14** Council shall require that the location, design and construction of streets meet Council's minimum requirements with respect to public safety, traffic efficiency, and access to adjoining land, and construction quality.

**Policy RES-15** Council shall require that new streets be located such that there will be sufficient land on either side to allow for the development of dwellings in accordance with the development standards of the zone.

**Policy RES-16** Council shall require that the layout and construction of a new public street provides adequate reservations to accommodate road extensions and access to backland areas for future development.

**Policy RES-17** Council shall require that the layout and configuration of a new public street is in accordance with the design standards stipulated by Council.

**Policy RES-18** Council shall require that the construction of a new public street is in accordance with the construction standards stipulated by Council.

### **Watercourse and Wetland Protection**

**Policy RES-19** Council shall require that residential development in the vicinity of ponds, streams, rivers and wetlands be carried out in a manner that minimizes the potential for damage to water quality, fish and animal habitat, and riparian areas.

**Policy RES-20** Council shall require that all new residential developments proposed to be located adjacent to watercourses and water bodies, to maintain an environmental setback buffer, as detailed in the Terms and Conditions of the overlay Schedule E contained in the Development Regulations.

**Policy RES-21** It shall be a policy of Council to require larger lot sizes on residential lots fronting onto ponds to protect water quality and aesthetic quality and to maintain treed areas, where feasible.

**Policy RES-22** Council may require that residential development applicants for proposals adjoining watercourses and water bodies, and adjoining specific natural features such as wetlands, to engage a qualified environmental consultant at the development applicant's expense to review the proposed site development and to prepare a report and recommendations for enhanced protection of watercourses and water bodies, for Council's consideration.

### **3.4.2 RESIDENTIAL DEVELOPMENT SCHEME AREAS**

#### **General Intent**

Comprehensive Residential Development Scheme Areas are designated as RDSA on the Generalized Future Land use Map, and are reserved to ensure availability of land for highly-controlled future growth and expansion. Council has identified a number of areas in the Town where it will require a development scheme to be approved before development will be permitted to proceed. These Residential Development Scheme Areas are identified on the Generalized Future Land Use Map and will be subject to the terms and conditions contained in the Development Regulations. It is Council's intent to ensure that any potential future development that occurs within these land use designations represents an economically efficient use of the land base and of municipal infrastructure and resources; improves community connectivity; protects the natural character, environment and scenic vistas; strengthens the Town's character and quality of life; and is sensitive to the specific geographic and community context to which it applies.

A development scheme will be a professionally-prepared document with text and accompanying maps that is compiled at the expense of the applicant and submitted to Council for consideration. The proposed development scheme will identify the proposed permitted, discretionary, accessory and prohibited uses of the subject lands as well as information related to servicing and any relevant development phasing. The development scheme will be reviewed by Council to determine conformity with the Municipal Plan and Development Regulations. Prior to consideration of adoption of a rezoning amendment to allow development in accordance with the development scheme, Council will give public notice, make the scheme available for public review and consider all comments and representations received.

Lands designated Residential Development Scheme Areas on the Generalized Future Land Use Map shall be zoned on the Zoning Map as Residential Development Scheme Area (RDSA). Detailed requirements of this zone are outlined in Schedule C of the Development Regulations.

**Policy RDSA-1** Council shall require the submission of a comprehensive development scheme by a land development applicant prior to permitting development on lands designated Residential Development Scheme Area. Development schemes shall contain:

- (a) An engineering evaluation of the capability of the site to accommodate on-site water and sewage services, including an assessment of soil, drainage and vegetation cover, and how on and off site drainage is to be managed;
- (b) Street layout and linkages with existing or proposed streets surrounding the scheme area, including provisions for public walkways;
- (c) Proposed play areas, parks, open space and conservation areas as per the standards of Council and the requirements of the Urban and Rural Planning Act;
- (d) Compatibility with surrounding land uses with a focus on addressing adverse visual, noise or other impacts;
- (e) The proposed lot layout and proposed permitted, discretionary, accessory and prohibited uses within the subject area;
- (f) A phasing plan outlining the stages in which the development scheme will be developed and placed on the market.

**Policy RDSA-2** In addition to the requirements of Policy RDSA-1, it shall be the intent of Council to prioritize development schemes that contain the following:

- (a) Site design that is sensitively related to the natural features of the existing landscape, including topography, vegetation and scenic resources;
- (b) Retention and accentuation of points of visual interest;
- (c) Retention of natural vegetation and habitat where possible. Submission of a forest/vegetation management plan shall be considered an asset to the development scheme;
- (d) Land use policies and design approaches that follow the principles of sustainable community design, including criteria based on Leadership in Energy and Environmental Design (LEED) for Neighbourhood Development (LEED ND), Conservation Subdivision Design, New Urbanism, Smart Growth, Stewardship Communities, or other innovative sustainable development and design initiatives.

**Policy RDSA-3** Council shall require that lands designated Residential Development Scheme Area also conform to the applicable policies contained in Section 3.4.1 of this Municipal Plan.

