

**TOWN OF ST. LAWRENCE  
MUNICIPAL PLAN**

**In effect: December 27, 2013  
(published in Newfoundland and Labrador Gazette)**

URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF ST. LAWRENCE MUNICIPAL PLAN 2012

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of St. Lawrence adopts the Town of St. Lawrence Municipal Plan 2012.

Adopted by the Town Council of Town of St. Lawrence on the 8<sup>th</sup> day of October, 2013.

Signed and filed this 5<sup>th</sup> day of November, 2013.

Mayor:

*Y. e* ,6. **Q**  
Paul Quirke

Clerk:

*Y. e* ,6. **Q**  
Greg Quirke

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:



URBAN AND RURAL PLANNING ACT  
RESOLUTION TO **APPROVE**  
**TOWN OF ST. LAWRENCE**  
MUNICIPAL PLAN 2012

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of St. Lawrence

- a) adopted the Town of St. Lawrence Municipal Plan 2012 on the 6<sup>th</sup> day of October, 2013.
- b) gave notice of the adoption of the Town of St. Lawrence Municipal Plan 2012 by advertisement inserted on the 22<sup>nd</sup> day of October, 2013 and the 29<sup>th</sup> day of October, 2013 in the Southern Gazette Newspaper.
- c) set the 6<sup>th</sup> day of November, 2013 at 7:30 p.m. at the Town Hall, Town of St. Lawrence, for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. Lawrence approves the Town of St. Lawrence Municipal Plan 2012 on the 5<sup>th</sup> day of November, 2013.

SIGNED AND SWORN this 5<sup>th</sup> day of November, 2013

Mayor: *Yo'ib U.*  
Pa. Pi. }  
Clerk: *Greg Quilke*

Municipality of St. Lawrence	
<b>REGISTERED</b>	
Number	4435-2013-010
Date	December 6, 2013
Signature	<i>Quilke</i>

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MAPS – Future Land Use Maps 1 and 2

# TOWN OF ST. LAWRENCE MUNICIPAL PLAN 2012

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## **1 INTRODUCTION**

### **1.1 *The Plan***

The St. Lawrence Municipal Plan is designed to give the Town control over land use and to ensure that development occurs in an orderly and transparent fashion in a manner that reflects the wishes of the Town and its residents. However, the plan and regulations must also comply with provincial and federal policies and not conflict with matters of provincial interest.

Prepared pursuant to the Urban and Rural Planning Act 2000, the St. Lawrence Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years within the St. Lawrence Municipal Planning Area ('Planning Area'), the area set out under the Urban and Rural Planning Act 2000 for planning and regulatory purposes.

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations within the Planning Area. The Plan must be reviewed by the Town every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten year period.

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations – 'Development Regulations'. These are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating

to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more detailed designs, design strategies and policies for roads and other facilities and development.

The Town may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. The Town may also specify the manner in which any particular area of land is to be used subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

All development within the Town of St. Lawrence Planning Area shall be managed in accordance with the goal, general development policies and future land use designations and policies as set out in Sections 2 and 3 of this municipal plan.

## **1.2 *St. Lawrence and the Municipal Planning Area***

St. Lawrence is located on the eastern side of the Burin Peninsula, along the south coast of Newfoundland. Connection to the outside world is achieved via a provincial highway (Routes 210 and 220) with an approximate distance of 200 Km to the Trans Canada Highway. It is approximately 40 kilometres from the region's main service centre – Marystown and 350 kilometres from St. John's.

The municipal planning area takes in the Community of Little St. Lawrence (approximately 132 persons, 2006), along with the Town of St. Lawrence (approximately 1,244 persons in 2011) and the watershed conservation and protected public water supply areas that serve most of the development in the planning area.

There are significant mineral resources within the planning area, in particular, fluorspar. Mining of this resource began in the early thirties and ceased in the mid-seventies. After much study, Canada Fluorspar Incorporated is reactivating the fluorspar mine, which will include a marine terminal at Blue Beach.

