

# TOWN OF PORTUGAL COVE-ST. PHILIP'S Municipal Plan

2024-2034

DRAFT PROPOSED  
FOR PUBLIC CONSULTATION #2

Town of Portugal Cove - St. Philip's



# TRACT

CONTACT INFORMATION

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**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO APPROVE**  
**THE TOWN OF PORTUGAL COVE-ST. PHILIP'S**  
**MUNICIPAL PLAN, 2024-2034**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Portugal Cove-St. Philip's:

Adopted the Municipal Plan for the Town of Portugal Cove-St. Philip's on the \_\_\_\_\_ day of \_\_\_\_\_ month, 2024.

Gave notice of the adoption of the Municipal Plan for the Town of Portugal Cove-St. Philip's by advertisement inserted on the \_\_\_\_\_ day of \_\_\_\_\_, and the \_\_\_\_\_ day of \_\_\_\_\_ 20 in the local newspaper, the

Set the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ at the Town Hall, 20, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Portugal Cove-St. Philip's approves the Municipal Plan for the Town of Portugal Cove-St. Philip's as adopted (or as amended as follows).

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Mayor: \_\_\_\_\_

Town Manager/Clerk: \_\_\_\_\_

<b>Municipal Plan/Amendment</b> <b><u>REGISTERED</u></b>
Number _____
Date _____
Signature _____

(Council Seal)

**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO ADOPT**  
**TOWN OF PORTUGAL COVE-ST. PHILIP'S**  
**MUNICIPAL PLAN, 2024-2034**

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, 2024-2034.

The Municipal Plan (2024-2034) was adopted by the Town Council of Portugal Cove-St. Philip's on the \_\_\_\_ day of \_\_\_\_\_, 2024.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 2024.

Mayor: \_\_\_\_\_

Municipal Clerk: \_\_\_\_\_

Town of Portugal Cove-St. Philip's seal

**CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION**

I certify that the Town of Portugal Cove-St. Philip's Municipal Plan, 2024-2034 have 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)



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# 1.0 INTRODUCTION

## 1.1 Introduction

The purpose of the updated Municipal Plan and Development Regulations is to enable the Town of Portugal Cove-St. Philip's to pursue sustainable choices to meet the needs of the Town for the next 10 years (2024-2034). This will replace the Municipal Plan and Development Regulations, 2014-2024.

This Municipal Plan provides a policy framework to influence, manage, and regulate future growth and change in the Town of Portugal Cove-St. Philip's. These policies form the basis for the Development Regulations.

The Town of Portugal Cove-St. Philip's Municipal Plan and Development Regulations build on the Town's Vision as set out during the Strategic Planning process in the Fall of 2022.

## 1.2 Authority

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. The Municipal Plan must also be in conformity with the St. John's Urban Region Regional Plan (SJURRP), 1976.

The policies and development requirements contained in the Municipal Plan and Development Regulations are binding upon the Town Council, residents, and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the *Urban and Rural Planning Act, 2000*).

The Municipal Plan and Development Regulations must address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28) for a 10 year period. The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and setting out policies for various types of land use development. These locations are shown as land use designations on the Future Land Use map found in Appendix A.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan or a requirement set out in the Development Regulations.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Municipal Plan (Section 35). The Development Regulations set out the regulations that enable the Council to administer the policies of the Municipal Plan. The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development applications. The Municipal Plan (2024-2034) comes into legal effect upon publication of the notice of registration in the *Newfoundland and Labrador Gazette*.



## 1.3 Compliance with Statutes, Regulations, Policy, Guidelines, and Standards

- 1) All Development within the Municipal Planning Area shall conform to:
  - a. policies set out in the Municipal Plan;
  - b. development standards and conditions set out in the Development Regulations.
  - c. any other municipal regulation or bylaw in force in the Municipal Planning Area under the Municipalities Act, 1999;
  - d. requirements of Federal legislation, regulations, policies, guidelines, and standards, as amended from time to time, including, the National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code;
  - e. requirements of Provincial legislation, regulations, policies, guidelines, and standards, as amended from time to time; and
  - f. the St. John's Urban Region Regional Plan (SJURRP).
  
- 2) If Council is aware that a proposed development may not comply with Provincial or Federal legislation, it may require the applicant to provide confirmation that necessary government approvals have been obtained before issuing a development permit.
  
- 3) Where these Regulations are more stringent than Provincial or Federal legislation, these Regulations shall apply.
  
- 4) Even though an applicant may receive a municipal permit, the applicant is responsible for ensuring compliance with all relevant Federal and Provincial legislation, regulations, policies and guidelines prior, and Municipal regulations under the Municipalities Act, 1999, to commencing a land use or development approved under these Development Regulations. Council may require proof of compliance prior to approval and a permit shall not be issued if Council is aware that the proposed development does not comply with a provincial or federal government requirement.

The applicant must undertake any requirements set out by the Town as conditions to approval of the permit prior to the issuance of a permit.

The applicant is also responsible for ensuring compliance with all other Town regulations and policies. The Development Regulations shall be subject to all Federal and Provincial legislation, regulations, policies and guidelines. Notwithstanding this requirement, the Development Regulations shall incorporate specific compliance requirements identified in the inter-governmental referral undertaken as part of the review process, as set out in Appendix A-Provincial and Federal Interests and Requirements.

## 1.4 The Municipal Planning Process

The process for preparing a Municipal Plan and Development Regulations is set out in Part III of the *Urban and Rural Planning Act, 2000* (Sections 14-25) which must be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Background Report for the Town of Portugal Cove-St. Philip's was prepared to inform the preparation of a new Municipal Plan and Development Regulations. The Background Report contains a review of land use, development and infrastructure servicing issues, and a socio-economic profile of the Town of Portugal Cove-St. Philip's. It provides the key findings of statistical research, community site visits, and discussions with the Town, Provincial agencies, and with community representatives, including public consultation. A community survey was conducted in September 2022 and there were 205 responses. As the Town of Portugal Cove-St. Philip's was undertaking the development of the Strategic Plan during the Fall of 2022, public consultation dates were changed to start in 2024.

The Municipal Plan and Development Regulations are prepared in consultation with Council, Town staff, and the public (as required by Section 14 of the *Urban and Rural Planning Act, 2000*). In particular, the residents and stakeholders in the Town were invited to two formal public consultations at the beginning of the planning process. There were two public consultation sessions held; the first on 31 January 2024 at the Recreation Centre in Rainbow Gully and the second on 1 February 2024 at the Murray's Pond Fishing and Country Club.

Further Committee and stakeholder consultation meetings were held as follows:

- ❖ Council Committees:
  - Economic Development, Marketing, Communications and Tourism Committee: Wednesday
  - Public Works & Safety Committee: Monday
  - Planning and Development Committee: Tuesday
  - Administration and Finance Committee: Wednesday
  - Recreation and Community Services Committee: [Date]
- ❖ Chamber of Commerce:
  - General Chamber membership meeting
  - Agriculture Sub-Committee for the Killick Region
- ❖ Arts, Wellness and Heritage Organization
- ❖ Advisory Committee on Environment
- ❖ Heritage Committee
- ❖ Inclusion

For the second public consultation, the draft planning documents and mapping were made available to the public. The poster and notices indicated that interested parties may obtain the documents from the website or they may contact the Town by email or telephone to receive electronic copies of the documents and maps. Upon completion of the review and comment phase, the draft planning documents and mapping are submitted to the Provincial government for review and comment, as required, by Section 15 of the *Urban and Rural Planning Act, 2000*.

Upon completion of the provincial review, Council adopts the released planning documents and mapping and arranges a further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner, as required by Sections 16-25 of the *Urban and Rural Planning Act, 2000*. The Commissioner is appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan and Development Regulations. The Commissioner formally reports his findings to Council as a result of the public hearing. Council may adopt the Commissioner's report in whole, in part, or reject the report in its entirety.

Council approves (by Resolution) the Municipal Plan and Development Regulations and associated mapping and submits them for registration (as required by Section 23 and 24 of the *Urban and Rural Planning Act, 2000*). Upon registration, the Council arranges for a notice to be published in the *Newfoundland and Labrador Gazette* which becomes the date of legal effect. A notice must also be published in a local newspaper to inform the public.

## 1.5 Town Vision and Strategic Initiatives

The Town commissioned the preparation of a Strategic Plan in the Fall of 2022 to assist Town Council and staff in decision making and budgeting over the next five years to meet the needs of residents within the limits of available fiscal and human resources. This Plan is based on: a review of relevant documents, a comprehensive consultation process (including an online resident survey with over 400 respondents), interviews with key stakeholders, a Town staff survey, public sessions, and a review of ten benchmark communities with successful strategic plans.

The elements of the Strategic Plan that fall within the scope of the Municipal Plan have been incorporated into the objectives and policies of the Municipal Plan and the corresponding regulations in the Development Regulations. As the Municipal Plan has a ten-year scope, it is imperative that when the five-year Strategic Plan is updated, any changes in direction are also reflected in the Municipal Plan.

A key result of the strategic planning process was the Vision Statement, as follows:

***Portugal Cove-St. Philip's offers a vibrant heritage with safe and inclusive neighborhoods for residents of all means and abilities, while preserving our rural character.***

***The health and wellness of our residents and sustaining our natural environment are core values, ensuring that families, youth and seniors can thrive.***

## 2.0 TOWN GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2024-2034 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.

### 2.1 Community Structure and Character

#### Goals:

1. 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.
2. Maintain the rural community character of Portugal Cove-St. Philip's while accommodating the changing needs of society.

#### Objectives:

1. 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.
2. Selectively consider less intensive development in areas not fully serviced with municipal water and sewer systems.
3. Selectively assess and review proposals for non-serviced developments in accordance with municipal standards and a comprehensive planning process prior to consideration by Council.
4. Selectively consider appropriate residential infill development in non-serviced areas in a manner that is compatible with the surrounding neighbourhood.
5. Preserve and enhance open spaces, ponds, streams, coastal features, and environmentally sensitive areas for conservation and recreational uses.
6. 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:

1. Provide for an adequate mix of housing to meet the needs of residents and the Town in an appropriate manner which respects the rural character of the community and contributes to healthy, inclusive neighbourhoods.

**Objectives:**

1. Review proposals for residential development in a manner that maintains a high local quality of life and enhances the livability of neighbourhoods;
2. To provide for more compact forms of development within serviced areas.
3. Identify opportunities to effectively respond to the changing housing needs of seniors and young adults, by permitting a wider range of housing types that are more affordable.
4. 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.
5. Encourage community-style development which includes a mix of planned unit developments and residential development among commercial businesses that serve as community-amenities for residents and neighbourhoods.
6. Provide a range of housing types including affordable units, develop additional senior's housing, and update regulations to support and promote the use of subsidiary apartments and accessory dwelling units.
7. Recognize developers and residents as valued stakeholders in development processes and support applicants in the processing of applications that align with the Town's goals and objectives.

## 2.3 Environment and Climate Change

**Goals:**

1. Pursue initiatives to maintain and enhance the health, safety, and welfare of local residents and visitors to the community.
2. Provide for the protection, preservation, conservation, and sustainability of the natural environment in locations throughout the community and in the manner that new growth and development is managed.
3. To initiate implementation of the 2021 Climate Mitigation Action Plan, the 2020 Climate Change Adaptation Plan, and 2021 Climate Change Adaptation Plan for the Town of Portugal Cove-St. Philip's by incorporating objectives and policy recommendations into the Municipal Plan.

**Objectives:**

1. Ensure municipal infrastructure and services are developed and maintained to healthy, safe, and environmentally acceptable standards.
2. Control development in environmentally sensitive areas such as ocean and pond shorelines, waterways, steep slopes, drainage areas and wetlands.
3. Promote the protection of watersheds from development activities that adversely affect the quality and/or quantity of water and the character for the waterbody;
4. Control development around ponds, lakes and bodies of water in a manner to protect water quality, prevent erosion, manage runoff, and provide access by the public.
5. Mitigate potential damage to property and threats to life due to flooding in areas identified as having serious flood risk by applying for disaster-mitigation funding through Provincial/Federal programs and limiting development and physical/ structural alterations to the flood plain.
6. Consider coastal vulnerability by implementing recommended coastal buffer according to the provincial government Geological Survey Division.

7. Request that the Government of Newfoundland and Labrador complete an updated flood risk mapping study and incorporate the Flood Risk mapping and associated provincial policies on flood risk management into the Municipal Plan and Development Regulations.
8. Encourage the use of Low Impact Development features and green infrastructure into new development and redevelopment projects. Note: on-site storm water management (e.g. LID and other green infrastructure technologies) and the preservation of natural features to during development and redevelopment, as well as enforcement of existing development regulations regarding a “no net increase” in stormwater runoff.
9. Participate with community organizations where possible to further enhance the Town’s wetlands, such as performing the Wetland Ecosystem Services Protocol Atlantic Canada on wetlands and participating in grant programs related to wetland protection and remediation.

## 2.4 Transportation

### Goals:

1. Provide an efficient transportation network to serve the current and future motorized and non-motorized (active transportation) needs of local residents and visitors to the community.
2. Provide public transit within the Town of Portugal Cove-St. Philip’s and to neighbouring municipalities.

### Objectives:

1. Provide safe, inclusive, and efficient access to all residential developments, commercial establishments, public use facilities and recreational areas.
2. 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.
3. 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.
4. Apply an active-transportation lens to the Trails Master Plan projects to prioritize trail development that will increase walkability and connectivity throughout the community and major parks/facilities.
5. Participate in regional studies, efforts, and grant programs related to the implementation of public transit in the Northeast Avalon.
6. Extend sidewalks and widen road shoulders to improve walkability along the sides of roads.
7. Negotiate with the Government of Newfoundland and Labrador regarding the transfer of provincial roads within Portugal Cove-St. Philip’s with corresponding financial support to the Town.

## 2.5 Economic Development

### Goals:

1. Encourage a more diversified and balanced economic base with additional employment opportunities for residents.
2. Encourage the diversification and sustainability of the tourism sector and leisure-based activities.
3. Leverage the Town’s environmental leadership to attract and retain the growth of environmentally conscious business enterprises.

