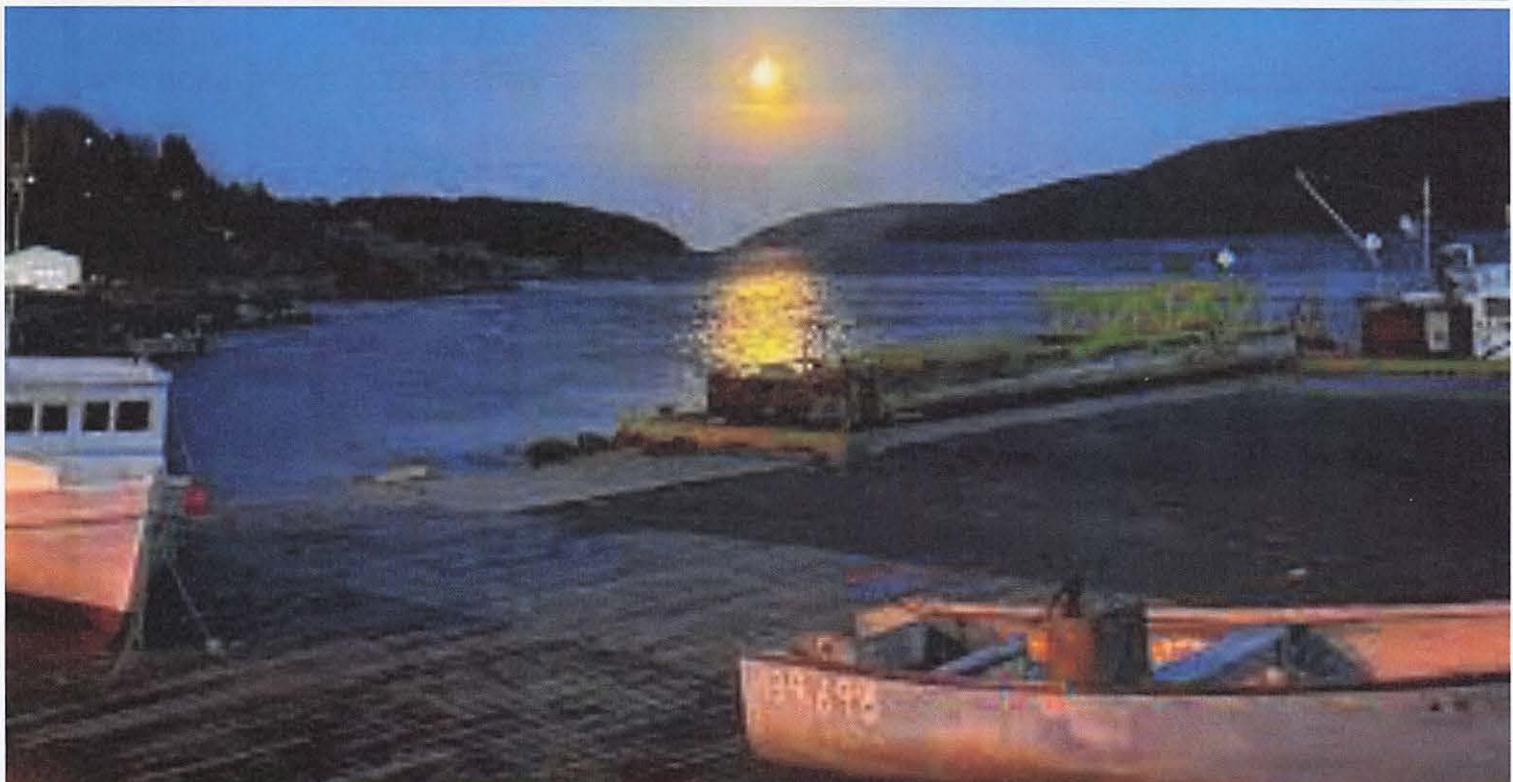


# Municipal Plan

## 2024-2034



### TOWN OF CAPE BROYLE



PREPARED BY:

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**TOWN OF CAPE BROYLE**  
**RESOLUTION TO APPROVE**  
**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 Cape Broyle:

- a) Adopted the Town of Cape Broyle Municipal Plan, 2024-2034 on the 20th day of February, 2024;
- b) Gave notice of the adoption of Municipal Plan, 2024-2034 by advertisement in the Shoreline News inserted on the 5th day of April, 2024 and 22<sup>th</sup> day of March, 2024; and,
- c) Scheduled the 16th day of April 2024 at the Cape Broyle Community Centre, 37 Harbour Road, Cape Broyle for the Public Hearing consider objections and submissions to the Municipal Plan, 2024-2034.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Cape Broyle approves the Municipal Plan, 2024-2034.

SIGNED AND SEALED this 16 day of July, 2024

Mayor:

Beverly O'Brien

Town Clerk:

Wendy Dyer

Municipal Plan/Amendment  
**REGISTERED**

Number 0860-0003-2024  
Date 28 DEC 2024  
Signature RE:General

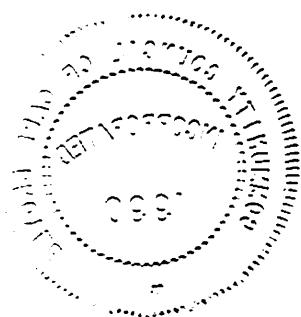
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TOWN OF CAPE BROYLE  
**RESOLUTION TO ADOPT**  
**MUNICIPAL PLAN, 2024-2034**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Cape Broyle adopts the Town of Cape Broyle Municipal Plan.

Adopted by the Town Council of the Town of Cape Broyle on the 20th day of February, 2024.

Signed and sealed this 16 day of July, 2024

Mayor: Beverly O'Brien

Town Clerk: Wendy Dugge



(Council Seal)

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP:

AMyers



Member, Canadian Institute of Planners (MCIP)

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## **1.0 INTRODUCTION**

### **1.1 The Purpose of the Municipal Plan**

The purpose of the Municipal Plan, 2024-2034 is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This updated Municipal Plan will replace the current Municipal Plan, 2009-2019, which was gazetted on January 14, 2010.

