

Town of Portugal Cove-St. Philip's

Development on Lakes, Ponds, Rivers, Seashores and Foreshores Policy

Pursuant to the authority conferred in section 3.3 of the Town of Portugal Cove-St. Philip's Municipal Plan, sections 7 & 4 of the Lands Act, 1991 and section 413 of the Municipalities Act, 1999, the Town of Portugal Cove-St. Philip's has adopted the following policy on the 22nd day of May, 2007.

1.0 TITLE

- 1.1 This document shall be known and cited as the *Development on Lakes, Ponds, Rivers, Seashores and Foreshores Policy*.

2.0 DEFINITIONS

- 2.1 "**Council**" shall mean the Town Council of Portugal Cove – St. Philip's.
- 2.2 "**Town**" shall mean the Town of Portugal Cove – St. Philip's.

3.0 POLICY STATEMENT:

- 3.1 The purpose of this policy is to address the issues of access to, and development on, ponds, lakes, rivers, seashores and foreshores within the Town of Portugal Cove-St. Philip's.

4.0 APPLICATION:

- 4.1 This policy shall apply to all development activity taking place on ponds, lakes, rivers, seashore and foreshores within the Town.

5.0 POLICY CLAUSES

5.1 With the exception of docks and one story (wet) boat houses having no interior or external floor space, all shoreline structures shall be constructed within the confines of the property boundaries of a lot and set back thirty (30) meters from the shoreline. In the case of seasonal water movement, the seasonal high water mark shall be established as the property construction boundary.

5.2 (Floating structures and docks exceeding twenty (20) square meters shall be subject to Municipal review and by any other public authority having jurisdiction and in no case shall limit or restrict safe navigation, unobstructed public access to water bodies or cause damage to fish habitat.

5.3 The shoreline below the high water mark shall not be permanently altered through the construction of shoreline structures except to accommodate the placement or use of docks as approved by the authority having jurisdiction.

5.4 It is the policy of Council to ensure, as far as possible, that the public has access to ponds and rivers for recreational use. Provided such access does not infringe on private land, and that regardless of policies set out elsewhere in the Municipal Plan, a private wharf and other minor recreational structures may be built as an accessory use to a residential lot which abuts a pond or the crown reservation around a pond.

5.5 Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses. No developments shall be permitted within fifteen (15) meters of the high water mark of rivers or streams or within thirty (30) meters of the shoreline of ponds within the Planning Area, with the exception of conservation structures such as those designed to control flooding and erosion and utility structures. Such structures shall only be permitted if they are considered to be a necessary public work, meet Provincial environmental guidelines and are approved by the Department of Environment and Lands and Council.

6.0 PENALTIES

None have been specified at this time.

7.0 DATE EFFECTIVE

May 22nd, 2007, Motion # 07-140

8.0 REPEALS

This document repeals any previous policy related to this subject matter.