### Objectives:

1. 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.
2. Designate and expand the use of mixed-use corridors and uses throughout other zones that will permit the expansion of local retail and commercial opportunities.
3. 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.
4. Promote the continuation of agricultural activities within the community as an important sector in the local economy, including the development of or participation in farmers' markets and vegetable stands in appropriate locations.
5. 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.
6. Promote the historical communities of Portugal Cove and St. Philip's for the development of small-scale, mixed-use retail stores and services.
7. Permit appropriate home occupations that fit with the neighbourhood character and do not infringe on the reasonable enjoyment of neighbouring residential properties.
8. Incorporate arts and culture into economic development initiatives as a vibrant arts scene can foster creativity and innovation, attract and retain businesses, create cultural tourism opportunities, and enhance the overall quality of life for residents.
9. Work with local tourism operators and the business community in promoting the image of the Town and encouraging travelers to make Portugal Cove-St. Philip's a destination of choice.
10. Encourage and facilitate the tourism potential of the Portugal Cove Ferry Terminal area and capitalize on the opportunities related to the Town's role as the gateway to Bell Island.
11. Work towards preservation of scenic views and enhancement of the visual landscape.
12. Facilitate and attract the development of an eco-business park within the community.
13. Create and encourage student and youth employment programs to simultaneously deliver better public services while also developing our youth.

## 2.6 Recreation and Community Services

### Goals:

1. Upgrade existing recreation facilities and develop new amenities to accommodate the changing needs of the population, such as a Civic Centre offering programming for all ages.
2. Enhance recreational programs, events, and services to nurture the growing needs of the community while maximizing the use and impact of new and existing recreational assets.

### Objectives:

1. Develop a Civic Centre.
2. Consider neighbourhood needs in the planning of recreational open space and conservation lands, and larger scale publicly funded projects.
3. Develop public recreational areas and facilities (and associated programs), both land and water-based, in environmentally appropriate and accessible locations which will service the maximum number of residents of the Town.

4. Implement the Trails Master Plan, 2022.
5. Facilitate and encourage the continued development and maintenance of the East Coast Trail through the community on an ongoing basis.
6. Consider breakwater projects and recreational marina plans and opportunities for St. Philip's harbour area.
7. Encourage recreational groups and community organizations to promote and organize festivals, fairs, sporting events and other attractions.
8. Support and develop literacy programs and services for all ages in the community.
9. Support and develop community programs that foster intergenerational relationships.
10. Support and develop recreational programs that focus on mental, physical, and social well being.
11. Support the development of regional programs in partnership with communities on the Northeast Avalon that create a greater sense of belonging to the region (i.e. Killick Coast Games).

## 2.7 Municipal Governance and Services

### Goals:

1. 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.
2. Provide a full range of municipal services to residents in the most economical manner including water, sanitary sewer and storm sewer services, fire protection and other community services.
3. Seek the utilization of spare capacity in existing infrastructure prior to the installation of new services.
4. Foster a pro-active and responsible culture for asset management planning to support the Town's municipal infrastructure.

### Objectives:

1. Manage municipal expenditures and debt burdens in a prudent manner and according to the Town's ability to pay.
2. Encourage an enlarged economic base in the Town in order to generate more commercial revenues.
3. Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.
4. Require developers to fund off-site infrastructure deficiencies to support proposed land use developments. Council may consider entering into cost-sharing agreements for housing developments affiliated with provincial and/or federal grant programs.
5. Maintain a water system within the Town capable of providing domestic water as well as fire flows to all feasible areas.
6. Provide a system of sanitary sewer trunk mains, outfalls, and local service lines capable of accommodating existing and feasible future sewage flows.
7. 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.
8. Continue to provide and upgrade storm sewer services and drainage ditches for flood prevention and erosion control wherever possible.



9. Finance the municipal cost share of capital renewal projects that rehabilitate pre-existing infrastructure using reserve funds that have been established and funded through sound asset management planning.
10. Develop recurring condition assessment programs across all classes of municipal infrastructure to regularly identify treatment options throughout the life of assets and maintain up-to-date knowledge regarding the state of municipal infrastructure.
11. Construct a new public works depot and invest in the upkeep of municipal fleets and equipment to preserve and enhance the levels of service of public works operations.
12. Ensure adequate fire protection to all residences and buildings and provide continuous support to the Town's fire protection services and emergency management planning initiatives.
13. Recognize and support volunteer organizations that contribute to the well being of the community.

## 2.8 Arts, Culture, Heritage, and Inclusion

### Goals

1. To create an inclusive and equitable community for all residents.
2. To foster the arts, cultural and heritage resources of the community.

### Objectives:

1. Create an inclusive and equitable environment for all residents by providing accessible infrastructure, affordable housing, communication options to ensure that all community members have access to important information and services, inclusive economic development, and inclusive community engagement.
2. To facilitate the growth of the arts, cultural and heritage sectors in the community as a means to foster a common community identity, create economic opportunities and contribute to community amenities that are attractive to new residents.
3. To support arts, cultural, heritage and sports activities within the community for the well-being of residents.
4. Implement an Accessibility Plan as a living document to enhance the accessibility and inclusion of all Town facilities, programs, and services.

## 2.9 Sustainable Development

### Goals:

1. Encourage the preservation of natural resources and promote and facilitate appropriate sustainable community development activities and environmentally sensitive technologies.
2. Normalize gardening, keeping of animals, markets, and general agricultural operations throughout the community in recognition of the importance of agricultural skills and culture in society.

### Objectives:

1. Help shape the community to become more complete where local residents have varied housing choices, and are increasingly able to work, shop, recreate and volunteer, pursue education and training, and partake in cultural and social events without continually leaving the community.

2. 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.
3. Encourage the use of renewable resources like wind, solar, and geothermal as alternative energy sources.
4. Promote industries that produce and use clean renewable energy.

Improve local food security and self-sufficiency by facilitating improved access to healthy food and raising awareness concerning food security issues, and undertaking actions such as encourage backyard farming/gardening for local residents and local farmers markets.

Support local food producers to maintain and grow their operations where feasible.

Consider developing a flexible approach to food production in open spaces, such as community gardens.

Allow the keeping of animals in suitable zones following humane and enviro-friendly practices.

Encourage tree planting, streetscaping, and other strategies to increase shade, cooling, and drainage, including the planting of strategic plant species (e.g. native trees, pollinators, etc.) on private and public land.

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## 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 Future Land Use Map, includes 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 (2024-2034). The policies are implemented 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 meet the needs of residents and maintain the rural character of Portugal Cove-St. Philip's. This is important 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 outport 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, in accordance with certified engineering and mitigation plans where applicable, 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;
- 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 (with the exception of senior's housing and/or non-market housing developments affiliated with provincial and/or federal grant programs, where Council may consider entering into a cost sharing agreement).

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 Provincial and Regional Context

### 3.2.1 Provincial Land Use Overlays

This section outlines the requirements of provincial interests that were referenced in the Interdepartmental Land Use Committee report and mapped on the provincial Land Use Atlas. These provincial interests shall be shown as 'overlays' on the Future Land Use Map of the Municipal Plan and the Land Use Zoning map of the Development Regulations. They require consideration of the Town when reviewing development in these areas. It is the policy of the Town to address the provincial interests which interests include:

- 1) **Agricultural leases:** Applications for development in the vicinity of the Agricultural leases shall be referred to the Land Stewardship Resources Division for comment.
- 2) **Agricultural Development Area:** These are lands designations under the *St. John's Urban Region (Agriculture) Development Area Regulations, 1996*, under the *Lands Act, 1990*, and all applications must be referred to St. John's Land Development Advisory Authority;
- 3) **Agriculture buffer (Mink farm):** Development applications within the 100 metre radius of the mink farm must be referred to the Land Stewardship Resources Division for comment.
- 4) **Coastal Buffer:** Development is restricted within a 30-metre buffer from the coastline or top of cliff, as determined by the Geological Survey of Newfoundland and Labrador;
- 5) **Climate Change Hazard Line (4-metre contour):** Development below the 4-metre contour is potentially vulnerable to coastal erosion and/or storm surge damage; therefore, Council shall require a geotechnical assessment to be prepared by a certified qualified professional to determine and certify that appropriate structural design and other mediations have been applied due to the elevation of the proposed built form and the elevation of developable lands below the 4-metre contour.
- 6) **Designated Floodways (1:20) and Designated Floodway Fringe (1:100):** Only development listed under provincial government policy (see Schedule F) shall be considered and all development applications within these floodways shall be referred to the Water Resources Management Division for review;
- 7) **East Coast Trail:** Buffers for the East Coast Trail will be as follows: In the residential, commercial and mixed use zones, the minimum buffer will be 15 metres on either side of the trail; in rural, conservation, environmental protection, community recreation and rural zones, a minimum buffer of 50 metres on either side of the trail; and on barren lands in the rural zone this will be extended to 200 metres where possible.
- 8) **Noise Exposure Forecast:** Transport Canada Regulations, TP-1247E, Aviation-Land Use in the Vicinity of Aerodromes (found in Appendix 3) sets out guidelines to encourage compatible land use in the vicinity of airports. It outlines examples of how various land uses would be assessed in the Noise Exposure Forecast (NEF) zones in terms of community response predictions. Table 2 in the TP-1247E sets out these land use examples in four categories that are captured by three NEF contours, <NEF 30, NEF 30-35, NEF 35-40 and >NEF 40; therefore, only these three NEF contours are indicated on the Land Use zoning maps. For all zones within the NEF contours, the uses must be assessed with respect to the recommendations contained in Table 2 of the TP-1247E document, be found in Appendix 3. *Note:*
  - a. Land uses that are NOT restricted by the NEF: race tracks-auto, beaches & pools, marinas, parking lots, gasoline stations, warehouses, municipal utilities, ship yards and terminals,

quarries, lumber yards, highways, crop farms, market gardens and plant nurseries, cemeteries, and similar uses.

- b. No residential development shall be permitted above the NEF 35 contour as shown on the Land Use Zoning Maps UNLESS it is within, or immediately adjacent to, a built-up residential area with full municipal services, and that as a condition of a permit for a dwelling, the owner states that the owner is aware of the possible noise from aircraft noise, and that the owner will not bring legal action against the Town or the Government of Canada for any disturbance, possible health effects, or loss of property value or damage to property caused by aircraft noise or other activities associated with the St. John's Airport;
  - c. it is accessory to the use or operations of the Airport and/or is military in nature.
- 9) **Quarry Referral Buffers:** Any development applications within the 300-metre referral buffer shall be referred to the Mineral Lands Division for comment;
  - 10) **Survey Control Monuments:** The GIS and Mapping Division shall be contacted (GMD@gov.nl.ca) if works within the Town have the potential of disturbing an existing Survey Control Marker.
  - 11) **Habitat Management Unit:** These areas will be managed according to the requirements of the Wetland Stewardship Agreement as follows: Within the Management Units, lands shall be managed for better protection of the wetlands for waterfowl and other wildlife and applications for development will be referred to the Wildlife Division for comment. The Town shall permit only those activities that have no negative or adverse impact upon the wetland habitat or the waterfowl or other wildlife which utilize those habitats. Management Units shall be zones as environmental protection, conservations watershed protection or included within lands designated for recreation uses only.

Notwithstanding the regulatory compliance set out in Section 1.3, more detailed provincial and federal requirements are set out in Schedule A.

### **3.2.2 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 policy framework for municipalities within the St. John's Urban Region. that are prepared subsequent to the Regional Plan approval.

The Regional Plan Map was updated by SJURRP Amendment No. 3, 2014 to reflect the existing zoning in the registered Municipal Plan and Development Regulations that were in existence at that time. Since then, all municipal and development regulation amendments and regional plan amendments have been undertaken in tandem to ensure consistency between municipal and regional plans.

## 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 promote the extension of water and/or sanitary sewer services throughout the community. In areas that are located within proximity to existing water and/or sanitary sewer piped services, Council shall establish standards for requiring extensions to existing services and require that all larger subdivision developments and planned unit developments be connected to these services, so long as the land is designated/zoned for serviced or semi-serviced development.

**Policy GL-3:** 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 and suitability of the site for on-site septic systems in a manner consistent with the requirements of the Department of Digital Government and Service NL and the Water Resources Management Division, including groundwater assessments and cumulative effects of such systems.

**Policy GL-4:** Council may encourage the intensification of development in areas that are made newly accessible to piped water and sewer services. This may occur through extension of development along existing roads where the extension of such services is fiscally feasible, and the development of new streets and street extensions at the expense of the developer.

**Policy GL-5:** 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, building location, road widths, alignments, installation of municipal services, and other matters concerning current or future public works, and other land use considerations. Infill development standards must be provided in the zones where infill is permitted.

**Policy GL-6:** Council may require that a land development applicant 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-7:** Where development is proposed on adjacent parcels of land to the Town's municipal boundary and correspondingly on adjacent parcels of land to another municipalities 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 by setting out the requirement for certified professionals (i.e., professional engineers, biologists, etc.) to undertake the appropriate research and assessment of potential impacts on these resources, as required by Council. 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 a Schedule E-Environmental Protection Overlay in Development Regulations and Map 3-Environmental Protection Overlay Map for Environmental Protection. All land that falls within Map 3, regardless of its land use designation in Section 3.4 Specific Land Use Policies and on the Future Land Use Map of this Plan, and Schedule C and the Development Regulations map of the Development Regulations shall be subject to the terms and conditions mapped and detailed in the Schedule E-Environmental Protection Overlay.

**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. Certified engineering and mitigation plans will be considered when reviewing development applications.

##### 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 for advice and/or regulatory approval and/or recommendations (Refer to Schedule A for current Division/agency requirements).



