

# MUNICIPAL PLAN 2023-2033



## TOWN OF NEW PERLICAN



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# TRACT

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URBAN AND RURAL PLANNING ACT, 2000  
RESOLUTION TO APPROVE

TOWN OF NEW PERLICAN  
MUNICIPAL PLAN, 2023-2033

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of New Perlican:

- adopted the Municipal Plan, 2023-2033 for the Town of New Perlican on August 17, 2023;
- gave notice of the adoption of the Municipal Plan, 2023-2033 for the Town of New Perlican by having the notice posted on Social Media: Facebook and Webpage; posted in town office, community center, town bulletin board; e-mailed to 140 people; mailed 126 flyers; for the Public Hearing of September 26, 2023 for the New Perlican Municipal Plan, 2023-2033 and Municipal Plan, 2023-2033. The Town of New Perlican did not publish the Notice of Public Hearing in a newspaper in the community because the 'Telegram' newspaper is not available in the community as there are no stores in the town to buy paper, no paper carrier, and the stores in two neighbouring towns do not carry the Telegram. Residents would have to drive 15 minutes to buy a Telegram; as well, the Town of New Perlican is outside the circulation zone for 'The Shoreline' publication;
- set the October 24, 2023 at Veteran's Memorial Hall at 7 p.m. 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 New Perlican approves the Municipal Plan, 2023-2033 as amended:

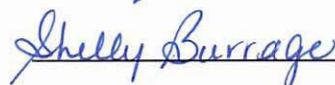
- the Municipal Plan Future Land Use Map is amended to accommodate the request for Mr. Penney's land at the end of Vitter's Cove Road to be redesignated from "Resource" to "Residential" (indicated by the gray arrow) and from "Resource" to "Conservation" (indicated by the green arrow).

SIGNED AND SEALED this 15 day of March, 2024.

Mayor:



Town Clerk:



Municipal Plan/Amendment

**REGISTERED**

Number 3435-2024-000

Date 31 JULY 2024

Signature W. St. John



(Council Seal)

## URBAN AND RURAL PLANNING ACT, 2000

### RESOLUTION TO ADOPT

#### TOWN OF NEW PERLICAN

#### MUNICIPAL PLAN, 2023-2033

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of New Perlican adopts the Town of New Perlican Municipal Plan, 2023-2033.

Adopted by the Town Council of the Town of New Perlican on the August 17, 2024.

Signed and sealed this 15 day of March, 2024

Mayor:



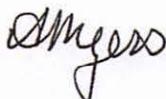
Town Clerk:



(Council Seal)

#### CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan, 2023-2033 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



Member, Canadian Institute of Planners (MCIP)



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## **1.0 INTRODUCTION**

### **1.1 Introduction to the Municipal Plan**

The purpose of the new Municipal Plan and Development Regulations is to enable the Town of New Perlican to pursue sustainable choices to meet the needs of the Town for the next 10 years.

This Municipal Plan provides a policy framework to influence, manage, and regulate future growth and change in the Town of New Perlican. These policies form the basis for the Development Regulations.

### **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 policies and development requirements contained in the documents and mapping 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 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 Plan (Section 35). The Development Regulations 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 Future Land Use Map in Appendix A indicates the land use designations corresponding to the land use policies set out in the Municipal Plan.

The Municipal Plan, 2022-2032 comes into legal effect upon publication of the notice of registration in the *Newfoundland and Labrador Gazette*.

### **1.3 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 New Perlican 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 New Perlican. 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.

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*). Consultation takes the form of meetings with Council and municipal committees, meetings and contact with identified stakeholders and the public during community site visits, and conducting a community online survey. In particular, the residents and stakeholders in the Town were invited to two formal public consultations throughout the planning process. In the first public consultation, where applicable, the existing Municipal Plan, Development Regulations and Land Use zoning maps are made available for public viewing. For the second public consultation, the draft Municipal Plan and Development Regulations and mapping are made available. These are made available at the Town office in paper form and the posters and notices indicated that interested parties can contact the Town by email or telephone to receive electronic copies of the documents and maps which are then provided in PDF form.

Upon completion of the review and consultation phases, the draft planning documents and mapping are required to be submitted to the Provincial government for (under Section 15 of the *Urban and Rural Planning Act, 2000*) review.

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 Section 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 or her findings to Council. Council may adopt the Commissioner report in whole, in part or reject the report in its entirety.

Council approves (by Resolution at a Regular meeting of Council) the Municipal Plan and Development Regulations and associated mapping and submits them for registration (under 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.

Amendments can be made to the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (section 25). A *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

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 of the *Urban and Rural Planning Act, 2000*) for a 10 year period.

## **2.0 OBJECTIVES AND COMPLIANCE**

The following sections outline objectives of the Municipal Plan that apply throughout the Town of New Perlican Municipal Planning area (as required by Section 13 (2) of the *Urban and Rural Planning Act, 2000*).

### **2.1 A SUSTAINABLE FRAMEWORK**

The objectives of the Municipal Plan provide a sustainable framework for the land use and development policies set out in this Municipal Plan. The Municipal Plan policies provide the authority for the Development Regulations. Everything set out in the Development Regulations must be in accordance with the Municipal Plan.

The following objectives articulate the aspirations and needs of the residents of the Town of New Perlican and provide the foundation for the land use policies in Chapter 3.

#### **2.1.1 Community character**

The objectives for community character include:

1. To provide a healthy, pleasant and safe living and working environment in New Perlican;
2. To encourage future growth in a manner that protects land use compatibility, and allows for orderly and attractive development;
3. To prohibit development or alterations to a lot which will adversely affect adjacent property;
4. To preserve the rural character of the community including the natural assets such as the hills, shorefront and beaches, and waterbodies, recognizing their value to residents and visitors and the preservation of the rural character of the Town.
5. To preserve the heritage values and historical character of the community including the heritage buildings, sites and harbourfront, recognizing their value to residents and visitors.