This updated Municipal Plan provides an up-to-date, comprehensive policy framework to influence, manage, and regulate future growth and change in the Town of Cape Broyle.

### **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 'Act'). They apply throughout the Municipal Planning Area which is established under the *Urban and Rural Planning Act, 2000*. For the Town of Cape Broyle, the Municipal Planning Area boundary is the same as the Municipal Area boundary under the *Municipalities Act, 1999*.

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 Act).

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 the Appendix.

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 land use designations and zones apply on both public and private land.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

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); these form a separate companion document to the Municipal Plan. The Development Regulations enable the Council to administer the policies of the Municipal Plan.

The Municipal Plan 2024-2034 comes into legal effect upon publication of the notice of registration in the *Newfoundland and Labrador Gazette*, and at that point the Municipal Plan, 2009-2019, is repealed and replaced by the new Municipal Plan, 2024-2034.

### **1.3 The Municipal Planning Process**

The process for preparing a Municipal Plan is set out in Part III of the Act (Sections 14 – 25) and it can only be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Background Report was prepared to inform the Municipal Plan review. It provides the key findings of statistical research, community site visits and discussions with the Town staff and Council, as well as concerns and information gleaned from Provincial agencies and community representatives, including public consultations.

The Background Report contains a review of land use, development and infrastructure servicing issues, and a socio-economic profile of the Town of Cape Broyle. As well, an analysis was undertaken of the 1984 planning documents and mapping. The Background Report provides the foundation for preparation of the Municipal Plan update. It can be found in the Appendix.

In preparation for the Municipal Plan Review, the Local Governance and Planning Division, Department of Municipal and Provincial Affairs referred the Town of Cape Broyle review notice to the Interdepartmental Land Use Committee (ILUC). ILUC consists of about 16 government departments and agencies with land use and development jurisdiction. As the ILUC report is an internal government document it cannot be reproduced in entirety as part of the Municipal Plan, however, the recommendations contained in the ILUC report are set out in Section 2.2.2.

The planning documents and maps were circulated online and with Council, town staff and the public. Formal public consultations occurred prior to the preparation of the documents in order to solicit input on issues and concerns; and then again upon completion of the Draft Municipal Plan, Development Regulations and associated mapping to receive further input and comment.

The effort to circulate the poster providing Notice of the Public Meeting #1 for Cape Broyle (July 15, 2019) included the following activities:

- Posted on the Town's Facebook Page
- Notices in Mail box area
- Notices in two local stores
- Notices at the town office

For Public Consultation #2, the effort to circulate the poster providing Notice of the Public Meeting for Cape Broyle included the following activities for both public consultations:

- Posted on the Town's Facebook page
- Notices in two local stores
- Notices at the town office
- Notice in the Irish Loop (May 19, 2022)

Upon completion of the review and comment phase, Council accepted the draft Municipal Plan and Development Regulations and recommended submission to the Provincial government for (Section 15) review for compliance with Provincial legislative and regulatory requirements.

Upon Section 15 release, Council adopted (by Resolution) the Municipal Plan and Development Regulations. There is further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner formally reported his findings to Council as a result of the public hearing. Council adopted the Commissioner report the report in its entirety as per the process set out in Section 23 of the *Urban and Rural Planning Act, 2000*.

Council then approved (by Resolution) the Municipal Plan and Development Regulations (as amended), and made application to the Minister of Municipal and Provincial Affairs for registration. 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.

The Municipal Plan must address the future land use and development of the Municipal Planning Area for a 10-year period. The Municipal Plan must be reviewed every five years (Section 28), and reviewed comprehensively again at 10 years' time as the scope of the Municipal Plan is required to anticipate the needs of the Town of Cape Broyle for a 10-year period.

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.

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## **2.0 COMMUNITY VISION AND SUSTAINABLE OBJECTIVES**

The community vision articulates the overarching goal of the Municipal Plan reflecting the aspirations and needs of the residents of the Town of Cape Broyle.

This vision is achieved through the implementation of the Municipal Plan policies set out in Chapter 3 that were articulated to provide a sustainable policy framework for the land use and development regulations that will be administered through the Development Regulations.

### **2.1 Community Vision**

During the process of the preparation of the Integrated Community Sustainability Plan, the Towns of Aquaforte, Ferryland and Cape Broyle worked together and made commitments to support for municipal and regional sustainability.

This resulted in the following the Vision for governance of the Town Cape Broyle:

- *To commit to practice sustainable principles in matters of social, cultural, environmental, governance and financial objectives;*
- *To recognize the long-term nature of sustainability and the opportunity to use Gas Tax rebates to further municipal development;*
- *To commit to collaboration to provide common regional and municipal services and share opportunities, resources and knowledge, which is essential to achieve sustainability;*
- *To commit to increasing and enhancing our communications capacity and to explore digital communications opportunities to promote sustainable activities and developments.*

### **2.2 Community Land Use Objectives**

The objectives for land use in the Town of Cape Broyle include:

- (1) To provide a pleasant, healthy, and safe living and working environment in Cape Broyle;
- (2) To provide an adequate amount of land to accommodate future residential, public institutional, commercial, industrial, conservation, public utility and rural land uses within the municipality over the 10-year timespan of the Municipal Plan;
- (3) To manage development in an orderly manner that:
  - a. ensures that land uses are properly allocated so that conflicts between non-compatible uses are avoided;

- b. creates a balanced and attractive community by considering its physical characteristics and location;
- (4) To enable the use of alternative renewable energy sources, such as, wind and solar energy, and promote the development of industries that use clean renewable sources of energy.
- (5) To apply healthy community principles in evaluating development applications and infrastructure renewal:
  - a. Preserve paths, walkways and trails to encourage walking, cycling and any other form of active transportation and preserve historic paths and the former railbed as part of the Town's cultural heritage; therefore, Open Space, Park and Trail uses will be permitted in all zones;
  - b. Foster an urban environment that is laid out to make social engagement easy recognizing that mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement;
  - c. Keep nature in the urban areas: Preserve trees and natural buffers and encourage landscaping in new developments to enhance everyday life;

The objectives for economic viability and sustainability include:

- (1) To provide flexible zoning that will enable employment-generating activities, such as, commercial (including tourism-related initiatives) in the Mixed Use land designation; and protecting expansion potential of existing businesses and making land available to attract new ventures to Cape Broyle;
- (2) To encourage home-based businesses by including provisions regarding home business opportunities in the regulations that will help residents augment their income without detriment to the character of the neighbourhood; the regulations will clarify that working from home is not classified as 'home business';
- (3) Facilitate promotion of the Town of Cape Broyle as a tourist attraction by ensuring that the zoning allows for the development of tourism facilities and attractions; and protect the natural assets contributing to tourism, such as viewscapes and storefront natural setting.

