

# **Town of Terra Nova**

## **Municipal Plan 2019-2029**

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*Prepared for*  
The Town of Terra Nova

*Prepared by*  
Baird Planning Associates

August 2020



# Urban and Rural Planning Act 2000 Resolution to Approve

## Town of Terra Nova Municipal Plan 2019 - 2029

Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Terra Nova


- (a) Adopted by the Terra Nova Municipal Plan on the 21<sup>st</sup> day of May 2020.
- (b) Gave notice of the adoption of the Terra Nova Municipal Plan by advertisement posted on the Town Hall and Eddie Eastman Hall exterior bulletin boards and at The Dep Convenience Store on the 22<sup>nd</sup> day of May 2020, and emailed to permanent and seasonal residents on May 25<sup>th</sup> 2020.
- (c) Set the 22<sup>nd</sup> day of June 2020 for receipt of objections and other representations for consideration by the Public Hearing Commissioner.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Terra Nova approves the Terra Nova Municipal Plan with the following change.

- Section 4.1, Subsection 2(2) states that residential accessory building may be permitted at Council's discretion on lots that existed at the time the Municipal Plan came into effect.


SIGNED AND SEALED this 25<sup>th</sup> day of August 2020.

Mayor:

  
Michael Power

(Council Seal)

Clerk:

  
Thelma Greening

Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	5035-2021-000
Date	March 17, 2021
Signature	May O'Leary



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# Urban and Rural Planning Act 2000 Resolution to Adopt

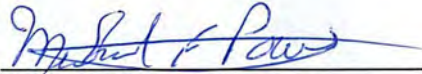
## Town of Terra Nova Municipal Plan 2019 - 2029

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

Adopted by the Town Council of Terra Nova on the 21<sup>st</sup> day of May 2020.


SIGNED AND SEALED this 25<sup>th</sup> day of August 2020

Mayor:

  
Michael Power

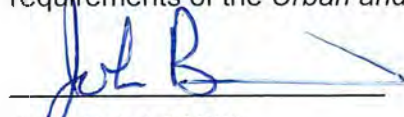
(Council Seal)

Clerk:

  
Thelma Greening

### 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*.

  
John Baird, MCIP

(MCIP Seal)





*[Faint handwritten signature or initials]*



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## **1.0 INTRODUCTION**

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

The Terra Nova Municipal Plan was prepared to provide the Town Council with a comprehensive policy document to manage of growth within the municipal planning area over the ten-year planning period 2011-2021. This document has been prepared in compliance with the Urban and Rural Planning Act, 2000, (hereafter referred to as the Act).

### **1.2 Plan Preparation**

Relevant planning issues were identified through a background review of land use, environmental, demographic, social, and economic issues, consultations with Town Councillors, and public comments received through the community participation process.

The Plan guides the future growth and physical improvement of the Town and Planning Area by identifying locations and guidelines for various types of land use development. The Municipal Plan provides the basis for the Land Use, Zoning, Subdivision and Advertisement Regulations (generally referred to as the Development Regulations), which Council will administer through development and subdivision permits and approvals. The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

### **1.3 Contents of the Municipal Plan**

The Municipal Plan, comprising this document and the accompanying Future Land Use Maps, constitutes a legal document pursuant to the Urban and Rural Planning Act, 2000. It contains:

- The aims of Council (goals and objectives).
- Land use policies for future development.
- Future Land Use maps, which allocate land for future development, environmental protection, and natural resource uses.

#### **1.4 Municipal Plan Administration**

After Ministerial approval of the Terra Nova Municipal Plan was published in the Newfoundland and Labrador Gazette, the Plan became binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies. This is done in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect a building, or change the use of a building or land, or conversely refusing to issue permits for developments that are not in accordance with the Plan,
- By undertaking the capital works and development schemes outlined in the Plan as financial resources become available, and
- By adopting or approving development schemes, concept plans, comprehensive plans, and so forth.

In accordance with Section 25 of the Act, Council may make amendments to this Plan and Development Regulations at any time. Amendments will be brought into effect by the same process as described above for bringing the Municipal Plan into effect. Sections 14 to 25 apply to an amendment to the plan and development regulations.

#### **1.5 Interpretation**

In this Municipal Plan:

- "Council" means the Council of the Town of Terra Nova.
- "Development Regulations" mean the Terra Nova Land Use Zoning, Subdivision, and Advertisement Regulations.
- "Municipal Planning Area" means the Terra Nova Municipal Planning Area.
- "Town" means the Town of Terra Nova.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except where the boundary is delineated by a road or other prominent feature in which case it defines the exact limits between each designation.

Nothing in the Plan will affect the continuance of land uses that were lawfully established on the date that this Plan came into effect.



## **2.0 GOALS AND OBJECTIVES**

This section outlines the Town's planning goals and objectives for the 2011-2021 period. A goal is a desired state which reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is a desired outcome or output that is preferred by Council in less than 10-years.

### **2.1 Community Structure and Character**

Goals: Ensure that Terra Nova's desirable residential environment is supported by good quality, properly located development.

Encourage a growth structure for Terra Nova that will ensure orderly development, economic use of services, compatibility between land uses, and retention of the attractive features of the Town's setting.

Objectives: Maintain a reasonably compact community layout to facilitate economically efficient maintenance of roads and provision of services.

Maintain the physical and aesthetic character of Terra Nova while accommodating the changing needs of the population and the need to protect environmentally sensitive and important areas.

