

TOWN OF NEW PERLICAN 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

November 2001

**TOWN OF NEW PERLICAN MUNICIPAL PLAN
2001 - 2011**

URBAN AND RURAL PLANNING ACT

RESOLUTION TO APPROVE

**TOWN OF NEW PERLICAN
MUNICIPAL PLAN 2001 - 2011**

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

- a) adopted the New Perlican Municipal Plan on the 2nd day of January, 2002.
- b) gave notice of the adoption of the New Perlican Municipal Plan by advertisement inserted on the 5th day and the 12th day of March, 2002 in the Compass newspaper.
- c) set the 25th day of March, 2002 from 1 to 5 p.m. and 7 to 9 p.m. at the Town Hall, New Perlican for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the Urban and Rural Planning Act 2000, the Town Council of New Perlican approves the New Perlican Municipal Plan 2001 - 2011.

SIGNED AND SEALED this 1st day of April, 2002.

Mayor: Mildred Glynn
Mildred Glynn

Clerk: Lorraine LaFitte
Lorraine LaFitte (Acting)

3435 - 2002 - 001
23 APRIL 2002

[Signature]

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF NEW PERLICAN MUNICIPAL PLAN**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of New Perlican adopts the New Perlican Municipal Plan 2001 - 2011.

Adopted by the Town Council of New Perlican on the 2nd day of January, 2002

Signed and sealed this 30th day of January, 2002

Mayor: Mildred Glynn
Mildred Glynn

Clerk: Lorraine Lafitte
Lorraine Lafitte (Acting)

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

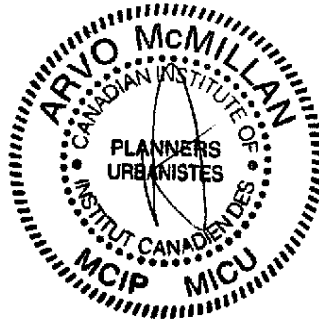


TABLE OF CONTENTS

1 INTRODUCTION 1
2 BACKGROUND 4
3 MUNICIPAL PLAN 5

MAPS

Town of New Perlican Municipal Plan 2001 -2011 - Future Land Use Map 1

Town of New Perlican Municipal Plan 2001 -2011 - Future Land Use Map 2

TOWN OF NEW PERLICAN MUNICIPAL PLAN

1 INTRODUCTION

1.1 FOREWORD

1.1.1 Rationale

When New Perlican Town Council formally approved the intent to proceed with the preparation of the Municipal Plan and Development Regulations in the year 2000:

- Council was seeking to provide a mechanism for control over development that could grow as needed and it was seeking a means whereby the community and its Council could effectively, and with respect for people's rights, manage development and land use change;
- Council felt that it was important to draw attention to the historic core - focussed on Harbour Road and Piercey's Square - in order to protect and develop it as a major community and regional resource;
- Council felt that it was also important to conserve the rural areas for a mixture of recreational (recreational residences, hunting, fishing, skiddooing and hiking) and resource-based industries - agriculture, forestry, mining, and, protected water supply;
- The Town wished to enhance its physical environment through planning and other measures so that it can continue to attract and retain permanent and seasonal residents and visitors.

1.1.2 Legal Basis

Prepared pursuant to the Urban and Rural Planning Act, the New Perlican Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal and Provincial Affairs to guide community growth and development for the next 10 years.

Section 2 provides some background information and the basis for the policies contained in Section 3.

Legally binding, Section 3 sets out the land use policies which are realized in the New Perlican Development Regulations. Section 3 is often referred to when there is an appeal against a decision of Council under the Development Regulations, because it provides the framework for the Regulations and so is used in their interpretation where it is necessary to shed additional light on a specific case. The Future Land Use Maps 1 and 2 form part of this Section and the Municipal Plan.

Section 3 of the Municipal Plan is permissive in that it allows the Authority, the Town Council of New Perlican, to zone for the array of uses and uses similar to the array of uses set out under Section 3.

The Effect and Variation of the Municipal Plan

When the Municipal Plan comes into effect it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council every five years and, if necessary, revised to take account of development which cannot be foreseen during the next ten-year period.

Municipal Plan Implementation

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations. These are also known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

Development Regulations must comply with the requirements of *the Urban and Rural Planning Act*, and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

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

While capital works programming does not affect the day to day regulation of land uses under the Development Regulations, it does over the long-run affect how and when lands will be developed and the standards of development. Capital Works programming is left to the five year capital works budgeting process.