Other companies are actively exploring for fluorspar and other minerals within the planning area.

In addition, another resource – wind, is playing a significant role in the development of the community. The nine turbines at the St. Lawrence Wind Power Project have a total capacity of 27 megawatts, enough to meet the electricity demands of about 7,000 homes. The project is owned by Enel Atlantic Canada Limited Partnership. Electricity generated at the St. Lawrence project is being purchased by Newfoundland and Labrador Hydro.

The fish plant, operated by Ocean Choice International, is now the Town's largest employer.

St. Lawrence's harbour, around which the Town was built, is a sheltered year round port that can accommodate ships with a 6m draft. Harbour facilities include a fully serviced wharf with shower and laundry facilities that can accommodate any commercial or industrial activity, as well as a warehouse and a fish processing plant.

Sports, leisure and recreation have a big role in the lives of people in St. Lawrence. The Town has two regulation size soccer fields, an outdoor swimming pool, an outdoor basketball court, as well as a two-sheet curling rink, a multipurpose recreation center, one tennis court and a softball field. In addition, there are many trails, including the Chamber's Cove Trail and a major ATV trail.

There is a strong cultural heritage as well. For example, a short walk over the hills to Chamber Cove will help a person to trace the history and heroism that the residents of St. Lawrence displayed on a stormy night in February, 1942. Two American ships, the *Truxtun* and the *Pollux* ran ashore near St. Lawrence at Chamber's Cove. To commemorate this tragic event, in 1954 the American government built the U.S. Memorial Hospital in gratitude for the rescue of many men during the dreadful naval disaster. Finally, a visit to the Miner's Museum is a must where photos and materials collected from the disaster are on display.

In 2007 the Grand Concourse Authority prepared for the Town a report on the development of a trail system that would take in the Chamber's Cove historic site as well as Lawn Head and Shoal Cove Beach. This document will be referred to as the Town works on developing the trail system for this area.

There is currently one school operating in St. Lawrence, which accommodates students from K-12 – St. Lawrence Academy. Unfortunately a fire that took place Oct 15th, 2004 destroyed Marian Elementary School. St. Lawrence Academy has approximately 450 students with a teaching staff of 22 and a support staff of 3. Corona College out of Grand Falls – Windsor is

opening a campus in St. Lawrence to provide training for mine workers and related occupations.

### **1.3 *Climate Change and Storm Events***

Like other communities in Newfoundland and Labrador, the Town of St. Lawrence is occasionally affected by major storm events, the most recent and dramatic of which was Hurricane Igor in mid September 2010.

This storm had a major effect on roads and services on the Burin Peninsula, and led to some flooding around Riverhead Brook near the bottom of St. Lawrence Harbour, and runoff generated flooding of properties along Water Street East and Herring Cove Road.

Hurricane Igor exacerbated what were known flood hazards, although fortunately, damage was relatively limited.

The main sources of flooding are:

- High water levels in Riverhead Brook combined with a high tide and winds from the south-east;
- Surface runoff from wetlands lying between the Burin Peninsula Highway and Water Street East – Herring Cove Road.

The worst case scenario is a south-easterly storm surge at high tide accompanied by heavy rainfall.

Climate change effects can only be generalized at this time, since there is no specific data for St. Lawrence, nor, for that matter, the Burin Peninsula. However, the available literature and studies indicate that the following assumptions can be made:

- Precipitation will increase, and this precipitation will increasingly take the form of rain;
- Wind velocities are increasing;
- Storms will increase in number and severity;
- There will be some sea-level rise.

In order to adapt to these hazards the Town's planning policies should ensure that unless it is marine-related or dependent type of activity or that the use is not related to emergency services or medical treatment or care or the housing of vulnerable populations that development be situated outside the areas likely to be impacted by storm events and flooding.