#### **2.1.2 Economic sustainability**

The objectives for economic sustainability include:

1. To make land available for employment-generating activities, such as, commercial development opportunities. Land uses and development regulations should enable tourism-related initiatives so that new businesses will be attracted to New Perlican;

2. To encourage home-based businesses by including provisions in the Development Regulations regarding home business that will help residents augment their personal income;
3. To provide development conditions to ensure compatibility of non-residential and residential development in a Town with of the size and geography of New Perlican;
4. To support existing businesses through land use regulations that enable continued operation at the current locations and enable future potential expansion;

### **2.1.3 Environmental sustainability**

The objectives for environmentally sustainability include:

1. To manage and enhance the natural environment for its aesthetic, recreational, and resource values, including waterbodies, wetlands, beaches, and wildlife and fish habitats;
2. To protect environmentally sensitive or hazardous areas, including wetlands, shorelines, beaches, steep slopes and areas prone to landslides or erosion, by identifying restrictions on development;
3. To manage the municipalities natural resources, such as forestry, mineral resources, and agricultural lands, and to promote the sustainable development of these resources;
4. To enable the use of alternative renewable energy sources with appropriate development regulations that ensure land use compatibility.

### **2.1.4 Municipal governance**

The objectives for sustainable municipal governance include:

1. To provide municipal administration and services effectively, efficiently, and equitably to all residents, in a transparent manner that facilitates timely decision-making, and is conducted within the fiscal capacity of the Town;
2. To collaborate with other municipalities in the region, government and community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.
3. To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act, 1999* and the *Urban and Rural Planning Act, 2000*, including a regular review of Municipal Plan and Development Regulations
4. Strive to provide the quality-of-life amenities and infrastructure services to promote a vibrant economy and secure future for the community.

## **2.1.5 Municipal services**

The objectives for providing sustainable municipal services include:

1. For the Town to require that municipal services are provided at environmentally acceptable standards by the Provincial Government, including meet the standards of the Digital Government and Service NL, Municipal Infrastructure Division, and the Water Resources Management Division;
2. To ensure the economic use of municipal services;
3. To reserve land for local road access to backlands that provide opportunity to meet future development needs of the community.
4. To ensure that municipal services and utilities, such as telecommunications, pollution control and electric utilities, are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses.

## **2.2 COMPLIANCE WITH FEDERAL AND PROVINCIAL LEGISLATION**

### **2.2.1 Comprehensive Compliance**

Even though an applicant may receive a municipal development permit, the applicant is responsible for ensuring compliance with all relevant federal and provincial legislation, regulations, policies, and guidelines prior to commencing a land use or development approved under these Development Regulations.

Notwithstanding the above comprehensive compliance requirement, the Federal and Provincial Government requirements from the Interdepartmental Land Use Committee #1819 (ILUC) report and from information obtained from the provincial government Land Use Atlas are set out in 2.2.2. Provincial Interests set out as referral overlays are listed in section 2.2.3 below, and mapped on the Future Land Use map and the Land Use Zoning map.

Council may require proof of compliance prior to approval.

All requirements set out by the Town as conditions to approval of the permit must be undertaken by the applicant. The applicant is also responsible for ensuring compliance with all other Town regulations.

## **2.2.2 Federal and Provincial Interests**

**IT IS THE POLICY OF COUNCIL TO:**

### **Climate Change Division**

- 1) Take into consideration available data regarding provincial climate change projections for St. John's (nearest regional site) when considering land for future developments that are in close proximity to a river, floodplain or coastline. These projections suggest that extreme precipitation events will become more intense, by about 22-23%. 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 will be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline;
- 2) New developments in the Town must comply with the energy efficiency requirements of s.9.36 of the National Building Code for new buildings.

### **Digital Government and Service NL**

- 3) Require compliance with 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 license; 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 will provide greater detail on: on-site services, highway signs; building accessibility; access to highways;

### **Forestry and Wildlife Division**

- **Fisheries**
- 4) Take in to consideration the Fisheries, Forestry and Agriculture Sustainable Fisheries and Oceans Policy Division (SFOP) as follows:
- 5) to protect coastal areas from future developments that have the potential to impact the health of surrounding marine habitat by conserving coastal areas in order to protect important coastal habitat and preserve it for future generations. This coastal marine habitat supports numerous marine species and provides critical nursery areas for many fish species which, in turn, supports the sustainability of commercial fisheries in our province. Many municipalities in the province have already incorporated coastal conservation measures into their long-term planning processes;
- 6) To consider uses in the buffer area of a watercourses according to those allowed by the Water Resources Management Division of the Department of Environment and Climate Change, and where applicable, the Government Service Centre of the Department of Government Services and Lands for Crown Lands;
- 7) Consult with the federal department of Fisheries and Oceans Canada when installing coastal infrastructure and in relation to the control and prevention of aquatic invasive species. This

may require registration with federal / provincial environmental assessment processes when considering building coastal and marine infrastructure, though this is project specific;

- **Forestry**

8) Accommodate the interests of the Forest Service by:

- a. Permitting domestic harvesting areas in the Rural zone.
- b. Ensuring that forestry activities including harvesting, road building and silviculture, are allowed in the Rural zone and consistent as set out in the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town of New Perlican;

- **Wildlife**

9) Accommodate the interests of the Wildlife Branch by:

- a. Protecting general wildlife habitat and landscape connectivity protection for applications in the vicinity of waterbodies, by applying the following development standards, as practicable:
  - i. a riparian buffer of 30 m minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas;
  - ii. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
  - iii. indicate a minimum percentage of forests to be maintained during lot clearing;
  - iv. Controlling vegetation clearing to be done outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing, whenever possible;

#### **Surveys & Mapping Division**

10) Protect Control Survey markers as identified by the GIS & Mapping Division. Council must ensure that these are not disturbed by development. Council will inform the Surveys and Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument. There are 10 monuments in the Municipal Planning Area as shown on the Future Land Use and Land Use Zoning maps;

#### **Land Resources Stewardship Division**

- 11) Allow for agriculture and related uses in the Rural zone;
- 12) Protect the Blueberry Management Area–Unit #8 by referring development applications to the Land Resources Stewardship Division;
- 13) Include development conditions to ensure compatibility with adjacent non-agricultural uses;

#### **Local Governance and Land Use Planning Division**

- **Heritage:**

14) Protect buildings and sites designated under Section 414 (dd) of the *Municipalities Act, 1999* according to the requirements of Section 200 where:

(1) A building, structure or land designated by a council as a heritage building, structure or land shall not be demolished or built upon nor the exterior of the building or structure altered, except under a written permit of the council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

(2)A council may establish a heritage advisory committee to advise the council on regulations made with respect to heritage buildings, structures and lands and the preservation of the real property designated under that section.