The objectives for protecting the environment include:

- (1) To preserve scenic views of the shoreline and hills recognizing their value to residents and visitors for recreation and tourism, and the preservation of the rural character of the Town;
- (2) To protect naturally significant areas, such as:
  - a. water bodies: including buffers around ponds, shorelines, and wetlands, and flood plain lands,
  - b. lands recognized by Council as having natural significance;
  - c. lands that contribute to important ecological functions; and,
  - d. lands containing other natural physical features which are desirable for open space use or preservation in a natural state.

### **2.3 Municipal Governance Objectives**

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, at environmentally acceptable standards, and 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.

### **2.4 Municipal Services**

The objectives for providing sustainable municipal services include:

- (1) To address issues regarding road extensions which should not exceed the maximum length requirement for of cul de sacs, sharing of access (lane) to roads, long lanes which are more like a road than a lane;
- (2) To reserve locations for future access to backlands that could be developed if a subdivision plan was prepared;
- (3) Permit municipal services and utilities, such as telecommunications, pollution control and electric utilities 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;

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## **3.0 LAND USE POLICIES**

The following sections outline land use designations, objectives and policies of the Municipal Plan for the Town of Cape Broyle Municipal Planning area, as required by Section 13 (2) (a) of the *Urban and Rural Planning Act, 2000*.

### **3.1 Interpretation of Future Land Use Designations for Municipal Plan**

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 Cape Broyle is divided into land use classes. Within each land use class, the Municipal Plan sets out land use designations which are mapped on the Future Land Use Map.

The policies for each designation reflect the vision and objectives of the community set out in chapter 2. As well, the policies for each land use designation will also set out the land use zones within each designation for the Development Regulations; these zones are be shown on the Land Use Zoning map of the Development Regulations.

It is the policy of Council to:

1. Apply the land use designations and associated land zones set out on the following table in the Cape Broyle Municipal Planning Area boundaries;

URPA, 2000 Section 13 (1) (c) LAND USE CLASS	LAND USE DESIGNATIONS Future Land Use Map Municipal Plan	LAND USE ZONES Land Use Zoning Map Development Regulations
Conservation	Environmental Protection	Environmental Protection
	Open Space, Parks and Trails	Open Space, Parks and Trails
Industrial	Industrial	Industrial
Mixed	Mixed-Residential/Commercial	Mixed-Residential/Commercial
	Mixed Development	Mixed Development
Public Institutional	Heritage Conservation	Heritage Conservation
Public Utility	Public Utility	Public Utility
Residential	Residential Subdivision Area	Residential Subdivision Area
Rural	Rural	Rural

The paper copy of these maps with the signed registration stamp is the legal version. One copy of each registered map is kept at the Council Office, and a second copy is in the Minister's Registry with the Local Governance and Land Use Planning Division, Department of Municipal and Provincial Affairs.

2. Interpret the boundaries between land use designations and land use zones 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. Establish zones in the Development Regulations that indicate permitted, discretionary and prohibited uses (if any) in each zone. Development Regulations shall set out the standards and conditions for uses and development in each land use zone based on the objectives and policies of the Municipal Plan.
4. Establish permitted uses in each zone and that may be approved, with or without conditions or refused with reasons;
5. Establish 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, 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;
  - b. use the following considerations when accepting or refusing a discretionary use and attaching conditions to a discretionary use:
    - i. whether these are 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 Map in which the use is located.
6. Require a permit for Accessory Uses and Accessory Buildings as set out in the Development Regulations;
7. Prohibit the development of uses that are not set out in the Use Zone table for the zones;
8. Allow for the following uses to be permitted in all land use zones:
  - a. Environmental protection uses;
  - b. Open space, park, & trail uses;
  - c. Mineral exploration not classed as 'Development';
  - d. Development associated with public infrastructure and municipal services, including public infrastructure and utilities;
  - e. Accessory use: Wharf/boathouse/slipways/breakwater, subject to 5.2.4 are Permitted uses where they are accessory to a Principal use; and a Discretionary use when not accessory to a Principal use.
  - f. Accessory Uses and Accessory Buildings, provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.

9. Require that all Development regulations stipulate that all development within the Municipal Planning area must conform to the policies of the Municipal Plan, the development conditions and standards set out in the Development Regulations; standards set out in the National Building Code; any other municipal regulations under the Municipalities Act, 1999; and Federal and Provincial legislation, regulations, policies or guidelines.

### **3.2 Mixed Use Land Use Class**

#### **Objectives**

The objectives of the Mixed land use class are:

1. To meet housing needs for a range of age, income, abilities, and family status for current and future residents by providing a wider range of housing types;
2. Maintain the mix of residential, commercial, industrial and public institutional land uses that preserves development opportunities for landowners in a manner that does not create conflict or detract from the rural character of the community;
3. Distinguish between primarily residential neighbourhoods by creating a Mixed-Residential/Commercial zone and the traditional Mixed Development zone which allows for a wider range of economic development opportunities.

#### **Policies**

It is the policy of Council to:

1. Establish the following designations on the Future Land Use mapping to achieve the objectives of this the Mixed Land Use Class:
  - a. Mixed-Residential/Commercial; and,
  - b. Mixed Development.
2. For non-residential development adjacent to residential development:
  - a. Prohibit the bulk and scale of proposed non-commercial uses adjacent to residential designations to adversely affect the existing residential character and amenity of a street;
  - b. Ensure the provision of adequate space for on-site parking, loading, and buffering;
  - c. Ensure compatible with the residential uses with due attention to hours of operations, noise levels, traffic levels, and other nuisance factors.