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

1.2 MUNICIPAL PLANNING AREA

The New Perlican Municipal Planning area was approved by the Minister of Municipal and Provincial Affairs, and is coterminous with the Municipal Boundary as shown on the Future Land Use Maps. It is also referred to as the “Planning Area” in this document.

2 BACKGROUND

2.1 GENERAL

New Perlican is a small community of 252 persons situated between Heart's Content, Turk's Cove, and Winterton on the east side of Trinity Bay (Trinity South area). It is located about a half hour's drive from Carbonear.

There is written record of settlement back to 1619, with names such as House, and Hefford, and followed later by Pitt, Hammond, Condon, and Tilley. It received its name in 1597 from Charles Leigh. Many of the traditional salt box houses are still scattered throughout the community. Roads extending back into the country, like Canvas Town, New Road, Bryants Road - Brook Roads were once used by families who lived in the forested hills back of New Perlican during the winter to cut firewood and sawlogs, who would then return to harbour for the fishing season.

Main Street is Highway 80 extending up the eastern side of Trinity Bay from the Trans Canada Highway to Old Perlican. New Perlican Harbour and Piercey Square form the historic centre of New Perlican. Churches (St. Matthews, St. Augustines - including former schools, now community halls), businesses, and wharves are concentrated in this area. Most recently, there has been a service station, convenience store, and monument works located just to the south of Fitters Cove and across from the Town's gravel pit. The Town is fortunate in having a distinct town centre, and practically no "sprawl".

Almost all of the community is provided with a municipal water and sewer system. Water is obtained from the Perlican (Murphy's First Pond on the maps) Pond. Garbage is brought to an incinerator in Winterton. A volunteer fire department handles fire protection.

A Heritage Development Committee provides guidance on heritage related issues.

The Town enjoys a decent range of commercial services, and has been very active in promoting recreation through a trail system and other community recreational facilities. Hiking trails to Jeans Head, Tote Hill, and from Bloody Point to Fitters Cove, are well known locally.

2.2 PROJECTIONS

Given the small size of the community, for the purpose of this document a stable population and a modest increase in the number of dwellings is projected. A number of homes in the Town proper are now being used by part-time residents - second home owners. This may help to stabilize the housing stock in the heritage conservation area next to the main harbour.

3 MUNICIPAL PLAN

3.1 Planning Goals

- Provide a mechanism for control over development that could grow as needed and it was seeking a means whereby the community and its Council could effectively, and with respect for people's rights, manage development and land use change.
- Draw attention to historic core - focussed on Harbour Road and Piercey's Square - in order to protect and develop it as a major community and regional resource.
- Conserve the rural areas for a mixture of recreational (recreational residences, hunting, fishing, skiddooing and hiking) and resource based industries - agriculture, forestry, mining, and, protected water supply;.
- Enhance the Town's physical environment through planning and other measures so that it can continue to attract and retain permanent and seasonal residents and visitors.

3.2 Objectives and Policy Statements

All development within the New Perlican Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections.

3.2.1 General Development

The following policies are general in scope and can be applied to all development within the Planning Area.

This Municipal Plan divides New Perlican into future land use designations. These designations are shown on the accompanying Future Land Use Maps which form an integral part of the New Perlican Municipal Plan. These maps establish a pattern of development in conjunction with the land use policies. These designations reflect existing development patterns as well as Council's intentions for future development.

A. Objective: To provide a framework for development.

(1) *Policy:* To identify land for the future development needs of New Perlican, the following land use designations are established in the Plan and designated on Future Land Use Maps:

Residential

Seasonal Residential
Heritage Conservation
Mixed Development
Recreational Open Space
Rural Resource and Protected Water Supply.

These designations reflect existing land uses and Council's intentions for future development. By identifying areas for specific types of development, Council hopes to minimize conflict between incompatible land uses.

(2) *Policy:* No development shall be carried out within the Planning Area except in accordance with this Plan and the accompanying zoning and subdivision regulations. A permit must be issued by Council.

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

(4) *Policy:* Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan came into legal effect, that is, was gazetted under Section 24 of the Urban and Rural Planning Act. Where a building or development exists which does not comply with the intent of the Plan, it not be expanded, altered, exchanged for another non-conforming use, except in accordance with the Urban and Rural Planning Act or any regulation enacted pursuant thereto.

(5) *Policy:* All urban development must have adequate water supply and waste disposal service, front onto a public road, have proper road access, and be set back from the road in accordance with the zoning and subdivision regulations. For the purpose of this section, a comprehensive development containing one or more single or individual developments, may be treated as a single development where services are to be provided and maintained privately internally.