### **Mineral Lands Division**

- **Definitions**

15) Incorporate the definitions provided by the Mineral Lands Division for Mineral Exploration, Mineral Working, and Mining into the Development Regulations;

- **Geological Hazards**

16) Reduce the risk of inundation related to sea level rise by restricting development to areas at least 4 metre above the high tide mark, and at least 30 metre inland from the edge of coastal cliffs, banks, and waterways;

17) Require that proposed development on steep slopes (>15%) should be evaluated by a qualified professional to assess the risk for slope movements (e.g., landslide, rockfall), particularly in areas of thick till or other unconsolidated materials;

- **Mineral Exploration, Mineral Working, and zoning**

18) Indicate that Mineral exploration that is not a development is allowed as a permitted use in all zones and that Mineral exploration that is a development is indicated as a discretionary use; and development requirements regarding potential mining should be incorporated into the regulations;

19) Mineral working will be a permitted use in areas zoned 'Rural';

- **Mineral Working Separation Distances**

20) Mineral working may be permitted closer than the minimum separation distance or buffer specified in the Development Regulations, where the municipal authority is satisfied that the mineral working will not adversely affect the specified adjacent use or natural feature. By allowing the municipality to waive pre-set separation distances where it is satisfied there will be no adverse effect provides for greater flexibility in selecting sites where mineral workings may be permitted;

21) Where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the separation distance or buffer is reduced to less than the required distance due to encroachment of development or zoning boundaries towards the mineral working site;

- **Quarries**

22) For existing and future quarry sites, set out measures to avoid residential development near the areas identified with aggregate potential by the Mines Branch and implement the 300 metre quarry referral buffer to prevent conflict between incompatible uses. The referral buffer allows the Town and the Mineral Lands Division to work together to ensure that development can co-exist without impeding access to a valuable natural resource;

23) Ensure that areas of recognized aggregate resource potential near New Perlican Pond and Beaver Pond as identified by the Mines Branch are included in the Rural zone as much as practicable considering existing built-up development and existing Town investment in tourism and trail development;

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

24) Incorporate the following requirements into the Development Regulations:

- 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, provided the work is based on a grading plan, will result in an improved site for uses permitted in the Zone where it is located and it must 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 must be provided to the satisfaction of Council and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.
- c. Restrict development 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 will 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.

#### **National Building Code**

25) 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.

#### **Transportation and Infrastructure (Department)**

26) Restrict development within 20 metres from the centre line of the highway, as per the as per Section 6 of the *Works, Services and Transportation Act, 1995*.

#### **Water Resources Management Division**

27) Include the following requirements in the Development Regulations:

- a. 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:

- i. W.R.91-1-Infilling Bodies of Water,
- ii. W.R. 95-01-Land and Water Developments (Public water supplies)
- iii. W.R. 96-1-Flood Plain Management
- iv. W.R. 97-1-Development in Shore Water Zones
- v. W.R. 97-2-Development in Wetlands
- vi. Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses;

b. A Section 48 permit under the *Water Resources Act, 2002* administered by the Water Resource Management Division of the Department of Environment and Climate Change, and compliance with departmental policy is required, for:

- i. Any *infilling work* within 15 metres of a body of water; and,
- ii. Any work in *Shore Water zones* ("Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high-water mark of the water body defining the edges of the shore water zone);
- iii. Note that for a wharf/boathouse/slipway/breakwater a Section 48 permit is only required for any infilling or dredging work associated with these structures and otherwise these structures must follow the guidelines for the 'Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses' as published by the Water Resources Management Division;

c. A Non-Domestic Water Use Permit from the Water Resource Management Division of the Department of Environment and Climate Change is required before construction and for all existing, new or planned water use from any water source;

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

• **Pollution Prevention**

28) Ensure that applicants are aware that development must be compliant with *Environmental Protection Act, 2002* (EPA) and the *Water Resources Act, 2002* (WRA) and their regulations as listed below. For further information on all these requirements, the applicant shall contact the Regional Office of the Government Service Centre or the specific contact provided by the Department as set out below:

a. ***Environmental Protection Act, 2002, Part IV - Waste Disposal and Litter:***

- i. Waste receptacles shall be installed at all active areas for use by workers.
- ii. All waste material shall be considered, prior to disposal, for reuse, resale or recycling.
- iii. 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.

b. ***Environmental Protection Act, 2002, Part VI - Air Quality Management:***

- i. All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004.,
- ii. 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.

c. ***Environmental Protection Act, 2002, Part D – Pesticides:***

- i. All pesticide purchase, storage, and use is subject to compliance with the Pesticides Control Regulations, 2012, <http://assembly.nl.ca/Legislation/sr/regulations/rc120026.htm>.
- ii. The regulations stipulate that an applicator must 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).
- iii. 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 must be notified.

d. ***Environmental Protection Act, 2002, Storage and Handling of Gasoline and Associated Products Regulations:***

- i. 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;
- ii. All petroleum storage tanks shall be registered with Service NL in accordance with the GAP Regulations and all leaks/spills must be reported to the 24-Hour Environmental Emergency spill Line;
- iii. Oils, greases, diesel, gasoline, hydraulic and transmission fluids should be stored at least 100 metres from any body of water. Re-fueling and maintenance activities should also occur at least 100 metres from any body of water and on level terrain.
- i. An environmental emergency contingency plan must 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.