**Policy RDSA-4** Council shall require development schemes for the following sites within Portugal Cove-St. Philip's, as indicated on the Generalized Future Land Use Map:

- Anglican Cemetery Road
- Farm Road/Churchills Road
- Carew Drive/Old Cart Road
- Neary's Pond/ Western Round Pond
- Old Broad Cove Road West
- Mitchell's Pond/Hugh's Pond

- Thorburn Road/Skinner’s Road
- St. Thomas Line
- Tucker’s Hill
- Voisey’s Brook Park

Specific Development Scheme requirements for each of these sites, in addition to the applicable requirements identified elsewhere in this Municipal Plan, are outlined below:

**Development Scheme Area #1: Anglican Cemetery Road**

- Surface and storm water drainage, incorporating the brook draining from Northeast Pond;
- Road linkages with Anglican Cemetery Road and Churchills Road;
- Extension of adjacent water and sewer services onto the site;
- Site design that is sensitive to steep slopes; and,
- Appropriate transition from Residential to Rural surroundings.

**Development Scheme Area #2: Farm Road/Churchills Road**

- Road linkages with Farm Road and Churchills Road;
- Extension of adjacent water and sewer services onto the site;
- Site design that is sensitive to steep slopes and wetlands; and,
- Appropriate transition from Residential to Rural surroundings.

**Development Scheme Area #3: Carew Drive/Old Cart Road**

- Road linkages with Neary’s Pond Road and Western Gully Road;
- Poorly drained land in the area to be considered in the layout and design of development;
- Acoustic building insulation (between 30 and 35 NEF noise footprints);
- Appropriate integration with Residential surroundings;
- Integration of watercourse from Western Pond into community design; and,
- Connection to trail system on Raymonds Beard Hill and Princes Lookout.

**Development Scheme Area #4: Neary’s Pond/Western Round Pond**

- Public access to Neary’s Pond and Western Round Pond shorelines;
- Road linkages with Neary’s Pond Road, Witch Hazel Road and Old Broad Cove Road;
- Connections to trail system on Beachy Cove Hill, Graymans Beard Hill and Princess Mountain Lookout;
- Site design that is sensitive to steep slopes; and,
- Appropriate transition with Residential, Rural and Agriculture surroundings.

#### **Development Scheme Area #5: Old Broad Cove Road West**

- Any storm drainage or other environmental issues to be addressed concerning Goat Cove Brook;
- Integration of Goat Cove Brook into community design;
- Road linkages with Chrisara, Phil's Hill, Bickerstaff and Knapp's Roads, with a possible link to Tucker's Hill; and,
- Appropriate transition with Residential and Agriculture surroundings.

#### **Development Scheme Area #6: Mitchell's Pond/Hugh's Pond**

- Maintaining public access to Mitchell's Pond and Hugh's Pond;
- Road linkages with Bennetts Road, Hugh's Pond Road and Oliver's Pond Road;
- Integration of watercourse from Mitchell's Pond North into community design;
- Site design that is sensitive to and preserves wetlands; and,
- Appropriate transition with Residential and Protected Watershed surroundings.

#### **Development Scheme Area #7: Thorburn Road/Skinner's Road**

- Road linkages with Thorburn Road and Skinner's Road;
- Integration with Residential surroundings;
- Impact of development on existing development on Thorburn Road and Abbott's Road (e.g. storm drainage, performance of wells and septic tanks, etc.); and,
- Site design that is sensitive to steep slopes.

#### **Development Scheme Area #8: St. Thomas Line**

- Road linkage with St. Thomas Line;
- Public access to the coastline and integration with the East Coast Trail;
- Site design that is sensitive to steep slopes and scenic coastal views; and,
- Appropriate transition with Residential surroundings.

#### **Development Scheme Area #9: Tucker's Hill**

- Road linkage with Tucker's Hill Road;
- Public access to the coastline and integration with the East Coast Trail;
- Site design that is sensitive to steep slopes and scenic coastal views; and,
- Appropriate transition with Public, Residential and Traditional Community surroundings.

#### **Development Scheme Area #10: Voisey's Brook Park**

- Road linkages with Bauline Line Extension and Indian Meal Line;
- Integration of watercourses into community design;
- Appropriate transition with Agriculture, Residential, Mixed Use surroundings;
- Function as "northern gateway" to the Town;
- Site design that is sensitive to wetlands; and,
- Integration with adjacent Voisey's Brook Park.

### 3.4.3 TRADITIONAL COMMUNITY

#### General Intent

Lands for Traditional Community are identified as TC on the Generalized Future Land Use Map. The intent of the Traditional Community designation is to preserve and enhance the traditional character and landscape of the original harbour communities in the vicinity of Portugal Cove and St. Philip's. Through the potential future introduction of historic development general design guidelines to specific clusters of heritage buildings and values, and through potential new standards recommended by the local Heritage Committee, Council may develop a new heritage design policy and thereby be more effectively equipped to carefully manage new development in these areas to maintain the traditional harbour areas as "the hearts" of the community. This heritage design policy initiative may also promote land uses and design approaches that preserve local sites and respect the traditional appearance and character of these important historic locations of the community.

In guiding current development within the traditional communities, Council shall endeavour to achieve a balance among the following guidelines:

- a) The preservation and enhancement of buildings and structures of architectural or historic interest will be encouraged;
- b) The traditional community form will be maintained as much as feasible;
- c) The appearance, scale, siting and use of new buildings and the expansion and renovations of existing buildings will be encouraged through approval consideration to not detract from the surrounding area;
- d) The restoration and reuse of dilapidated buildings, structures and sites that contribute to the historical legacy and visual character of Portugal Cove and St. Philip's will be encouraged;
- e) Scenic views, public rights-of-way, natural amenities and historic uses will be identified and preserved as much is feasible;
- f) A system of walking and bicycling trails will be developed in the two harbour areas and connected to the larger community;
- g) The placement of large signs, billboards and other advertisements will be restricted as appropriate to preserve the character of the area; and
- h) Small public open spaces and existing access points to the coastline will be preserved.