Preserve and protect environmentally important and sensitive areas including lakes, ponds, streams, wetlands, shorelines, steep slopes, visually significant features, and wildlife habitat.

Facilitate the development of appropriately located and scaled commercial uses.

Encourage lot layouts and building densities that are sensitive to the physical form and character of the community and the natural carrying capacity of soils, groundwater, and other resources.

## **2.2 Environment**

Goal: Conserve, protect, and enhance important and sensitive environmental resources.

Objectives: Conserve, protect, and enhance important and sensitive environmental areas and resources, including lakes, streams, estuaries, wetlands, riparian areas, floodplains, shorelines, steep slopes, wildlife habitat, and scenic resources.

Protect on-site drinking water supplies from development that might reduce the quality and/or quantity of water available for residential and other built-up land uses.

Prevent development that would unduly affect water bodies, shorelines, wetlands, and flood risk areas.

## **2.3 Economic Growth and Development**

Goal: Encourage economic development that will foster local employment opportunities, maintain a high quality of life, provide services to residents and visitors, contribute financially to the municipality, and protect the environment.

Objectives: Encourage and accommodate compatible commercial, agricultural, and tourism opportunities in suitable locations.

Ensure that economic development is compatible with neighbouring land uses.

Promote Terra Nova as an attractive place to live, drawing upon its services, facilities, other amenities, and bountiful outdoor recreational opportunities.

Retain and expand agriculture as an important sector in the local economy.

Support activities that enhance tourism such as the preservation and development of trails, waterfront areas, and outdoor recreation sites.

Promote the attractiveness of the town as a place to live, drawing upon its scenic character, forested hillsides, water access, and recreational amenities.

Permit appropriate home occupations that fit with the town's character and do not impinge on the reasonable enjoyment of neighbouring residential properties.

## **2.4 Housing**

**Goal:** Provide for an adequate quality and quantity of housing with the amenities necessary for a pleasant residential environment.

**Objectives:** Allocate sufficient land for residential development to meet requirements of anticipated growth during the planning period.

Protect residential quality of life and property values.

Manage residential development in a manner that preserves and protects sensitive environments, riparian areas, and shared open space.

Encourage housing development in appropriate locations through infilling along existing roads and, if necessary, development of new streets and street extensions.

Promote a pattern of development that reduces land use conflict between residential development and other land uses.

## **2.5 Transportation**

**Goal:** Provide an efficient transportation network to serve motorized and non-motorized transportation needs of Terra Nova.

**Objectives:** Provide safe and efficient access to all residential developments, commercial establishments, and recreational areas.

Require development plans for new streets to demonstrate to Council's satisfaction that the development will be linked appropriately with the surrounding area.

Encourage and facilitate the development of trails for motorized and non-motorized recreational transportation options.

## **2.6 Recreation and Open Space**

**Goals:** Develop and maintain natural areas to accommodate a range of active and passive recreational needs of Terra Nova residents.

**Objectives:** Encourage public participation in the planning of open space recreation and conservation lands.

Protect important outdoor recreational facilities, particularly Terra Nova's network of trails, from encroaching development.

Encourage and facilitate the development and maintenance of hiking/bicycling trails.

## **2.7 Governance**

Goal: Provide municipal administration and services effectively, efficiently, equitably, and within the fiscal capacity of the Town.

Objectives: Encourage strong public interest and participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making.

Deliver municipal administration and services effectively, efficiently, openly, and within the Town's fiscal capacity.

Ensure the Town is governed in compliance with relevant legislation such as the Municipalities Act and the Urban and Rural Planning Act, 2000.

## **2.8 Municipal Finance**

Goal: Manage municipal expenditures and revenues so as to provide municipal services within a framework of long-term financial stability.

Objectives:

Manage municipal expenditures and debt burden in a prudent manner and according to the Town's ability to pay.

Encourage an enlarged economic base in the Town in order to generate more commercial revenues.

Ensure that growth-related capital costs for new developments do not place an undue burden on residents' ability to pay.



### **3.0 COMMUNITY WIDE POLICIES**

#### **3.1 Policy Framework**

The overriding thrust of the Municipal Plan is to ensure a vibrant and sustainable community and to maintain the town's attractive character based on a mix of built-up land uses and a healthy attractive natural environment. This is important in order to provide continuity with the past, achieve the Town's development goals, maintain a distinct identity, and contribute to the community's environmental, economic, social, cultural, and governance sustainability.

To accomplish the overall intent of the Plan, the following policy initiatives are put forward:

- i) Terra Nova is recognized as having a traditional character that should be preserved.
- ii) Areas that can be developed and serviced at the most reasonable long-term costs to the Town and are relatively close to existing streets will be given priority for municipal growth and expansion. Development will be restricted in areas that would involve above-normal costs for municipal services and maintenance of infrastructure.
- iii) Prominent features that help to preserve community character, such as heights of land, viewpoints, waterfront open space, and views shall be preserved.
- iv) A high standard will be maintained for both the natural and built environments, particularly the protection of sensitive resources and features such as watercourses, wetlands, and steep slopes, and historic areas and buildings.
- v) Streets and infrastructure will be designed to achieve high standards with respect to safety, traffic and pedestrian mobility, appearance, and ease of maintenance.



- vi) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

This section, along with the accompanying Future Land Use Maps 1 and 2, includes all policies that Council regards as necessary to ensure that the physical development of the town is undertaken in an efficient and environmentally sustainable manner.