e. ***Environmental Protection Act, 2002 - Used Oil Control Regulations:***

- i. 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.

f. ***Environmental Protection Act, 2002 - Halocarbon Regulations:***

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

g. ***Water Resources Act, 2002 - Environmental Control Water and Sewage Regulations:***

- i. All waters discharged from the proposed site, during construction and operation, are subject to compliance with the *Environmental Control Water and Sewage Regulations, 2003*;
- ii. Should compliance monitoring be necessary, it will be subject to the departmental Accredited Laboratory Policy, PD:PP2001-01.2

**Provincial Archaeology Office**

29) Include the following requirements in the Development Regulations:

- a. The *Historic Resources Act, 1990* requires that, if an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will 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.
- b. Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application must be referred to the Provincial Archaeology Office for comments.
- c. Any accidental discoveries of historic resources shall also be reported by the Town to the Provincial Archaeology Office.

#### **National Codes and Regulations**

- 30) Adopt the following Codes in the Development 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. Compliance with these codes is the responsibility of the property owner.

### 2.3.3 Land use overlays

The provincial interests referenced in the Interdepartmental Land Use Committee report ILUC #1819 and those that are mapped on the provincial Land Use Atlas are shown as 'overlays' on the Future Land Use Map of the Municipal Plan and the Land Use Zoning map of the Development Regulations. As well, local interest overlays are shown for Protected Local Road access and Trails. They are listed below including referral and protection requirements:

- 1) **Dump Site Buffer:** The Town will refer applications located within the 'Dump Site Referral Buffer' and Council to the Department of Digital Government and Service NL for review and comment as part of the prior to making a decision to approve/reject/defer.
- 2) **Heritage Sites:** The Town Heritage sites which are designated under Section 414 (dd) of the *Municipalities Act, 1999* will be protected by measures set out in the Development Regulations. Sites that have been designated as of the date of the preparation of these Development Regulations are shown as a numbered locations on the Future Land Use and Land Use Zoning maps. As future sites are designated, they will be protected accordingly.

Town of New Perlican Designated Heritage Sites
1. Anderson's Shed Municipal Heritage Site
2. Bloody Point Municipal Heritage Site
3. Burrage's Stage Municipal Heritage Site
4. Harry's Brook Municipal Heritage site
5. Jane Condon's Grave Municipal Heritage Site
6. Jean's Head Lighthouse Site Municipal Heritage Site
7. Peter's Finger Municipal Heritage Site
8. Pinsent's Lane Municipal Heritage Site
9. Sittin' Rock Municipal Heritage Site
10. St. Mark's Anglican Cemetery Municipal Heritage Site
11. St. Matthew's United Church Southside Cemetery Municipal Heritage Site
12. The Hole Municipal Heritage Site
13. The Liberal Rock Municipal Heritage Site
14. Vitter's Cove Beach Municipal Heritage Site
15. Waterloo Loyal Orange Lodge No. 18 Municipal Heritage Site
A-Bloody Point Burial site
B-Hefford Plantation Burial Site Municipal Heritage Site by Heritage NL

In addition, the Bloody Point 2 Burial Site which is currently under active excavation by researchers from Memorial University is also identified as an overlay on the Future Land Use map and the Land Use Zoning map. A development buffer of 10 metres is required;

- 3) **Protected Road Building Control Line (along provincial highway Route 80):** An applicant wishing to develop within the Building Control Line must have a permit from the Town and must also apply for a Development Permit under the *Protected Road Zoning Regulations, 1996* administered by Digital Services and Service NL; The municipal zone applies for land use purposes within the Building Control lines and not the zones outlined in the Trinity South Highway Protected Road Plan.

- 4) **Highway Sign Control Line:** According to the *Highway Sign Regulations, 1999*, a referral to Digital Government and Service NL are required along the provincial highway (Route 80) with in the 100 metre control line on either side of the highway.

The Town may obtain an exemption from the regulations where the speed limit is less than 60 km/hour where the Town demonstrates that it has adequate policy guidance and regulatory controls (including enforcement) to administer its sign regulations.

- 5) **Blueberry Management Area:** Any applications within the Blueberry Management Area must be referred to the Land Resources Stewardship Division for review and comment;
- 6) **Mineral Working buffer:** Any applications for development within the 300-metre radius must be referred to the Mineral Lands Division;
- 7) **Protected Local Road Access:** These are black arrows shown on the Land Use Zoning map to indicate locations where the Town may wish to protect access to the backlands for future development.
- 8) **Survey Control Monuments:** If development or work within the Town has the potential of disturbing an existing Survey Control Survey Markers, the GIS and Mapping Division is required to be contacted.
- 9) **Trails:** In addition, the following trails, Tote Trail, Peter's Finger Trail, Jean's Head Trail and D'Ibreville Trail have been identified in Future Land Use zoning map of the Municipal Plan and the Land Use Zoning map of the Development Regulations. These trails require a minimum of a 15-metre buffer from any proposed development activities.

### **3.0 LAND USE POLICIES**

#### **3.1 GENERAL LAND USE POLICIES AND INTERPRETATION**

##### **3.1.1 General Land Use Policies**

The following policies apply throughout the New Perlican Municipal Planning area (Section 13 (2) 2) of the *Urban and Rural Planning Act, 2000*.