Lands designated Traditional Community shall be zoned on the zoning map as Traditional Community (TC). Detailed requirements of this zone are outlined in Schedule C of the Development Regulations.

## **Traditional Community Policies**

### **Land Uses**

**Policy TC-1** Council will encourage a traditional mix of land uses within the Traditional Community designation to preserve the historical ambiance and character, and to enhance the potential of these areas as hubs of community and commercial activity. The designation will allow for the development of single dwelling housing, varied civic and cultural, and general assembly uses and buildings, recreational open space, conservation and places of worship such as churches.

**Policy TC-2** A diverse array of discretionary uses is also available for Council’s consideration in the designated Traditional Community historical cores of the community, including:

- Varied residential uses including boarding house residential, infill residential, commercial residential, double dwellings, group homes and subsidiary apartments;
- Discretionary commercial uses including retail, shops, personal service, catering, take out food service, convenience store, general service, medical and professional, office, outdoor market, amusement and theatre;
- Retention of opportunities for employment represents further potential discretionary uses in the form of schools and colleges, general and light industry, and transportation. Fisheries uses are also included to acknowledge the ongoing nature of this traditional resource industry; and,
- Other discretionary uses include child care, club and lodge, indoor and outdoor assembly, passenger assembly, cemetery and funeral home.

**Policy TC-3** Council shall pursue the development of appropriate recreational facilities such as parkland and trails near the Bell Island Ferry Terminal, on the south side of Portugal Cove, north of the small craft harbour in St. Philip’s, and along the coastline.

**Policy TC-4** In consideration of a development proposal within the Traditional Community designation areas, Council shall determine the specific terms and conditions that may apply on a development application, or refuse the application altogether if Council forms an opinion that the proposed development in the Traditional Community designation will detract from the intent of the out port character or built heritage of the area.

## **Preservation of Built & Natural Heritage**

- Policy TC-5** Council will encourage the preservation of the overall built and natural community form as well as individual buildings that have heritage significance.
- Policy TC-6** In reviewing new development proposals, Council shall ensure that new buildings and site developments will be of a scale, mass and architectural style that will not detract from surrounding heritage buildings and the general character and scale of the surrounding area.
- Policy TC-7** Council will cooperate with landowners to identify new or enhanced uses for older buildings and will make owners aware of public programs aimed at preserving built heritage.
- Policy TC-8** Council shall pursue a program of identifying and preserving traditional walking trails and hiking trails in the Traditional Community designation. Particular attention will be paid to preserving public access to beaches and shoreline areas.
- Policy TC-9** Council shall respect the historic built tradition in areas designated as Traditional Community by considering on a discretionary basis residential infill development on ‘minor’ steep slopes where it would otherwise not be permitted under the Town’s requirements, and where such sloping lands are not designated as Restricted by the St. John’s Urban Region Regional Plan. A qualified geotechnical/ engineering consultant report may be required by Council from the development applicant to support the residential infill proposal. This exception to steep slope development does not include residential subdivision developments that would require the mass removal of material (such as soil, sand, gravel, rock or other aggregate material) from the development site.
- Policy TC-10** Council recognizes and supports, and will maintain throughout the life of this Municipal Plan, traditional fisheries operations within the Portugal Cove and St. Philip’s waterfront, including existing wharf offloading facilities for crab, lobster and cod, and related onshore fisheries facilities.

### **3.4.4 MIXED USE**

#### **General Intent**

Land for Mixed Use is designated as MIX on the Generalized Future Land Use Map in order to permit and expand local access to a mix of residential, recreational open space, commercial, industrial and other land uses. The Mixed Use designation is to apply to land situated along Portugal Cove Road, Indian Meal Line and the portion of Old Broad Cove Road between Portugal Cove Road and Bennetts Road. These areas have an existing traditional character of mixed uses.



Lands designated Mixed Use shall be zoned on the Zoning Map as Mixed Use (MIX). Detailed requirements of this zone are outlined in Schedule C of the Development Regulations.

## **Mixed Use Policies**

### **Land Uses**

- Policy MIX-1** It shall be a policy of Council to permit single and double dwelling residential housing, recreational open space and conservation as the primary land uses within the Mixed Use designation.
- Policy MIX-2** Council may consider a diverse range of commercial, industrial, public use, assembly and other mixed uses as discretionary uses, including low impact commercial uses such as retail shops, offices and services, restaurants, public and assembly uses such as a child care facility or a service club, churches and schools, general and light industry, service stations, passenger assembly, and other similar mixed uses as detailed in Schedule C of the Development Regulations.
- Policy MIX-3** Upon site and proposal review, private wind turbines may also be permitted at the discretion of Council.
- Policy MIX-4** In evaluating proposals for new development in Mixed Use areas, Council shall pay particular attention to the compatibility of uses, particularly between residential and non-residential uses. Before permitting any non-residential development as a discretionary use, Council will be satisfied that requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage and other related site and building design issues can be satisfactorily addressed by the development applicant.
- Policy MIX-5** Council shall evaluate developments within Mixed Use areas to the additional requirements expressed in this Municipal Plan, including those Policies related to Residential and Public uses, as applicable.