### **3.2 General Land Use Policies**

The policies outlined in this section apply generally to all areas of the Town.

#### **1. General Layout of the Town**

- (1) Council will encourage the consolidation of development in areas that are economical to connect to existing roads.
- (2) Council will limit development in areas where it would be less economical to maintain municipal streets and provide municipal services such as lighting and garbage collection.
- (3) Council may refuse approval of a development in a location that it considers to be uneconomic for infrastructure maintenance or the provision of municipal services.

#### **2. Compatibility of Uses**

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

#### **3. Non-Conforming Uses**

In accordance with the Urban and Rural Planning Act 2000, a use of land that legally existed at the time of the registration of this Municipal Plan will be allowed to continue irrespective of its conformity to the Plan or Development Regulations.



Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

#### **4. Land Development and Subdivisions**

##### **(1) Site Suitability**

When reviewing a proposed land development, Council will consider the site's suitability in terms of steepness of grades, soils, geology, location of watercourses and wetlands, and overall environmental sensitivity. When considering approval Council will ensure that the development will have minimal negative effects on water resources and surrounding properties.

##### **(2) Professional Review**

If in Council's opinion a proposed development could result in undesirable environmental effects or could create problems for the development or nearby properties, Council can require an assessment of the proposed development by a certified engineer, planner, landscape architect, or similar professional.

Among other matters, the review shall evaluate the adequacy of the proposed site grading, drainage, stormwater control, and landscaping, as well as the potential of the development to negatively affect nearby properties and bodies of water due to storm drainage, erosion, or pollution.

##### **(3) Land Needed for Environmental Protection**

When approving a subdivision or other development, Council can require portions of the site to be set aside from development or the clearing of vegetation in order to reduce or control stormwater drainage, erosion, sedimentation of watercourses, and other environmental impacts. Council's authority to require land to be set aside for environmental purposes derives from Section 13(3) of the Urban and Rural Planning Act



2000. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the Act.

**(4) Land for Public Use**

In accordance with Section 37 of the Act, Council can require developers of land to provide land to the Town for open space or other public use equal to ten per cent of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money that is equivalent to the value of the land in that subdivision that would have been conveyed.

**(5) Municipal Services and Access**

Council will ensure that a new development will make efficient use of existing streets and will not create unreasonable infrastructure maintenance and servicing costs for the Town.

**(6) Public Input**

Council may seek input from nearby residents and landowners when reviewing development proposals.

**(7) Council Decision**

Council will review each development application on a case by case basis and may:

- (a) Approve the development as proposed,
- (b) Approve the development subject to certain terms or conditions,
- (c) Defer a decision subject to more detailed information or requested modifications to the proposal, or
- (d) Not approve the development if it concludes that it is unsuitable for the location, will be prohibitively expensive for the Town to service or maintain, or will create environmental or other problems that cannot be sufficiently corrected or mitigated.



**(8) Subdivision Agreement**

Council may require an applicant to enter into a subdivision agreement with the Town as a condition of approval.

**5. Consolidation and Infill in Areas of Existing Development**

- (1) Council will encourage intensification of development in areas that are on or close to existing roads. This can occur through infilling along existing roads and the development of adjoining new streets and street extensions.
- (2) Site plans for infill development and land use intensification must meet the approval of Council. Developments must be compatible with the existing neighbourhood character and in accordance with Council's objectives and development standards with respect to lot size, frontages, road widening, alignments, installation of municipal services, environmental protection, retention of open space, and matters concerning current or future public works.

**6. Public Streets and Infrastructure**

- (1) Public streets and infrastructure are generally permitted in all areas except the Environmental Protection designation subject to conditions to mitigate environmental impacts.
- (2) Within the Environmental Protection designation, public streets and infrastructure may be permitted if no alternative route is feasible subject to conditions to minimize or mitigate environmental impacts.

**7. Frontage on Public Streets**

No building shall be erected on a lot that does not front onto a public street unless the subject lot is in a location that is exempted from this requirement in the Development Regulations.



**8. Public Access to Watercourses**

- (1) Council will ensure that sufficient and appropriate public access is maintained to lakes, ponds, rivers, and streams provided that such access does not unreasonably impinge on the use and enjoyment of adjacent private lands.

**9. Heritage and Archaeological Resources**

- (1) Council will encourage the preservation of individual sites and buildings that have heritage significance.
- (2) Council will cooperate with landowners to identify new or enhanced uses for older buildings and make owners aware of public programs aimed at preserving built-heritage.
- (3) Archaeological sites are protected under the *Historic Resources Act, 1985*. Proposed development near known existing sites will not be permitted until such time as the Provincial Archaeology Office has been notified and provided comments. If a new site is discovered, development will stop and the Provincial Archaeology Office will be notified and consulted on how the development should best proceed.

**10. Discretionary Uses**

- (1) Council may decide that a land use should be set out as a discretionary use in the Development Regulations, where:
  - (a) the suitability of the use within a zone is not clear and may depend on the land use characteristics and circumstances of individual locations within the zone,
  - (b) Council determines that the use could negatively affect the predominant uses of the zone and in order to mitigate this impact it would be desirable to consult with the public prior to issuing, issuing subject to conditions, or refusing a permit, or
  - (c) it is necessary to attach conditions to an approval that differ from



the standard conditions under the Development Regulations to ensure that the use is developed in a way that is compatible with nearby uses and the predominant uses of the zone.