3. Establish landscaping requirements to be used as conditions in development permits and require that the application provides information regarding how the owner proposes to preserve the scenic quality of the neighbourhood.
4. Allow for provisions regarding alternative energy within a built-up residential area which will be limited to a single energy-generation unit that serves an individual property;
5. Require prior approval of the Service NL for on-site water supply and sewage disposal system for non-serviced lots, before development permits are issued.

### **3.2.1 Mixed Residential/Commercial**

#### **Policies**

It is the policy of Council to:

1. Within the Mixed Use-Residential/Commercial designation, establish the Mixed-Residential/Commercial zone, which will have the following:
  - a. **Permitted Uses:** Single Detached Dwelling; Semi-Detached Dwelling; Urban Agriculture for Community Garden and urban animals; Home Businesses Refer to (2) below; Child Care – Non-residential (Note: residential child care is under Home Business)
  - b. **Discretionary uses:** Amusement Establishment/Use; Apartment Building; Building Supply Store; Business Support Service ;Campground, including RV campgrounds; Cemetery; Club and Lodge; Convenience Store; Custom Manufacturing Service and Sales -(small/artisan); Day Care-Residential; Garage, Public parking /taxi stand; General Service/Repair Shop; Home businesses-(5.3.1) those not set out in Condition 3 (which are permitted) listed below in (2); Hotel or In; Medical or Dental Clinic/Office; Mini-Home and Mobile Homes ; Mobile Street Vendor (non-food) or office; Motel ; Offices: Professional, Financial &Associated Support Services; Outdoor Commercial Patio; Outdoor Market; Personal Service; Protective and Emergency Services; Public Gathering Places-Outdoor; Public Gathering Places-Indoor; Resort-Tourist Establishment; Restaurants: Take-Out, Full-Service, Mobile Take-Out or Street Vendor; Retail; Service Station; Short Term Rental; Supportive Housing; Veterinarian Clinic;
2. Home business permitted uses include:
  - i. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
  - ii. Artisan and other home crafts;
  - iii. Any business applying for only a phone/fax/internet service

3 Home business as a discretionary use include:

- i. Food preparation for catering services and baking;
- ii. Music and dance lessons and educational tutoring
- iii. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
- iv. Care services, such as child care, or home-care; and similar occupations or businesses.
- v. Art gallery and framing shop;
- vi. Pet grooming services;
- vii. Bed and Breakfasts;
- viii. Boarding House
- ix. Home Care-Residential
- x. Furniture repair and upholstery;
- xi. Sale of bedding plants and trees grown on the same lot;

### **3.2.2 Mixed-Development**

#### **Policies**

It is the policy of Council to:

1. Within the Mixed-Development designation, establish the Mixed Development zone in former Mixed Development zoned areas of the community located further from the urban core which are more amenable to adding industrial and agricultural uses; These areas will have the following uses:
  - a. **Permitted Uses:** Single Detached Dwelling; Semi-Detached Dwelling; Townhouse; Urban Agriculture for Community Garden and urban animals; Home Businesses refer to (2) below); Child Care – Non-residential (Note: residential child care is under Home Business);
  - b. **Discretionary uses:** Amusement Establishment/Use; Amusement Park/Attraction; Apartment Building; Automotive Repair Shop; Bar/Licensed Liquor Establishment; Building Supply Store; Business Support Service; Campground, including RV campgrounds; Cemetery; Club and Lodge; Commercial Agriculture; Contractor-General; Contractor, Limited (Small); Convenience Store; Custom Manufacturing Service and Sales (small/artisan; Day Care-Residential; Garage, Public parking /taxi stand; General Service/Repair Shop; Home businesses-see (3) below); Hostel; Hotel or Inn; Industrial-General; Industrial Light; Industrial Mall; Kennel; Medical or Dental Clinic/Office; Mini-Home and Mobile Homes; Mobile Street Vendor (non-

food) or office; Motel; Natural Resource-Related Uses; Outdoor; Garage, Public parking /taxi stand; Outdoor Commercial Patio; Outdoor Market; Personal Service; Protective and Emergency Services; Offices-Professional, Financial and Associated Support Services; Public Gathering Places-Outdoor; Public Gathering Place -Indoor; Resort-Tourist Establishment; Restaurants: Take-Out, Full-Service, Mobile Take-Out or Street Vendor; Retail, Service Station; Short Term Rental; Sports and Recreation facilities; Supportive Housing; Townhouse; Veterinarian Clinic;

2. Home business permitted uses include:

- i. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
- ii. Artisan and other home crafts;
- iii. Any business applying for only a phone/fax/internet service

3. Home business as a discretionary use include:

- i. Food preparation for catering services and baking;
- ii. Music and dance lessons and educational tutoring
- iii. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
- iv. Care services, such as child care, or home-care; and similar occupations or businesses.
- v. Art gallery and framing shop;
- vi. Pet grooming services;
- vii. Bed and Breakfasts;
- viii. Boarding House
- ix. Home Care-Residential
- x. Furniture repair and upholstery;
- xi. Sale of bedding plants and trees grown on the same lot;

### **3.3 Public Institutional Land Use Class**

#### **3.3.1 Objective**

1. The objective of the Public Institutional land use class is to create a land designation that provides a focal point for the community activities and celebrates community identity through heritage conservation.