Planning policies also should protect waterways and wetlands to contain and dissipate storm water flows – as well as protecting habitat and creating amenities and opportunities for recreation.

## **2 GOAL AND GENERAL DEVELOPMENT POLICIES**

### **2.1 *Goal***

The goal of the St. Lawrence Municipal Plan is to create a sustainable attractive community that is committed maximizing the development of its natural resources – whether it be minerals, wind or the sea – for the benefit of the community and the growth and development of the Burin Peninsula.

### **2.2 *Development Principles***

The St. Lawrence Municipal Plan 2012 is to be guided by the development principles as set out below.

1. The Primacy of Natural Resource Development – Mining, Wind Energy and the Fishery

The Town is committed to ensuring that its main natural resources – minerals, wind energy and the fishery – are developed to their maximum potential.

#### **Mining**

- 1) The fluorspar mine and its related activities and uses, including the Blue Beach Point port facilities, are to be fostered and protected.
- 2) Conflicts between mine-related activities and other land uses, particularly, residential, uses shall be minimized through:
  - a) substantial buffers – approximately 300 or more metres separation distance – between residential areas and the mine operations;
  - b) best practices mining operations which minimize impacts on the community and the environment.
- 3) The active mining areas and related facilities, eg. Canada Fluorspar) are to be designated and zoned Mining.
- 4) Mineral exploration is to be allowed as many areas as deemed feasible and desirable by the Town.

### Wind Energy

- 5) Building upon its current successes, the Town will continue to foster wind energy as a resource that benefits the Town and the province by providing the necessary supports for the protection and expansion of this resource.

### Fishery

- 6) Fishing related industries are a major part of the Town's economy, including the fish plant and the small crafts harbor that provides docking and other services for fishing vessels.
- 7) The Town will ensure that fisheries and other marine related uses are promoted and protected, and that the needs of these industries are met.

## 2. Urban Development

While the Town is to continue to grow at a fairly modest pace (Town of St. Lawrence Integrated Community Sustainability Plan 2010) the Town should provide opportunities for a wide array of residential, commercial, industrial and other developments that can take place as needed and with the minimum of delays in a way that is economically and environmentally sustainable and provides a high level of recreational and cultural opportunities.

- 1) Sections along Highway 220 and the developable lands around Great St. Lawrence Harbour and Little St. Lawrence are to be designated and zoned for mixed uses which will accommodate residential, commercial, public and harbour related industrial and other appropriate facilities and uses. Most uses, particularly industrial and non-residential uses, shall be discretionary. Where municipal services are present such areas shall be connected to the available services.
- 2) The main port facilities along Water Street West shall be protected by an industrial designation and zone while nearby lands shall accommodate mixed uses.
- 3) Exclusively residential areas shall be designated and zoned residential. Where municipal services are available such areas shall be connected to the Town's water and sewer system.

## 3. Environmental Hazards and Derelict Mine Sites Hazards

- 1) Certain areas of the Town and to a lesser degree its planning area are subject to flooding, storm surges (bottom of Great St. Lawrence

Harbour, lands back of Water Street East and Herring Cove Road). Also, there are one or more derelict mine sites (Black Duck Mine, Park Lane area and possibly other sites) that could pose a safety hazard.

- 2) Collaborating with other agencies and private corporations where necessary, the Town will endeavour to identify and investigate these hazard lands and control development so that persons and property are not placed in unnecessary risk. These controls range from outright prohibition on certain types of development under the Environmental Protection designation and zone and/or under other designations and zones the control of development in near shore areas and other areas prone to flooding so that vulnerable populations and emergency services and vital municipal services are not unduly affected by storm events and that recovery can occur rapidly.

#### 4. Environmental Protection and Opportunities

Significant wetlands and waterways and marine shorelines, with certain exceptions, are to be protected from development under the Environmental Protection designation and zone, or, for the Municipal Stewardship Area where particularly stringent controls are required – Environmental Protection – Management Unit. Protection of these areas will help to control the movement of water, minimize damage to persons and property while providing opportunities for recreation and the retention of traditional landscapes.