**Policy GE-4:** Council may reject permits or create special conditions to develop on lands with soil and drainage conditions that, in the opinion of a qualified hydrologist consultant, may not be 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, including a 30-metre buffer along coastlines and waterbodies, and a 15-metres buffer on watercourses and surrounding wetlands. Development in these areas may be subject to Provincial policies, such as the Water Resources Management Policy Directives (W.R. 97-1, W.R. 97-2, W.R. 91-1, W.R. 96-1, and W.R. 95-01) as detailed in the Terms and Conditions of the Schedule E-Environmental Protection Overlay contained in the Development Regulations. The environmentally sensitive features, including steep slopes and a steep slope buffer of 10-metres, will be mapped according to the most up-to-date data available.

**Policy GE-6:** Where Council believes that a proposed development may affect a wetland, Council may:

- (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 a certified engineering consultant cannot provide proof that identified impacts cannot be sufficiently minimized or mitigated.
- (e) Classify wetlands as High, Medium and Low Protection Wetlands and set out associated professional technical requirements regarding geophysical site characteristics and habitat assessments.

**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 shall 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 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 and Map 3- Environmental Protection Overlay Map that are identified as designated flood risk areas entitled Floodways and Floodway Fringe on the most recent mapping provided by the Water Resources Management Division and shall be subject to the Water Resources Management Division Policy for Floodplain Management W.R. 96-1 and the *Water Resources Act, 2002*.

### **Storm Drainage**

**Policy GE-10:** 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. The development application shall address drainage and grading of the site and Council may require a more detailed site drainage and grading plan to be prepared by a qualified professional for submission to the Town as part of the application review.

**Policy GE-11:** Council may prohibit development on any site where it would otherwise be permitted or add special conditions when in the opinion of 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-12:** 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) Take advantage of the topography to maintain natural drainage, for example, retaining natural depressions in the landscape to accumulate runoff and promote soil infiltration;
- (e) Re-establish vegetative cover as rapidly as possible in drainage ditches and other areas disturbed by construction activity; and/or
- (f) Apply a 'no net increase' approach to stormwater management.

### **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 regarding areas of Provincial Interest or regarding federal or provincial review or permits (See Section 3.2.1 and Schedule A).

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 undeveloped public 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 undeveloped public open space where applicable, water or sewer servicing, on-site well 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 undeveloped public open space where applicable, on-site well and 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 shall solicit and consider input from neighbouring landowners when reviewing applications to subdivide land into four (4) or more lots (including the residual lot) which requires the construction of a new street or extension of an existing street, or a planned unit development that will result in three (3) total buildings or more 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.

### **Undeveloped Public Open Space Dedications**

**Policy SD-7:** For each application to subdivide land into four (4) lots or more (including the residual lot) or a planned unit development is proposed that will result in three (3) total buildings or more, Council shall require the developer to provide land to the Town for undeveloped public open space 10 percent of the gross area of the land to be developed (this could be parkland, trails, or undeveloped public open space). Alternatively, in lieu of land dedication, Council may decide to accept a sum of money equal to 10 percent of the equivalent appraised market 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 may 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 front and rear portion of new building lots.

### **Subdivision Agreements**

**Policy SD-9:** Where subdivision of land requires the construction of a new street(s) or the extension or upgrading of an existing publicly maintained street, Council shall require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

## **3.3.4 Other General Policies**

### **3.3.4.1 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 and zones. 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.

#### **3.3.4.2 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.

#### **3.3.4.3 Public Streets and Roads**

**Policy GLU-4:** Council shall permit public streets, roads and associated infrastructure (e.g. bridges, drainage ditches, road signage, streetlights 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.

#### **3.3.4.4 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.

#### **3.3.4.5 Public Rights-of-Way, Easements, and Licensed Trails**

**Policy GLU-6:** Council shall ensure that the development of land and buildings in the vicinity of a public right-of-way, easement, and/or licensed trail does not obstruct public passage or interfere with any legal right of Council or authorized authority to develop or improve the right-of-way.

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

#### **3.3.4.6 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, snow clearance, and off-street vehicle parking space clear of the road allowance.

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

**Policy GLU-9:** All development shall front onto a publicly maintained road (Provincial or Municipal). Exceptions include: (1) a development within a Planned Unit Development where there may be an internal road plan (which shall be set out in the Development Regulations); however, the Planned Unit Development shall front onto a publicly maintained road; (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc.; and (3) recreational cottages located on a resource road and remote cottages not accessible by highway vehicle.

#### **3.3.4.8 Sustainable Energy Development**

**Policy GLU-10:** Council may consider and permit the development of renewable energy facilities. This Municipal Plan focuses on 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; and
- (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.

#### **3.3.4.9 East Coast Trails**

Council recognizes the importance of the East Coast Trails Association and supports the development of the East Coast Trail and encourages the cooperation of the Association to facilitate 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 Future Land Use Map and Land Use Zoning map and shall encourage landowners along the proposed route to cooperate in facilitating the trail's development. Within the constraints of municipal resources, Council shall work with trail proponents, residents, and landowners to develop the East Coast Trail through the town.

**Policy GLU-13:** Council will establish buffers along the East Coast Trail in the Development Regulations to reflect the urban and rural and wilderness sections of the East Coast Trail.

#### **3.3.4.10 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.

#### **3.3.4.11 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, with the exception of Residential Rural zoned lands.

**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.

#### **3.3.4.12 Inclusion**

The residents of Portugal Cove-St. Philip's wished for a more inclusive and equitable environment for all residents. The following policies contribute to creating such an inclusive community:

**Policy GLU-19:** Accessible infrastructure: Ensure that public infrastructure is accessible to people with disabilities and mobility impairments, including public transportation, sidewalks, and public buildings.

**Policy GLU-20:** Affordable housing: Develop policies and programs to ensure that all residents can find affordable housing within the community, regardless of their income level.

**Policy GLU-21:** Communications: Provide language or other services, such as translation and interpretation, to ensure that all community members have access to important information and services.

**Policy GLU-22:** Inclusive economic development: Develop policies and programs that support the growth of local businesses, including minority-owned businesses and businesses owned by women and people with disabilities.

**Policy GLU-23:** Community engagement: Create opportunities for community members to participate in decision-making processes and provide feedback on municipal policies and initiatives.

#### **3.3.4.13 Cultural Vitality**

Incorporating arts, culture and wellness policies into municipal plans can have a significant impact on the cultural vitality and economic well-being of a community. Such policies can help to create a vibrant arts scene, foster creativity and innovation, attract and retain businesses, create cultural tourism opportunities, and enhance the overall quality of life for residents.

**Policy GLU-25:** Council may apply public art requirements for new development projects, particularly public use buildings and community venues and support the creation and installation of public art and cultural infrastructure, such as public murals, sculptures, and cultural centers, to enhance the cultural identity and vibrancy of the community.

**Policy GLU-26:** Council may provide funding for cultural organizations and events and provide venues to host such events for the benefit of residents and tourists alike. Promoting social connectedness and inclusivity through initiatives such as community engagement programs and cultural events also promotes community wellness.

**Policy GLU-27:** Council shall facilitate the arts by considering the provision of studio and rehearsal spaces for artists as a permitted home business allowed either in the principal structure or accessory building in all residential zones.

**Policy GLU-28:** Council shall incorporate arts and cultural tourism into economic development plans to enable Portugal Cove-St. Philip's to become an art tourism attraction, similar to Fogo Island, Trinity, etc. or a festival or event destination.

**Policy GLU-29:** Council shall encourage creative placemaking and community-driven arts initiatives to create a sense of community and create a distinct common identity for the Town.

**Policy GLU-30:** Council may undertake measures to protect and preserve historic buildings, landmarks, and cultural traditions that are important to the identity of the community and provide resources for heritage preservation and interpretation.

**Policy GLU-31:** Council shall encourage the adaptive reuse of heritage buildings for modern uses, while preserving their historical character and architectural features.

#### **3.3.4.14 Permit Not Required**

**Policy GLU-32:** Council shall establish a list of land uses which do not require a permit from the Town prior to development.

#### **3.3.4.15 Transportation**

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



## **Transportation Policies**

### **Design Considerations**

**Policy T-1:** Council shall encourage new public roads to be located and constructed 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 persons. This shall include the utilization of curb cuts at designated crosswalks and other appropriate areas.

**Policy T-3:** Council may 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.

**Policy T-4:** Council shall ensure that appropriate public street and road reservations are reserved along public roads to provide for road connections to back-land areas with future development potential.

**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:** Where land fronting directly onto an existing public road is subdivided into four (4) or more lots (including the residual land), Council may:

- a. Require the applicant to develop a pedestrian walkway along the frontage of their property within the public road reservation; or
- b. Require the applicant to convey land to the Town (at no cost to the Town) to accommodate future development of a pedestrian walkway (where the current road reservation width or road alignment would not accommodate development of a pedestrian walkway as it exists at the time of application).

### **Rural Arterial Roads**

The primary purpose of rural arterial roads is to provide safe and efficient traffic flow for vehicles travelling within or through the Planning Area. Roads classified as Rural Arterial within the Planning Area include sections of Thorburn Road (from the boundary with the City of St. John's to the intersection with St. Thomas Line), and Portugal Cove Road (from the boundary with the City of St. John's to the intersection with Neary's Pond Road).

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.

**Policy T-7:** Council shall discourage individual property accesses onto rural arterial roads. New development along these corridors will be encouraged to locate on adjoining publicly maintained side roads where feasible.

### **Rural Collector Roads**

The primary purpose of rural collector roads is to distribute traffic within different parts of the town and to facilitate traffic flow to rural arterial roads. Rural collector roads within the Planning Area include

Portugal Cove Road (from the intersection with Neary's Pond Road onward), Beachy Cove Road, Tuckers Hill Road, Thorburn Road (between the intersections of St. Thomas Line and Tuckers Hill Road), St. Thomas Line, Neary's Pond Road (to the intersection of Western Gully Road), Indian Meal Line, Bauline Line Extension, Old Broad Cove Road, Bennetts Road, Tolt Road and Dogberry Hill Road.

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.

### **Rural Local Roads**

Rural local roads are intended to serve abutting frontages and generally are not used by traffic except to approach adjoining properties and adjoining local streets. The remaining public roads within the Planning Area are categorized as rural local roads.

**Policy T-8:** Council shall require new rural local roads and the redevelopment of existing rural local roads to include provision for one pedestrian walkway; with the exception of short cul-de-sacs at Council's discretion. The required type of pedestrian walkway will be in accordance with the design standards stipulated by Council.

**Policy T-9:** Council shall require adequate space for efficient snow clearing and for vehicles to turn around without difficulty on all new cul-de-sac and other roads. The maximum permitted length of a proposed new cul-de-sac will primarily consider factors that may affect the safety of residents and other users of the road.

**Policy T-10:** 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 may, at their discretion, require applicants proposing large scale subdivisions or planned unit developments to construct or upgrade nearby intersections, roads, sidewalks, parks, and/or trails to better integrate the Development within the neighborhood. Council may 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 rural 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-11:** 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-12:** 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**

Provisions 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-13:** Council shall require that new development applications include a site plan showing how access and parking is to be arranged and that these considerations are made a condition of approval, which can be enforced by the Town.

### 3.4 Specific Land Use Policies

#### 3.4.1 Land Use Designations and Zoning

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Municipal Planning Area of the Town of Portugal Cove-St. Philip’s is divided into land use classes. Within each land use class, a land use designation shall be defined and mapped on the Future Land Use Map. Within the designation, the Municipal Plan shall set out the Land Use Zones that shall be shown on the Land Use Zoning Map of the Development Regulations, as shown on the following table.

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LAND USE CLASS	Future Land Use Designation Municipal Plan	Land Use Zone Development Regulations
AGRICULTURE	Agriculture	1. Agriculture (AG)
CONSERVATION	Conservation	2. Conservation (CON)
		3. Conservation-Cultural
		4. Protected Watershed (PW)
COMMERCIAL- INDUSTRIAL	Commercial Industrial	5. Commercial Industrial
		6. Rural Industrial
MIXED USE	Mixed Use	7. Mixed Development (MD)
		8. Community Mixed (CM)
	Traditional Community (TC)	9. Traditional Community (TC)
PUBLIC USE	Public Use	10. Public Use (PU)
		11. Recreation (REC)
		12. Arts, Wellness and Heritage (AWH)
RESIDENTIAL	Residential	13. Residential Low Density (RLD)
		14. Residential Medium Density (RMD)
		15. Residential Rural (RR)
		16. Residential Small Lot (RSL)
		17. Residential Sustainable Subdivision (RSS)
RURAL	Rural	18. Rural (RUR)
ECO	Eco-Village	19. Eco-Village Sustainable Agriculture (EVSA)
		20. Eco-Village Cluster (EVC)

### 3.4.2 Interpretation

It is a policy of Council to:

- 1) Establish Future Land Use designations on the Future Land Use Map.
- 2) Refine each Municipal Plan land use designation into land use zones for the Development Regulations.
- 3) Set out the permitted, discretionary, and prohibited land uses for each zone.
- 4) Indicate the following uses in each zone in the Development Regulations:
  - a. Set out permitted uses in each zone and that can be approved, with or without conditions;
  - b. Set out discretionary uses in each zone where Council determines that the use may negatively affect the predominant uses of the zone and that in order to mitigate this impact, it is desirable to consult with the public and possible affected parties prior to issuing (with or without conditions) or refusing a permit;
  - c. When evaluating a permitted or discretionary use, consider the following:
    - i. Whether the use is appropriate for the site and the immediate surrounding area;
    - ii. the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the designation shown on the Future Land Use Maps in which the use is located.

- 5) Provide the following interpretation of boundaries between land use designations: the boundaries between land use designations are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits.