Setbacks shall be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

(6) *Policy:* Accessory buildings and uses, conservation, public utilities, and recreational open space are permitted in all designations.

B. Objective: To minimize the impact of development on the environment.

- (1) *Policy:* A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all water bodies and water courses. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat. In general, only fishing and marine related uses, such as wharves and fishing sheds, shall be permitted along the shorelines of New Perlican in areas traditionally used for these purposes. Also, and in areas traditionally used for waterfront activity, Council can allow the development of tourism facilities that relate to New Perlican's history and marine environment and related uses on the shoreline of New Perlican Harbour in the Heritage Conservation and Mixed Development areas.
- (2) *Policy:* It is the policy of Council to ensure that development will not adversely affect the environment by creating or contribution to erosion or contamination of air, water or soil, and their systems.
- (3) *Policy:* Development shall be sited and carried out in a manner that provides for proper site drainage and avoids erosion at levels below the site. Development shall not contribute to pollution of ponds, watercourses, low lying wet areas, and bogs.
- (4) *Policy:* Any activity that has the potential to affect fish habitat should be forwarded to Fisheries and Oceans Canada for review.

C. Objective: To promote an orderly development pattern.

- (1) *Policy:* Compact development shall be encouraged.
- Council shall promote the use of vacant infill lots within the built-up portion of New Perlican.
- (2) *Policy:* Council shall ensure that new development makes efficient use of existing roads and infrastructure. Council shall further ensure that new development will not create unreasonable servicing demands or costs.
- (3) *Policy:* Proposed subdivision development will be subject to a comprehensive evaluation by Council to ensure that it will mesh with adjacent development and the existing road system. Access to adjacent undeveloped land shall be reserved for future development.

- (4) *Policy:* Council shall ensure that new development will not negatively affect existing land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. Council may require a developer to provide appropriate screening or to undertake other measures to minimize negative off-site effects.
- (5) *Policy:* All development shall have adequate parking on-site. Adequate off-street loading shall be provided for all commercial and industrial uses.
- (6) *Policy:* In order to avoid any possible land use conflict and to protect public health, a 300 metre buffer zone shall be established around certain mineral workings as shown on the Future Land Use Maps, wherein all development applications shall be reviewed by the Department of Mines and Energy prior to the issuance of a permit by the Town. Conversely, mineral workings shall not be permitted to encroach upon residential areas.

3.2.2 Residential

Council wishes to encourage a compact development pattern in order to minimize the cost of the provision of municipal services such as garbage collection and snow clearing as well as the future installation of water and/or sewer lines.

Council wishes to provide opportunities for the development of small businesses in the Residential designation. A range of home businesses may be permitted at the discretion of Council. In addition, certain stand alone businesses may be permitted provided they do not intrude upon the low density character of New Perlican's residential areas and have no negative impact on immediately adjacent dwellings.

The following objectives and policies are designed to ensure that adequate land is reserved to meet future housing needs.

A. Objective: To provide an adequate supply of building lots to meet community demand.

- (1) *Policy:* Areas of existing residential development and land suitable for future utilization shall be designated *Residential* on the Future Land Use Maps.

B. Objective: To provide for the health and safety of residents and visitors.

- (1) *Policy:* An adequate level of all community services and facilities will be provided at each stage of community development including fire protection, roads and pedestrian ways, parks, and refuse collection and disposal.

- (2) *Policy:* Except in unusual circumstances, new urban development shall be connected to municipal water and sewer services, but where on-site services are required - as in a seasonal residential area, it must be demonstrated to the satisfaction of the Department of Government Services and Lands that the lot has the capacity of accommodate the long term operation of a septic system and a private well without adverse on or off-site impacts.

C. Objective: To maintain a high quality residential environment.

- (1) *Policy:* Areas designated Residential on the Future Land Use Map 1 shall accommodate predominantly single detached dwellings, together with other low density residential housing.
- (2) *Policy:* Council can accommodate complementary non-residential land uses, such as schools, churches, parks and playgrounds, and child care in the Residential designation. These uses shall provide an amenity in a residential area and meet the needs of local residents. Such uses shall be located and designed so not to create an intrusion or conflict with the surrounding dwellings.