#### 5. Water Supply and Municipal Services

The life blood of the community (and Little St. Lawrence) is good potable water in ample supply. The Town will continue to maintain the quality of its water supplies and upgrade its municipal water and sewer systems, and roads in a comprehensively planned manner.

#### 6. Rural Areas and Other Resources

Areas designated and zoned Rural that are not committed to known resources will have a range of functions – forestry, agricultural, mineral workings, environmental protection where it's not feasible to designate an area Environmental Protection (for example there is an active minerals exploration program underway).

#### 7. Crown Lands

Crown lands are an extremely valuable resource and the Town will endeavour to ensure that Crown Lands are only sold or leased for purposes that meet the development principles as set out above.

## **2.3 General Development Policies**

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is allowed in a given area.
- (3) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.
- (4) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

## **2.4 Conditions – All Development**

- (1) Services and Access

Services and access must be appropriate to the type and scale of development.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Development lacking municipal water and/or municipal sewer services shall be approved by Service NL before a permit is issued by the Town.

(2) Uses Allowed In All Designations

Accessory buildings and uses, conservation, public services and public utilities, recreational open space, roads and trails can be allowed in all designations subject to the other provisions of this municipal plan.

(3) Compatibility of Uses, Buffers and Screening, Property Upkeep

The Town shall ensure as much as possible that existing and new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects and to ensure a clean and tidy town.

## **2.5 Agriculture**

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations.

In general, all agricultural operations shall be approved by the Department of Natural Resources.

## **2.6 Archaeological and Heritage Resources**

Archaeological sites and discoveries are protected under the *Historic Resources Act, RSNL 1990 CHAPTER H-4*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

The Provincial Archaeology Office has identified three archaeological sites which are located around Little St. Lawrence Harbour and that are protected under the Historic Resources Act. One of these which is located in the Town off Highway 220 is a former whaling station, and the other two which are located on a peninsula ('The Peninsula' on the maps) jutting into the Little St. Lawrence Harbour are the remnants of the Newman Company fishing premises, and the other is a cannon.

These sites are protected by buffers as shown on Future Land Use Map 2 and Land Use Zoning Map 2 wherein all development must be referred to the Provincial Archaeology Office for review and approval before a permit is issued by the Town. Furthermore, any development on the peninsula is to be referred to the Provincial Archaeology Office for review and approval before it is approved by the Town.

The Town may from time to time designate other heritage sites and areas under the Municipalities Act.

## **2.7 *Coastline and Harbour Areas, Streams***

In order to protect lives and property and the natural environment, the Town shall review development proposals for sites adjacent or near streams and the marine coast line and harbours shall be reviewed to ensure that unless it is a use requiring direct access to the body of water:

- a) it is not likely to be damaged by a storm;
- b) it is not a vulnerable or critical use, that is, a multi-unit residential use, a use catering to persons with disabilities or other special needs, and/or a use related to emergency services (example – a fire station or emergency command centre, emergency shelter or other facility) – uses which if damaged or destroyed, could cause injury or loss of life and/or make it more difficult to respond to an emergency

With the exclusions noted above, along the marine coastline except for marine related activities and temporary or minor structures, new development may not be permitted at or below a certain elevation as established in the Development Regulations, unless it can be demonstrated to the satisfaction of the Town and other relevant authorities that the risk is low and/or that the development can withstand the damage that could be incurred by a flood or storm event. However existing conforming uses can be allowed to expand.

The Town in its discretion may refuse to issue a permit for a development that could be affected by a storm event based upon previous events, local knowledge and/or research carried out in respect of climate change.