### 3.4.3 Uses and requirements that apply in all zones

- 1) Set out the uses that are permitted, and conditions to be applied, in all Future Land Use designations and Land Use zones which shall include:
  - a. Conservation uses ('environmental protection' and 'open space, parks and trails');
  - b. Mineral exploration that is not classed as 'Development' (as defined under the *Urban and Rural Planning Act, 2000*);
  - c. Public infrastructure and services such as, utilities and municipal services; and
  - d. Accessory uses and buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use; accessory dwelling units in residential zones or a permitted commercial use only; and wharves/boathouses/ slipways/breakwaters, where they are accessory to a principal use.
- 2) Protect either the East Coast Trail or a Town trail identified in the Town's Trails Master Plan with a minimum 15-metre undisturbed buffer between the proposed development and the trail. Where trails are located along existing street rights of way, no buffer is required. These trails are intended for pedestrian use and in the interests of public safety, it is a policy of Council to prohibit ATV use on these trails. ATVs are only to be used on trails that are identified specifically for ATV use. Development shall not obstruct access to these trails.
- 3) To encourage the preservation of natural features such as beaches, mature tree cover, areas of steep slopes and wetlands to support the preservation of ecosystems and cultural landscape features for future generations. New development shall be required to be designed to minimize environmental impacts.
- 4) To ensure that public access to and along the shoreline of Conception Bay is preserved, new development shall not be permitted to block or prevent public access by virtue of backfilling, depositing materials, or erection of gates or fences. The impact on public access of the construction of wharves, docks or marinas along the shoreline will be considered in the review and approval of development applications.

### 3.4.4 Agriculture

#### General Intent

Lands for Agriculture use are designated as AG on the Future Land Use Map and the Land Use Zoning map. The AG lands include both the Agricultural Development Areas designated under the *Lands Act, 1990*, agricultural land grants and leases, lands where there are existing agriculture operations, and land which the Town has recognized as having agricultural potential. The intent of the agriculture policies are to protect agricultural lands from conflicting uses of land and to provide existing farm operations with the assurance that they can continue to operate without conflict. As well the policies will reflect opportunities that complement the objectives of the regional Agricultural Strategy led by the Town of Portugal Cove-St. Philip's.

#### **3.3.4.1 Agriculture zone policies**

**Policy AG-1:** Council shall refer all proposed developments for lands designated as Agricultural Development Areas under the Lands Act, 1990 to the St. John's Lands Advisory Authority for recommendation. (see Section 3.2.1 for Overlays and Schedule A for provincial interests).

**Policy AG-2:** 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-3:** 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-4:** Council shall require new livestock operations to maintain a minimum separation distance of 300metres (984.25 feet), as specified by Regulation 45 of the Town's Development Regulations.

**Policy AG-5:** New residential developments, but not including farm dwellings, shall maintain a minimum separation distance of 300.0 metres (984.25 feet), from existing livestock and poultry operations.

**Policy AG-6:** For farm operations that do not have livestock or poultry, the Town shall consider appropriate separation distances and buffers between agriculture and non-agriculture uses.

**Policy AG-7:** 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 Agriculture designated lands, non-farm dwellings may be considered as a discretionary use on the basis of any of the following criterion:

- A single detached dwelling being a subsidiary use to a commercial agricultural operation, horse boarding stable, or kennel;
- Limiting any potential single detached 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; and,
- Where deemed required, a professional soils or agriculture specialist report and recommendations being submitted by the applicant to the Town for review.

**Policy AG-8:** It is the policy of Council to provide for an Agriculture Future Land Use designation on the Future Land Use mapping and within this designation provide for the Agricultural zone on the Land Use Zoning map of the Development Regulations.

**Policy AG-9:** It is the policy of Council in the Agriculture designation to provide for an Agriculture zone in the Development Regulations which shall have the following uses:

- a. **Permitted:** Agriculture Related Housing; Agricultural-related housing; Agri-Tourism; Closed-Sided Animal Enclosure; Community Garden; Extension Residential; Farm Operation; Farm Retail Sales; Horse Boarding Stable; Keeping of Animals; Outdoor Market; Residential Agriculture; Small Farm Homestead; Uses as set out in 3.4.3 (1);
- b. **Discretionary:** Composting Facility; Energy Generation Facilities; Farm Processing; Kennel; Industrial-Light; Natural resource related uses—directly related to agriculture only;

### 3.4.5 Conservation

#### **3.4.5.1 General Conservation policy**

**Policy GEN-CON-1:** It is the policy of Council to provide for a Conservation Land Use designation on the Future Land Use mapping; and in this designation provide for the following zones in the Development Regulations:

- a. Conservation;
- b. Conservation-Cultural; and,
- c. Protected Water Supply.

#### **3.4.5.2 Conservation zone policies**

##### **General Intent**

The intent of the Conservation zone is to prevent development in environmentally sensitive or hazardous areas, areas threatened by the effects of climate change, or areas that should be protected for their environmental integrity or contribution to appreciation of nature by the community.

##### **Conservation policies**

**Policy CON-1:** It is the policy of Council in the Conservation zone to provide the following uses:

- a. **Permitted:** Uses which shall be permitted in all land use zones as set out in 3.4.3 (1);
- b. **Discretionary:** Outdoor Market; Public gathering places-outdoor; Restaurant-mobile take-out/street vendor only;.

**Policy CON-2:** It shall be a policy of Council to restrict development in environmentally sensitive or hazardous areas, areas threatened by the effects of climate change, or areas that should be protected for their environmental integrity or contribution to appreciation of nature by the community.

**Policy CON-3:** Council may encourage and support the conservation and use of natural areas for recreation, eco-tourism and outdoor education.

**Policy CON-4:** Council may work in partnership with citizen groups and community, environmental and recreation organizations to foster a sense of environmental stewardship and create more nature-based opportunities for people of all ages and capabilities.

#### **3.4.5.3 Conservation-Cultural zone policies**

### **General Intent**

The intent of this zone is to protect the natural environment for its intrinsic value, also for values related to arts, wellness and heritage, enhancing the aesthetics of the community, providing parks for the enjoyment of the natural environment for residents and tourists, and protecting trails and trail assets and ensuring the safety of trail users.

### **Conservation-Cultural Policies**

**Policy CON-C-1:** It is the policy of Council in the Conservation-Cultural zone to provide the following uses:

- a. **Permitted:** Campground (no recreational vehicle campgrounds are allowed); Custom manufacturing service and sales limited to artist/artisan and cultural heritage businesses; Garage, public parking/taxi stand; and Uses allowed in all zones as set out in 3.4.3 (1);
- b. **Discretionary:** Outdoor Market; Public gathering places-outdoor; Resort-Accommodation only;.

**Policy CON-C-2:** Council may encourage and support the conservation and use of natural areas for recreation, eco-tourism and outdoor education.

**Policy CON-C-3:** Council may work in partnership with citizen groups and community, environmental and recreation organizations to foster a sense of environmental stewardship and create more nature-based opportunities for people of all ages and capabilities.

### **3.4.5.4 Protected Water Supply zone policy**

#### **General Intent**

Land for Protected Water Supply is designated PW on the Future Land Use Map of the Municipal Plan and the Land Use Zoning map of the Development Regulations to protect the quantity and quality of water in existing and proposed public drinking water supply areas, as designated under the *Water Resources Act, 2002*, including:

- The Blast Hole Protected Water Supply Area;
- The Windsor Lake Protected Water Supply Area (which falls under the authority of the City of St. John's and its legislation, the City of St. John's Act); and,
- The Great Pond Potential Water Supply Area.

#### **Protected Water Supply Policies**

**Policy PW-1:** It is the policy of Council in the Protected Water Supply zone to provide the following Permitted Uses: Uses consistent with the 'Policy Directive on Land and Water Development in Protected Public Water Supply Areas' by the Water Resource Management Division taking into consideration Section 39 of the Water Resources Act which details activities that are prohibited from protected water supply areas; and uses which shall be permitted in all land use zones as set out in 3.4.3 (1);

**Policy PW-2:** The Town shall refer development proposals and proposed new uses for land located within or immediately adjacent to the Windsor Lake Protected Water Supply Area to the City of St. John's, as controlling authority for the watershed, for review and comment.



**Policy PW-3:** 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.

**Policy PW-4:** All proposed development activities within the Blast Hole Protected Water Supply Area and the Great Pond Potential Water Supply Area require prior approval under Section 39 (6) of the Water Resources Act.

**Policy PW-5:** The owner/ operator of land within a designated area is responsible for protecting the water supply.

**Policy PW-6:** Council shall additionally refer all proposed land uses for 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 Climate Change, Water Resources Management Division for prior approval.

**Policy PW-7:** 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-8:** Conservation uses expressly related to managing and protecting the water supply shall be considered by Council as a permitted use.

**Policy PW-9:** Council shall not consider, support, or permit any form of new urban land development proposed to be located within the Watershed Protection Areas (note that existing non-conforming uses are allowed to remain, subject to restrictions).

### **3.4.6 Commercial-Industrial**

#### **3.4.6.1 General Commercial-Industrial policy**

##### **General Intent**

Given the large geographic size of the town and correspondingly large areas of land that will not be serviced for residential or other more intense development, the Town wishes to provide opportunities for employment-generating businesses that are not compatible with residential or commercial neighbourhoods in these rural areas. The areas for the rural industrial zone are close to main roads in the community and away from the primary agricultural lands. It is intended that buffers and screening would be required to preserve the rural character of the town, yet allow for economic growth by allowing these industries and associated support businesses to locate in Portugal Cove-St. Philip's.

**Policy GEN-CI:** It is the policy of Council to provide for a Commercial-Industrial Land Use designation on the Future Land Use mapping; and in this designation provide for the following zones in the Development Regulations:

- Commercial-Industrial zone;
- Rural Industrial zone.

#### **3.4.6.2 Commercial-Industrial zone policy**

**Policy CI-1:** It is the policy of Council in the Rural Industrial zone to provide the following uses:

- Permitted:** -Commercial Land Use Class (5.3): All Uses including: Amusement Establishment/Use, Auto Body Shop, Automotive Repair Shop, Bar/Licensed Liquor Establishment, Building Supply Store, Child Care- Non-residential, Club and Lodge for Community groups, Contractor, Limited (Small), Convenience Store, Custom Manufacturing Service and Sales-small/artisan, Garage/Public Parking/taxi stand, General Service/Repair Shop, Hotel or Inn, Marina, Medical or dental clinic/office, Motel, Outdoor Market, Personal Service, Offices: Professional, Financial and Associated Support Services, Resort, Restaurant-Take-Out, Full-Service Restaurant, Mobile Take-Out or Street Vendor, Retail, Service Station, Veterinarian Clinic, EXCEPT Campgrounds, Resort, Hostel; Industrial General; Industrial Mall; Industrial- Light; Protective and Emergency Service; Public Gathering Places–Indoor; Uses allowed in all zones as set out in 3.4.3 (1);
- Discretionary:** Composting Facility; Contractor, General; Crematorium; Energy Generation Facilities; Industrial-Heavy and/or Hazardous; Marina; Outdoor Market; Salvage/scrap yard; Solid Waste/Recycle/Disposal/Compost; Sports and Recreation Facilities;

#### **3.4.6.2 Rural-Industry zone policies**

**Policy RI-1:** It is the policy of Council in the Rural Industry zone to provide the following uses:

- Permitted:** Agriculture-related housing; Agri-Tourism; Closed-Sided Animal Enclosure; Community Garden; Composting Facility; Contractor, General; Extension Residential; Farm Operation; Farm Retail Sales; General Service/repair; Home Business (not requiring notice); Horse Boarding Stable; Keeping of animals; Kennel; Mineral Exploration-development; Natural Resource-related uses; Outdoor Market; Protective and Emergency Services; Residential Agriculture-including Hobby farm and Home Gardening; Single detached dwelling associated with agricultural use; Small Farm Homestead; Uses set out in 3.4.3 (1); Veterinary Clinic;
- Discretionary:** Auto Body shop; Automotive Repair shop; Automotive Sales and service establishment; Building Supply Store; Cemetery; Campground; Cottage; Crematorium, Custom Manufacturing Service; Energy Generation facilities; Farm Processing; Home Business (requiring notice); Industrial Light; Industrial General; Industrial Mall; Industrial-Heavy and/or hazardous; Mineral Working; Mining; Public Gathering Places – Indoor; Public Gathering Places – Outdoor; Resort; Retail; Salvage/scrap yard; Solid Waste/Recycle/Disposal/Compost; Sport and Recreation facilities;  
Amusement Park/Attraction; Service Station;

### **3.4.7 Mixed Development**

### **3.4.7.1 General Mixed Development Policy**

**Policy GEN-MIX-1:** It is the policy of Council to provide for a Mixed Use Future Land Use designation on the Future Land Use mapping and in this designation provide for the following zones in the Development Regulations:

- a. Mixed Development, and;
- b. Community Mixed.

### **3.4.7.2 Mixed Development zone policy**

#### **General Intent**

Land for Mixed Use is designated as MIX on the 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 Land Use Zoning Map as Mixed Development (MD). Detailed requirements of this zone are outlined in Section 3.2.7 of the Development Regulations.

#### **Mixed Development zone policies**

**Policy MIX-1:** It is the policy of Council that the Mixed Development land use zone in the Development Regulations shall have the following uses:

- a. **Permitted:** Apartment building (with commercial allowed on first floor); Business support service; Child Care, Non-residential; Service Club and Lodge-as set out in Condition; Community Garden; Convenience store; Dormitory; Garage/public parking, taxi stand; General Service/repair; Homes businesses(not requiring notice); Keeping of Animals; Medical or Dental Clinic/office; Nonmarket housing; Non-Market Housing; Offices; Personal Service; Plex housing; Public Gathering Place – indoor; Residential Agriculture; Restaurant; Retail; Short Term Residential Rental; Single detached dwelling; Semi-detached dwelling; Townhouse; Uses set out in 3.4.3 (1);
- b. **Discretionary:** Amusement establishment/use; Bar/licensed liquor establishment; Building supply store; Contractor, General; Contractor, Limited Small; Custom manufacturing service and sales small/artisan; Garage, Public parking/taxi stand; Hostel; Hotel or Inn; Industrial – light; Industrial Mall; Institutional; Mobile street vendor non-food or office; Motel; Outdoor Commercial Patio; Outdoor Market; Protective and Emergency services; Public Gathering Places-indoor; Public Gathering Places-outdoor; Service Station; Shopping centres/retail warehouse/strip mall; Sport and Recreation Facilities; Veterinary Clinic;

**Policy MIX-2:** 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-3:** Council shall evaluate developments within the Mixed Use designation to the additional requirements expressed in this Municipal Plan, including those Policies related to Residential and Public uses, as applicable.

