

TOWN OF VICTORIA

MUNICIPAL PLAN

IMPORTANT: To see if there were any changes to this plan since it came into effect, please refer to:

List of Municipal Plan Amendments

**TOWN OF VICTORIA MUNICIPAL PLAN
2010**

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF VICTORIA MUNICIPAL PLAN 2010**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Victoria adopts the Victoria Municipal Plan 2010.

Adopted by the Town Council of Victoria on the 24th day of January 2011.

Signed and sealed this 7th day of March 2011.

Mayor: _____

Art Burke

Clerk: _____

Sharon Snooks

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: Arvo McMillan

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF VICTORIA MUNICIPAL PLAN 2010

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Victoria adopts the Victoria Municipal Plan 2010.

Adopted by the Town Council of Victoria on the 24th day of January 2011.

Signed and sealed this 7th day of March 2011.

Mayor: Art Burke
Art Burke

Clerk: Sharon Snooks
Sharon Snooks

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:



Municipal Plan/Amendment	
REGISTERED	
Number	5225-2011-002
Date	April 6, 2011
Signature	<u>John McMillan</u>

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF VICTORIA
MUNICIPAL PLAN 2010

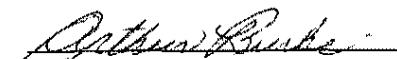
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Victoria:

- a) adopted the Victoria Municipal Plan 2010 on the 24th day of January 2011.
- b) gave notice of the adoption of the Victoria Municipal Plan 2010 by advertisement inserted on the 1st day of February 2011 and the 8th day of February 2011 in the Compass newspaper.
- c) set the 17th day of February 2011 at 7:00 p.m. at the Town Hall, Victoria for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, on the 7th day of March 2011 the Town Council of Victoria approves the Victoria Municipal Plan 2010 as adopted.

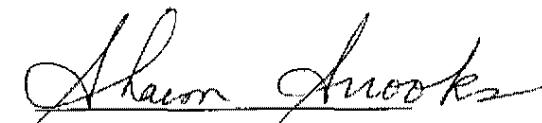
SIGNED AND SEALED this 7th day of March 2011

Mayor:



Art Burke

Clerk:



Sharon Snooks

TABLE OF CONTENTS – 1

1	INTRODUCTION – THE PLAN AND DEVELOPMENT REGULATIONS	Page 1
2	BACKGROUND AND DEVELOPMENT ISSUES	Page 3
3	MUNICIPAL PLAN OBJECTIVES AND POLICY INITIATIVES	Page 7
3.1	OBJECTIVES	Page 7
3.2	POLICY INITIATIVES	Page 7
4	LAND USE POLICIES	Page 8
4.1	GENERAL DEVELOPMENT POLICIES	Page 8
4.1.1	Future Land Use Designations and Policies	Page 8
4.1.2	Accessory Buildings and Uses	Page 8
4.1.3	Advertisements and Signs	Page 9
4.1.4	Agriculture and Livestock	Page 9
4.1.5	Archaeological Resources	Page 9
4.1.6	Compatibility of Uses, Buffers and Screening	Page 9
4.1.7	Comprehensive Development	Page 9
4.1.8	Development and Roads and Services	Page 10
4.1.9	Discretionary Powers	Page 11
4.1.10	Discretionary Uses	Page 11
4.1.11	Environment	Page 12
4.1.12	Forestry	Page 12
4.1.13	Heritage Buildings and Areas	Page 12
4.1.14	Mineral Exploration	Page 12
4.1.15	Mineral Workings	Page 13
4.1.16	Parking and Offstreet Loading Areas	Page 13
4.1.17	Pedestrian Access, Trails and Walkways, Persalvic School & Cross Roads	Page 13
4.1.18	Site and Subdivision Development	Page 14
4.1.19	Uses Permitted In All Designations	Page 14
4.1.20	Waterways and Wetlands, Big Brook (Salmon Cove River)	Page 14
4.1.21	Wind Mills, Wind Turbines and Wind Farms, Other Energy Sources	Page 16
4.2	RESIDENTIAL DESIGNATION	Page 17
4.3	MIXED DEVELOPMENT DESIGNATION	Page 17
4.4	HERITAGE ZONE DESIGNATION	Page 18
4.5	OPEN SPACE RECREATION DESIGNATION	Page 18
4.6	RURAL DESIGNATION	Page 18
4.7	DESIGNATED FLOODWAY DESIGNATION	Page 19
4.8	HISTORIC FLOOD ZONE DESIGNATION	Page 19

TABLE OF CONTENTS – 2

4.9	ENVIRONMENTAL PROTECTION DESIGNATION.....	Page 20
4.10	PROTECTED PUBLIC WATER SUPPLY DESIGNATION.....	Page 20

Maps: Future Land Use Maps 1 and 2 and Municipal Plan 2010 Background Map.