## **2.8 Mineral Exploration**

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development can be allowed in certain designations provided that adequate provision is made for buffering/and or other mitigations, including retention of trees, of impacts on existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
  - (a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
  - (b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.
  - (c) Where there is ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

## **2.9 Mineral Workings**

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings shall be accommodated under designations and zones specifically designed to accommodate mineral workings and certain compatible uses, and/or they can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

## **2.10 Mining**

The mining class of uses (see Schedule B of the Development Regulations), is subject to the approval of the Town along with the Provincial Government.

## **2.11 Municipal Stewardship Program**

The Town and the Province of Newfoundland and Labrador as represented by the Honourable Minister of Environment and Conservation entered into an agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 2013 the purpose of which is to protect, enhance and properly manage the critical coastal wildlife habitat of the Lawrence Planning Area through this Municipal Plan and the Town's Development Regulations and a Habitat Conservation Plan to be undertaken by the Town and the Minister of Environment and Conservation.

Clause 2 of this Agreement states: "Within the limits of its jurisdiction, the Town shall permit only those activities within the Management Units that have no negative or adverse impact upon the land, or on the wildlife which utilize those areas."

The Town has designated the Management Units Environmental Protection – Management Unit under Section 3.13 of this Municipal Plan.

## **2.12. Recreational Trails and Walkways**

See also Water Bodies.

- (1) As a condition of an Approval in Principle and/or 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.
- (2) Wherever space and terrain characteristics allow, the appearance and use of well known trails and/or mapped trails 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 the coastline or riverbanks.
- (3) The buffer is included within the trail corridor that includes the trail and the buffer.
- (4) The minimum width of a trail corridor shall be 30 metres –15 metres either direction from the centre of the trail. However, the trail corridor may be reduced where the area adjacent the trail is already developed or in the

opinion of the Town it is necessary to reduce the corridor width due to reasons of site conditions, ownership, or other pertinent factors.

- (5) Unless it is a well known historic trail, for a trail to be eligible for protection it must be shown on the Future Land Use Maps, Land Use Zoning Maps, and/or on a plan of trails adopted by the Town and/or, as indicated on a plan of a trail which has been accepted by the Town.
- (6) Unless it is a well known historic trail or is already shown on an approved map, the designation of a trail or trails for protection shall provide an opportunity for public input.
- (7) Within the trail corridor, only appropriate recreational uses, conservation, public utilities and roads can be allowed.

## **2.13 Subdivisions – Groundwater Supply Assessment**

The approval of new unserviced subdivisions containing five or more lots or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – ‘Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells’ as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

This policy provides the administrative and technical guidance to developers applying for subdivision approval and to ensure that the development proposals are submitted with the required technical support.

## **2.14 Unserviced and Semi-Serviced Development**

Development on individual parcels of land with onsite sewage disposal and/or onsite water supply requires the approval of Service NL under the Sanitation Regulations of the Health and Community Services Act. In addition to the standards regarding onsite sewage disposal and water supply, the Department also sets out minimum lot area and frontage requirements for unserviced and semi-serviced development pursuant to the Sanitation Regulations.

## **2.15 Water Bodies**

Guided by sound environmental and engineering practice and the protection of amenities, the Town's general policy is, insofar possible and reasonable, to protect all water bodies of the Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall, with certain exceptions be preserved along the shoreline of all water bodies, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (1) Development within and adjacent water bodies is subject to this Section and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2, Development in Wetlands which are set out in the Development Regulations. Where there is a conflict between the Policy Directives and this Municipal Plan or Development Regulations, the more restrictive standards shall apply.
- (2) The minimum width of a buffer along a water body shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the water body.
- (3) If the toe of an embankment with an average slope of 30% or more lies within 15 metres of the highwater mark, or 1 in 100 year flood zone of a waterway, then the buffer shall be measured from the top of the embankment.
- (4) Development, and this includes placing fill or other materials, within a water body and the buffer area of a water body is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.
- (5) Subject to the approval of the Department of Environment and Conservation and the Town, the only uses that can be permitted in the buffer area of a water body are conservation, roads, driveways, public services and utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses. However in a particularly sensitive area, such as Management Unit under the Municipal Stewardship Agreement, the Town may limit the array of permissible uses in the buffer area. Development within a Management Unit is subject to the approval of the Wildlife Division of the Department of Environment and Conservation.