## **3.4.5 PUBLIC USE**

### **General Intent**

Lands for Public uses are designated Public Use (PU) on the Generalized Future Land Use Map in order to permit the development of a variety of public land uses to serve the assembly, civic, cultural, spiritual, recreational, health care and educational needs of the community. The two largest designated areas for public uses include the Town Hall on Thorburn Road (and the pending new middle school nearby) and

Beachy Cove Elementary School on Beachy Cove Road. Smaller designated public use areas include some of the Town's churches and cemeteries.

Lands designated Public (PU) shall be also zoned on the Zoning Map as Public Use (PU). Detailed requirements of this zone are outlined in Schedule C of the Development Regulations.

## **Public Use Policies**

### **Land Uses**

**Policy PU-1** Council shall permit varied uses such as churches, schools, elderly care homes and medical facilities including hospitals, government offices, cultural and civic amenities such as arenas, libraries, museums and swimming pools, places of general assembly, conservation uses and recreational open spaces within the Public Use designated area; Council may also consider varied discretionary uses including a cemetery, funeral home, non-residential lodges, child care, and indoor and outdoor assemblies as detailed in Schedule C of the Development Regulations.

**Policy PU-2** Upon site and proposal review, Council may consider private wind turbines as a discretionary use.

**Policy PU-3** Council shall require that all public uses have adequate vehicular and pedestrian access to the site, and provide for safe and efficient traffic and pedestrian flow. Adequate off-street parking shall also be provided in accordance with the requirements of the Town's Development Regulations.

## **3.4.6 RECREATIONAL OPEN SPACE USE**

### **General Intent**

Land for Recreational Open Space is designated ROS on the Generalized Future Land Use Map to provide for the active and passive outdoor recreational needs of Town residents and visitors. The intent of the Recreational Open Space designation is to create a community-wide recreation system that includes a series of larger community parks complemented by an extensive network of trails and linear parks throughout the community. Voisey Brook Park and Rainbow Gully Park are the two largest areas designated for such recreational uses in the town.

Lands designated Recreational Open Space shall be zoned on the Zoning Map as Recreation (ROS). Detailed requirements of this zone are outlined in Schedule C of the Development Regulations.

## **Recreational Open Space Use Policies**

### **Land Uses**

**Policy ROS-1** Council shall encourage uses such as parklands, sports fields, playgrounds, trail systems, and conservation initiatives as primary permitted uses; Council may consider varied

types of assembly uses from community halls to arenas to fairgrounds, with supportive food services, and other uses as discretionary uses, as detailed in Schedule C of the Development Regulations.

**Policy ROS-2** Upon site and proposal review, Council may consider private wind turbines as a discretionary use.

### **Linear Park System**

**Policy ROS-3** It shall be a policy of Council to explore the development of a linear park system for Portugal Cove-St. Philip's to accommodate a range of recreational activities such as hiking, mountain biking, cross country skiing, rock climbing, canoeing, and photographic tours. Facilities such as rest areas, picnic areas and interpretation signage are envisioned to be included. The trail system will incorporate a series of linear spaces parallel to the shorelines of Broad Cove River, Main River, and Beachy Cove River, as well as incorporating the trails for the expanded Voisey's Brook Park. The linear system will also facilitate walking trails to scenic viewpoints and seek to expand and enhance pedestrian mobility opportunities within the historical communities of Portugal Cove and St. Philips. Many traditional local trails and pathways will be connected to the linear park system.

**Policy ROS-4** Council shall support opportunities to integrate the linear park system with the East Coast Trail as much as possible.

**Policy ROS-5** Council will encourage local residents, landowners and private developers to cooperate with trail developers by facilitating access through and adjacent to private properties.

**Policy ROS-6** Within the constraints of municipal resources, it shall be a policy of Council to assist and facilitate trail development.

**Policy ROS-7** Where possible, Council will encourage a buffer on either side of an inland trail in order to provide a right-of-way that is appropriate to its context within the community.

### **Parks and Recreation Master Plan**

**Policy ROS-8** Council shall continue to implement the findings of the Portugal Cove-St. Philip's Parks & Recreation Master Plan (2007), where possible and within the constraints of municipal resources.

### 3.4.7 PROTECTED WATERSHED

#### General Intent

Three distinct watersheds are designated PW on the Generalized Future Land Use Map of the Municipal Plan to protect the quantity and quality of water in existing and proposed public drinking water supply areas, including:

- The Blast Hole Protected Water Supply Area located to the north of Portugal Cove Road;
- The Windsor Lake Protected Water Supply Area located to the south of the east entrance to the Town on Portugal Cove Road; and,
- The Great Pond Potential Water Supply Area located within the northeast sector of the municipality to the north of Indian Meal Line.

Lands designated as Protected Watershed Areas on the Municipal Plan map are also zoned as Protected Watershed Areas (PW) on the zoning map of the Development Regulations, with land use and development terms and conditions requirements for this zone outlined within Schedule C of the Development Regulations.

The Windsor Lake Protected Water Supply Area watershed falls under the authority of the City of St. John's and its legislation, the City of St. John's Act. From the Town's perspective, there is a need to more precisely define by survey the watershed boundary in relation to the Town's Municipal Boundary. A request to the Minister has been recently forwarded by the Town of Portugal Cove-St. Philip's to assist the Town in dialogue with the City to more accurately define the boundary and to identify a survey definition that will enable adoption of a boundary as a gazetted Regulation, similar to most other watersheds in the Province.