TOWN OF VICTORIA MUNICIPAL PLAN 2010

1 INTRODUCTION – THE PLAN AND DEVELOPMENT REGULATIONS

This Municipal Plan for the Town of Victoria has been prepared in accordance with the provisions of the Urban and Rural Planning Act 2000 of Newfoundland and Labrador. It is accompanied by the Town of Victoria Development Regulations which provides the land use controls necessary to implement certain land use policies of this Municipal Plan.

The Urban and Rural Planning Act requires that a review be carried out every five years in order to ensure that, at a very minimum, a plan and its regulations are up to date and in compliance with the latest provincial policies and standards.

The Victoria Municipal Plan contains goals and land use policies approved by Town and registered by the Minister of Municipal Affairs. The Municipal Plan is binding upon Town and upon all other persons, corporations and organizations within the Victoria Municipal Planning Area.

In order to implement the Municipal Plan, the Victoria Development Regulations 2010 was approved and registered at the same time as the Victoria Municipal Plan 2010. The provisions of the Development Regulations set out the requirements for variances and non-conforming uses among other matters. Included with the Victoria Development Regulations is Newfoundland Regulation 3/011 - Development Regulations under the Urban and Rural Planning Act 2000.

Policies and regulations under the Municipal Plan and Development Regulations must comply with all applicable Provincial and Federal regulations. Prior to adoption by the Town under the Urban and Rural Planning Act, the Department of Municipal Affairs reviews the Plan and Regulations to “to determine provincial and other government agency interests. . . .” (Section 15(3) of the Urban and Rural Planning Act)

Development schemes, design concepts, comprehensive plans, subdivision agreements and concept plans can further implement the Municipal Plan and Development Regulations with more detailed proposals and policies for development.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features, where they are intended to define the exact limits of each designation. Therefore, where necessary, minor adjustments may be made to these boundaries for the purpose of implementing the Plan or the Development Regulations.

Furthermore, the Municipal Plan is implemented through and in turn, implements in part, the Integrated Community Sustainability Plan as set out in the Appendix to this Municipal Plan. The Integrated Community Sustainability Plan can be amended and updated without amendment to the Municipal Plan.

Section 13, clauses (2) and (3), of the Urban and Rural Planning Act 2000 states:

(2) *A plan shall*

- (a) *include a statement of the objectives of the plan;*
- (b) *indicate the policies to be implemented under the plan;*
- (c) *divide land into land use classes and the use that may be made in each class and shall include prohibited uses of land;*
- (d) *include proposals for land use zoning regulations;*
- (e) *include proposals for the implementation of the plan;*
- (f) *provide provisions with respect to non-conforming uses; and*
- (g) *provide for the development of the planning area for a 10 year period.*

(3) *A plan may, with respect to a planning area*

- (a) *describe and determine the physical, economic and social environment;*
- (b) *describe existing and proposed transportation networks and proposed networks of streets;*
- (c) *establish areas for comprehensive development;*
- (d) *propose the phasing in of development;*
- (e) *establish a program of public works;*
- (f) *provide for the protection, use and development of environmentally sensitive lands;*
- (g) *provide for storm water control and erosion control;*
- (h) *provide for the protection, use and development of natural resources and for the prevention of natural resource development with incompatible negative impacts;*
- (i) *provide for the excavation, filling in or reclamation of land;*
- (j) *provide for the non-removal of trees and vegetation and for other environmental matters including requiring that environmental studies be carried out prior to undertaking specified developments;*
- (k) *provide for the height and siting of developments;*
- (l) *provide for the use and conservation of energy;*
- (m) *provide for and recommend the attraction, location, development and diversification of economic activity;*
- (n) *provide for garden suites and back lot development;*

- (o) *establish locations, provisions for and policies with respect to housing and facilities for senior citizens; and*
- (p) *make other proposals, that in the opinion of the council or regional authority are necessary.*

2 BACKGROUND AND DEVELOPMENT ISSUES

About 50 km from the Trans Canada Highway and 115 km from St. John's, the Town of Victoria is located on the west side of Conception Bay.