**11. Mineral Exploration**

- (1) Subject to other provisions of this Municipal Plan, mineral exploration that is not classed as a development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance may be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration that is classed as a development may be permitted in the Open Space, Agriculture and Rural designations provided that adequate provision is made for site reinstatement, landscaping, buffering or other mitigations of impacts in existing or future residential, commercial, industrial, institutional and recreational areas.
- (3) Mineral exploration will not be permitted unless all necessary Provincial approvals have been obtained.

**12. Mineral Working**

- (1) Mineral working operations will be permitted in appropriate areas subject to necessary terms and conditions to minimize impacts on surrounding land uses, particularly in or near built-up areas.
- (2) To the satisfaction of Council, mineral working operations will make provision for site reinstatement, landscaping, buffering, or other necessary measures to reduce environmental and aesthetic impacts.
- (2) Mineral working operations will take measures to ensure water resources and other sensitive resources will not be negatively affected by extraction activities.



**13. Forest Resources and Trees**

- (1) Forests will be preserved and protected for the production of forest-based products as well as the realization of important non-timber values such as fish and wildlife habitat, water quantity and quality, biodiversity, scenery, and outdoor recreation and tourism.
- (2) Harvesting of forests and trees will respect the Town's objectives for environmental protection, preservation of scenery, outdoor recreation, stormwater control, and drinking water protection.
- (3) In order to preserve a site's natural characteristics and attractiveness for development, Council can restrict, or set conditions on, tree removal in areas planned for future residential development.

**14. Utilities****(1) Utility Easements and Facilities**

Municipal and public utility works such as telephone and power transmission lines, communication towers, stormwater drains, energy generation facilities, and pollution control can be permitted in all land use designations subject to conditions set by Council.

**(2) Alternative Energy Facilities**

Wind, small hydro, and solar energy generation facilities may be permitted in any land use designation subject to conditions set by Council, including the following:

- (a) The location and design of such utilities shall take into consideration potential impacts on nearby land uses, persons, and the natural environment.
- (b) To provide for adequate safety and comfort of persons and properties, Council will ensure that there is an adequate separation



distance between any type of wind generator and nearby buildings and structures.

- (c) Energy utilities are subject to required approvals by relevant provincial and federal departments.
- (d) Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

## **15. Trails**

- (1) Council will preserve and protect important trails and walkways to ensure they continue to play an important role in meeting the transportation, recreation, health, and sustainability needs of the town.
- (2) Council may establish terms and conditions for any proposed development to be located within the vicinity of an existing or proposed trail to ensure the development will not negatively affect public use and enjoyment of the trail.

### **3.3 General Environmental Policies**

Conservation values are intrinsic to this Municipal Plan. High priority is given to protecting sensitive areas from water contamination, stormwater impacts, soil erosion, watercourse scouring and sedimentation, and loss and fragmentation of habitat. All land use decisions will duly consider environmental sustainability and biodiversity objectives.

#### **1. General Environment**

##### **(1) Protection of Sensitive Areas**

Land and natural resources that are environmentally sensitive, including watercourses, riparian areas, water supply areas, wetlands, steep slopes, wet or unstable soils, and important habitat will be protected from the potentially damaging effects of development.



**(2) Consideration of Environmental Impacts**

Potential environmental effects will be considered when reviewing development applications. At its discretion, or in accordance with other statutory requirements, Council may refer development proposals to the Provincial or Federal departments such as Municipal Affairs and Environment, Government Services, and Fisheries and Oceans Canada for advice and/or regulatory approval.

**2. Soils and Drainage**

- (1) Development shall be permitted only on lands with soil and drainage conditions that in the opinion of Council are suitable for the proposed uses.

**3. Watercourse and Wetland Protection**

- (1) Development in the vicinity of watercourses and wetlands will be carried out in a manner that minimizes the potential for environmental impacts, protects natural drainage, and preserves existing public access to the water.
- (2) Conservation buffers will be established to protect watercourses and riparian areas from stormwater discharges, erosion, sedimentation, pollution, and other adverse effects of development.
- (3) In areas of existing development, the establishment of watercourse buffers will strive for a reasonable balance between environmental protection objectives and the utilization of vacant land fronting onto existing streets.
- (3) Where it believes that a proposed development may affect a wetland, Council may, at its discretion:
  - (a) require the developer to have the wetland delineated by a qualified consultant,



- (b) establish a sufficient buffer from the edge of the wetland, in which development will not be permitted,
- (c) require such other conditions or restrictions as may be necessary to protect the wetland, and/or
- (d) refuse to approve the development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

**4. Unstable Geology and Soils**

- (1) Development in areas that are environmentally sensitive or hazardous for development due to wet or unstable soils, or unstable geological conditions, may be restricted or subjected to terms and conditions to reduce potential impacts.

**5. Waterfront Lands**

- (1) Development in the vicinity of freshwater shorelines shall be carried out in a manner that minimizes the potential for environmental impacts, protects riparian features, and preserves existing public accesses to the shore.
- (2) Conservation buffers and other measures will be used to protect river banks, beaches, and other sensitive shoreline features from the impacts of development.

**6. Flood Risk Areas**

- (1) Conservation buffers and development restrictions will be used to protect persons, properties, and ecologically important sites in areas of high and medium flood risk.
- (2) Development may not be permitted, or may be subject to special conditions, on sites that in the opinion of Council are subject to local flooding.