IT IS COUNCIL POLICY TO:

###### **Administration of the regulations**

- 1) 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 will address: when a permit is required, the obligations of the applicant and the Town in the application process;
- 2) Include options in the Development Regulations for when a proposal doesn't fit the development standards or zoning use table, including: variances, nonconforming use, and the amendment process for the Municipal Plan and/or Development Regulations;
- 3) Set out special conditions for development in the Development Regulations such as Planned unit developments, Development Agreements, Planning Impact Analysis, Financial Guarantees by Developers, Service levies, Required land for Public Works, Required Land for Park/Public Use in Subdivisions and Restoration of Land;
- 4) Set out provisions regarding the authorities of Council for the delegation of authority (section 109 of the *Urban and Rural Planning Act, 2000*), right of entry (Section 105 of the *Urban and Rural Planning Act, 2000*), and enforcement authority (Section 103 of the *Urban and Rural Planning Act, 2000*, and issuance of stop work orders.
- 5) Set out the application decision-making process in the Development Regulations including, but not limited to, the decision-making authority of Council, including premature development, timely decision-making, written reasons for refusal, and the responsibility to inform applicants of the appeal process;
- 6) Provide for planned unit development in the Development Regulations which could be a residential, commercial, or industrial development containing one or 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 comprehensive planned development may be treated as a single development where services are to be provided and maintained privately and internally. It must have frontage on a public 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 and the Development Regulations must specify development requirements for a Planned Unit development application( including zero lot line).
- 7) Specify requirements for a Planned Unit development application;

#### **Existing Non-Conforming Use**

- 8) Nothing in the Municipal Plan shall affect the continuation of a use which legally existed or development that was legally non-conforming on the day that this Municipal Plan is registered by the Minister of Municipal and Provincial Affairs except as outlined in Section 108 of the *Urban and Rural Planning Act, 2000* regarding discontinuance and resumption of use, alterations, repair; The Town can establish a timeline for duration of discontinuance before the 'existing legally con-conforming' status is expired (Section 108 (2) of the *Urban and Rural Planning act, 2000*);
- 9) Ensure that the Development Regulations contain provisions regarding lot size integrity, unsubdivided land, lot to front on to a public street, building lines and setbacks, flanking or corner lots, side yards, multiple uses on one lot, outdoor storage, civic numbering, and building design and town character.

#### **Access to streets, Parking, and Off-Street Loading**

- 10) Set out standards in the Development Regulations regarding 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.
- 11) Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;
- 12) Include requirements for adequate off-street parking and loading facilities shall be set out in the Development Regulations;

#### **Storm Water Management**

- 13) Ensure that the Development Regulations contain provisions 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.

#### **Lot to Front onto a Publicly Maintained Road**

- 14) Require that all individual lots shall front onto a publicly maintained road (Federal, Provincial or Municipal) and have independent, approved access. Exceptions include: (1) a lot within a Planned Unit Development where there may be an internal road plan (which will be set out in the Development Regulations); however, the PUB must front onto a publicly maintained road; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc.; The front wall of a dwelling shall face the street on which it is located and shall have a civic number easily visible for fire and emergency services.

#### **Future Development**

- 15) Allocate land for future development on the basis of its best use considering its physical characteristics and location;
- 16) Ensure that new development makes efficient use of existing roads and infrastructure and does not place an unsustainable maintenance burden on the Town;

- 17) 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 Land Conveyed for Public Work Purpose**

- 18) For a development not involving a subdivision, require such quantity of land to be conveyed as required to facilitate the public works where public works are required to accommodate the proposed development.

**Land for Park/Public Use in Subdivisions**

- 19) Implement Section 37 of the *Urban and Rural Planning Act, 2000* which allows Council to be able to require up to 10% of the subdivision or land to be developed shall 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 would otherwise be required to be dedicated.

**Signs**

- 20) Include standards and conditions in the Development Regulations pertaining to the design and location of signs and advertisements including the Provincial *Highway Sign Regulations, 1996* (under the *Urban and Rural Planning Act, 2000*);

**Cost/Benefit analysis for development proposals**

- 21) In considering proposals for development, Council will assess the costs and benefits to the Town: maximize efficient use of municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance;
- 22) Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits;

**Recreational Vehicles (RV)**

- 23) Allow RVs to be parked permanently on serviced lots that do not meet the minimum lot size for serviced dwellings in the Heritage Conservation, Residential-Serviced, Residential Rural, and Mixed Development zones as follows:
  - a. that RVs be allowed to hook up to municipal water and sewer services;
  - b. that the Town will charge taxes for the provision of municipal services;
- 24) For RVs on any lot, the following requirements shall apply:
  - a. Must comply with site development standards and policy 28 regarding multiple uses on one lot;
  - b. In particular: "Multiple use may not be permitted where the Authority determines that the proposed use would not be compatible with existing uses on or adjacent to the lot by reason of safety, amenity, appearance, or nuisance."
  - c. Must be located 2.4 metres from any building and 3 metres from the nearest part of a residential structure;
  - d. Cannot be located in front of the building line on the lot;

**Multiple uses on one lot**

25) Set out standards for situations where there are multiple uses on one lot.

**Protected Local Road Access**

26) Protect locations where the Town needs to ensure access to the backlands for future development. These are black arrows shown on the Future Land Use map of the Municipal Plan and the Land Use Zoning map of the Development Regulations and indicate the general location for future road access..

**Trails**

27) Require a minimum of a 15-metre buffer on Town designated trails between the trail and any proposed development activities. The following trails, Tote Trail, Peter's Finger Trail, Jean's Head Trail and D'Iberville Trail have been identified in Future Land Use zoning map of the Municipal Plan and the Land Use Zoning map of the Development Regulations as designated Town trails where this protection will apply.

### **3.1.2 Interpretation: Land use designations**

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 New Perlican is divided into land use classes.