With 94.5 square kilometres of area, the Municipal Planning Area of Victoria, includes the Town, 21.5 square kilometres in area, and the Town's Protected Public Water Supply Area of the Rocky Pond system. This water supply area is almost entirely outside the Town's boundary.

The water supply area which flows into the Town by way of Rock Pond at the Power House also supplies the energy for the Victoria Hydro Electric Station owned and operated by Newfoundland Power. This building is a Registered Historic Site.

The 2006 Census population for Victoria was 1,765. This represents a decline of 2.2% since 2001. The 2006 Census population for Economic Zone 17 - Mariner Resource Opportunities Network Inc. was 39,850. This represents a decline of 2.7% since 2001. Over the same period, the entire province experienced a population decline of 1.5% since 2001 (505,470 in 2006, down from 512,930).

Victoria is a residential community. The feasibility study that was carried out in 2007 regarding the amalgamation of Victoria and Salmon Cove demonstrated that Victoria has a very low ratio of commercial assessment to residential assessment compared to certain other communities in its general size range.

Given that it is next to the Town of Carbonear, the regional service centre for Conception Bay North, Victoria is going to remain a residential community with a few businesses along Highway 70 – the Conception Bay North Highway.

More information about the Town is set out in the Victoria Municipal Plan 2010 Background Report.

DEVELOPMENT ISSUES

The key issues that emerged during discussions and consultations about the Municipal Plan are as follows:

- The Town will continue to develop as a residential community with the bulk of the new housing occurring on the north and south sides of Main Street East (Highway 70).

One of the issues emerging out of this subdivision development is to ensure that new developments are coordinated with each other so that an efficient internal street network is developed for servicing, maintenance and traffic flows and that adequate public recreational open space is provided.

- Victoria is a 'green community' as one person noted during the consultations. Trees, trails and streams and ponds form part of this 'green community'.

Public access to water-bodies must be retained, and if necessary, provided through acquisition and/or when approving major developments and subdivisions. Public access to Beaver Pond is of particular concern, since a trail around the pond would complement the Town's trail system currently under development. Forest Pond is not deemed to be suitable for this purpose.

The overall development of the Town will and must build upon its trail networks and attractive 'green' appearance in a way that is environmentally sustainable.

- Pedestrian safety and access around Persalvic School and at the Cross Roads area around the intersection of Highways 70 (Conception Bay North Highway) and 74 (Heart's Content and Trinity Bay) was another important area of concern.

With the broader of context of pedestrian and vehicular traffic along the two highways the Persalvic School pedestrian access and safety issue needs to be clarified and the appropriate solutions developed in cooperation with the Department of Transportation and Works.

The Cross Roads area issue includes the pedestrian/vehicular traffic issue raised in the preceding paragraph, but also brings into focus the larger issue of developing a plan for a focal point in Victoria, as one person phrased it – a 'town square' type of approach entailing a fully thought out, community involvement approach to researching the issues and developing a plan that

would develop the Cross Roads as a focal point of the Town. It is recognized that while Highways 70 and 74 are the Town's 'main streets', they are also provincial highways leading north up Conception Bay and west to Trinity Bay.

**SECTIONS 3 AND 4
VICTORIA MUNICIPAL PLAN
OBJECTIVES AND POLICIES**

3 MUNICIPAL PLAN OBJECTIVES AND POLICY INITIATIVES

3.1 OBJECTIVES

These objectives are meant to provide a framework for the Policies contained in Section 4 of the Municipal Plan.

Recognizing that Victoria is primarily a residential community, the main objective of the Municipal Plan is to foster the development of the Town's social and economic well-being in a way that is socially, economically and environmentally sustainable through policies that will help sustain a residential community which accommodates different housing needs in an attractive setting.

While maintaining its residential focus, the Town will also encourage business development that suits the character of Victoria.