**7. Steep Slopes**

- (1) Sensitive steep slopes will be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to properties resulting from development.

**8. Storm Drainage**

- (1) Development will not be undertaken in a manner that causes excessive increases in stormwater runoff that could be detrimental to adjacent properties, steep or unstable slopes, nearby watercourses, and other sensitive areas.
- (2) Development will not be permitted on any site where it would otherwise be permitted when, in the opinion of Council, the development might result in significant stormwater impacts, for example, excessive run-off onto adjacent properties, flooding, soil erosion, and siltation or scouring of streams.
- (3) In areas where there is concern that development may contribute to stormwater increases, Council may require developers and landowners to:
  - (a) Set aside open space areas where stormwater can be discharged to naturally infiltrate into the soil.
  - (b) Maintain vegetated buffers between stormwater drainage outlets and watercourses to minimize direct discharges into watercourses.
  - (c) Preserve existing trees or plant additional trees and shrubs to promote soil infiltration and capture sediments.
  - (d) Reduce pavement and other impervious surfaces irrespective of standards set out in the Development Regulations for parking, sidewalks, pavement width, and other developments.
  - (e) Channel runoff to gardens and low-lying areas on the development site and on individual lots.
  - (f) Capture roof drainage in rain barrels.



- (g) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff and promote soil infiltration.
- (h) Re-establish vegetative cover as rapidly as possible on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

**9. Clearing, Excavation, and Filling-in of Development Sites**

In order to assist the Town's objectives for environmentally sustainable and attractive development,

- (a) The clearing, excavation, and filling-in of land to prepare a property for development will be limited to an extent that is environmentally and aesthetically acceptable and no more than necessary to suitably develop the property as determined by the Town.
- (b) An approval in principle or a permit to develop will not be granted when in the Town's opinion the proposed clearing, excavation, or filling-in of land will result in unacceptable stormwater, environmental, or aesthetic impacts, or will be more than is necessary to suitably develop the site.



## **4. Land Use Designations**

Land use designations are set out on the Future Land Use maps.

### **4.1 Environmental Protection**

#### **1. General Intent**

- (1) In the Environmental Protection designation, highest priority is given to the protection of sensitive and scenic areas.
- (2) The Environmental Protection designation will protect environmentally sensitive areas, including, but not limited to, lakes, rivers, streams, estuaries, riparian areas, wetlands, steep slopes, and flood risk areas.

#### **2. Land Uses**

- (1) Conservation uses, including buildings and structures associated with conservation, will be permitted.

Open space uses such as walking trails, picnic areas, and boardwalks will be permitted, subject to conditions to minimize impacts on sensitive land and water resources. Before approving such developments, it must be clearly demonstrated to Council that adverse effects on the site or adjacent waterways will be minimal.

- (2) At its discretion, Council may permit certain infrastructure developments, for example, street crossings of streams and stormwater drainage ditches, as long as alternative locations are not feasible and Council considers the proposed development to be in the public interest. Council will consult with the Department of Municipal Affairs and Environment, Fisheries and Oceans Canada, and other relevant agencies before approving any such development.

Single dwellings and residential accessory buildings may be permitted at Council's discretion on lots that existed at the time this Municipal Plan came into effect, but not on lots that were created subsequent to the Plan coming into effect.

Docks and energy generation facilities may be permitted at Council's discretion. Permission to develop these uses will be subject to conditions set by Council.

- (3) The filling-in of land and water will not be permitted unless it is for flood protection or redirection of flood waters, and is a public work that has been approved by the Water Resources Division of the Department of Municipal Affairs and Environment.

## **4.2 Residential**

### **1. General Intent**

- (1) Areas are designated Residential in order to accommodate new housing needs and preserve the amenity of existing residential areas.
- (2) Residential development will be limited to areas that can be economically connected to existing streets including infill along existing roads, extensions to existing streets, and new streets that will be readily accessible to existing streets.

### **2. Land Uses**

- (1) The predominant use of land in areas designated Residential will be single-detached housing.

Home occupations are permitted in Residential areas in a way that minimizes negative impacts on neighbourhoods.



Other permitted uses include subsidiary apartments, accessory buildings, conservation, open space, and small-scale crop agriculture.

- (2) Development that may be permitted in the Residential designation at Council's discretion include boarding houses, bed and breakfast operations, commercial tourist cottages, kennels, small-scale livestock agriculture, recreational open space, recreational facilities, indoor assembly uses, and small-scale energy facilities.

### **3. Council Control of Land Development**

- (1) No residential land development involving new street construction will be permitted except in accordance with a subdivision plan that has received the final approval of Council.
- (2) Each subdivision plan must demonstrate how the proposed development will link with the existing street(s) and, if Council deems necessary, must show how the development will provide access to accommodate future development in the surrounding area.
- (3) Council will monitor each residential land development to ensure that the development complies with the approved subdivision plan.
- (4) All costs associated with road development will be the responsibility of the developer.

### **4. Home Occupations**

A home occupation may be developed within a dwelling or an accessory building on the same lot in accordance with conditions outlined in the Development Regulations as well as any other conditions that may be required by Council.

### **5. Livestock and Poultry Farming**

Small-scale livestock operations can be approved at Council's discretion, subject



to limitations on the number of animals and the location of a livestock facility on the lot.