#### Protected Watershed Policies

**Policy PW-1** Within the Protected Watershed designated areas, the sole primary permitted use is for conservation; discretionary uses that may be considered by Council include antenna, forestry and recreational open space. The Town shall refer all development proposals and proposed new uses for land located within and immediately adjacent to the Windsor Lake (and Broad Cove River) watershed to the City of St. John's, as controlling authority for the watershed, for review and comment.

**Policy PW-2** The following policies shall apply to the Protected Watershed Areas:

- The Town shall ensure that the location of any potential new conservation or approved discretionary use development does not conflict with the regional water supply agreement;

- All proposed development activities within a protected and potential public water supply area require prior approval under Section 39 (6) of the Water Resources Act;
- Section 39 of the Water Resources Act details activities that are prohibited from protected water supply areas; and,
- The owner/ operator of land within a designated area are responsible for protecting the water supply.

**Policy PW-3** Council shall additionally refer all proposed land and resource discretionary uses for antenna, forestry, passive recreational uses such as hiking trails, and any other development activity, proposed to be located within the designated watershed areas to the Department of Environment and Conservation for prior approval.

**Policy PW-4** This Municipal Plan shall be referred for comment to the following:

- The City of St. John’s for the Windsor Lake Protected Water Supply;
- The Town of Torbay for the potential Great Pond Water Supply; and,
- To both the City of St. John’s and the Town of Torbay for any future development proposals within the boundaries of their respective water supply areas.

**Policy PW-5** Conservation uses expressly related to managing and protecting the water supply may be considered by Council as a permitted use.

**Policy PW-6** Council shall not consider, support or permit any form of urban land development proposed to be located within the Watershed Protection Areas.

**Policy PW-7** Council shall work towards and pursue the following initiatives:

- To undertake with the City of St. John’s, as well as with the Water Resources Management Division of the Department of Environment and Conservation, a delineation review of the Windsor Lake Protected Water Supply Area boundary so as to align the PW designated area with the gazetted boundary of the Town’s municipal limits; and,
- To pursue potential removal of Healys Pond and Gull Pond from the Windsor Lake Protected Water Supply Area.

### 3.4.8 AGRICULTURE

#### General Intent

Lands for Agricultural use are designated as AG on the Generalized Future Land Use Map. The AG lands include both the provincially designated Agricultural Development Areas under the St. John’s Urban Region Agricultural Development Area Regulations, the recently released ADA lands and the Town controlled agricultural designated areas. While the Town is considering a future comprehensive review of the recently released ADA lands, and possibly also the Town controlled agricultural lands, the overall

intent of this Municipal Plan is to protect agricultural lands from conflicting uses of land and to provide existing farm operations with the assurance that they can continue to operate through the agricultural designation and companion land use zoning.

Lands designated as Agricultural shall be zoned on the Development Regulations Zoning Map as Agriculture (AG), with land use and development terms and conditions requirements for this zone outlined within Schedule C of the Development Regulations.

## **Agricultural Policies**

### **Land Uses**

- Policy AG-1** Council shall refer all proposed development for lands designated as Agricultural Development Areas by the St. John's Urban Region Regional Plan to the Province for their consideration.
- Policy AG-2** Council may consider a comprehensive review of recent provincially released designated Agricultural Development Area lands for the most appropriate, beneficial and feasible future land use designations and permitted zone uses.
- Policy AG-3** Primary permitted uses within the Agricultural Zone are to be for conservation and agriculture. As discretionary uses on Town controlled lands, Council may also consider varied potential alternative land uses including single dwellings, telecommunication towers, animal pounds and kennels, forestry and mineral working resource uses, recreational open space initiatives and wind turbines.
- Policy AG-4** Council supports the land use management approach to not permit development within the Agricultural designation unless such development is directly connected with, or complimentary to, agriculture or the proposed use will not adversely affect the existing or potential use of land for agricultural purposes.
- Policy AG-5** Discretionary uses for Town controlled agricultural land in the AG Zone, as defined by Schedule C of the Development Regulations shall be considered by Council on the basis of their proposed intensity of use, their potential impact upon the agricultural land base, existing farm operations and adjacent land uses, and other localized influences.

### **Town Controlled Agricultural Lands Review**

- Policy AG-6** During the course of this Municipal Plan, the Town may additionally undertake a comprehensive review and assessment of Town controlled designated Agricultural lands on the basis of soil capabilities, drainage, existing and adjacent land uses, current and proposed land development patterns, land use alternatives and other considerations.

The Town may seek the assistance of the Agri-foods Development Branch of the Department of Natural Resources as part of this potential review.

### **Separation of Non-Farm Developments and Agricultural Operations**

**Policy AG-7** Council shall attempt to minimize the potential for land use conflicts from non-farm land uses being developed in close proximity to existing agricultural operations, particularly livestock and poultry confinement operations.

**Policy AG-8** Council shall require new livestock to maintain a Minimum separation distance of 300metres (984.25 feet), as specified by Regulation 45 of the Town's Development Regulations.

**Policy AG-9** New residential developments, but not including farm dwellings, shall maintain a minimum separation distance of 300.0 metres (984.25 feet), from existing livestock operations.