Beyond the urban limits of the Town, the focus shall be on protecting the rural character of this area, and ensuring the protection of the Town's water supply and existing agricultural and forestry operations and resources.

3.2 POLICY INITIATIVES

The policies which will carry out the objectives and policies of the Municipal Plan include:

- The Victoria Integrated Community Sustainability Plan.
- Land Use policies that establish the conditions of development, including allowable land uses under each designation, which are reflected in the Development Regulations. These area based policies (designations which appear on the Future Land Use Maps) are designed to implement the basic objectives of the Municipal Plan in such a manner as to accommodate change over the life of the Plan without costly and time-consuming amendments to the Plan itself.
- Local area plans for selected parts of the community - such as around the Cross-Roads Area (Highways 70 and 74) and Persalvic School.

These initiatives are to be carried out by Council, Town Staff, and by engaging the community, groups and individuals and governmental and non-governmental partners in this process.

4 LAND USE POLICIES

4.1 GENERAL DEVELOPMENT POLICIES

4.1.1 Future Land Use Designations and Policies

All development within the Victoria Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

These designations are:

- a) Residential
- b) Mixed Development
- c) Heritage Zone
- d) Open Space Recreation
- e) Rural
- f) Designated Floodway
- g) Historic Flood Zone
- h) Environmental Protection
- i) Protected Public Water Supply.

4.1.2 Accessory Buildings and Uses

Accessory buildings and uses shall be subject to the conditions set out in this Municipal Plan and the Development Regulations.

Residential accessory buildings shall be clearly subsidiary to the main or principal dwellings on a lot.

An accessory use is defined under Newfoundland Regulation 3/01 - Development Regulations under the Urban and Rural Planning Act, 2000 as "a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use."

The array of uses which can be approved as accessory uses and established in greater detail under the Development Regulations include home businesses, accessory dwelling units (subsidiary apartments), catering facilities in places of assembly and recreational facilities, accessory uses associated with a business – such as a repair garage included with a retail outlet or showroom, and other appropriate accessory uses.

4.1.3 Advertisements and Signs

Advertisements and signs shall, while complying with requirements for safety and convenience and promoting the businesses and resources of Victoria, be designed and located in such a way as to contribute to the overall attractiveness of Victoria.

4.1.4 Agriculture and Livestock

Agricultural uses shall be approved by both the Department of Natural Resources and the Town, together with other appropriate agencies.

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.

So as to prevent land use conflicts with residential areas and developments, whether or not the owner deems them to be pets the Town may regulate and restrict the keeping of large (horses, cattle) and small (ducks, chickens, and so forth) livestock, on a property.

4.1.5 Archaeological Resources

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. 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, this Office shall be advised before an approval is granted by the Town so that the necessary research can be carried out before construction begins.

4.1.6 Compatibility of Uses, Buffers and Screening

The Town shall ensure as much as possible that 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 or undertake other measures to minimize negative off-site effects.

4.1.7 Comprehensive Development

The Town may permit a large scale private or public comprehensive development that except for land use and overall density does not meet the requirements of the Development Regulations and this Municipal Plan provided that:

- a) the Town is satisfied that either the site conditions are such that the standard requirements could not be met, or, the quality of the development would be greater than could otherwise occur through the application of the standard requirements;
- b) a comprehensive development plan of the property has been granted approval in principle by the Town, along with other approvals before permits are issued for development;
- c) the comprehensive development itself has frontage on a publicly owned and maintained road;
- d) the development is compatible with adjacent development;
- e) water supply and waste disposal services for the development are approved by the Town and other appropriate agencies;
- f) there are at least two developments within the comprehensive development and the land area of the development is at least one hectare.

Along with other conditions and requirements, the Town may require that a communal water supply and waste disposal service be provided by the developer and maintained by the developer and/or owners of the development.

4.1.8 Development and Roads and Services

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

The Town may refuse permission for a subdivision or any development where in its opinion it is uneconomical to provide the requisite services, including road maintenance, snow clearing, garbage pickup and fire protection.

In remote areas, and areas outside the Limit of Servicing Agreement if development is permitted, the Town is not obliged to provide any municipal services including those set out in the preceding paragraph.

Development on private water and/or waste disposal systems shall be approved by the Department of Government Services and all other appropriate agencies before a permit is issued by the Town.