**IT IS THE POLICY OF COUNCIL TO:**

**Establish Future Land Use designations**

- 1) Within each land use class, establish Future Land Use designations which will be mapped on the Future Land Use Map (see Appendix for Future Land Use mapping);
- 2) Within each land use designation, this Municipal Plan will enable the land use zones that will implement the policies set out in the Municipal Plan. This hierarchy is illustrated on the following table:

LAND USE CLASSES	LAND USE DESIGNATIONS Future Land Use (FLU)	LAND USE ZONES (LUZ)
• COMMERCIAL	<i>Commercial</i>	1. Mixed Development
• CONSERVATION	<i>Conservation</i>	2. Environmental Protection 3. Open Space, Parks & Trails 4. Protected Water Supply
• PUBLIC/INSTITUTIONAL	<i>Public/Institutional</i>	5. Town Centre
• RESIDENTIAL	<i>Residential</i>	6. Heritage Conservation 7. Residential-Serviced 8. Residential Rural 9. Residential Subdivision Area
• RURAL	<i>Resource</i>	10. Resource

- 3) Within the Future Land use designations, set out Land Use zones in the Development Regulations which will set out the permitted, discretionary land uses for each zone;

### **Permitted Uses**

- 4) Set out permitted uses in each zone and that can be approved, with or without conditions; any decision of Council is subject to section 3.1.1.(5);

### **Discretionary Uses**

- 5) Set out discretionary uses in each zone where Council determines that:
  - a. 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; and/or,
  - b. it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone;
- 6) Indicate the following considerations when accepting or refusing a discretionary use and attaching conditions to a discretionary use:
  - a. whether these are appropriate for the site and the immediate surrounding area;
  - b. 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.

### **Uses permitted in All Designations and Zones**

- 7) Set out the uses that are permitted in all land use designations and zones which will include:
  - a. conservation uses (environmental protection and open space, parks and trails);
  - b. mineral exploration that is not a development (as defined under *the Urban and Rural Planning Act, 2000*);
  - c. public utilities and municipal services;
  - d. wharf/boathouse/slipways/breakwaters as an accessory use to a principal use with the exception includes a storage building and workshop only if it does not detract from the nature of the neighbourhood; and,
  - e. Accessory Uses and Accessory Buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.

### **Interpretation of mapping**

- 8) Interpret the boundaries between land uses designations and zones as follows: the boundaries 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.
- 9) No Development Regulation amendment shall be required in order to accommodate minor adjustments of the Use Zone boundaries'
- 10) Acknowledge that the paper copy of the Future Land Use map(s) and Land Use zoning map(s) with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of New Perlican and a second copy is in the Minister's Registry with the Local Governance and Land Use Planning Division.

## **3.2 COMMERCIAL LAND USE POLICIES**

### **3.2.1 Objectives**

The objectives for the Commercial designation are to:

- 1) To provide for an adequate quality, quantity of commercial land to serve the present and future needs of the community for commercial, commercial-industrial and mixed development;
- 2) Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided;
- 3) To protect existing businesses and to facilitate their continued operation.

### **3.2.2 Policies**

It is the policy of Council to:

- 1) Establish a commercial land use designation on the Future Land Use mapping;
- 2) Establish within the Commercial land use designation, a Mixed Development zone which will have the following uses:
  - a. Permitted Uses All Commercial Uses as follow: [list] EXCEPT Amusement Park and Campgrounds; Industrial Artist ; Public Gathering Place-indoor; Public Gathering Place-outdoor; Sports & Recreation facilities; -Single detached dwelling; Semi-detached (double) dwelling; Apartment building; Townhouse; Home businesses-only these: (a) Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; (b)Artisan and other home crafts; and (c) Telephone and mail order business;
  - b. Discretionary Uses: Bar; Industrial Light; Home care-residential; Institutional Use- Personal care only; Recreational vehicles, Home businesses- those not set out under Permitted uses.
2. Establish the Mixed Development zone along the Provincial Highway Route #80 as there is very limited land available within the urban core for new commercial ventures. The existing Mixed Development zone will be expanded in the following locations:
  - a. On both sides of Route #80 at the southern end of the community;
  - b. Extending the Mixed Development zone into backlands that appear suitable for development.

## **3.3 CONSERVATION LAND USE POLICIES**

The Conservation land use designation may be comprised of public and private open space; water bodies including buffers around ponds, shorelines, and wetlands; lands that contribute to important ecological functions and lands containing other natural physical features which are desirable for open space use or preservation in a natural state. It also includes landscapes with natural hazards such as shorelines susceptible to erosion or slopes with potential for landslides.

The inclusion of privately-owned lands within the Conservation designation shall not imply that the land is accessible to the public. Permissions for public access to privately owned property within the Conservation designation shall be at the discretion of the property owner.

### **3.3.1 Objectives**

The objectives for the Conservation designation are to:

- 1) To protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, have natural or recreation values, or areas of potential natural hazard, such as shorelines, dunes, waterbodies, steep slopes, where development is unsuitable and environmentally unsustainable.
- 2) To protect land where the Town has or intends to invest in facilities for Open Space/Parks/Trails uses.
- 3) To protect the Public Water Supply area of the Town to ensure long-term potable water supply for the community.

### **3.3.2 General Policies**

It is the policy of Council to:

- 1) Establish a Conservation designation on the Future Land Use map. Within the Conservation designation, Council will establish the following zones in the Town of New Perlican Development Regulations:
  - a. Environmental Protection;
  - b. Open Space, Park and Trails; and,
  - c. Protected Water Supply.
- 2) The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the separation distance or visual buffer be provided by the developer.
- 3) Designate lands as conservation in order to reduce the potential for property damage and loss of life due to flooding or other natural hazard, and restrict development on lands known to flood, such as flood plain lands or areas with severe slopes or unstable soils.

### **3.3.3 Environmental Protection Policies**

It is a policy of Council to:

1. In the Conservation designation, provide for an Environmental Protection zone in the Development Regulations which will have the following uses:

- a. Permitted Uses: Environmental Protection; Open Space, Parks and Trails; Uses allowed in all zones;
- b. Discretionary Uses: Forest activities-domestic harvest only; Fishery use; Marina.

2. Establish the Environmental Protection zone in the following locations:

- a. Along sections of the coastal shoreline of the community, including the beach;
- b. Along the bodies of water, including rivers and ponds near or flowing into the ocean;

### **3.3.4 Open Space, Parks and Trails Policies**

It is the policy of Council to:

1. In the Conservation designation, establish an Open Space, Parks and Trails zone in the Development Regulations which will have the following uses:
  - a. Permitted Uses: -Open Space, Parks and Trails; Uses allowed in all zones;
  - b. Discretionary Uses: Campgrounds (including RV parks); Public gathering places-outdoor; Restaurant-Mobile Take Out, Street Vendor only; Outdoor Market.
3. Establish the Open Space, Parks and Trails zone in the following locations, as follows:
  - a. As a polygon (area) in the vicinity of Normans Hill where there are established trails and heritage resources; and
  - b. as a linear feature with a buffer set out in the Development Regulations for developed trails in the community, such as, Tote Trail, Peter's Finger Trail, Jean's Head Trail and D'Ibreville Trail.