**Policy AG-10** New provincially established buffers may be additionally be established for livestock and poultry operations based upon factors of the size of the operation, the land use pattern of the neighbourhood area, the type and volume of manure and the intensity of the operation.

### **Non-Farm Dwellings**

**Policy AG-11** Non-farm residential and other dwellings shall not be permitted on Agricultural Development Areas designated lands without authorization from the provincial Land Development Advisory Authority; on Town Controlled Agricultural designated lands, non-farm dwellings may be considered as a discretionary use on the basis of any of the following criterion:

- A single dwelling being a subsidiary use to a commercial agricultural operation, horse boarding stable, or kennel;
- Limiting any potential single dwelling development to infilling of properties with existing public road lot frontage;
- The proposed use will not have an adverse impact on existing or future agricultural operations;
- Submission of specific site detail on the discretionary use proposal including property size and location, existing and current land uses, and existing and proposed drainage; and,
- Where deemed required, a professional soils or agriculture specialist report and recommendations being submitted by the applicant to the Town for review.

### 3.4.9 RURAL

Three distinct Rural locations of the community are designated as RUR on the Generalized Future Land Use Map. The locations include:

- The expansive area located to the general north of Portugal Cove Road, and surrounding the Blast Hole Ponds;
- The sloping lands located to the general east of Beachy Cove Road; and,
- A smaller designated section of land located in the extreme southeast of the Town.

The Rural designation recognizes the importance for conservation, habitat preservation, and outdoor recreational and open space initiatives, as well as for natural resource based activities of forestry and agriculture, and to a lesser extent through discretionary use consideration for mineral working and other general and light industry resource operations, as well as for a diverse and varied number of other discretionary uses.

Urban expansion and encroachment into Rural areas will be minimized wherever possible to reduce the potential for loss, fragmentation, and degradation of the natural habitat, and to sustain continued opportunities for resource based activities and other discretionary uses.

Lands designated as Rural shall be zoned on the Zoning Map as Rural (RUR), with land use and development terms and conditions requirements for this zone outlined within Schedule C of the Development Regulations.

#### Land Uses

**Policy RUR-1** Council shall permit within the RUR designation land uses that include agriculture, conservation, forestry, and recreational open space as detailed in Schedule C of the Development Regulations.

**Policy RUR-2** Varied discretionary uses such as mineral workings, resource based general and light industry, outdoor tourism, animal and antenna uses, cemeteries, veterinary, and wind turbines may be considered by Council within the RUR designated areas.

**Policy RUR-3** Council may consider single dwellings as a discretionary use within the RUR designated areas, based upon the following indicative criterion:

- The single dwelling development cannot be located on lands with potential for forestry, agriculture, mineral extraction, conservation and recreation, or within protected water supply areas;
- The proposed site for single dwelling development is not environmentally sensitive, and the site can accommodate the development with minimal impact on the natural landscape;



- The site has adequate soil conditions and groundwater supply; and,
- The single dwelling development is not intended for seasonal residential or cottage use.

**Policy RUR-4** Council may consider Commercial Residential as a discretionary use on the basis that the proposed use is for a tourist cottage only.

### **Environmentally Sensitive and Scenic Areas**

**Policy RUR-5** Council shall not permit land and resource use activities that in Council's opinion may adversely affect areas that are environmentally sensitive or that are not conducive to development for aesthetic reasons. Examples of unsuitable lands for development may include areas of steep or unstable slopes, coastal features, geologically unstable areas, visible hillsides, wetlands, watercourses and ravines. In such locations, protection and preservation measures rather than development will take priority.

**Policy RUR-6** Through the life of this Municipal Plan, Council may proceed to designate several scenic natural areas as Rural to more effectively protect undeveloped areas within the built-up locations of the community, including Grayman's Beard Hill.

### **Agriculture**

**Policy RUR-7** To minimize potential impacts such as erosion, drainage and silt build up on existing agricultural operations and areas with potential for future agricultural development, Council may require specific conditions to apply to proposed land use development and resource use activities.

### **Aggregate Extraction**

**Policy RUR-8** Council shall require that the extraction of aggregate resources be carried out in a manner so as to protect existing land uses and environmental and scenic resources throughout the Planning Area. To this end, minimum separation distances and buffering requirements will be implemented between pits and quarries and nearby uses such as residential areas, public highways and streets, and watercourses; the details of these requirements are outlined within the Rural zone discussion of the Town's Development Regulations.

**Policy RUR-9** Council shall require proposals for new aggregate operations to be assessed for potential impacts on environmental and scenic resources and existing nearby land uses, and where impacts are identified, the proponent shall adequately address remedial management strategies to the satisfaction of Council.

**Policy RUR-10** Council shall establish standards in the Development Regulations aimed at reducing the potential impacts of aggregate operations on surrounding built-up areas and environmentally sensitive areas, and may:

- (a) Restrict aggregate development in locations that are normally exposed to public view such as near high traffic roads and residential areas;
- (b) Establish minimum separation distances from existing and proposed residential areas, roads, and other built-up areas;
- (c) Establish minimum setbacks from watercourses, wetlands, steep slopes, and other environmentally sensitive areas;
- (d) Establish restrictions on operating schedules; and
- (e) Establish conditions for site management, upkeep, and site reclamation and rehabilitation.

### **Forest Management**

**Policy RUR-11** All proposals for forest harvesting and management activities shall be referred to the Department of Natural Resources for identification of provincial requirements.