#### **3.3.2 Policies**

It is the policy of Council to:

1. Establish a Heritage Conservation designation on the Future Land Use mapping in the area of the Town Hall, community park, and the Immaculate Conception Roman Catholic Church and grounds, which have the significant heritage value to the Town of Cape Broyle;
2. In the Heritage Conservation designation, establish a Heritage Conservation zone on the Land Use Zoning mapping of the Development Regulations which will have the following:
  - a. **Permitted Uses:** Urban Agriculture: Community Garden; Institutional Use-Limited to Town facilities only; Public Gathering Places -Indoor; Public Gathering Places- Outdoor; Sport and Recreation Facilities;
  - b. **Discretionary Uses:** Convenience Store; Outdoor Market; Restaurants: All: Take-Out, Full-Service Restaurant, and Mobile Take-Out or Street Vendor; Mobile Street Vendor (non-food) or office;

### **3.4 Conservation Land Use Class**

#### **Objectives**

The objectives for the Conservation designation are:

1. To identify and protect areas of environmental sensitivity, vulnerability, ecological significance or natural values and/or potential natural hazard;
2. To identify areas of significant recreation value to the Town and protect recreation facilities where significant community investment has been made.

#### **Policies**

It is the policy of Council to:

1. Establish the following designations on the Future Land Use mapping in order to achieve the objectives of this the Conservation Class:
  - a. Environmental Protection; and,
  - b. Open Space, Park and Trails.

### **3.4.1 Environmental Protection**

It is the policy of Council to:

1. Establish an Environmental Protection designation protect on the Future Land Use mapping which would include water bodies including buffers around ponds, shorelines, and wetlands, and flood plain lands; lands containing other natural physical features which are desirable for open space use or preservation in a natural state; and land with natural hazards or areas vulnerable to future climate change impacts;
2. Within the Environmental Protection designation, establish an Environmental Protection zone with the following uses:
  - a. Permitted Uses: environmental protection (conservation measures to protect land and water resources) and open space, parks and trails uses; and
  - b. Discretionary Uses: Marina; Outdoor Market; Restaurants: Take-Out, and Mobile Take-Out or Street Vendor; Public Gathering Places—Outdoor; and uses as allowed under the policies of the Water Resources Management Division regarding development within 15 m of a waterbody, infilling of waterbodies and areas known for flooding;
3. Restrict development in areas with slopes greater than 15 percent, and set out conditions for exceptions;
4. Require that development is limited to:
  - a. passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties; and,
  - b. wharves, boathouses, slips, dock or breakwater, subject to Council discretion;
  - c. development associated with scientific work related to environmental research and monitoring of conditions.

### **3.4.2 Open Space, Park and Trails Land Use Class**

#### **Policies**

It is the policy of Council to:

1. Establish an 'Open space, Parks & Trails' designation on the Future Land Use map;

2. Within the Open space, Parks & Trails' designation, establish a 'Open Space, Parks and Trails' zone on the Land Use Zoning maps in the Development Regulations where the following uses are allowed:
  - a. Permitted Uses include: Environmental Protection; Open Space, Parks and Trails; Sports and Recreation Facilities; Public Gathering Places—Outdoor.
  - b. Discretionary Uses include: Outdoor Market; Public gathering places-outdoor; Restaurant-Mobile Take-Out or Street Vendor; Mobile Street Vendor (non-food) or office.
3. Protect public access to the coastal shoreline an 'Open Space, Parks and Trails' designation/zone throughout the community;
4. Require that any development near a designated trail or water shall 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;
5. Wherever space and terrain characteristics allow, the appearance and use of well-known trails and/or mapped trails (including the Track and the East Coast Trail) shall be protected by natural vegetation buffers that separate the trail and other forms of development and from hazard areas and areas subject to erosion, such as river and brook banks. The vegetation buffer shall be deep enough and wide enough to prevent shallow rooted trees being knocked over by wind.
6. As a condition of a development permit, the Town may require that a trail corridor be deeded to the Town or a non-profit group approved by the Town.

### **3.5 Industrial Land Use Class**

#### **Objectives**

The objectives for Industrial land use designations are:

1. Protect existing industrial lands for primary employers in the community;
2. Provide for buffers such as separation distance standards between residential and non-residential uses, fences, landscaping and other means in order to minimize the negative effects of nuisance or unsightly development and land use activities.

## **Policies**

It is the policy of Council to:

1. Establish an Industrial designation on the Future Land Use map of the Municipal Plan;
2. Within the Industrial designation, establish the Industrial zone on the Land Use Zoning map of the Development Regulations which allows for the following uses:
  - a. Permitted Uses: Fishery Use; Industrial General;
  - b. Discretionary Uses: Contractor, General;
3. Ameliorate incompatible contiguous land uses: Property owners with unsightly uses shall be required to store their materials in the rear yard. Screening and buffering using fences or trees may be required in order to preserve an attractive appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.

### **3.6 Public Utility Land Use Class**

#### **Objective**

The objective of the public utility land use class includes

1. To protect the public utility investments made by NL Hydro and ensure no land use conflicts occur.

#### **Policies**

It is the policy of Council to:

1. Establish a Public Utility designation on the Future Land Use mapping of the Municipal Plan;
2. Within the Public Utility land use designation, establish Public Utility zone on the Land Use Zoning map of the Development Regulations to protect public utility infrastructure;
3. Permit the following uses in the Public Utility zone: Energy Generation Facilities; Easement; Utilities;

### **3.7 Rural Land Use Class**

#### **Objectives**

The objectives for the Rural Use designation are to:

1. To preserve, and manage rural lands and resources in a responsible, coordinated, sustainable manner, including the Town's natural resource lands outside the urban core for rural uses, such as agriculture, forestry, mineral resources, wildlife and fish, water, outdoor recreation and to protect the rural character of the community;
2. To allow specific general industrial uses that are not be compatible with the urban community to be located in the rural zone provided they do not detract from the primary resource-related uses of the rural area;

#### **Policies**

It is the policy of Council to:

1. Establish a Rural designation on the Future Land Use mapping of the Municipal Plan in the areas outside the urban core and future urban development lands;
2. Within the Rural designation, establish a Rural zone on the Land Use Zoning Map of the Development Regulations that will allow for the following uses:
  - a. Permitted Uses: Commercial Agriculture; Forestry Activities;
  - b. Discretionary Uses: Amusement Park/Attraction; Campground, including RV campgrounds; Cemetery; Composting Facility; Contractor, General; Cottage; Crematorium; Energy Generation Facilities; Industrial-General; Kennel; Mineral Working; Mining; Natural Resource-Related Uses; Outdoor Market; Resort-Tourist Establishment; Salvage/Scrap Yard; Single Detached Dwelling only if associated with an agricultural development; Solid Waste Recycling/Disposal & Composting Site;
3. Council will consult with the natural resource agencies regarding applications and management plans; Provincial government agencies, including the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division each have jurisdiction under legislation to plan and control these resources. It is the objective of this Municipal Plan to ensure that the Town is adequately consulted by these agencies, and that permits are secured from the Town;
4. In the Rural zone a 30-metre buffer on waterbodies will be established as natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.), as practicable. A 30-metre minimum undisturbed natural vegetated green belt could be a standard

requirement when dealing with any type of land use activity; wider green belts are suggested when bordering land uses include for example agricultural practices.