Unless specifically exempted under the Development Regulations – for example,

comprehensive development, remote cottages, agricultural operations or wharves – all new development shall have direct frontage onto a publicly owned and maintained road, and in the case of a new subdivision, shall have frontage on a road constructed under the terms of a subdivision permit issued by the Town.

4.1.9 Discretionary Powers

Under the Urban and Rural Planning Act [Section 35 (1) (e) (viii)] and this Municipal Plan and the Development Regulations, the Town can exercise broad discretionary powers over development to ensure that development occurs in such a way as to protect the basic interests of the community and individual in accordance with the other provisions of this Municipal Plan and in accordance with the applicable legislation.

Discretionary powers are exercised over a wide range of developments, including discretionary uses, non-conforming uses, variances and developments which under the Act and in the opinion of the Town require the exercise of such powers.

The general criteria for exercising discretionary powers are as follows:

- a) adequate notification and opportunity to comment on the application and the decision of the Town is given;
- b) the discretionary power is exercised in a clear and fair manner;
- c) the exercise of the discretionary power is properly documented.

4.1.10 Discretionary Uses

Unless it is specifically set out as a permitted or discretionary use under the Municipal Plan, the Town may determine that a use should be set out as a discretionary use under the Development Regulations, where, in its opinion:

- a) the use could have a negative impact on the predominant uses of the zone and therefore it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing a permit;
- b) that to ensure that the discretionary use is compatible with nearby uses and/or the predominant uses of the zone, it is necessary to attach conditions to an approval that differs from the standard conditions for permitted uses under the Development Regulations.

4.1.11 Environment

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial environmental policies complied with.

4.1.12 Forestry

Forestry uses shall be approved by both the Forestry Services Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.

4.1.13 Heritage Buildings and Areas

The Town under this Municipal Plan and the Municipalities Act may designate heritage sites and define a heritage area under which the design of buildings shall be controlled in order to maintain the character of the heritage area.

The Heritage Zone Designation (Section 4.4) is applied to a cluster of buildings and facilities off Power House Road – Heritage Village, the Victoria Lifestyles Museum and the Newfoundland Power Electrical Museum (a registered Heritage Building).

4.1.14 Mineral Exploration

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of not having appreciable soil disturbance, construction of access roads, noise, odour and unsightly appearance and so forth – 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 may only be allowed in a zone under the Development Regulations provided that adequate provision is made for buffering and/or other means of reducing or eliminating the impacts of the exploration on other uses of land.

Where there is soil disturbance, the developer shall provide surety and/or other satisfactory guarantees of site landscaping to the Town.

4.1.15 Mineral Workings

Provided that adequate provision is made for screening and/or buffering, environmental protection and site reinstatement, mineral workings can be permitted within certain zones of the Development Regulations.

A permit shall be obtained from the Department of Natural Resources, Mineral Lands Division for a mineral working before any approvals are given by the Town.

4.1.16 Parking and Offstreet Loading Areas

Adequate parking and offstreet loading areas shall be provided for all uses unless specifically exempted under the Development Regulations.

4.1.17 Pedestrian Access, Trails and Walkways, Persalvic School & Cross Roads

There is a network of well-recognized and less well-recognized trails in the Town of Victoria, including the Boardwalk and portions of the Track.

Also, the shoulders of Highway 74 and in particular, Highway 70, are heavily used by pedestrians, and so the highway shoulders must be considered part of the pedestrian access system of the Town.

- (1) As part of its approach to sustainability the Town will continue to develop and improve its trail network and with the assistance of the Provincial government endeavour to make the highways safer and more useful for pedestrians.
- (2) The Town will proceed with the completion of the Boardwalk, and endeavour to provide a trail system along the shoreline of Beaver Pond.
- (3) The Town in cooperation with the Province and other partners will endeavour to ensure that pedestrians, including school-aged children, can safely access community facilities, businesses and Persalvic School. Adequate provision should be made for safe pedestrian access along Highway 70 - particularly in the vicinity of Persalvic School and between Clarke's Brook and Salmon Cove River ('Cross Roads Area'). The Department of Transportation and Works and the Town, must work to develop a strategy that will provide adequate space for pedestrians and well-lit and safe pedestrian crossings.