**Policy RUR-12** Council shall require that any proposed logging activities respect the Town's objectives for environmental protection, scenic preservation, recreation areas, and municipal watershed protection.

### **3.4.10 TRANSPORTATION**

The transportation system in Portugal Cove-St. Philip's includes a hierarchy of arterial roads, collector roads, and local roads, as well as public walkways. Roads are identified on the base map of the Generalized Future Land Use and Zoning Maps.

### **Transportation Policies**

#### **Design Considerations**

**Policy T-1** Council shall encourage new public roads to be located and constructed so as to minimize adverse impacts on environmentally sensitive areas and resources.

**Policy T-2** Council shall require that roadways, sidewalks, public walkways, and access points to public buildings be designed to facilitate easy access and movement by mobility challenged and handicapped persons. This shall include the utilization of curb cuts at designated crosswalks and other appropriate areas.

**Policy T-3** It shall be a proposal of Council to initiate a Road Network Improvement Study to re-evaluate the existing road classification system, identify existing traffic circulation issues and potential future issues, and to recommend network improvements to accommodate future growth.

### **Arterial Roads**

The primary purpose of arterial roads is to provide safe and efficient traffic flow for vehicles travelling within or through the Planning Area. Roads classified as Arterial within the Planning Area include Thorburn Road, Portugal Cove Road, Tucker's Hill, Beachy Cove Road, and St. Thomas Line.

Thorburn Road and Portugal Cove Road are the two main routes for commuter traffic between Portugal Cove-St. Philip's and St. John's. They are also designated as arterial roads in the St. John's Urban Region Regional Plan. Tucker's Hill, Beachy Cove Road and St. Thomas Line are used mainly to distribute traffic within the Town and to connect commuter traffic with Thorburn Road and Portugal Cove Road. In addition to Bauline Line Extension, these roads are designated by the St. John's Urban Region Regional Plan as Scenic Roads.

**Policy T-4** Council shall discourage individual property accesses onto arterial roads, especially the higher traffic corridors of Thorburn Road and Portugal Cove Road. New development along these corridors will be encouraged to locate on new adjoining side roads where feasible.

**Policy T-5** In the review of new development proposals, Council may prohibit the development of a new access where its effect will be to reduce traffic safety and/or efficiency.

**Policy T-6** Council shall ensure that appropriate public street and road reservations are reserved along Arterial Roads to provide for road connections to back-land areas with future development potential.

### **Collector Roads**

The primary purpose of collector roads is to distribute traffic within different parts of the town and to facilitate traffic flow to arterial roads. Collector Roads within the Planning Area include Nearys Pond Road, Western Gully Road, Indian Meal Line, Bauline Line Extension, Witch Hazel Road, Old Broad Cove Road, Bennetts Road, Tolt Road and Dogberry Hill Road.

**Policy T-7** Council shall not restrict access to abutting properties on collector roads but ensure they are properly planned so they do not impede safety and traffic efficiency.

**Policy T-8** Council shall require that new collector roads and the redevelopment of existing collector roads include two sidewalks.

**Policy T-9** Council shall ensure that appropriate public street and road reservations are reserved along Collector Roads to provide for road connections to back-land areas with future development potential.

### **Local Roads**

Local roads are intended to serve abutting frontages and generally are not used by traffic except to approach adjoining properties and adjoining local streets. Certain local roads, which provide more of a traffic connection function than others, are referred to as local connectors. The remaining public roads within the Planning Area are categorized as Local Roads.

**Policy T-10** Council shall require new local roads and the redevelopment of existing local roads to include provision for one pedestrian walkway. Council's decision on the required type of pedestrian walkway will be related to the expected traffic volumes on the road.

**Policy T-11** Council shall ensure that appropriate public street and road reservations are reserved along Local Roads to provide for road connections to back-land areas with future development potential.

**Policy T-12** Council shall require adequate space for efficient snow clearing and for vehicles to turn around without difficulty on all cul-de-sac and other roads. The maximum permitted length of a proposed cul-de-sac will primarily consider factors that may affect the safety of residents and other users of the road.

**Policy T-13** Council shall endeavour to upgrade its local road network through street widening and surface improvements, as well as through the elimination of some dead-end roads by connecting them into loop roads, and through future consideration of preparation of an advance street plan. Council shall consider the establishment of a capital works plan to upgrade existing substandard roads that are not publicly owned.

### **Other Rights-of-Way**

In addition to the public roads already classified in this section, there are other rights-of-way that can be found throughout the town. In some cases, public Right-of-Ways (ROWS) exist that may serve the same function as local roads, but are not publicly maintained (i.e. Murphy's Lane). In other cases private roads exist that are neither publicly-owned nor publicly-maintained.

**Policy T-14** Council shall issue a notice of intent to affected residents when taking over a public right-of-way that is not publicly-maintained in order to bring it up to a standard identified by Council and consistent with the Town's development standards.

**Policy T-15** When Council determines that it is in the Town’s interest to take over and upgrade a private road, Council shall prepare and enter into an agreement with affected landowners prior to commencing any such improvements.

**Parking**

Provision for parking, and access thereto, are to be considered with each new land use development application with regard to the required number of parking spaces, the layout of the parking areas on the site and proposed access/ egress locations.

**Policy T-16** Council shall require that new development applications include a site plan showing how access and parking is to be arranged and that fulfilment of these plans be made a condition of approval.