#### **4.3 Seasonal Residential**

##### **1. General Intent**

- (1) Areas are designated Seasonal Residential in order to allow for recreational housing demand in a limited number of remote areas where municipal services such as snowclearing and road maintenance will not be available in the foreseeable future.
- (2) Except as otherwise decided by Council, the Town will not be responsible for developing roads or other means of access in areas designated Seasonal Residential.

##### **2. Land Uses**

- (1) Permitted housing in areas designated Seasonal Residential will be limited to recreational dwellings.

Residential accessory buildings, conservation, open space, and crop agriculture are permitted and are considered to be complementary uses in the designation.

- (2) At Council's discretion, a home occupation may be permitted within a residential dwelling or within an accessory building on the same lot, in accordance with conditions that may be required by Council.
- (3) Other uses that may be permitted at Council's discretion include bed and breakfast operations, kennels, small-scale livestock operations, and small-scale energy generation facilities.

#### **4.4 Mixed Use**

##### **1. General Intent**

- (1) Areas are designated Mixed Use to allow for a mix of residential, commercial, light industrial, public, and recreational uses. Land uses and design approaches will be promoted that preserve historic buildings and enhance the traditional mixed use character of these areas.
- (2) Development will generally be limited to areas that can be economically connected to existing streets including infill along existing roads, extensions to existing streets, and new streets that are readily accessible to existing streets.

##### **2. Land Uses**

- (1) Permitted uses in the Mixed Use designation include single dwellings, home occupations, subsidiary apartments, accessory buildings, bed and breakfast operations, boarding houses, conservation, open space, small-scale crop agriculture, and offices.
- (2) Campgrounds, commercial accommodations, tourist cottages, catering indoor assembly and general assembly may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing development.

Drinking establishments, take-out restaurants, outdoor assembly, entertainment, service stations, light industrial uses, and kennels, may be permitted in certain locations, but will require more stringent conditions to minimize conflict with existing development.

Small-scale livestock uses and energy generation facilities may be permitted subject to conditions outlined in the Development Regulations.



Other uses that may be permitted at Council's discretion include shops, veterinary services, indoor and outdoor markets, emergency services, general services, personal services, places of worship, and recreational open space.

### **3. Compatibility of Uses**

- (1) In evaluating development proposals in Mixed Use areas, Council will pay particular attention to the compatibility of uses, particularly between residential and non-residential uses.
- (2) Where an area within the Mixed Use designation is predominantly residential in character, proposed non-residential uses will not be approved if they are considered to be incompatible with existing residential uses.
- (3) Before permitting any non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage, and other site related matters can be met.
- (4) Council may impose conditions to require a commercial, light industrial or public building use to maintain an attractive appearance and minimize adverse impacts on existing uses, including proper site layout, buffering, screening, and control or restriction of potentially noxious or hazardous activities. Required screening may include fencing and/or appropriate plantings of trees and shrubs.
- (5) Council may consult with residential neighbours of a proposed commercial, light industrial, livestock, or public building use development before deciding on approval or non-approval.

#### **4. Guidelines**

- (1) The following principles will be pursued within the Mixed Use designation:
  - (a) Adaptive reuse and redevelopment of vacant and underused properties and buildings will be encouraged to the extent that the reuse or redevelopment is compatible with surrounding area.
  - (b) The preservation and enhancement of buildings of architectural or historic interest will be encouraged.
  - (c) The traditional community form will be maintained.
  - (d) The appearance, scale, siting, and use of new buildings, as well as expansions and renovations to existing buildings, will have regard for and not detract from the character of the surrounding area.
  - (e) The restoration and reuse of dilapidated buildings, structures and sites that contribute to the historical legacy and visual character of the area will be encouraged.
  - (f) Scenic views, public rights-of-way, natural amenities, and historic uses will be preserved where possible.
  - (g) Existing trails and small open spaces that provide access to lake and river waterfronts will be preserved.

#### **5. Livestock and Poultry Farming**

Small-scale livestock operations can be approved at Council's discretion, subject to limitations on the number of animals and the location of a livestock facility on the lot.

#### **6. Use of Discretionary Authority**

If Council deems that a proposed development will adversely affect existing land uses or the character or heritage of an area, it may exercise its discretionary authority to refuse the application or set terms and conditions on the development.



#### **4.5 Open Space**

##### **1. General Intent**

Land is designated Open Space to preserve important natural areas such as woodlands, scenic hillsides, wetlands, and wildlife habitat, and provide for the passive recreational needs of Town residents and visitors.

##### **2. Land Uses**

- (1) Permitted uses include conservation and open space.
- (2) Development that may be permitted at Council's discretion includes recreational open space, cemeteries, outdoor assembly, crop agriculture, energy generation facilities, and mineral exploration.

##### **3. Trail System**

- (1) It is the intent of Council to facilitate ongoing development and improvement of Terra Nova's trail system to accommodate a range of recreational activities including walking, hiking, bicycling, cross country skiing, snowmobiling, and ATV use.
- (2) The trail system includes the Newfoundland T'Railway where both non-motorized and motorized recreational uses are permitted.
- (3) Council will encourage the development and expansion of its snowmobile trails and walking/bicycling trails. As much as possible, the trail system will incorporate shoreline buffer areas, scenic look-off points, and traditional trails and pathways.

#### **4.6 Municipal Park**

The Municipal Park designation includes all land within the boundaries of the Town's municipal park.