- (4) Cross Roads Area – With a view to developing a 'town square plan' that will provide an attractive focal point and landmark in the community Council will examine the feasibility of a design plan for the Cross Roads Area through a public and stakeholder consultation process backed up by research. If warranted the design plan will be prepared and implemented.
- (5) Trail Buffers – Wherever space and terrain characteristics allow, the appearance and use of well-known 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.

The minimum trail corridor dimensions shall be set out in the Development Regulations. Wherever feasible the minimum width of a trail corridor shall generally be 30 metres, 15 metres in either direction from the centre-line of the trail. Where necessary, this minimum corridor width can be expanded.

4.1.18 Site and Subdivision Development

The Town shall consider soil stability, risk of flooding, and/or soil erosion, the adequacy of site grading, drainage and landscaping, and, the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters, before approving a development.

4.1.19 Uses Permitted In All Designations

Except as otherwise set out in this Municipal Plan and the Development Regulations, accessory buildings and uses, antenna, conservation, public services and utilities and recreational open space and trails are allowed in all designations as either permitted or discretionary uses.

4.1.20 Waterways and Wetlands, Big Brook (Salmon Cove River)

- (1) Development within waterways and wetlands 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. Where there is a conflict between the Policy Directives and this Regulation, the more restrictive standards shall apply.

- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland.
- (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 the waterway, then the buffer shall be measured from the top of the embankment.
- (4) 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 waterway are 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.
- (5) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.
- (6) The Town or the Provincial Government may subject development within the buffer area of a watercourse 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 waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (7) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals, Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Division of the Department of Environment and Conservation before a permit is issued by the Town.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (8) Big Brook (Salmon Cove River) – Any activity that has the potential to affect fish habitat, and any development within 100 metres of the Big Brook 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 as well as the Town whether or not that wetland is zoned Environmental Protection under the Development Regulations.
- (11) If a waterway or wetland is deemed to be minor, 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.
 - a) A minor waterway is defined as being a drainage course, an intermittent stream which does not carry significant storm flows and/or a stream which is not a fish habitat.
 - b) A minor wetland is defined as a wetland less than 5,000 square metres in area not associated with a waterway and not deemed have a role in water management, wildlife habitat or the conservation of an environmentally sensitive area.

4.1.21 Wind Mills, Wind Turbines and Wind Farms, Other Energy Sources

Utilities, which include wind mill, wind turbines, wind farms, and other energy generating systems that do not fall under the definition of a public utility, together with access roads and associated facilities, are subject to the approval of relevant provincial and federal departments and agencies and public utilities. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant. For example, to prevent damage to persons and properties due to the failure of windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

The design, construction and location of a windmill or other utility shall be certified by a competent professional who has consulted with the required agencies.

4.2 RESIDENTIAL DESIGNATION

The Residential Designation is applied to areas that are almost exclusively single dwelling residential in character and areas that are set aside for future residential development.

This designation takes in both serviced and unserviced residential areas – that is, those areas with municipal water and sewer services ('serviced'), and those lacking one or both of the municipal services ('unserviced').

In addition to the uses permitted under Section 4.1.19 and single dwellings, other compatible residential and non-residential uses can be allowed as permitted or discretionary uses in the serviced residential areas of this designation.

However, the permitted uses in the unserviced residential areas of this designation shall be those uses set out under Section 4.1.19 and single dwellings and mobile homes. Discretionary uses in the unserviced residential areas of this designation are agriculture and child care i.

Commercial, industrial, public, institutional and other non-residential development shall be designed and located in such a way as to be compatible with nearby residential development. Agriculture is limited to greenhouses and the growing of plants.

Except where it is unfeasible or not desirable, all development in this designation shall be connected to municipal water and sewer services.

4.3 MIXED DEVELOPMENT DESIGNATION

The Mixed Development Designation is mainly applied to development along Highway 70 and a part of Highway 74 which is characterized by a wide array of commercial and light industrial, public (town office, school, churches, seniors' accommodation), residential and other uses.

Along with the uses permitted in all designations under Section 4.1.19, permitted and discretionary uses in this designation include assembly, mercantile, light industrial, institutional, non-building, residential and service station uses along with other compatible uses that are and can be accommodated along a major thoroughfare.