- (6) The Town or the Provincial Government may subject development within the water body and/or buffer area of a water body to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the water body shall be a consideration in the review of an application for a structure within a buffer and/or water body.
- (7) Any development within a water way or involving the alteration of a water way must, subject to the applicable legislation and/or policy, be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals, of the Department of Transportation Canada - Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Management Division of the Department of Environment and Conservation before a permit is issued by the Town.
- (8) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.
- (9) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- (10) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation where required as well as the Town whether or not that wetland is designated Environmental Protection or Environmental Protection – Management Unit under the Municipal Plan.
- (11) If a water body is deemed to be minor, such as a drainage course or intermittent stream which does not carry significant storm flows or a small wetland which is not associated with a waterway and not deemed to have a role in water management, wildlife habitat or the conservation of an environmentally sensitive area, then the buffer may be waived or modified and the waterbody may be developed. However, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

## **2.16 *Windmills, Wind Turbines, Other Alternative Energy Sources - Utilities***

Wind mills, wind turbines and other alternative sources such as solar panels ('Utilities' under Schedule B of the Development Regulations), which are not classed as public utilities can be approved by the Town in suitable locations provided that all necessary approvals are obtained from the Departments of Environment and Conservation and Natural Resources and other relevant agencies, and the Town is satisfied that such development will not create a hazard or nuisance to nearby land uses.

Utilities includes uses accessory to this use class, such as access roads and power lines and uses and other services and facilities that are necessary for the operation of the utilities class use development.

## **3 DESIGNATIONS**

### ***3.1 Future Land Use Designations and Policies***

Future Land Use Maps designations are:

Residential  
Mixed Development  
Public  
Industrial  
Mining  
Rural  
Seasonal Residences  
Solid Waste Disposal  
Watershed Conservation  
Protected Public Water Supply  
Environmental Protection  
Environmental Protection – Management Unit.

Use Classes and Groups referred to in the designations of Section 3 are the use classes and use groups set out in Schedule B of the Development Regulations.

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

### ***3.2 Residential***

The Residential designation is established for areas that are almost exclusively residential in character.

#### **Permitted Uses**

Permitted Uses in this designation are, along with uses set out under Section 2.4(2), Conservation, Double Dwelling, Mini-Home, Mobile Home, Recreational Open Space, Single Dwelling and appropriate accessory uses.

#### **Discretionary Uses**

Discretionary uses in this designation are Antenna, Apartment Building, Child Care, Mobile Home Park, Mobile Home Subdivision, Row Dwelling and

Senior's Housing and Personal Care Facilities and appropriate accessory uses.

#### **Municipal Services**

Development shall be connected to municipal water and sewer services where feasible.

Development on unserviced and semi-serviced lots is subject to the requirements set out "Private Sewage Disposal and Water Supply Standards", and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

#### **Smaller Lot Sizes and Frontages, Discretion of Town**

Under a residential zone in the Development Regulations the Town in its discretion may allow double-dwelling, mini-home, and single dwelling lots that are smaller than and have less frontage allow lots smaller than those specified as the permitted standards.

### **3.3 *Mixed Development***

The Mixed Development designation is designed to accommodate existing and future residential, mercantile, institutional, and to a lesser degree, industrial, uses.

#### **Permitted Uses**

Permitted uses in this designation, along with uses under Section 2.4(2) are Antenna, Apartment, Apartment Building, Boarding House Residential and Bed and Breakfast, Catering (Restaurants only), Child Care, Commercial – Residential, Communications, Conservation, Convenience Store, Cultural and Civic, Double Dwelling, Educational, Funeral Home, General Service, Indoor Market, Medical and Professional, Mini Home, Office, Personal Service, Protection ([police and fire stations]), Recreational Open Space, Senior's Housing and Personal Care Facilities, Shop, Single Dwelling, Take-Out Food Service, Transportation and Veterinary along with appropriate accessory uses.