**1. General Intent**

The intent of the Municipal Park designation is primarily to preserve the natural environment and amenities of the Town's municipal park and to ensure its continuation as a recreational resource for residents and an important tourism attraction.

**2. Land Uses**

- (1) Within this designation, permitted uses will include conservation and open space uses such as trails and passive recreational facilities.
- (2) Uses that may be permitted at Council's discretion include outdoor assembly and recreational open space.

At Council's discretion, catering and take-out food services may be permitted on a temporary basis if deemed by Council to be complementary to a main use such as an assembly use or recreational open space use.

**3. Development Criteria**

Council shall ensure that facilities are designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.

**4.7 Agriculture****1. General Intent**

- (1) It is the intent of this Municipal Plan to protect designated Agriculture lands for existing and future agricultural use.
- (2) Development will not be permitted within the Agriculture designation unless it is directly accessory or complementary to agriculture or will not adversely affect the use of land for agricultural purposes.

**2. Land Uses**

- (1) Crop and livestock agriculture and conservation uses will be permitted.
- (2) Farm related retail uses, light and general industrial uses, veterinary facilities, and kennels may be permitted at Council's discretion provided it



is clearly demonstrated that they are complementary to and will have no adverse impact on agricultural uses or development.

Single dwellings and temporary dwellings for farm workers may be permitted at Council's discretion provided it is demonstrated they are necessary for the operation of a viable farm.

Other uses that may be permitted at Council's discretion include energy generation facilities and mineral exploration.

### **3. Separation of Non-Farm Developments and Livestock Operations**

- (1) Council will minimize the potential for land use conflicts arising between livestock operations and non-agricultural uses being developed in close proximity.
- (2) The development of new livestock facilities will be subject to a minimum distance separation from existing dwellings and the boundaries of the Residential and Mixed Use designations.
- (3) New residential developments other than farm dwellings will be subject to a minimum distance separation from existing livestock facilities. In consultation with the Department of Fisheries and Land Resources, additional restrictions may also be applied depending on the type of livestock operation and the characteristics of the site.

## **4.7 Rural**

### **1. General Intent**

- (1) Areas are designated Rural to recognize their importance for natural resource utilization, habitat conservation, and outdoor recreation and open space uses.

**2. Land Uses**

- (1) Permitted uses within this designation include conservation, open space, crop and livestock agriculture, forestry, and mineral exploration.
- (2) Developments that Council may permit at its discretion include mineral working, mining, light and general industrial uses, construction yards, cemeteries, kennels, recreational open space, and renewable energy facilities such as wind turbines.

A single dwelling that is clearly accessory to an agricultural operation may be permitted at Council's discretion. A temporary dwelling may be permitted that is accessory to a permitted main use provided it is necessary for the viable operation of that main use.

In special circumstances, at its discretion, Council may permit a single dwelling on a lot that existed at the time this Municipal Plan came into effect. This would not be considered on any lot that was created subsequent to the Plan coming into effect.

**3. Environmentally Sensitive and Scenic Areas**

- (1) Council may restrict or set conditions on land uses or resource extraction activities that it feels may adversely affect lands that are environmentally sensitive or are not conducive to development for aesthetic reasons. Examples include steep or unstable slopes, geologically unstable areas, publicly visible hillsides, wetlands, watercourses, and ravines. In these areas, protection rather than development measures will take priority.

**4. Mineral Working**

- (1) Mineral working operations will be carried out in a manner that protects existing land uses and environmental and scenic resources. To this end, minimum separation distances and buffering requirements will be required

between pits and quarries and nearby uses such as residential areas, roadways, watercourses, and recreational developments.

- (2) Proposals for new mineral working operations shall be subject to an assessment of impacts on environmental and scenic resources and existing nearby land uses.
- (3) Council will establish standards in the Development Regulations aimed at reducing the potential impacts of mineral working operations on nearby built-up areas and environmentally sensitive areas, and may require measures to:
  - (a) Protect watercourses, wetlands, steep slopes, and other environmentally sensitive areas.
  - (b) Restrict mineral working in public viewsheds and near existing and proposed residential areas, roads, and important recreational areas.
  - (c) Restrict operating schedules.
  - (d) Establish conditions for site management, upkeep, and rehabilitation.

## **5. Forest Management**

- (1) Forest harvesting and management activities will be subject to the requirements and supervision of the Department of Fisheries and Land Resources.
- (2) Logging activities shall respect the Town's objectives for environmental protection, scenic preservation, recreation areas, municipal watershed protection, and maintenance of trees and aesthetic characteristics in areas designated for future residential development.



#### **4.8 Future Development Area**

##### **1. General Intent**

- (1) Land is designated Future Development Area so as to reserve it for envisioned future development and to prevent it from becoming developed in an alternative way that would preclude the envisioned development.
- (2) No buildings, structures, or other forms of permanent development will be permitted on lands designated as Future Development Area,

##### **2. Land Uses**

- (1) Permitted uses within this designation include conservation and open space.
- (2) Uses that Council may permit at its discretion include non-commercial crop production, forestry, mineral exploration, and certain recreational open space uses. No permanent buildings or structures accessory to these uses will be permitted.

## 5.0 IMPLEMENTATION

The Terra Nova Municipal Plan will be implemented over the next 10-years through decisions of Council. Of particular importance to Council are the following:

- Effective administration of the Municipal Plan
- Public participation
- Development Regulations
- The basis of development control, and
- The procedure for considering amendments to the Municipal Plan.