Except where it is unfeasible or not desirable, all development in this designation shall be connected to municipal water and sewer services.

4.4 HERITAGE ZONE DESIGNATION

This designation is designed to highlight the importance of the Lifestyles Museum, the Heritage Park and the Power House and to foster the further development of this and similar facilities, including recreational and public uses that are situated along Power House Road.

In addition to the uses allowed in all designations under Section 4.1.19, the Town can allow agriculture, cultural and civic, assembly, campground and selected retail, residential and other compatible uses in this designation.

All development shall be compatible with the Lifestyles Museum and Heritage Park or other similar type of museum or facility.

4.5 OPEN SPACE RECREATION DESIGNATION

The Open Space Recreation Designation is applied to major indoor and outdoor recreational facilities.

In addition to the uses allowed in all designations under Section 4.1.19, permitted or discretionary uses include general assembly, indoor assembly and outdoor assembly.

4.6 RURAL DESIGNATION

The Rural Designation is applied to largely undeveloped lands suitable for resource development and/or development which is not suitable for an urban setting.

Permitted and discretionary uses in addition to those permitted under Section 4.1.19 are set out in the next two paragraphs.

Permitted uses include agriculture, forestry and mineral exploration.

Discretionary uses include animal, campground, cemetery, general industry, light industry, mineral working, outdoor market, scrap yard, seasonal dwelling, single dwelling, transportation and utilities.

General industry is restricted to the maintenance and repair of equipment, processing, and/or storage related to agriculture, forestry or mineral working uses.

Single dwellings shall be accessory to the permitted uses. Seasonal residential development may be permitted where it does not have frontage on a publicly owned or maintained road.

Development in this designation is not required to be connected to the municipal water supply and sewer system.

4.7 DESIGNATED FLOODWAY DESIGNATION

Both the Designated Floodway and the Historic Floodway appear on the Flood Information Map 1987 for Salmon Cove River, which is to say, the area adjacent Salmon Cove River around the Highway 70 bridge, and in particular, Bottom Road.

The Designated Floodway designation limits development to conservation and hydraulic structures, public services and public utilities and roads and other uses not likely to be affected by flooding.

Development is also subject to the Department of Environment and Conservation Water Resources Policy Directive 96-1 – Policy for Flood Plain Management. This is attached to the Development Regulations.

All development in this designation must be approved by the Department of Environment and Conservation before a permit is issued by the Town.

4.8 HISTORIC FLOOD ZONE DESIGNATION

See Section 4.7 – Designated Floodway, Paragraph 1.

The Historic Flood Zone Designation limits the range of allowable uses to low density residential and uses related to the use of water resources public utilities and roads, and transportation and other low impact uses – provided that where necessary, they are adequately flood-proofed.

Development is subject to the Department of Environment and Conservation Water Resources Policy Directive 96-1 – Policy for Flood Plain Management as it applies to development in the Floodway Fringe. This is attached to the Development Regulations.

All development in this designation must be approved by the Department of Environment and Conservation before a permit is issued by the Town.

4.9 ENVIRONMENTAL PROTECTION DESIGNATION

The Environmental Protection designation is applied to well-defined areas along or around selected waterways and wetlands to ensure that their integrity is maintained and to protect properties and preserve fish and wild-life habitat.

Subject to the appropriate approvals and reviews, in addition to uses permitted under Section 4.1.19, roads and public utilities, access to properties inside and outside this designation, agriculture, and uses requiring direct access to a body of water ('transportation' use class) can also be permitted in this designation as discretionary uses.

Non-conservation uses may only be permitted if there are no reasonable alternatives and if the impacts on the environment are kept to a minimum.

All development in this designation is subject to the approval of the Department of Environment and Conservation and other provincial and federal agencies as required, including where necessary, Fisheries and Oceans and Canada.

4.10 PROTECTED PUBLIC WATER SUPPLY DESIGNATION

The Protected Public Water Supply Designation is applied to the Rocky Pond Protected Public Water Supply which is the source of the Town's municipal water system. This water supply is protected in accordance with provincial policy, and in accordance with the detailed regulations under the Town's Development Regulations.

Uses within this designation are limited to those compatible with the maintenance of an adequate high quality water source for the Town.