### **3.2.5 Protected Water Supply policies**

It is the policy of Council to:

4. Establish within the Conservation land use designation, a Protected Water Supply zone which will have the following uses:
  - a. Permitted Uses: Water Resources Management Division – ‘Policy for Land and Water Related Developments in Protected Public Water Supply Areas’: Environmental Protection; Cottage; Forestry; Natural Resource-related Use; Commercial Agriculture; Open Space, Park and Trails; Uses permitted in all zones.
  - b. Discretionary Uses: Mineral Working; Mineral Exploration-development;
5. Establish the Protected Water Supply zone in a manner consistent with the boundaries set out under the *Water Protection Act, 2002* and administered by the Water Resources Management Division.
6. Refer any applications within the New Perlican River Protected Surfacewater area as designated under the *Water Resources Act, 2002* and Protected Water Supply zone to the Water Resources Management Division (WRMD); Permitted and Discretionary uses within the water supply area must be consistent with the WRMD policy: W.R. 95-01-Land and Water Developments (Public water supplies)

## **3.4 RESIDENTIAL LAND USE POLICIES**

### **3.4.1 Objectives**

The objectives of the residential land use designation are to:

- 1) Allocate sufficient land to meet anticipated residential and cottage development requirements for the next ten years;
- 2) To provide opportunities for the development of an adequate quality, quantity and mix of housing to serve the needs of the present and future population considering the range of age, income, abilities, and family status in the community;
- 3) Preserve the character of the historic residential area of the community around the heritage harbourfront along Harbour Road.
- 4) To develop the historical setting and heritage resources of New Perlican as a major economic and tourism resource for the community and regional.

### **3.4.2 General Residential Policies**

It is the policy of Council to:

- 1) Provide for a Residential land use designation on the Future Land Use mapping;
- 2) In the Residential designation, establish the following zones:
  - a. Residential-Serviced
  - b. Residential Rural;
  - c. Residential Subdivision Area
  - d. Heritage Conservation
- 3) Include provisions in the Development Regulations regarding alternative energy within a built-up residential area, which will be limited to a single energy-generation unit that serves an individual property;
- 4) Require conformance to the Development Regulations for (1) Individual Lot layouts and the siting of buildings, and (2) Subdivision Plan. This includes conformance to site development standards, engineering site plans, landscape plans and building design which must meet the approval of Council;
- 5) Ensure that shared driveways and backlot development standards are addressed in the Development Regulations to minimize liability to the Town but also reinforce the public health and safety considerations of adequate access to homes in the Town for emergency services.

### **3.4.3 Residential-Serviced**

It is the policy of Council to:

- 1) In the Residential designation, establish a Residential zone in the Development Regulations which will have the following uses:
  - a. Permitted Uses: Single detached dwelling; Semi-detached dwelling; Mini-home; Mobile home; Home businesses-only these: (a) Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; (b)Artisan and other home crafts; and (c) Telephone and mail order business-all others are discretionary uses; Uses allowed in all zones; Accessory uses and Accessory Buildings.
  - b. Discretionary Uses: Townhouse; Apartment building; Group Home; Convenience store; Urban agriculture; Public Gathering Places-Indoor; Energy generating facility residential only; Recreational Vehicle, Home businesses- those not set out under Permitted uses;
- 2) Establish a Residential zone in the built-up area of the community where the Town has invested in providing water and sewer services.
- 3) In the Residential zone, except in unusual circumstances, new urban development shall be connected to municipal water and sewer services; but, where on-site services are required due to the prohibitive cost to provide such service, it must be approved by Digital Government and Service NL.

### **3.4.4 Residential Rural**

It is the policy of Council to:

- 1) In the Residential designation, establish a Residential Rural zone in the Development Regulations which will have the following uses:
  - a. Permitted Uses: Single detached dwelling; Home businesses--only these: (a) Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; (b)Artisan and other home crafts; and (c) Telephone and mail order business-all others are discretionary uses; Uses allowed in all zones; Accessory uses and Accessory Buildings.
  - b. Discretionary Uses: Townhouse; Mini-homes; Group Home; Convenience store; Urban agriculture; Energy generating facility– residential only; Recreational Vehicle, Home businesses- those not set out under Permitted uses.
- 2) Establish the Residential Rural zone on the east side of New Perlican Pond (replacing the former Seasonal Residential zone).

### **3.4.5 Residential Subdivision Area**

It is the policy of Council to:

- 1) In the Residential land use designation, establish a Residential Subdivision Area zone in the Development Regulations which will have the following uses:

- a. Permitted Uses: Non-conforming uses and Uses allowed in all zones.
- 2) Require the preparation of a Subdivision application as set out in Chapter 9, and a rezoning application under the Development Regulations.