### **3.4.7.3 Community Mixed zone policy**

#### **General Intent**

This one was created to permit and expand local access to a mix of residential housing types, particularly senior's and affordable housing, recreational open space, and community amenity based commercial and public uses. Detailed requirements of this zone are outlined in Section 3.2.8 of the Development Regulations.

#### **Community Mixed zone policies**

**Policy CM-1:** It is the policy of Council in the Community Mixed zone to provide the following uses:

- a. **Permitted:** Apartment building; Business support service; Child Care, Non-residential; Service Club and Lodge; Community Garden; Convenience store; Dormitory; General Service/repair; Home Business (not requiring notice);
- b. Hostel; Hostel; Institutional Uses; Keeping of Animals; Medical or Dental Clinic/offices; Non-Market Housing; Offices; Personal Service; Plex housing; Protective and Emergency Services; Public Gathering Place – indoor; Public Gathering Places-outdoor; Residential Agriculture; Restaurants; Retail; Semi-detached dwelling; Short Term Residential Rental; Single detached dwelling; Sports and recreation facilities; Townhouse; Uses set out in 3.4.3 (1);

**Discretionary:** Amusement establishment/use; Bar-licences liquor establishment; Garage, public parking, taxi stand; Mobile street vendor non-food or office; Outdoor Commercial patio; Outdoor Market; Shopping centres/retail warehouse; Tiny homes;

**Policy CM-2:** Council may consider incentives and/or special conditions to promote the development of senior's housing and/or non-market housing within the Community Mixed designation.

**Policy CM-3:** In evaluating proposals for new development in Community Mixed 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 CM-4:** When evaluating proposals for new planned-unit developments in Community Mixed areas, Council may require connectivity, road standards, or walkability standards higher than what is generally required.

**Policy CM-5:** Council shall evaluate developments within Community Mixed areas to the additional requirements expressed in this Municipal Plan, including those Policies related to Residential and Public Uses, as applicable.

### 3.4.8 Traditional Community

#### General Intent

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

- a) New residential development will maintain the Town's rural character, including the historical harbour areas in the vicinity of Portugal Cove and St. Philip's;
- b) The preservation and enhancement of buildings, structures and sites of architectural or historic interest will be encouraged;
- 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-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 may 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).

#### 3.4.8.1 Traditional Community zone policies

**Policy TC-1:** It is the policy of Council to provide for a Traditional Community Future Land Use designation on the Future Land Use mapping; and in this designation provide the Traditional Community zone in the Development Regulations.

**Policy TC-2:** It is the policy of Council that in the Traditional Community land use the following uses are allowed:

- a. **Permitted:** Keeping of Animals; Child Care-non-residential; Community Garden; Convenience store; Home Business (not requiring notice); Marina; Medical or Dental Clinic/office; Non-Market Housing; Personal Service; Public Gathering Place – indoor; Residential Agriculture; Restaurant; Retail; Semi-detached dwelling; Short-Term Residential Rental; Single Detached Dwelling; Uses set out in 3.4.3 (1);
- b. **Discretionary:** Amusement establishment/use; Aquaculture; Bar; Boarding house; Business support service; Campgrounds; Cemetery; Club and Lodge; Fishery; General Service/repair; Home Business (requiring notice); Hostel; Hotel; Industry, General; Industry, Light; Institutional; Motel; Outdoor Market; Personal Service; Protective and emergency services; Public Gathering Places-outdoor; Resort-Accommodations only; Small farm-homestead; Sports and Recreation facilities; Townhouse;

**Policy TC-3:** Council may 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 may determine specific terms and conditions that apply on a development application so that the development will not detract from the character or built heritage of the area.

**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:** 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-7:** Council may 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-8:** 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 waterfronts, including existing wharf offloading facilities for crab, lobster, and cod, and related onshore fisheries facilities.

### 3.4.9 Public Use

#### **3.4.9.1 General Public Use policies**

**Policy GEN-PU-1:** It is the policy of Council to provide for a Public Use Future Land Use designation on the Future Land Use mapping and in this designation provide for the following zones in the Development Regulations:

- Public Use zone
- Recreation zone
- Arts, Wellness and Heritage zone.

#### **3.4.9.2 Public Use zone policy**

##### **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, recreational, health care and educational needs of the community. Lands designated Public (PU) shall be also zoned on the Zoning Map as Public Use (PU). Detailed requirements of this zone are outlined in the Development Regulations.

##### **Public Use zone policies**

**Policy PU-1:** It is the policy of Council in the Public Use zone to provide the following uses:

- a. **Permitted:** Amusement establishment/use; Child Care-non-residential; Service Club and lodge;

Institutional Use; Medical and Dental clinic/office; Public Gathering Place–indoor; Public Gathering Place-Outdoor; Sports and Recreation facilities; Restaurants; Uses set out in 3.4.3 (1);

b. **Discretionary:** Cemetery; Outdoor Market;

**Policy PU-2:** 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.

### **3.4.9.3 Recreation zone policy**

#### **General Intent**

Land for Recreation is designated REC on the Future Land Use Map and the Land Use Zoning Map to provide for the active and passive outdoor recreational needs of Town residents and visitors. The intent of the Recreation designation is to create a community-wide recreation service that includes the larger community. The Recreation designation includes the Town’s parks and is 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.

#### **Recreation Policies**

**Policy REC-1:** It is the policy of Council in the Public Use zone to provide the following uses:

- a. **Permitted:** ALL Conservation uses; Amusement Park/Attraction; Child care non-residential; Community Garden; Institutional Uses–limited to recreation complex, such as an arena, multiuse sports and entertainment centres, swimming pools; and outdoor sports fields & bleachers; Mobile Street Vendor; Public Gathering-Outdoor; Sports and Recreation Facilities; Uses set out in 3.4.3 (1);
- b. **Discretionary:** Marina, outdoor market;

**Policy REC-2:** 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 Portugal Cove-St. Philips.

**Policy REC-3:** Council shall support opportunities to integrate the linear park system with the East Coast Trail and other traditional local trails and pathways as much as possible.

**Policy REC-4:** Council will encourage local residents, landowners, and private developers to cooperate with trail developers by facilitating access through and adjacent to private properties.

**Policy REC-5:** Within the constraints of municipal resources, it shall be a policy of Council to assist and facilitate trail development.

**Policy REC-6:** Where possible, Council will encourage a buffer on either side of an inland trail to provide a right-of-way that is appropriate to its context within the community.

#### **3.4.9.4 Arts, Wellness and Heritage zone policy**

##### **General Intent**

This zone was created to accommodate low impact development in areas that are to be protected for conservation with the goal of creating opportunities for the full community to connect with nature. To extend the durations and seasonality of the experience, low density accommodation and artisan workshops located on skilfully designed trails and paths (on-site roads) would be allowed. Conservation of the natural environment is a key priority in the design of any development in this zone.

##### **Arts, Wellness and Heritage zone policy**

**Policy AWH-1:** It is the policy of Council in the Arts, Wellness and Heritage zone to provide the following uses:

- a. **Permitted:** Campground- with conditions; Child care non-residential; Community Garden; Custom Manufacturing Service and Sales small/ artisan; Offices; Outdoor Market; Public Gathering Places– Indoor; Public Gathering Places – Outdoor; Resort; Restaurants; Retail; Short Term Residential Rental; Uses set out in 3.4.3 (1);
- b. **Discretionary:** Agri-tourism; Amusement establishment use; Bar-licences liquor establishment; Business support service; Club and lodge; Hostel; Mobile street vendor non food or office; Personal service;

#### **3.4.10 Residential**

##### **General Intent**

In guiding residential growth, Council shall promote a balance between the following guidelines:

- a) New residential development will maintain the Town's rural character
- b) Residential development opportunities will be designed to accommodate a mix of housing types to meet changing market conditions and socio-demographic needs of residents, including seniors, first-time homeowners, and new housing configurations, such as, co-housing;
- 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.

##### **3.4.10.1 General Residential Policies**

**Policy RES-1:** Council shall require that all new residential developments proposed to be located adjacent to watercourses and water bodies maintain an environmental setback buffer, as detailed in the Terms and Conditions of the overlay Schedule E contained in the Development Regulations.

**Policy RES-2:** 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-3:** 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.

**Policy RES-4:** It is the policy of Council to provide for a Residential Future Land Use designation on the Future Land Use mapping; and in this designation provide for the following zones in the Development Regulations:

- Residential Low Density (RLD);
- Residential Medium Density (RMD);
- Residential Rural (RR);
- Residential Small Lot (RSL); and
- Residential Sustainable Subdivision (RSS).

#### **3.4.10.2 Residential Low Density zone policy**

**RES-5:** It is the policy of Council that the Residential Low Density land use zone in the Development Regulations shall have the following uses:

- a. **Permitted Uses:** Child Care, non-residential; Community Garden; Convenience store; Home Business(not requiring notice); Keeping of Animals; Non-Market Housing; Residential Agriculture; Short-Term Residential Rental; Single Detached Dwelling; Uses set out in 3.4.3;
- b. **Discretionary Uses:** Boarding house; Business support service; Convenience store; Energy-Generation-private only; Home Business (requiring notice); Hostel; Institutional; Offices; Personal Service; Public Gathering Places-Indoor; Retail; Semi-detached dwelling; Small Farm Homestead;

#### **3.4.10.3 Residential Medium Density zone policy**

**RES-6:** It is the policy of Council that the Residential Medium Density land use zone in the Development Regulations shall have the following uses:

- a. **Permitted Uses:** Child Care, non-residential; Community Garden; Convenience store; Home Business (not requiring notice); Keeping of Animals; Non-Market Housing; Residential Agriculture; Semidetached Dwelling; Short-Term Residential Rental; Single Detached Dwelling; Uses set out in 3.4.3 (1);
- b. **Discretionary Uses:** Business support service; Energy-Generation facilities-private only; Home Business (requiring notice); Hostel; Institutional; Offices; Personal Service; Plex housing; Public Gathering Places-Indoor; Retail; Small Farm Homestead; Townhouse

#### **3.4.10.4 Residential Rural zone policy**

**RES-7:** It is the policy of Council that the Residential Rural land use zone in the Development Regulations shall have the following uses:

- a. **Permitted Uses:** Child Care, non-residential; Community Garden; Convenience store; Home Business-Home Business (not requiring notice); Keeping of Animals; Non-Market Housing; Residential Agriculture; Short-Term Residential Rental; Single Detached Dwelling; Uses set out in 3.4.3 (1);

- b. **Discretionary Uses:** Energy-Generation facilities-private only; Home Business(requiring notice); Institutional; Offices; Personal Service; Public Gathering Places-Indoor; Retail; Small Farm Homestead;

#### **3.4.10.5 Residential Small Lot zone policy**

**RES-8:** It is the policy of Council that the Residential Small Lot land use zone in the Development Regulations shall have the following uses:

**Permitted Uses:** Apartment Building; Child Care, non-residential; Community Garden; Convenience store; Home Business (not requiring notice); Medical or Dental Clinic/office; Mini Home; Non-Market Housing; Plex Housing; Residential Agriculture; Semi-Detached Dwelling; Short-Term Residential Rental; Single Detached Dwelling; Townhouse; Uses set out in 3.4.3 (1);

**Discretionary Uses:** v Boarding House; Dormitory; Energy Generation facilities; Home Business (requiring notice); Offices; Personal Service; Institutional– school and nursing home only; Retail; Tiny home;

#### **3.4.10.6 Residential Sustainable Subdivision zone policy**

##### **General Intent**

Residential Sustainable Subdivision land use zones are reserved to ensure availability of land for highly-controlled future growth and expansion. Council has identified a number of areas in the Town that 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 Subdivision Development plan 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 proposal will identify the proposed uses of the subject lands as well as information related to servicing and any relevant development phasing. The application will be reviewed by Council to determine conformity with the Municipal Plan and Development Regulations.

The Residential Sustainable Subdivision zone shall be mapped on the Land Use Zoning Map. Detailed requirements of this zone are outlined in the Development Regulations.

##### **Residential Sustainable Subdivision Policies**

**Policy RES-9:** Council has identified the following areas to be reserved for future residential development, as indicated on the Future Land Use Map:

1. Neary's Pond/ Western Round Pond
2. Mitchell's Pond/Hugh's Pond
3. Thorburn Road/Skinner's Road
4. Tucker's Hill

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

**#1: Neary's Pond/Western Round Pond**

- a. Public access to Neary's Pond and Western Round Pond shorelines;
- b. Road linkages with Neary's Pond Road, Witch Hazel Road and Old Broad Cove Road;
- c. Connections to trail system on Beachy Cove Hill, Greymans Beard Hill and Prince's Mountain Lookout;
- d. Site design that is sensitive to environmentally sensitive area (waterbodies, watercourses, wetlands, steep slopes, and flood risk areas); and,
- e. Appropriate transition with Residential, Rural and Agriculture surroundings.

**#2: Mitchell's Pond/Hugh's Pond**

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

**#3: Thorburn Road/Skinner's Road**

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

**#4: Tucker's Hill**

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

**RES-10:** It is the policy of Council that the Residential Sustainable Subdivision land use zone in the Development Regulations shall have the following uses:

- a. **Permitted Uses:** Child Care, non-residential; Community Garden; Convenience store; Home Business (not requiring notice); Keeping of Animals; Non-Market Housing; Plex Housing; Residential Agriculture; Semidetached Dwelling; Short-Term Residential Rental; Single Detached Dwelling; Townhouse; Uses set out in 3.4.3 (1);
- b. **Discretionary Uses:** Apartment building; Energy Generation facilities-private only; General Service/repair; Home Business(requiring notices); Restaurant-Take-out only;

**3.4.10.7 Residential Sustainable Subdivision Policies**

**Policy RES-11:** No subdivision of land into four (4) or more parcels (including the residual lot) shall be permitted except in accordance with a residential subdivision plan that has received the final approval of Council.