**Policy T-17** Council shall resolve identified parking concerns within the community as they arise.

## 4.0 IMPLEMENTATION

The Portugal Cove-St. Philip's Municipal Plan (2014-2024) will be implemented over the next 10-years through decisions of Council. Of particular importance to Council are the following:

- Effective administration of the Municipal Plan;
- The annual adoption of five-year capital work budgets;
- Land use zoning, subdivision and advertisement regulations (referred to as the Development Regulations);
- The basis of development control; and
- The procedure for considering amendments to the Municipal Plan.

These issues are addressed within this Section of the Municipal Plan.

### 4.1 ADMINISTRATION OF THE PLAN

The Portugal Cove-St. Philip's Municipal Plan (2014-2024) is comprised of goals and objectives (Section 2 of this document), land use policies (Section 3), and a program of implementation (Section 4). The background information summary, presented in Section 1.2 of this document, provides useful insight but does not form part of the legally binding Portugal Cove-St. Philip's Municipal Plan. All development applications will be evaluated as to their conformity to the Plan. Council will require full conformity with all policies in the Plan.

#### 1. Map Interpretation

- (1) For the purpose of administering the Municipal Plan, the **Generalized Future Land Use Map** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on the **Generalized Future Land Use Map** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the Portugal Cove-St. Philip's Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Plan.

#### 2. Development Applications

- (1) Every person or corporation wishing to develop land for any purpose within the Portugal Cove-St. Philip's Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Portugal Cove-St. Philip's Municipal Plan before proceeding. Council

may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.

- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of the Portugal Cove-St. Philip's in the best long-term interest of residents. Council may refuse or approve applications, with or without conditions.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

### **3. Subdivision Proposals and Agreements**

- (1) Evaluations of proposed subdivisions of land for development will include the following:
  - (a) An investigation of the physical conditions and features of the site and the opportunities for and constraints on development.
  - (b) A demonstration of how the proposed subdivision will join with existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.
  - (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.
  - (d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.
  - (e) Consideration of how stormwater drainage will be managed to minimize increased run-off onto adjacent lands.
- (2) Before major land developments are approved in the Portugal Cove-St. Philip's Municipal Planning Area, Council shall require the developer to enter into a development agreement with the Town. The agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

### **4. Non-Conforming Uses**

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a "non-conforming use" subject to the provisions of Section 108 of the Urban and Rural Planning Act.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, or such further period as Council considers

appropriate, it shall not be recommenced and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.

- (3) A non-conforming use under this Municipal Plan:
- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council;
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
  - (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations;
  - (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50% of the existing building;
  - (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
  - (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

## **4.2 DEVELOPMENT REGULATIONS**

Pursuant to Section 35 of the Urban and Rural Planning Act, Council has adopted the Portugal Cove-St. Philip's Land Use Zoning, Subdivision and Advertisement Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Portugal Cove-St. Philip's Planning Area.

### **1. Council Responsibility**

- (1) In accordance with Section 35 of the Urban and Rural Planning Act, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Portugal Cove-St. Philip's Municipal Plan.

### **2. Content**

- (1) The Development Regulations:
- (a) divide the Planning Area into land use zones;



- (b) indicate permitted, discretionary, and prohibited uses of land in each land use zone;
- (c) outline municipal-wide and zone-specific requirements and standards for the subdivision and development of land,
- (d) identify the administrative procedures for considering development permit applications and the issuing of development and building permits;
- (e) establish the regulations respecting the non-conforming development and use of land;
- (f) specify the minimum notice periods for Council for decisions respecting discretionary land uses, non-conforming land uses, and variances;
- (g) detail the regulations and procedures respecting appeals of Council decisions; and,
- (h) provide the regulations respecting the enforcement of permit requirements.

## **4.3 DEVELOPMENT CONTROL**

### **1. Municipal Plan is Binding**

- (1) The Portugal Cove-St. Philip's Municipal Plan (2014-2024) is a legal document which is binding upon all persons and organizations, including the Council.

### **2. Council Responsibility**

- (1) Council shall exercise appropriate control over development in the Portugal Cove-St. Philip's Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning, Subdivision, and Advertisement) Regulations.

### **3. Subdivision and Development Applications**

- (1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications forms and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.
- (2) Council will examine the application on the basis of the Development Regulations. Council may approve the application, approve it with conditions, or refuse it.

### **4. Right to Appeal**

- (1) An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the Ministerial Regulations included within the Portugal Cove-St. Philip's Development Regulations.

## **5. Provincial and Federal Referrals**

- (1) Any proposed development that may be affected by the regulations of a Provincial or Federal department will be referred to the concerned department for comments before municipal approval for a permit is considered.

## **4.4 AMENDING THE MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS**

This Municipal Plan was prepared on the basis of existing and expected future conditions. It is Council's intention not to amend the Plan for a five-year period after its adoption, after which another Plan Review will be undertaken. Nevertheless, if conditions change in unforeseen ways during the planning period, Council may consider possible amendments to the Plan.

### **1. Municipal Plan Amendment**

- (1) If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the Urban and Rural Planning Act, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is described in Section 1.1.2 of this Municipal Plan and outlined in Sections 14 to 24 of the Act.

### **2. Stand-Alone Amendment to the Development Regulations**

- (1) If Council decides to adopt an amendment to the Development Regulations, which does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the Act.
- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal Affairs for registration under Section 24 of the Act.