5. For developments requiring vegetative removal, Council will consider measures to maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species.
6. That vegetation clearing is to be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.
7. Comply with Provincial government authority regarding mineral exploration and mineral lands development opportunities and ensure the procedures are in place to ensure that:
  - a. the Council is consulted by the Mineral Lands Division on all proposed developments associated with these activities;
  - b. that appropriate environmental, public health and safety and fencing/landscaping measures are provided to avoid land use conflict; and,
  - c. parties comply with the requirements of the Mineral Lands Division Resources regarding the Mineral Working buffer which will be identified as an overlay on the Land Use zoning mapping; and regulations regarding buffers are to be included in the text of the Development Regulations.

### **3.8 Residential Land Use Class**

#### **Objective**

1. The objective of the Residential Land Use class is to create a Residential Subdivision Area identifying lands for future residential development

#### **Policies**

It is the policy of Council to:

1. Establish a Residential Subdivision Area designation on the Future Land Use mapping of the Municipal Plan in order to protect land and access to these lands and ensure that no ad hoc development occurs that would compromise future residential use.
2. Within the Residential Subdivision Area designation, establish a Residential Subdivision Area (RSA) zone on the Land Use Zoning map of the Development Regulations, subject to the following:
  - a. The RSA is for the purpose of Residential development;
  - b. The Development Regulations will allow existing uses to continue in an area designated as an RSA;

- c. The areas designated as RSA will consist of areas suitable for residential development to the south of the community.
- d. A Subdivision or Comprehensive Development application must be prepared in order to ensure orderly development and maximize use of land and address the requirements for subdivision development (as appropriate);
- e. No new development can take place until Subdivision or comprehensive plan application has been approved.
- f. Subdivision and Comprehensive Development applications (refer to section 2) which must be prepared by a certified Planner (Member of the Institute of Planners). The purpose of the RSA is to provide for future urban residential development based upon the following conditions:
  - a. That the application shall provide information to the Town on how the majority, if not the entirety of the CRDA is to be developed, including information on:
    - i. identification of environmentally sensitive lands,
    - ii. tree retention and replanting,
    - iii. proposed land uses including attention to affordable housing and efficient use of the land base,
    - iv. proposed land uses including type zones to occur within the RSA;
    - v. proposed road network and stormwater servicing, how the roads will add to connectivity of the existing road system,
    - vi. where applicable, park, trials and open space provisions for build-out of the neighbourhood plan area including proposals for developing connective pedestrian trail linkages to a community wide pedestrian mobility system, and,
    - vii. other community planning issues as determined by Council.
  - b. The Subdivision or Comprehensive Development application should incorporate the principles from the 'Smart Growth', 'Complete Community' and 'Healthy Community' planning concepts, as appropriate:
    - Mix of land uses;
    - Take advantage of compact building design.
    - Create walkable neighbourhoods and a range of housing opportunities and choices;
    - Foster distinctive, attractive communities with a strong sense of place;
    - Preserve open space, farmland, natural beauty, and critical environmental areas;
    - Strengthen and direct development towards existing communities;
    - Make development decisions sustainable, predictable, fair, and cost effective.

### **3.9 Provincial Government Interest Overlays**

It is the policy of Council to indicate the Provincial Interest Overlays on the Future Land Use Map and the Land Use Zoning map in order to indicate the appropriate measures to be taken by the Town regarding development in the area of the following Overlays.

#### **1. Building Control Line (*Protected Road Zoning Regulations, 1996*):**

Ensure that an applicant obtains a permit from Digital Government and Service NL for any development within the Development Control line that is shown on the Future Land Use map of the Municipal Plan and Land Use zoning map of the Development Regulations. Section 5 (2) of the *Protected Road Zoning Regulations, 1996*, indicate that: Within the municipal boundary of each incorporated municipality the building control line shall be 100 metres distant, measured perpendicular, from the centre line of the roadway.

#### **2. East Coast Trail Buffer:**

Establish a buffer for the East Coast Trail as an overlay on the Future Land Use mapping of the Municipal Plan and Land Use Zoning mapping of the Development Regulations as follows.

- a. A referral buffer is established for the East Coast Trail as an overlay on the Land Use Zoning mapping, where in the Rural zone, a 250-metre referral buffer is established where applications would be referred to the East Coast Trail Association and the Town of Cape Broyle.
- b. Elsewhere in the Municipal Planning area, the following development restrictions apply with regard to the East Coast Trail in the community:
- c. A minimum buffer of 15 m on either side of the trail shall be maintained except in respect of privately owned lands where the land is deeded or assigned to the Town or a non-profit body, the minimum buffer shall be 7.5 metres from the centre-line of the trail to create a 15-metre-wide trail corridor.
- d. Within the buffer of a trail, only public utilities and roads may be allowed. No other development is permitted on or near the trail.
- e. No development shall take place within 100 metres of the East Coast Trail unless it has been reviewed by the East Coast Trail Association and approved by the Town.

#### **3. Survey Control Monuments:**

Inform the Surveys and Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument. There are 7 monuments in the Municipal Planning Area and these can be found at the GIS and Mapping Division website: <https://arcq.is/ylHiH>;

#### **4. Heritage Sites**

Protect the heritage sites that the Town has designated under the Municipalities Act, 1999 for heritage conservation, including Immaculate Conception Roman Catholic church and grounds, the Immaculate Conception Cemetery, O'Brien's General Store, Mulcahy's Stage and the Whale Station on the southern shore. These sites are to be preserved for their heritage value and development in the vicinity of these sites must take the heritage value into consideration.