**Policy RES-12:** A Residential Subdivision Area Concept Plan shall be which may contain:

- a. a complete road layout for the RSS;
- b. the lot layout by applying the development standards of any of the following zones:
  - i. Residential Low Density (3.2.11),
  - ii. Residential Medium Density (3.2.12),
  - iii. Residential Rural (3.2.13), and
  - iv. Residential Small Lot (3.2.14).
- c. Residential Sustainable Subdivision Concept Plan is subject to all applicable requirements as set out in 3.1.6.
- d. Prior to a resolution for Approval-in-Principle, Council will give public notice and make the RSS Concept Pan available for public viewing, and consider all comments and representations received.
- e. No development will be permitted in any area a Residential Subdivision Area zone until a detailed site plan has been prepared for the full RSS and approved by Council, as follows:
  - i. The detailed site plan will show all road, open space, and detailed lot layout with area and setbacks, frontages according standards and conditions of the proposed densities for the RSA area;
  - ii. Be subject to a planning and engineering evaluation that will assess the feasibility of the proposed development with respect to environmental impacts, storm drainage, traffic circulation, the expected costs of future municipal servicing and infrastructure maintenance;
  - iii. Council will consider approving an RSS development application only if it deems the proposal to be feasible and appropriate for the area;
  - iv. The proposed Concept Plan must meet the requirements of Chapter 6 – Subdivision of Land.

**Policy RES-13:** 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-14:** 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-15:** 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.

**Policy RES-16:** Council shall promote extension of water and/or sanitary sewer services throughout the community. In areas that are located within proximity to existing municipal water and/or sanitary sewer infrastructure, Council shall establish standards for requiring extensions to existing services and require that all larger subdivision developments be connected to these services, so long as the land is designated/zoned for serviced or semi-serviced development.

**Policy RES-17:** Council shall require that all municipal 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. Approvals and inspections related to on-site water and sewer remain the responsibility

of the Government of Newfoundland and Labrador, including setting requirements for regular maintenance and monitoring for onsite and cumulative effects of such systems.

**Policy RES-18:** 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.

**Policy RES-19:** 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-20:** 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-21:** 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-22:** 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-23:** Council shall require that the construction of a new public street is in accordance with the construction standards stipulated by Council.

**Policy RES-24:** Council shall require that residential subdivision development in the vicinity of waterbodies, watercourses and wetlands be carried out in a manner that minimizes the potential for damage to water quality, fish and animal habitat, and riparian area, including, but not limited to:

- a. 15-metre watercourse buffer under Schedule E Environmental Protection Overlay between the environmental feature and a development, including landscaping and a septic sewer system;
- b. 30 metre buffer between any waterbody or wetland, and the coastline of Conception Bay under Schedule E Environmental Protection Overlay and a development, including landscaping and a septic sewer system;
- c. taking into consideration the Flood way and Floodway Fringe requirements and the 4-metre Climate change contour; and any requirements regarding fish habitat under federal jurisdiction

**Policy RES-25:** Council shall require the submission of a subdivision concept plan by a developer and it shall be the intent of Council to promote development concepts 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 concept; and
- 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 for Neighbourhood Development (LEED ND), Conservation Subdivision Design, New

Urbanism, Smart Growth, Stewardship Communities, or other innovative sustainable development and design initiatives.

### 3.4.11 Rural

#### **General Intent**

The Rural designation (RUR) on the Future Land Use Map and Land Use Zoning map are located away from the main urban core of the community.

The Rural designation/zone are used primarily for non-urban activities such as natural resource-based activities of forestry and agriculture, mineral working operations, and other uses which by the nature of size or activity are not suitable to be located in the built-up areas of the community. As most of these lands are not readily accessible by publicly maintained roads, these areas often become areas recognized for conservation, habitat preservation, and outdoor recreational and open space initiatives that require large open spaces. The Rural designation/zone may also be used for other non-residential uses which by the size, nature or activity are not suitable to be located in the more built-up (and predominantly residential) areas of the community.

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.

#### **3.4.11.1 General Rural policies**

**Policy RUR-1:** It is the policy of Council to provide for a Rural Future Land Use designation on the Future Land Use mapping; and in this designation provide the Rural zone on the Land Use Zoning map of the Development Regulations.

**Policy RUR-2:** 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-3:** 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.

**Policy RUR-4:** Council shall require that mineral working be carried out in a manner 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 Section 5.4.13 of the Development Regulations.

**Policy RUR-5:** Council shall require proposals for new mineral working 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-6:** Council shall establish standards in the Development Regulations aimed at reducing the potential impacts of mineral working operations on surrounding built-up areas and environmentally sensitive areas, and may:

- a. Restrict mineral working 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.

**Policy RUR-7:** All proposals for forest harvesting and management activities shall be referred to the Department of Fisheries, Farming, Natural Resources for identification of provincial requirements.

**Policy RUR-8:** Council shall require that any proposed logging activities respect the Town's objectives for environmental protection, scenic preservation, recreation areas, and municipal watershed protection.

#### **3.4.11.2 Rural zone policies**

**RUR-9:** It is the policy of Council that the Rural land use zone in the Development Regulations shall have the following uses:

- a. **Permitted Uses:** Agriculture-related housing; Agri-Tourism; Auto Body shop; Closed-Sided Animal Enclosure; Community Garden; Composting facility; Extension residential; Farm Operation; Farm Retail Sales; Forestry Activities; Home Business(not requiring notice); Horse Boarding Stable; Keeping of Animals; Kennel; Mineral Exploration-development; Mineral Working; Natural Resource-Related uses; Outdoor Market; Residential Agriculture-including Hobby Farm and Home Gardening; Resort; Salvage/scrap yard; Single detached dwelling-associated with agriculture; Small Farm Homestead; Uses set out in 3.4.3 (1);
- b. **Discretionary Uses:** Amusement establishment/use; Amusement Park/Attraction; Campground; Cemetery; Protective and Emergency Services; Contractor General; Energy generation facilities; Farm Processing; Home Business (requiring notice); Mineral Working; Mining; Public Gathering Place-Outdoor; Cottage; Resort; Service Station; Veterinary.

#### **3.4.12 Eco-Village**

##### **General Intent**

**Policy EVC-1** Generally, these policies apply to two designations within a site of approximately 14-hectared (ha) on the west side of Farm Road for the following uses:

- 1) Eco Village Cluster housing to accommodate a multigenerational cohousing community with multi-dwelling units, a common house, communal gardens, open space, park and trails/walkways, and a central parking facility on approximately 9 ha of the overall Eco Village site; and,
- 2) Eco Village Sustainable Agriculture on approximately 5 ha for sustainable, green agricultural use in support of the Eco Village Cluster housing residents.

#### **3.4.12.1 General Eco Village Policy**

**Policy GEN-EV-1:** It is the policy of Council to provide for an Eco Village Future Land Use designation on the Future Land Use mapping; and in this designation provide for the following zones on the Land Use Zoning map of the Development Regulations:

- Eco Village Cluster zone
- Eco Village Sustainable Agricultural zone.

#### **3.4.12.2 Eco Village Cluster zone policy**

It is the policy of Council to:

**Policy EVC-1:** Provide for an Eco Village Cluster designation on the Generalized Future Land Use Map which will include a specified area for a cohousing model of residential dwelling units and single detached dwellings.

**Policy EVC-2:** Apply cluster development design standards according to the National Building Code and all other applicable building codes, for the multi-dwelling units to support the objectives of the cohousing model; and for single detached dwellings the standards in place on adjacent properties will apply to development of single detached dwellings on the Eco Village Cluster zone.

**Policy EVC-3:** Allow for the following uses within the Eco Village Cluster zone:

- a. **Permitted:** Child Care-non-residential; Community Garden; Home Business (not requiring notice); Keeping of Animals; Plex housing; Public Gathering Places-Indoor; Public Gathering Places-Outdoor; Residential Agricultural; Short Term Residential Rental; Single detached Dwelling; Uses in all zones 3.4.3 (1);
- b. **Discretionary:** Agri-tourism; Campgrounds; Farm retail sales; Energy Generation facilities-residential; Resort-Accommodation only; Small Farm homestead.

**Policy EVC-4:** Require a Planned Unit Development Application for the Eco Village Cluster zone to be submitted by the proponent which shall include the following details regarding the proposed development:

- a. Property Management and Ownership
  - i. Details regarding the project applicant which must be a legal entity created for the purpose of developing a cohousing project; information regarding tenure of the buildings and the land they are situated on as well as the shared or common lands and buildings; and
  - ii. A management plan that outlines the responsibilities and obligations of the community members, and specifies how decisions are made and disputes are resolved.
- b. Detailed site plan with dimensions and supporting documentation:
  - i. Site conditions: slope, drainage, existing vegetation, site hazards (if any);



- ii. General form and character of development including housing type (and number of dwelling units), communal structures and facilities, exterior design and finish of buildings;
- iii. Access and at-grade entrance to each dwelling unit by road, emergency access rights-of-way, pedestrian walkways (sidewalks/paths/trails), access from courtyard;
- iv. Communal open space and recreation areas; and, Private outdoor space provided either through front or rear yard patios/courtyards and/or rooftop decks;
- v. Community gardening areas and structures and Shared Non-Building Amenity Area;
- vi. Parking;
- vii. Landscaping, including internal system of walkways;
- viii. Setbacks between buildings meet National Building Code standards and all other building standards and codes;
- ix. No fence shall be constructed between the buildings that would obstruct emergency vehicle access;
- x. Services: At a minimum, on-site water and sewer servicing and storm water management measures shall meet the requirements of Provincial Government agencies, such as, Service NL and the Water Resources Management Division and the Town's Water and Sewer Regulations and Stormwater Management Policy; other services, including waste management, utilities and green infrastructure alternatives; and
- xi. The proposed development must also address any special conditions, prerequisite considerations or significant environmental elements identified by the Town or the federal and/or provincial governments.

**Policy EVC-5:** A Development Agreement shall be required prior to any work commencing within the Eco Village Cluster zone. The Agreement shall contain information and drawings (to scale) regarding the full overall co-housing development indicating the phases of development with details on services and confirmation by the appropriate agencies regarding provision of proposed water, sanitary sewer and storm water management services.

**Policy EVC-6:** Council may require the incorporation of special design features and operational plans related to fire and life safety, accessibility, and emergency protocols including provisions to require ongoing updates and improvements in the future.

#### **3.4.12.3 Eco-Village Sustainable Agriculture zone policy**

**Policy EVSA-1:** It is the policy of Council in the Eco Village designation to provide for the Eco-Village Sustainable Agriculture Use zone in the Development Regulations which shall have the following uses:

- a. **Permitted Uses:** Agriculture related housing; Agri-Tourism; Farm Operation; Farm Retail sales; Forestry Activities; Keeping of Animals; Residential Agriculture; Small Farm homestead; Uses as set out in 3.4.3 (1);
- b. **Discretionary Uses:** Farm Processing; Outdoor market; Retail;

## 4.0 IMPLEMENTATION, AMENDMENTS & REVIEW OF MUNICIPAL PLAN

### 4.1 Implementation of the Municipal Plan

In order for the Town of Portugal Cove-St. Philip's to achieve the vision, objectives, and policies articulated in their Municipal Plan, the Council shall need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Implement a capital works program to support Municipal Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, enforcement, and appeal processes.

Development Regulations are one of the main vehicles through which Municipal Plans are implemented. The Town shall review, revise, and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

### 4.2 Amendments to the Municipal Plan

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan; or
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan.

As per Section 25 of the *Urban and Rural Planning Act, 2000*, an amendment to the Municipal Plan and Development Regulations must follow the process set out in Sections 14-25 of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its current zoning. This may only require an amendment to the Development Regulations without amendment to the Municipal Plan. Alternatively, a Development Regulations amendment may consist of a change to the text of the regulations. Where there is only an Amendment to the Development Regulations, then Section 35 (5) of the *Urban and Rural Planning Act, 2000* applies.

Council is not required to consider an application for an amendment and that decision cannot be appealed to the Regional Appeal Board as per Section 42 (2) of the *Urban and Rural Planning Act, 2000*.

The procedure for an amendment only to the Development Regulations is set out in the Development Regulations.

### 4.3 Review of the Municipal Plan

The Council for the Town of Portugal Cove-St. Philip's shall undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Municipal Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

This Municipal Plan and Development Regulations are developed for a 10-year period and each 5-year review must consider a 10-year period.

### 4.4 Development Regulations: Authority and Policy

#### 4.2.1 Authority

Authority Pursuant to Section 35 of the Urban and Rural Planning Act, Council has adopted the Portugal Cove-St. Philip's Development Regulations to implement the goals, objectives and 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. (Chapter 1-Development Regulations)

#### 4.2.2 Development Regulation Policies

The following policies apply throughout the Portugal Cove-St. Philip's Municipal Planning area in conformance with Section 13 (2) (2) and Section 35 of the *Urban and Rural Planning Act, 2000*. 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.