#### **Discretionary Uses**

Discretionary uses in this designation are Animal, Campground, Catering (bars and lounges), Club and Lodge, General Industry, Indoor Assembly, Light Industry, Mineral Exploration, Outdoor Assembly, Outdoor Market, Place

of Worship, Service Station, Shopping Centre, Taxi Stand and Theatre along with appropriate accessory uses.

#### Non Residential Uses

Non-residential uses shall be compatible with nearby residential uses, which is to say that they shall not interfere with the use and enjoyment of nearby residential properties by virtue of appearance, noise, odours, traffic or dust.

#### Municipal Services

Development shall be connected to municipal water and sewer services where feasible.

Development on unserviced and semi-serviced lots is subject to the requirements set out "Private Sewage Disposal and Water Supply Standards", and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

### **3.4 *Public***

The Public designation accommodates major assembly, institutional and recreational facilities.

#### **Permitted Uses**

Permitted uses in this designation, along with uses under Section 2.4(2) are Antenna, Child Care, Collective Residential, Conservation, Cultural and Civic, Educational, General Assembly, Indoor Assembly, Medical and Professional, Medical Treatment and Special Care, Outdoor Assembly, Personal Service, Place of Worship, Protection ([police and fire stations), Recreational Open Space, Senior's Housing and Personal Care Facilities and appropriate accessory uses.

#### **Discretionary Uses**

Discretionary uses in this designation are Catering and Club or Lodge and appropriate accessory uses.

#### Municipal Services

Development shall be connected to municipal water and sewer services where feasible.

Development on unserviced and semi-serviced lots is subject to the requirements set out "Private Sewage Disposal and Water Supply Standards",

and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

### **3.5 *Industrial***

The Industrial designation accommodates major industrial uses, together with other compatible uses, particularly along St. Lawrence Harbour, and in other selected locations.

#### **Permitted Uses**

Permitted uses in this designation, along with uses under Section 2.4(2) except for Recreational Open Space, are Antenna, Conservation, General Industry, Light Industry, Transportation and appropriate accessory uses.

#### **Discretionary Uses**

Discretionary uses in this designation are all use classes in the Business And Personal Service Uses Group, Hazardous Industry, Indoor Market, Mineral Exploration, Outdoor Market, Recreational Open Space and Shop.

Hazardous and other potentially hazardous or high impact industrial uses shall be suitably buffered from existing and proposed residential uses.

#### **Municipal Services**

Development shall be connected to municipal water and sewer services where feasible.

Development on unserviced and semi-serviced lots is subject to the requirements set out "Private Sewage Disposal and Water Supply Standards", and/or other applicable requirements of Service NL and the Department of Environment and Conservation.

### **3.6 *Mining***

The Mining designation is applied to the Canadian Fluorspar Incorporated lands and facilities associated with the mining, processing and transhipment of fluorspar, along with other compatible activities. As other areas are to be developed for mining and mining related activities, then these also shall be designated and zoned Mining.

All development in this designation is subject to the approval of the Town along with the Department of Natural Resources, and where applicable, the Department of Environment and Conservation and other relevant authorities.

### **Permitted Uses**

Permitted uses in this designation, along with uses under Section 2.4(2) except for Recreational Open Space are Antenna, Conservation, General Industry, Hazardous Industry, Light Industry, Mineral Exploration, Mineral Working, Mining, Office and Transportation

### **Discretionary Uses**

Discretionary uses in this designation are General Industry, Light Industry, Recreational Open Space, Utilities

#### Permitted and Discretionary Industrial Uses

Permitted industrial uses shall be related to mineral extraction and processing. Discretionary industrial uses shall be compatible with mineral extraction and processing activities.