These are dealt with in turn in this section.

### 5.1 Administration of the Plan

The Terra Nova Municipal Plan is comprised of goals and objectives (Section 2 of this document), land use policies (Section 3), and a program of implementation (Section 4). All development applications will be evaluated for their conformity to the policies in the Municipal Plan.

#### 1. Map Interpretation

- (1) For the purpose of administering the Municipal Plan, the **Future Land Use Map (Maps 1 and 2)** shall be read only in conjunction with the goals, objectives and land use policies of the Plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Map** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define exact limits. No amendment to the Terra Nova Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the Plan.

## **2. Development Applications**

- (1) Every person or corporation wishing to develop land for any purpose within the Terra Nova Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of the Terra Nova in the best long-term interest of residents. Council may refuse or approve applications, with or without conditions.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

## **3. Subdivision Proposals and Agreements**

- (1) Evaluations of proposed subdivisions of land for development will address the following:
  - (a) Physical conditions and features of the site and the opportunities for and constraints on development.
  - (b) How the proposed subdivision will join with existing roads, how it will affect existing developments, and whether it will provide for



- future access to undeveloped lands in the area.
  - (c) Whether the proposed subdivision will be compatible with surrounding land uses both existing and future.
  - (d) Long-term municipal costs of providing services and maintaining infrastructure.
  - (e) How the development may affect important and sensitive environmental resources.
- (2) Before subdivision developments are approved Council shall require the developer to enter into a development agreement with the Town. The agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

#### **4. Non-Conforming Uses**

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a "non-conforming use" subject to the provisions of Section 108 of the Urban and Rural Planning Act.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, or such further period as Council considers fit, it shall not be resumed and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.
- (3) A non-conforming use under this Municipal Plan:
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,

- (b) shall not be structurally modified except as required for the safety of the building, structure or development,
- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed,
- (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations
- (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50% of the existing building
- (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

## **5.2 Public Participation**

The Municipal Plan is an expression of the goals and aspirations of the citizens of Terra Nova, therefore, the periodic review of the Plan provides the opportunity for public participation and input and can be an invaluable tool for the successful implementation of planning.

- (1) Council will take advantage of opportunities to involve the public in decision-making processes with respect to future planning and development of the community.



### **5.3 Development Regulations**

Pursuant to Section 35 of the Urban and Rural Planning Act, Council has adopted the Terra Nova Land Use Zoning, Subdivision and Advertisement Regulations (referred to as the Development Regulations) in order to implement the goals, objectives and land use policies of the Municipal Plan. The Development Regulations control the subdivision and development of all land within the Terra Nova Planning Area.

#### **1. Council Responsibility**

- (1) In accordance with Section 35 of the Urban and Rural Planning Act, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the Terra Nova Municipal Plan.

#### **2. Content**

- (1) The Development Regulations:
  - (a) divide the Planning Area into land use zones
  - (b) indicate permitted, discretionary, and prohibited uses of land in each land use zone,
  - (c) set out municipal-wide and zone-specific requirements and standards for the subdivision and development of land,
  - (d) set out the administrative procedures for dealing with development permit applications and the issuing of development and building permits,
  - (e) set out the regulations respecting the non-conforming development and use of land,
  - (f) set the minimum notice periods for Council for decisions respecting discretionary land uses, non-conforming land uses, and variances,
  - (g) set out the regulations and procedures respecting appeals of Council decisions, and
  - (h) set out the regulations respecting the enforcement of permit requirements.

## **5.4 Development Control**

### **1. Municipal Plan is Binding**

- (1) The Terra Nova Municipal Plan is a legal document which is binding upon all persons and organizations, including the Council.

### **2. Council Responsibility**

- (1) Council shall exercise appropriate control over development in the Terra Nova Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning, Subdivision, and Advertisement) Regulations.

### **3. Subdivision and Development Applications**

- (1) All persons wishing to subdivide or develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications forms and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.
- (2) Council will examine the application on the basis of the Development Regulations. Council may approve the application, approve it with conditions, or refuse it.

### **4. Right to Appeal**

- (1) An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the Terra Nova Development Regulations.

### **5. Provincial and Federal Referrals**

- (1) If Council forms an opinion that a proposed development may be affected by the regulations of a Provincial or Federal department, the application will be referred to the concerned department for comments before a permit is issued.



### **5.5 Amending the Municipal Plan and Development Regulations**

This Municipal Plan was prepared on the basis of existing and expected future conditions. It is Council's intention not to amend the Plan for a five-year period after its adoption, after which another Plan Review will be undertaken. Nevertheless, if conditions change in unforeseen ways during the planning period, Council may consider possible amendments to the Plan.

#### **1. Municipal Plan Amendment**

- (1) If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the Urban and Rural Planning Act, the amendment procedure will be the same as for the adoption of the Municipal Plan as a whole. This procedure is outlined in Sections 14 to 24 of the Act.

#### **2. Stand-Alone Amendment to the Development Regulations**

- (1) If Council decides to adopt an amendment to the Development Regulations, which does not also require a change to the Municipal Plan, the amendment procedure will be in accordance with Section 35 (5) of the Act.
- (2) Council shall give notice of the proposed change in a newspaper circulated in the area and shall receive representations with respect to those changes before forwarding the adopted amendment to the Department of Municipal Affairs and Environment for registration under Section 24 of the Act.