It is Council policy to:

#### **Administration of the regulations (Chapter2-Development Regulations)**

- Require that the Municipal Plan and Development Regulations shall be subject to all relevant Federal and Provincial legislation, regulations, policies, guidelines, and standards. Notwithstanding this requirement, the Development Regulations shall incorporate specific compliance requirements as set out in Schedule A-Provincial and Federal Interests and requirements;
- For land use and development within the Municipal Planning Area boundary, the Development Regulations must state the responsibilities of the Town or the applicant with regard to compliance with the policies of the Municipal Plan and the conditions and standards set out in the Development Regulations;

- Establish a transparent application review process that enables Council to comprehensively evaluate proposed development, involve the public where appropriate, and consider alternatives during the review process of development proposals. The regulations shall address: when a permit is required, the requirements for all applications, discretionary use applications and planned unit development applications, and the obligations of the applicant and Town in the application process in the application process;
- Provide development standards for planned unit development in the Development Regulations. A planned unit development may be a residential, commercial, or industrial development containing one more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are leased as individual spaces). The planned unit development may be treated as a single development where services are to be provided and maintained privately and internally. It must front onto a publicly maintained road and meet the Town standards for roads and servicing. The uses must conform with the permitted or discretionary uses in the relevant use zone;
- Set out provisions in the Development Regulations for:
  - a. variances (Section 36 (1) (B) *Urban and Rural Planning Act, 2000* and Sections 12 and 13 of the *Minister's Development Regulations 3/01*),
  - b. non-conforming use (Section 108 of the *Urban and Rural Planning Act, 2000*; and Sections 12 and 13 of the *Ministers Development Regulations 3/01*); and,
  - c. the amendment process for the Municipal Plan and/or Development Regulations as per the *Urban and Rural Planning Act, 2000* and *Minister's Development Regulations 3/01*.
- Set out the application decision-making process in the Development Regulations including, but not limited to, the decision-making authority of Council, including:
  - a. Discretionary decision-making and premature development:
    - i. In considering an application for a permit to carry out development, take into account the policies expressed in the Municipal Plan and any further scheme, plan, or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in these Development Regulations, approve with conditions or refuse the application;
    - ii. Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits.
  - b. written reasons for refusal, and,
  - c. the responsibility to inform applicants of the appeal process;
- Set out special conditions for development in the Development Regulations such as Development Agreements, Planning Impact Analysis, and Service Levies. Requirement for land conveyed for public work purpose and restoration of land, In particular:
  - a. The Town shall Town to enter into agreements for new developments involving the subdivision (into our (4) lots or more (including the residual lot)) and/or consolidation of lands for development. Such agreement shall be negotiated between the developer and the Municipality

- for financing and development of services provided to the site, constructed to municipal standards and consistent with the policies of this Plan and the Development Regulations;
- b. Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;
- Set out the enforcement authorities in the Development Regulations;

#### **Land Use Designations & Zones and Policies (Chapter 3-Development Regulations)**

- Within the designations set out in Municipal Plan and Future Land Use Map, Council shall set out the land use zones to be indicated on the Land Use Zoning Map of the Development Regulations. The associated policies shall indicate permitted and discretionary uses including uses permitted in all zones, as well as development standards for the zone; accessory uses and buildings, and home businesses; and indicate provincial interest overlays and requirements; including interpretation of the Land Use Zoning mapping and associated Use Zone tables; uses to be permitted in all zones and general provisions regarding the protection of traditional trails, views, natural features and public access to the shoreline (Refer to 3.3.1 (5));

#### **General Development Policies (Chapter 4-Development Regulations)**

- Set out options regarding buffers and separation between land uses;
- Set out standards regarding lot and building siting, in particular:
  - a. No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, such that:
    - i the lot area, frontage, front yard, rear yard, and side yards are less than the minimums permitted by these Regulations for the zone in which such lot is located; and
    - ii the lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located;
- Provide standards and conditions regarding building design and town character, and landscaping in the Development Regulations. Council is to encourage the retention of the style, size, scale, colour and form of buildings in Portugal Cove-St. Philip's, and the preservation of heritage structures. When reviewing applications for development, Council shall consider whether the proposed development is complementary to surrounding buildings in terms of size, scale, style and form;
- Set out options regarding landscaping requirements as a condition of a permit;
- Set out standards in the Development Regulations regarding municipal services and public utilities, such as:
  - a. Access and streets:
    - i access points to the public street in terms of number, location, and design in order to keep the street safe and efficient for both vehicles and pedestrians;
    - ii Require that all development must front on to a publicly maintained road (Provincial or Municipal) and have independent, approved access except for the following exceptions: (1) a development within a Planned Unit Development where there may be an internal road plan (which shall be set out in the Development Regulations). However, the Planned Unit Development must front onto a publicly maintained road; (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc.; and (3) remote

- cabins which, by definition, have no road access; and recreational cabins in the Rural zone which are located on resource roads which may not be publicly maintained;
- iii Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development. Ownership of new streets and service infrastructure shall be required to be transferred, at no cost to the Municipality upon satisfactory completion;
- b. Ensure that the Development Regulations contain provisions for storm water management and surface drainage to protect adjacent properties, wetlands and waterbodies, with relevant referrals to the Water Resources Management Division and consideration of green approaches, where practicable;
- c. Require approvals from Department of Digital Services and Service NL for on-site services;
- d. Require standards for parking and off-street loading;
- e. Restrict development in the vicinity of public rights-of-way;
- f. Require mandatory connection to municipal services
- g. Set conditions regarding soil removal, soil deposition and site grading;

#### **Land Use definitions and conditions for development (Chapter 5-Development Regulations)**

- Set out Land Use Definitions and specific conditions for such development in the Development Regulations according to Land Use Class;

#### **Subdivision for Future Development (Chapter 6-Development Regulations)**

- Provide requirements for the subdivision of land and the standards of development, including a Subdivision Agreement, in the Development Regulations in order to achieve compliance with the policies of the Municipal Plan;
- Require a permit from Council for all subdivision of land;
- For subdivision development with 4 lots or more (including the residual lot), a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
  - a. Conformity to the goals, objectives, and policies of this Municipal Plan;
  - b. Conformity to a Comprehensive Planned Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
  - c. A description of the subject lands;
  - d. Consideration of land ownership as it will affect the layout of streets and access to the site from existing roads and internal road layout;
  - e. Provision of potable water, groundwater assessments where onsite wells are used for water, storm runoff management, and sanitary waste services;
  - f. Provision for lot layout scheme including the phasing of development;
  - g. Provision for retention of existing vegetations and plans for landscaping;
  - h. Consideration of community connectivity in terms of active living opportunities, such as, parks and trails;
- Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;

- Include Section 37 of the *Urban and Rural Planning Act, 2000* which allows Council to require up to 10% of the subdivision or land to be developed be dedicated to the Town as public open space. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which may otherwise be required to be dedicated;

#### **Signs and Advertisements (Chapter 7-Development Regulations)**

- Include standards and conditions in the Development Regulations pertaining to the design and location of signs and advertisements;

#### **Federal and Provincial Government requirements (Schedule A-Development Regulations)**

- Notwithstanding the comprehensive compliance provision set out in Section 1.3, include specific standards, conditions and permitting requirements in the Development Regulations pertaining to the federal and provincial statutes, regulations, guidelines, and standards;

#### **Parking (Schedule B-Development Regulations)**

- Include standards and conditions in the Development Regulations pertaining to parking and loading.

#### **Interpretation of Technical Terms (Schedule C-Development Regulations)**

- Include definitions of technical terms, including all from the *Urban and Rural Planning Act, 2000* and the *Minister's Development Regulations, 01/03, 1996*;

#### **Minister's Development Regulations, 01/03, 1996 (Schedule D-Development Regulations)**

- Include *Minister's Development Regulations, 01/03, 1996*;

#### **Environmental Protection Overlay (Schedule E-Development Regulations)**

- Include Schedule E-Environmental Protection Overlay and Map -Environmental Protection Overlay Map to reflect new, more accurate data for defining the boundaries of environmentally sensitive areas; and to bring these into compliance with the *Urban and Rural Planning Act, 2000*;

#### **Non-Conforming Uses-Excerpts from URPA and Minister's Regulations (Schedule F-Development Regulations)**

#### **Future Land Use Map and Land Use Zoning Map (Schedule G-Development Regulations)**

Include Future Land Use Map in the Municipal Plan and Land Use Zoning Map in the Development Regulations.

**SCHEDULES**

Draft-June 2024-PC#2 version



## **SCHEDULE A: PROVINCIAL AND FEDERAL INTEREST REQUIREMENTS**

As set out in Section 1.3, the Development Regulations shall be subject to all federal and provincial legislation, regulations, policies, and guidelines. Given that requirements of the federal and provincial agencies change over time and other exigencies, applicants are responsible to ensure that all appropriate federal and provincial permits and approvals have been secured prior to the use and/or development of land within the Municipal Planning Area boundary.

Notwithstanding this requirement, these Development Regulations shall incorporate specific compliance requirements as set out in the comments provided as part of the Intergovernmental Land Use Committee referral and Provincial Interest information provided on the Provincial Government Land Use Atlas, as follows:

### **A.1 Agriculture Lands Section, Department of Fisheries, Forestry and Agriculture**

The Agriculture Land Section's mandate includes protecting existing and future agricultural activity, small or large scale. Land and soil for agricultural development is limited within this province and its protection is vital. Within the Town's municipal boundaries there are currently 13 agriculture grants totalling 96.5 hectares/238.5 acres and 32 Crown Land agriculture leases totalling 424.3 hectares/1048.5 acres. In addition, there are 74.2 hectares/734 acres designated as an Agricultural Development Area (ADA) that may include existing and future agricultural activity. The Agriculture Lands Section has no concerns with the identified municipal planning area if existing and future agriculture properties including small scale home gardens- are not negatively impacted and allowed to expand where permissible. The Town should also consider the impact of potential residential and commercial development on lands adjacent to where agricultural activities may be taking place in order to mitigate future land use conflicts.

Commercial agricultural use is a permitted in the Rural zone; the Town shall ensure that existing agricultural operations shall not be negatively impacted by proposed future development and sufficient area shall be protected to allow for future expansion.

The Agriculture Lands Section recommends that it be included in consultation prior to the finalization of the plan with the Town of Portugal Cove-St. Philip's as it moves forward with their Municipal Planning Area, Municipal Plan and Development Regulations.

### **A.2 Climate Change Division, Department of Environment and Climate Change**

Take into consideration available data regarding provincial climate change projections for St. John's Airport (nearest regional site) be considered in development stages. These projections suggest that extreme precipitation events will become more intense, for example:

- On a 24-hour basis, a 1-in-100 year storm is expected to bring 167 mm of precipitation by mid-century, an increase from the current climate's 137 mm (22% growth); and
- On a 12-hour basis, a 1-in-100 year storm is expected to bring 150 mm of precipitation by mid-century, an increase from the current climate's 122 mm (23% growth).

More information on climate data can be provided at the following link:  
<https://www.gov.nl.ca/ecc/occ/climate-data/>.

Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors shall be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline; particularly for lands below the 4-metre contour (Geological Survey of Newfoundland and Labrador).

All development applications below the 4-metre contour must be reviewed with regard to vulnerability of the effects of climate change and mitigative measures included in the conditions for development if development is allowed at all;

### **A.3 Crown Land Administration Division, Department of Environment and Climate Change**

- 1) The use of Crown land is subject to the Town of St. Joseph's Municipal Plan and Development Regulations, including zoning and permitting requirements.
- 2) Approvals shall be obtained from the appropriate Regional Lands Office, Government of Newfoundland and Labrador; applications are made to the Regional Lands Office.
- 3) Crown land applications shall be approved by the Council regarding the use and development of the land prior to approval for issuance of title by the Lands Branch of the Government of Newfoundland and Labrador.

### **A.4 Digital Government and Service NL**

Service NL permits: Council shall require compliance with Department of Digital Government and Service NL requirements, before issuing approvals. These include, but are not limited to: on-site services, highway signs; electrical permits; building accessibility; access to highways; tanning salon and/or Personal services establishment; Food establishment licence; public markets/farmer's markets; meat plant; pool; wastewater or water system approval; tobacco sales; water supply testing; cemetery; waste management; fuel storage and handling; asphalt, boiler; pressure vessel and compressed gas installation. The Development Regulations shall provide greater detail on: on-site services, highway signs; building accessibility; access to highways.

Signs along Highways: A permit for erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre. This requirement applies within a control line established on each side of every highway. According to section 5, the control lines extends 100 metres from the centerline. Within this control line, corridor 1 is reserved for regulatory, directional and fingerboard information signs. Off-site promotional signs are restricted to those associated with uses listed in the Schedule and are restricted to corridor 2. The Highway Sign Regulations do not provide for other types of off-site signage including digital signs.

Access to Highways: Any change in use or zoning of property which requires or uses direct or indirect access to a provincial road may be considered a change in use pursuant to the department's policy for highway access management. This policy applies to direct and indirect access points whether new, existing or historical in nature. Proponents shall be responsible to apply to the Department of Digital Government and Service NL for assessment or re-assessment of access. There is no guarantee of access approval.

15 m Building Near Highway: Within 15-metres of either side of the provincial highway, the Town shall refer development applications to the Digital Government and Service NL Division for comment, as per *Building Near Highways Regulations, 1997*.

#### **A.5 Forestry Division, Department of Environment and Climate Change**

Forestry to be an acceptable use and Domestic shall retain the right to harvest timber. Forestry activities are:

- i. a permitted use in the Rural zone;
- ii. a discretionary use in the Environmental Protection and,
- iii. a discretionary use in the Protected Water Supply zone subject to referral to the Water Resource Management Division;

#### **A.6 Environmental Assessment, Department of Environment and Climate Change**

Council shall review applications regarding requirements for registration for an Environmental Assessment review under Section 28 of the *Environmental Protection Regulations, 2003*. If Council is aware that a proposed development may trigger the requirements of the Environmental Protection Act, 2002, the proponent shall be advised to consult with the Environmental Assessment Division and a development permit cannot be issued until this process is complete. Note, however, that it remains the responsibility of the proponent to meet the requirements of the *Environmental Protection Regulations, 2003*.

#### **A.7 GIS & Mapping Division, Department of Environment and Climate Change**

- 1) Control Survey markers are shown on the Land Use zoning map. Council shall inform the GIS and Mapping Division when a proposed development is proposed in the vicinity of a survey Control Monument.

#### **A.8 Mineral Lands Division, Department of Industry, Energy and Technology**

Note that the Division requires the statutory definitions for mineral exploration, mineral working and mining to be included in the Development Regulations (see chapter 5).

#### **Geological Hazards**

Municipal planning and development should consider a 100-year planning period and incorporate the impacts of climate change on potential slope hazards. Proposed development on, above, or below steep slopes (>15°; 26.8%) and excavations into the toe of steep slopes should be evaluated to assess the risk of slope movements, particularly near slopes in unconsolidated materials or unstable bedrock. This should be conducted on a case by-case basis, as factors that could increase the risk (e.g. bedrock type or amount of overburden) will vary along a designated steep slope and may change over time. The GSNL recommends that proposed development on, above, or below steep slopes (>15°, 26.8%) and excavations into the toe of steep slopes should be evaluated by a qualified geotechnical professional to assess the risk for slope movements, particularly in areas of thick till or other unconsolidated materials.