## **3.7 *Rural***

All development in this zone is subject to the approval of the Town along with the Department of Natural Resources, and where applicable, the Department of Environment and Conservation and other relevant authorities.

### **Permitted Uses**

Permitted uses in this designation, along with uses under Section 2.4(2) are Agriculture, Conservation, Forestry, Mineral Exploration and Recreational Open Space.

### **Discretionary Uses**

Discretionary uses in this designation are Animal, Antenna, Cemetery, fisheries related Light Industry, Mineral Working, Mining, Outdoor Assembly, Outdoor Market, Seasonal Residential, Utilities and Veterinary.

#### General Industry

General industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry, mineral working or mining uses. Only an office may be allowed as an accessory use.

#### Seasonal Residential

Seasonal Residential in this designation is limited to 'remote cottages', that is, seasonal residential dwellings which do not have frontage on a publicly

owned and maintained road, and which can only be accessed by all terrain vehicles or snow machines.

#### Municipal Services

Development in this Designation shall not be connected to the Town's municipal water service.

### **3.8 Seasonal Residences**

The Seasonal Residences designation is designed to accommodate seasonal residential development in Crown Lands Cottage Development Areas.

#### **Permitted Uses**

Permitted uses in this designation, along with uses under Section 2.4(2) are Antenna, Conservation, Recreational Open Space and Seasonal Residential.

#### **Discretionary Uses**

There are no discretionary uses set out for this designation.

#### Municipal Services

Development in this designation shall not be connected to the Town's municipal water and sewer services.

### **3.9 Solid Waste Disposal**

#### Permitted Uses

Except for recreational open space which is not permitted, permitted uses in this designation are uses set out under Section 2.4(2), antenna, scrapyard, solid waste disposal and, heavy and light industrial uses related to the recycling, storage and processing of solid waste.

#### Discretionary Uses

There are no discretionary uses set out for this designation.

### **3.10 Watershed Conservation**

The Watershed Conservation designation is applied to the water supply area next to the gazetted Protected Public Water Supply.

### **Permitted Uses**

The only permitted use in this designation is Conservation together with other Section 2.4(2) uses excepting Recreational Open Space.

### **Discretionary Uses**

Discretionary uses in this designation are Agriculture, Antenna, Forestry, Mineral Exploration and Recreational Open Space.

No use shall or may be permitted which could be detrimental to the water supply.

## ***3.11 Protected Public Water Supply***

Within the Protected Public Water Supply designation development is restricted to uses and activities that will not damage the water supply.

All development applications shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.

### **Permitted Uses**

The only permitted use in this designation is Conservation together with other Section 2.4(2) uses excepting Recreational Open Space.

### **Discretionary Uses**

Discretionary uses in this designation are Antenna, Forestry, Mineral Exploration and Recreational Open Space.

## ***3.12 Environmental Protection***

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These features can include certain streams, wetlands, and treed areas and extremely steep areas.

All development in this designation is subject to the approval of the Department of Environment and Conservation along with the Town.

### **Permitted Uses**

The only permitted use in this designation is conservation.

### **Discretionary Uses**

Discretionary uses are mineral exploration, light industry and transportation.

Light industry and Transportation use classes are limited to fisheries related uses.

## **3.13 *Environmental Protection – Management Unit***

The Environmental Protection – Management Unit designation is applied to areas where it is deemed necessary to achieve a very high level of protection against development in order to protect environmentally sensitive areas and in particular areas which are deemed to have significance for the conservation of certain animal and plant species as set out under the Municipal Stewardship Agreement and in accordance with a Habitat Management Plan that is developed by the Town and the Minister of Environment and Conservation.

Development in this designation shall be approved by Department of Environment and Conservation, Wildlife Division.

The only use permitted in this designation is conservation. The only discretionary use permitted under this designation is recreational open space.