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## **4.0 IMPLEMENTATION**

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

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 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*.

## **4.2      Review of the Municipal Plan**

The Council for the Town of Cape Broyle 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.

## **4.3      Development Regulations**

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*. The Development Regulations are established to ensure that land is controlled and used only in accordance with the Cape Broyle Municipal Plan.

The following policies relate to the establishment of the Development Regulations and apply throughout the Cape Broyle Municipal Planning area in conformance with Section 13 (2) (2) and Section 35 of the *Urban and Rural Planning Act, 2000*.

It is Council policy to:

### **Authorities and Responsibilities (Chapter 1-Development Regulations)**

- 1) Set out the authorities, statutory compliance, legal context and delegation of authorities framework in the Development Regulations;

### **Administration of the regulations (Chapter 2-Development Regulations)**

- 2) Establish a Municipal Plan which applies to the Town of Cape Broyle Municipal Planning area for a period of 10 years as required by Section 13 (2) (g), and establish Development Regulations to implement the plan as required by Section 35 of the *Urban and Rural Planning Act, 2000*.

- 3) Require that the Municipal Plan and Development Regulations shall be subject to all relevant Federal and Provincial legislation, regulations, policies, guidelines and standards, as amended from time to time. Notwithstanding this requirement, the Development Regulations shall incorporate specific compliance requirements as set out in Schedule A-Provincial and Federal Interests and requirements;

- 4) 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;

- 5) 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.
- 6) 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;
- 7) 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 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 planned development may be treated as a single development where services are to be provided and maintained privately and internally. It must front on to 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;
- 8) Set out provisions in the Development Regulations that are available for Council to consider when a proposed application does not meet the requirements of the Development Regulations:
  - 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 *Minister's 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*.
- 9) 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. timely decision-making; types of decisions (approval/approval-in-principle/deferral/refusal-with reasons); notices; permit-(revoke/fees/correction/register);
- c. written reasons for refusal, and,
- d. the responsibility to inform applicants of the appeal process.

10) 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, Requirement for land conveyed for public work purpose and for park/public use in subdivisions and restoration of land: In particular:

- a. The Town shall Town to enter into agreements for new developments involving the subdivision 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;

11) Set out the enforcement authorities in the Development Regulations;

**Land Use Policies: Designation, Overlays, Accessory uses & Home businesses  
(Chapter 3-Development Regulations)**

12) 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);

### **Land Use & Development definitions and conditions (Chapter 4-Development Regulations)**

13) Set out Land Use and development definitions and specific conditions for development in the Development Regulations according to Land Use Class. The land use and development definitions are organized by land use class as required by Section 13 (1) (c) of the Urban and Rural Planning Act, 2000. Each land use zone lists permitted and discretionary uses which are defined in Chapter 5 of the Development Regulations with any special development control conditions specific to that use.

### **General Development Policies (Chapter 5-Development Regulations)**

14) Require that development shall be laid out and designed in a manner that:

- a. Is compatible with the neighbourhood;
- b. minimizes potential nuisance factors such as, the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening shall be required through the provision of trees, shrubs, banks and berms, landscaping or fencing;
- c. reduces light pollution and control sky glow and light pollution from external lighting by requiring that exterior lighting on buildings and properties be directed down and into the property to prevent excessive spill light into adjacent dwellings or land use.

15) 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.

16) Provide standards and conditions regarding building design and town character, including, and landscaping in the Development Regulations; Council to encourage the retention of the style, size, scale, colour and form of buildings in Cape Broyle, 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.

17) Set out standards in the Development Regulations regarding municipal services and public utilities, such as to:

- a. Provide 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;
- b. Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;

- c. Include requirements for adequate off-street parking and loading facilities shall be set out in the Development Regulations;
- d. Require that all lots must front on to a publicly maintained road (Federal, Provincial or Municipal) and have independent, approved access except for the following exceptions: (1) a lot 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; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc. (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;
- e. 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.
- f. Council may, for a development not involving a subdivision, require such a quantity of land to be conveyed to the Town as required to facilitate the public works 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.

- 18) Include standards and conditions in the Development Regulations pertaining to the off-street loading and parking
- 19) Include standards and conditions regarding design and location of signs and advertisements.

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

- 20) Provide requirements for the subdivision of land and the standards of development, including enabling a Town to enter into a Development Agreement, in the Development Regulations in order to achieve compliance with the policies of the Municipal Plan;
- 21) Require a permit from Council for subdivision of land;
- 22) For subdivision development with 5 lots or more, 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;

23) Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;

24) 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 shall be dedicated to the Town as public open space. Council shall 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.

**Schedules:**

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

25) Notwithstanding the comprehensive compliance provision set out in 4.3 (2), include specific standards, conditions and permitting requirements in the Development Regulations pertaining to the federal and provincial statutes, regulations, guidelines and standards, as amended from time to time;

**Interpretation of Technical Terms (Schedule B-Development Regulations)**

26) Include definitions of technical terms;

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

27) Include *Minister's Development Regulations, 01/03, 1996*

**Non-Conforming Uses & Non-Conforming Development (Schedule D-Development Regulations)**

28) Include relevant sections of the *Urban & Rural Planning Act, 2000* and *Minister's Development Regulations 3/01* pertaining non-conforming uses and non-conforming development;

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

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

## **SCHEDULE A: PROVINCIAL INTERESTS AND REQUIREMENTS**

Notwithstanding section 3.1 (1), specific Provincial Government policy interests outlined in the Interdepartmental Land Use Committee report are incorporated into the Municipal Plan as requested by the provincial agencies.

When reviewing applications, it is Council policy to:

### **Provincial Archaeology Office (PAO)**

- 1) Require the protection of archaeological resources by requiring that any applications for public works projects or major land developments that involve ground disturbance must be sent to PAO for review by the Town. As well, any accidental discoveries of historic resources shall also be reported by the Town to the PAO;

### **Climate Change Division**

- 2) Incorporate available data regarding provincial climate change projections for {St. John's Airport (nearest regional sites) 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 areas will be included in the Environmental Protection designation on the Future Land use map and Environmental Protection zone in the Land Use zoning map of the Development Regulations.