### **3.4.8 Heritage Conservation**

It is the policy of Council to:

- 1) In the Residential land use designation, establish the Heritage Conservation zone in the Development Regulations which will have the following uses:
  - a. Permitted Uses: Single detached dwelling; Semi-detached (double) dwelling; Townhouse; Apartment building; Mini-homes; Marina (see condition 7); Fishery use (see condition 7); Industrial-artistic; Home businesses-only those set out in Condition 2 (a); Uses set out in 3.1.5; Home businesses--only these: (a) Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; (b)Artisan and other home crafts; and (c) Telephone and mail order business-all others are discretionary uses; Uses allowed in all zones;
  - b. Discretionary Uses: Hotel; Motel; Group Home; Convenience store; Medical and Professional; Outdoor market; Personal Service; Public Gathering Places-Indoor; Public Gathering Places-Outdoor; Resort—See Condition (10); Urban agriculture; Energy generating facility—residential only; Recreational Vehicle, Home businesses that are not listed as Permitted Uses;
- 2) Establish development standards to protect the historic character of the New Perlican waterfront including:
  - a. Proposed exterior changes to buildings with heritage features;
  - b. Changes to existing buildings with no heritage features;
  - c. New development in the Heritage Conservation zone; and,
  - d. Development in the heritage harbourfront;
- 3) In general, only fishing and marine related uses, such as wharves and fishing sheds, shall be permitted along the shorelines of New Perlican in areas traditionally used for these purposes. Also, and in areas traditionally used for waterfront activity, Council can allow the development of tourism facilities that relate to New Perlican's history and marine environment and related uses on the shoreline of New Perlican Harbour in the Heritage Conservation and Mixed Development areas.
- 4) Establish development standards that allow for new non-heritage construction that complements the historic and tourism priorities of the Town in the Heritage area.

### **3.4.9 Subdivisions**

It is the policy of Council to:

- 1) Require a permit from Council for all subdivision of land;
- 2) Require, for subdivision development with 5 lots or more, a Subdivision Plan to 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, storm runoff management and sanitary waste services;
- f. Provision for lot layout scheme including the phasing of development;
- g. Provision for 10% recreation lands or alternative measures if requested by Council;

3) Council may consider a proposal for subdivision land and develop Back lots, where a narrow driveway from the street, forming part of the lot, in specific situations in the residential zone, where:

- a. the land is located in a developed area behind existing dwellings where vacant parcels of land are of sufficient size for a building lot, but does not have the required frontage on a publicly maintained street.
- b. The proposal meets development conditions regarding access width, length and the application of the building line, side yard and rearward requirements to be specified in the Development Regulations, including but not limited to:
  - i. Appropriate approval for onsite servicing must be obtained from the Service NL (Government Service Centre);
  - ii. The development of the lot must not prejudice the use of adjoining backland. Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
  - iii. To ensure that Council can meet its responsibility for public safety and emergency access by limiting the location of a dwelling on a backlot which shall be a maximum of 200 m from a public street.

## **3.6 PUBLIC/INSTITUTIONAL USE LAND USE POLICIES**

### **3.6.1 Objectives**

The objectives for the Public/Institutional Use designation are to:

- 1) To protect the Public/Institutional Use land near the Town Hall to provide a focus to the community and serve the present and future needs of the community;
- 2) To provide land areas for recreation areas, facilities and programming to appropriately address the recreational and social needs for all age groups in the Town taking into consideration access to other regional recreation facilities.

### **3.6.2 Policies**

It is the policy of Council to:

- 1) Provide for a Public/Institutional Use Future Land Use designation on the Future Land Use mapping;
- 2) In the Public/Institutional Use designation, provide for Town Centre zone in the Development Regulations; which will have the following uses:
  - a. Permitted Uses: Public/Institutional -ALL: excluding Cemetery and Institutional use; but includes Protective & Emergency services, Public Gathering Places-Indoor, Public Gathering Places-Outdoor, and Sports and Recreation Facilities; Amusement Park/Attraction; Offices; Outdoor Market; Uses set out in 3.1.5
  - b. Discretionary Uses: -
- 3) Establish the Public/Institutional zone in the area of the Town Hall and Community Centre and Fire Hall; public works buildings; and, recreation facilities

## **3.7 RESOURCE LAND USE POLICIES**

Lands designated as Rural are intended to be protected for the rural setting of the community, and used primarily by natural resource industries such as agriculture, forestry, mineral working operations, conservation uses, and other uses which by the nature of size or activity is not suitable to be located in the built-up area of the community.

### **3.7.1 Objectives**

The objectives for the Rural designation are to:

- 1) Ensure environmentally responsible, sustainable management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture;
- 2) Ensure coordinated and organized development of resource lands that may have significant economic and recreational value to the Town;

- 3) Retain the present rural character of the resource zone by limiting development permitted within this designation to those associated with agriculture, forestry, quarrying, outdoor recreation, cemetery or other uses such as recreational cottages;

### **3.7.2 Policies**

It is the policy of Council to:

- 1) Provide for a Rural designation on the Future Land Use map;
- 2) In the Rural designation, and establish a Rural zone in the Development Regulations that will allow the following uses:
  - a. Permitted Uses: Commercial Agriculture; Forestry Activities; Mineral Working; Natural Resource-related industries; Cottage; Contractor=General; Open Space, Park & Trails; Protective and Emergency Service;
  - b. Resort, including interpretation centre; Natural Resource-Related Uses ; Cemetery; Campground; Uses set out in 3.1.5
  - c. Discretionary Uses: Outdoor Market; Natural Resource-Related Uses; Public Gathering—Outdoor; Amusement Park/Attraction; Salvage/scrap yard; Service Station; Kennel; Marina; Residential: (1) Single detached dwelling only in association with a permitted use, such as commercial agriculture
- 3) To set aside lands intended to be used primarily for resource and rural uses and associated development that needs a rural context or large areas of land, or are incompatible with the urban area;
- 4) The Rural zone will be located in the following areas:
  - a. The Rural zone is located mostly outside the developed urban core of the community;
  - b. The agriculture land lease within the community as located on Provincial Highway Route #330 is required by the Provincial Government to be zoned as Rural; however, note that no animal husbandry is allowed in this location due to proximity to commercial and residential land uses.

## **4.0 IMPLEMENTATION**

### **4.1 DEVELOPMENT REGULATIONS**

In order for the Town of New Perlican to achieve the vision, objectives and policies articulated in their Municipal Plan, the Council will 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, and appeal processes; and,

Development Regulations are one of the main vehicles through which Municipal Plans are implemented. The Town will 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;
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 might 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.

In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Municipal Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;
- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

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

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;

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

#### **4.3 REVIEW OF THE MUNICIPAL PLAN**

The Council for the Town of New Perlican will 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.

**APPENDIX A: FUTURE LAND USE MAP**