Planners should consider all risks associated with development in steeply sloping areas; a comprehensive risk assessment from a geotechnical engineer or other qualified professional may be warranted. Vegetative buffers and engineering solutions that will mitigate potential adverse effects and limit erosion near steep slopes should be considered. Municipalities with planning authority may choose to remove areas susceptible to slope-related hazards from future development through re-zoning efforts. For More Information contact Project Geologist, Geological Survey of Newfoundland and Labrador.

Development in coastal areas should be managed and regulated, and include appropriate measures such as coastal protection plans or engineering solutions that will mitigate potential losses and limit erosion resulting from human activities and climate change. Municipalities with planning authority may choose to restrict future development on or near coastal cliffs or other areas susceptible to coastal erosion through re-zoning efforts. The GSNL recommends a combined buffer on new development in coastal areas that combines the following two types of setbacks:

1. **minimum 30 m inland from the top of coastal cliffs** (or the high tide mark for beaches or shorelines without cliffs), and
2. **areas below, at a minimum, the 4 m contour.** This combined approach will result in a variable total setback distance in coastal areas within the MPA. The combined approach is recommended to mitigate potential risks associated with both coastal erosion and coastal flooding.

The suggested inland development setback is calculated as twice the average annual erosion rate, multiplied by 100. Example: A shoreline with a measured erosion rate of 15 centimeters per year (cm/yr) should have at least a 30 m setback for new development. This is written out as  $(2 \times 15 \text{ cm/yr}) \times 100 \text{ yr} = 3000 \text{ cm}$  or 30 m.

These setbacks should be considered provincial minimums; setbacks may be larger in areas where documented coastal erosion rate exceeds 15 cm/yr or where documented storm surges have exceeded 4 m high. This combined approach will result in a variable total setback distance from the top of cliffs (or the high tide mark for areas without coastal cliffs) within the municipal planning area. The combined approach is recommended to mitigate potential risks associated with both coastal erosion and coastal flooding. Disturbances within the setback area, including changes to the ground surface and the removal of sediment or natural vegetation, should also be avoided.

### Quarries

There are currently four areas covered by a quarry permit ) as well as two areas that were covered by a quarry permit that expired within the last two months (which is the re-application period during which time the holder can re-apply for another permit for the same) (see attached map 1). Note that one of the areas covered by a quarry permit is only partially located within the Town's MPA. These will be shown as an overlay on the Future Land Use map and Land Use zoning map with the 300 m Quarry referral buffer; note:

- a. Residential development shall not be allowed to encroach on the areas identified with aggregate potential by the Mines Branch, particularly within the 300 m quarry referral buffer;
- b. Applications for development within the **300 m Quarry referral buffer** shall be referred to the Mineral Lands Division for comment prior to approval.

### Mineral Exploration

- a. Mineral exploration that is not a development is allowed as a permitted use in all zones;

- b. Mineral exploration that is a development are allowed as a discretionary use in all zones; Incorporate development requirements regarding potential mining into the Development Regulations;
- c. Mineral working is a permitted use in areas zoned 'Rural'.

#### **Removal of Quarry materials, site grading, soil deposit**

- a. No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects **less than 125 m<sup>3</sup>** of soil, sand, gravel, rock or other substance down to and including bedrock. All other cut or fill work, excavation and removal and deposit of material or grading requires a development permit under these Development Regulations.
- b. Removal or deposit of soil, topsoil, sods, or the excavation and removal of excavated material or grading requiring a development permit, shall meet the following conditions:
  - i. land intended for the activity or grading has a slope of less than 25%;
  - ii. resulting slopes are stable and without hazards;
  - iii. when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
  - iv. drainage shall be provided to the satisfaction of Council and shall be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites; The above requirements may be incorporated in a grading plan
- c. Development is restricted in environmentally sensitive areas such as steep slopes, and areas prone to landslides and rockfall;
- d. For approved developments where the extraction of quarry materials is occurring or may be expected occur, the Town shall send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, at [quarries@gov.nl.ca](mailto:quarries@gov.nl.ca). Note that quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat. It is important that the Mineral Lands Division have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits for developments which may involve excavation will assist greatly in making this distinction.

#### **A.9 National Codes and Regulations**

The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and other municipal regulations or bylaws regulating or controlling the development, conservation, and use of land shall, under these Development Regulations apply to the entire Municipal Planning Area.

#### **A.10 Newfoundland and Labrador Hydro- Easements**

Any development in the vicinity of the NL Hydro easements or structures shall be referred to NL Hydro and other utilities to ensure that there are no conflicts. The Town shall consult NL Hydro for all development applications at the time the application is made to the Town. Requests for access roads underneath transmission lines shall be made to NL Hydro. Hydro shall not provide service to facilities, building, etc. in our right of ways and reserves the right to remove any buildings that impede our upgrade, maintenance or repair work. Any costs to remove impediments shall be at the owner's expense.

## A.11 Pollution Prevention Division, Department of Environment and Climate Change

### **Waste Disposal and Litter** (Environmental Protection Act, 2002, Part IV)

- Waste receptacles shall be installed at all active areas for use by workers.
- All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
- Waste materials not reused, resold or recycled, shall be disposed at an approved waste disposal site, provided the owner/operator is willing to accept such waste and the local Service Newfoundland and Labrador (SNL) has agreed with the disposal of the waste materials at the site.

### **Air Quality Management** (Environmental Protection Act, 2002, Part VI )

- All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004; <http://assembly.nl.ca/Leqislation/sr/regulations/rc040039.htm>.
- Schedule E of the regulations prohibits the open burning of tires; plastics; treated lumber; asphalt and asphalt products; drywall; demolition waste; hazardous waste; biomedical waste; domestic waste; trash, garbage, or other waste from commercial, industrial or municipal operations; manure; rubber; tar paper; railway ties; paint and paint products; fuel and lubricant containers; used oil; animal cadavers; hazardous substances; materials disposed of as part of the removal or decontamination of equipment, buildings or other structures.

### **Pesticides** (Environmental Protection Act, 2002, Part IX)

- All pesticide purchase, storage, and use is subject to compliance with the Pesticides Control Regulations, 2012, <http://assembly.nl.ca/Leaislation/sr/regulations/rc120026.htm>. The regulations stipulate that an applicator shall be licensed for the class of pesticide which is intended to be applied. Also, the regulations stipulate that an operator cannot purchase pesticides without the appropriate license(s).
- If the use of a pesticide(s) is required (e.g., for the control of insects, diseases, weeds, vegetation), the Pesticides Control Section of the Department shall be notified.

### **Storage and Handling of Gasoline and Associated Products** (Environmental Protection Act, 2002)

Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with the Storage and Handling of Gasoline and Associated Products Regulations, 2003, as amended, <http://assembly.nl.ca/Leqislation/sr/regulations/rc030058.htm>.

All petroleum storage tanks shall be registered with Service NL in accordance with the GAP Regulations and all leaks/spills shall be reported to the 24-Hour Environmental Emergency spill Line at 709-772-2083 or 1-800-563-9089.

Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 m from any body of water. Re-fuelling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.

An environmental emergency contingency plan shall be developed for all storage tank systems. This plan details information regarding the location of spill response equipment and a trained contractor, in the event of a spill.

### **Used Oil** (Environmental Protection Act, 2002; Used Oil Control Regulations)

- The proponent shall maintain constant compliance with the Used Oil Control Regulations, <http://assembly.nl.ca/Leqislation/sr/regulations/rc020082.htm>.
- Waste oils and used lubricating oil shall be retained in a tank or closed container, and disposed of by a company licensed for handling and disposing of used oil products.

**Halocarbon** (Environmental Protection Act, 2002; Halocarbon Regulations)

Any use of regulated substances, for example in fire suppression systems, associated with the proposed activity is subject to the Halocarbon Regulations,

<http://assembly.nl.ca/Leqislation/sr/regulations/rc050041.htm>.6.5.10

#### **A.12 Provincial Archaeology Office**

If an archaeological site or artefact is discovered during development of a property, the development shall stop and Council shall consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed. Any accidental discoveries of historic resources shall also be reported by the Town to the Provincial Archaeology Office.

Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments.

#### **A.13 Water Resources Management Division, Department of Environment and Climate Change**

**Definition:** (From the *Water Resources Act, 2002*) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water;

#### **Conditions:**

Under the authority of the *Water Resources Act, 2002*, the Water Resources Management Division (WRMD) is responsible for the management of water resources of the province of Newfoundland and Labrador. The WRMD has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act, 2002* including Policy Directives (refer to Schedule F):

- a. W.R.91-1-Infilling Bodies of Water;
- b. W.R. 95-1- Policy for Land and Water Related Developments in Protected Public Water Supply Areas
- c. W. R. 96-1-Policy for Flood Plain Management
- d. W.R. 97-1-Development in Shore Water Zones;
- e. W.R. 97-2-Development in Wetlands;
- f. Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and,
- g. Environmental Control Water and Sewage Regulations, 2003.

Application forms for permits and licences, fee schedules, and guidelines are available at:

Any work in or within 15 metres of Bodies of Water

The proponent must apply for and obtain a permit under the *Water Resources Act, 2002*, specifically Section 48 for any work in or within fifteen (15) metres of a body of water (including wetlands) prior to the start of the work. The application forms and requirements for when a

Section 48 permit are required can be found here

<https://www.gov.nl.ca/ecc/waterres/regulations/appforms/>

- Flood Risk Area

The proposed work is within a designated flood risk area. The proponent must apply for and obtain a permit under of the Water Resources Act, 2002, specifically Section 48 for any work within this designated flood risk area prior to the start of construction. Also, any work within this designated flood risk area must comply with this Department's Policy for Flood Plain Management: <https://www.gov.nl.ca/ecc/waterres/regulations/policies/flood-plain/>

- Non-Domestic Water Use for Any Purpose

Prior to the start of construction, the proponent must apply for and obtain a water use licence under the Water Resources Act, 2002 for the use of water from any water source for any purpose. This must be stated for all non-domestic uses with an existing, new or planned water use from any water source.

- Development in Shore Water Zones

The proponent must apply for and obtain a permit under the Water Resources Act, 2002, specifically Section 48 for any work in Shore Water Zones prior to the start of construction. Also, any work in the Shore Water Zones must comply with this Department's Policy for Development in Shore Water Zones: <https://www.gov.nl.ca/ecc/waterres/regulations/policies/shore-water/>.

Note: On-site sewerage disposal systems are prohibited within 30 metres from a waterbody or watercourse;

- Development Adjacent to or Within Protected Public Water Supply Area

There exists one (1) provincially Protected Public Water Supply Area (PPWSA) under the Water Resources Act (WRA) currently within the proposed municipal boundary for PC-SP.

- o Blast Hole Ponds PPWSA (WS-S-0594)

Currently, a Section 39 permit is required for development within this PPWSA boundary WRMD understanding is that this is an old supply that is no longer used. If the municipality is not intending to use this source as a back-up supply, we recommend the status under the WRA be repealed.

A repeal under Section 39 of the WRA will not impact any separate protection status or processes that may exist under their Municipal Plan or related Development regulations.

The PC-SP boundary also extends into the Windsor Lake watershed area (protected under the City of St. John's act). As Windsor Lake is not protected under the WRA, no section 39 permit is required for development. WRMD recommend PC-SP refer to the City of St. John's for more information on this watershed area. Contact: Manager, Drinking Water & Wastewater Section

- Groundwater

Please use a licensed driller for your well installation. A full list of licensed drilling companies is available here <https://www.gov.nl.ca/ecc/waterres/cycle/groundwater/well/well-drillinglicense-holders/>.



Contact: Groundwater Section

- **Constructing a Non-Domestic Well**

The proponent must apply for and obtain a Permit for Constructing a Non-Domestic Well under the Water Resources Act, 2002, specifically Section 58 for drilled well(s) along with following necessary groundwater monitoring requirements prior to the start of construction. Contact: Groundwater Section

- **Un-serviced Subdivision**

A proponent will be required to complete a Level I Groundwater Assessment as per the Department's Guidelines: Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells <https://www.gov.nl.ca/ecc/files/waterresregulations-appforms-unserviced-subdivision-gw-assessment-guidelines-dwh-revisions.pdf> under the Water Resources Act, 2002, specifically Section 62.

These guidelines require a Level II Groundwater Assessment in the event of known water quality issues. A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

A proposed subdivision greater than 4 lots requires a Level I Groundwater Assessment. For proposed subdivisions between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment. A Level I Groundwater Assessment generally will consist of a description of the hydrogeology, site characterization, and description of sustainable groundwater quality and quantity for the area. A Level II Groundwater Assessment will require the information in a Level I Groundwater Assessment and additional information as outlined in the Guidelines. Additional data includes information obtained from test well installation(s) and water quality testing. Contact: Groundwater Section.

- **Water Resources Act - Environmental Control Water and Sewage Regulations**

All waters discharged from the proposed site, during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations, 2003, <http://assembly.nl.ca/Legislation/sr/regulations/rc030065.htm>.

#### **A.14 Wildlife Division, , Department of Fisheries, Forestry and Agriculture**

To protect general wildlife habitat and landscape connectivity, the Town shall require the following measures when reviewing applications in the vicinity of waterbodies:

- a. a riparian buffer of 30 metres minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas as recommended by the Wildlife Division;

- b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
- c. indicate a minimum percentage of forest to be maintained during lot clearing;

Vegetation clearing shall be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing,.

Under the *Endangered Species Act, 2001*: "A person shall not disturb, harass, injure, or kill an individual of a species designated as threatened, endangered, or extirpated".

- (1) The Town has set aside areas (primarily wetlands) designated as "Management Units" via their municipal habitat stewardship agreement with the Wildlife Division, FFA. These are to be, if not already, appropriately zoned (e.g. "Conservation" or "Environmental Protection" zones) to ensure the conservation of these lands for wildlife. The management agreement should be incorporated into it's the renewed municipal plan and associated development regulations.

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**SCHEDULE B: FUTURE LAND USE MAP**

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