### **NL Hydro - Easements**

- 3) Consult with Newfoundland Power and Newfoundland and Labrador Hydro regarding any applications for development near overhead distribution lines and a main transmission line that fall within the Municipal Planning Area boundary. No development will be allowed to be constructed on an easement.

### **Surveys and Mapping Division - Work near Survey Control Monuments**

- 4) Inform the Surveys and Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument. There are 7 monuments in the Municipal Planning Area and these can be found at the GIS and Mapping Division website: <https://arcq.is/ylHiH>;

### **Mineral Resource Lands Division**

- 5) Ensure that a quarry operation will not be required to be discontinued or impeded due to encroachment of development towards the mineral working site, where a minimum required distance was originally observed when choosing the location of a mineral working site.

- 6) Allow Mineral exploration that is not a development as a blanket permitted use in all zones and that Mineral exploration that is a development is indicated as a discretionary use, except in the Resource zone where it is a permitted use;
- 7) Set out development requirements regarding mineral exploration, mineral working and mining including the definitions provided by the Mineral Lands Division in the Development Regulations.

#### **Geological Survey Division - Natural hazards and coastal risks**

- 8) Designate the areas identified with as having natural hazard potential as 'Environmental Protection', including areas with coastal flooding and erosion hazards and slope movement hazards; this will become the 'Environmental Protection' zone in the Development Regulations.
- 9) Restrict development to areas at least 4 metres above high tide mark and at least 30 metres inland from the edge of coastal cliffs, banks and waterways. Designate areas above the present 4 m contour that may also be at risk from coastal flooding and erosion, including storm surge, as 'Environmental Protection' on the Future Land Use mapping; this will become the 'Environmental Protection' zone in the Development Regulations.
- 10) Require that proposed development on steep slopes 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, and in the vicinity of the potential landslide/slump at Ferryland cliff and continued erosion near Admirals Cove Road.

#### **Local Governance and Land Use Planning Division, Department of Municipal and Provincial Affairs**

- 11) Require compliance with requirements under the *Urban and Rural Planning Act, 2000* and subordinate regulations including the *Minister's Development Regulations 3/01* the *Highway Sign Regulations, 1999* and *Protected Road Zone Regulations, 1996* ((to be included in the Development Regulations);

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

- 12) 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 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 will provide greater detail on: on-site services, highway signs; building accessibility; access to highways.

## **Water Resources Management Division**

13) Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by requiring an approved permit from the Water Resources Management Division (where required) to be submitted before a development permit is issued. These requirements will be incorporated into the Development Regulations as per the be incorporated Water Resources Management Division Policy Directives:

- i. W.R.91-1-Infilling Bodies of Water;
- ii. W.R. 97-1-Development in Shore Water Zones;
- iii. W.R. 97-2-Development in Wetlands;
- iv. *Environmental Control Water and Sewage Regulations, 2003* for any effluent or runoff from a site; and,
- v. including standards for development in a waterbody that does not require a permit from the Water Resources Management Division, including, the 'Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses'.

14) Require appropriate approvals from Fisheries and Oceans Canada, where fish habitat is affected;

15) Maintain existing vegetation along banks and shorelines for protection of riparian habitat, where possible;

## **Forestry and Wildlife Division**

16) Protect general wildlife habitat and landscape connectivity by requiring the following conditions on applications in the vicinity of waterbodies, as practicable:

- a. a riparian buffer of 30-metre minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas;
- b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
- c. indicate a minimum percentage of forests to be maintained during lot clearing;

17) Restrict vegetation clearing outside the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/ young rearing, whenever possible;

18) Require that when the Town is made aware of the reporting of any sightings of any Species at Risk, in the area the Town will email [endangeredspecies@gov.nl.ca](mailto:endangeredspecies@gov.nl.ca) -Species include: Red Crossbill (Endangered), Red Knot (Endangered), Bobolink (Vulnerable).

19) Include areas identified for Domestic harvesting in the Rural zone where harvesting activities are a Permitted Use.

## **Pollution Prevention Division**

20) Require that all activities within the Municipal Planning area are subject to the

*Environmental Protection Act, 2002* and regulations. Official copies of these may be obtained from the Queen's Printer. Unofficial versions are available through the Government of Newfoundland and Labrador website ([www.gov.nl.ca](http://www.gov.nl.ca)). The following excerpts were highlighted by the Division as pertinent issues for the Town from these acts and regulations and the Pollution Prevention Division's policies and guidelines:

**a. Part IV - Waste Disposal and Litter**

- Waste receptacles shall be installed at all active areas for use by workers.
- 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.
- 

**b. Part VI - Air Quality Management**

- All activities associated with this proposal are subject to Air Pollution Control Regulations, 2004,
- 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. Part IX - Pesticides**

- All pesticide purchase, storage, and use are subject to compliance with the Pesticides Control Regulations, 2012. 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).
- If the use of a pesticide(s) is required (e.g. for the control of insects, diseases, weeds, vegetation), the Pesticides Control Section must be notified.

**d. Storage and Handling of Gasoline and Associated Products Regulations**

Petroleum storage and handling, associated with construction and operation of this project/facility, shall be in compliance with these regulations as follows:

- 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 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-fueling and maintenance activities should also occur at least 100 m from any body of water and on level terrain.
- 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. Used Oil Control Regulations**

- 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. Halocarbon Regulations**

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

**Agricultural Land Section (Land Resource Stewardship Division)**

- 21) Not require a permit for any small-scale home gardens including residential market garden or home gardening or keeping of household pets; a permit is required for a kennel as defined in Mixed Development and Rural Land Use designation;
- 22) Consider the impact of potential residential and commercial development on lands adjacent to where agricultural activities may be taking place currently or in the future, in order to mitigate future land use conflicts.

**SCHEDULE B: FUTURE LAND USE MAP**