D. Objective: To provide opportunities for small business development in a traditional context.

- (1) *Policy:* An array of businesses can be entertained in the residential designation provided that the predominant residential use and character of the area is not altered. In particular, home business and marina shall be permitted in this designation. Other businesses, such as bed and breakfast, boarding house, shop and outdoor market may be permitted in this designation. A marina in this designation must be in keeping with the residential area, and generally form part of a residential use located across a road or next to it.

These businesses shall be compatible in use, scale and appearance with the surrounding area and not impose a nuisance or hazard on adjacent residential properties because of noise, dust, fumes, hours of operation, parking, traffic, appearance, outdoor storage, site design or other factors. Council may require the business to be suitably buffered or screened so to minimize its impact on nearby residential properties and the character of the residential area. Off-street parking and loading spaces shall be provided.

3.2.3 Seasonal Residential

There is a long tradition of seasonal residential development in New Perlican along New Road.

A. Objective: To ensure the continued viability and enjoyment of the existing seasonal residential areas.

(1) *Policy:* The existing concentration of seasonal residential development along New Road shall be designated Seasonal Residential on the Future Land Map1. Only seasonal residential dwellings and accessory uses shall be permitted in this designation.

(2) *Policy:* No municipal sewer and water services shall be extended to this area without an amendment to the Municipal Plan and Development Regulations.

3.2.4 Heritage Conservation

The Town of New Perlican is seeking to develop a heritage village concept along the Harbour Road and in the area of Piercey's Square.

A. Objective: To foster the development of the core area of New Perlican as a tourist oriented cultural heritage destination and a unique residential and commercial environment.

(1) *Policy:* Designate the heritage conservation area, and foster public and private investment in this area.

(2) *Policy:* Design controls shall ensure that major renovations and additions, and new buildings shall reflect the historic appearance of the buildings and overall design and massing of buildings in the area as much as possible.

(3) *Policy:* While the main uses are to remain residential, and residential accessory uses - such as home businesses, bed and breakfasts, and boarding houses, along with marinas strictly related to residential uses - Council may permit business personal, medical, and professional services, community halls, museums, restaurants, larger scale marinas, and compatible commercial and light industrial uses reflecting New Perlican's history and marine environment in the Heritage Conservation designation - particularly along the harbourfront.

(4) *Policy:* Encourage the appropriate design and siting of new buildings to represent the historical building types and patterns of the Town and heritage area.

(5) *Policy:* Prepare and adopt a townscape plan for the heritage conservation area that shows in detail how the opportunities for the area can be optimized - in particular detailing the concepts for Piercey's Square and the Harbourfront.

3.2.5 Mixed Development

While there is no major concentration of commercial and institutional development in New Perlican, such development has occurred along Highway 80, as individual and grouped developments.

In order to recognize this mixture of uses, Council shall designate land within the foregoing areas and selected portions of the foregoing areas "Mixed Development".

In the Mixed Development Future Land Use designation, Council intends to encourage further commercial development. Businesses meeting the convenience needs of residents as well as businesses requiring good road access and/or access to the marine environment may be permitted. All types of dwellings shall be permitted. Public uses, such as churches and community halls, may be permitted.

Council will endeavour to ensure that residential amenity is protected in the Mixed Development designation.

A. Objective: To provide for the continuation of the traditional mix of residential, commercial, and public buildings along Highway 80.

(1) *Policy:* Residential uses shall be the predominant use in the *Mixed Development* designation. Other uses can be accommodated, provided residential amenity is not jeopardized.

(2) *Policy:* Council shall permit a range of dwellings types including single and double dwellings, apartments, row housing and boarding houses, together with home business, bed and breakfast, marinas strictly related to residential uses, and conservation and recreational open space uses.

Other uses that may be permitted are churches, schools, community halls, restaurants, take-outs, retail, personal and business service establishments, commercial - residential, collective residential, service stations, garages, marinas, non-intrusive light and general industrial uses, and arenas and outdoor assembly uses.

B. Objective: To preserve the amenity of residential uses.

- (1) *Policy:* Any negative impact of a non-residential development on an existing residential use shall be prevented or minimized through proper site planning and buffering. Council may require a commercial operation that abuts an existing dwelling to provide a screen, in the form of tree planting or a fence, or to be appropriately separated, in order to protect the amenity of the residential use.

C. Objective: To ensure that all uses are appropriately sited and designed to ensure the safe passage of traffic.

- (1) *Policy:* Access to Highway 80 shall be limited and properly designed and identified in order to maintain a safe and efficient transportation route for both vehicles and pedestrians.

3.2.6 Recreational Open Space

Land designated as Recreational Open Space is intended to create active recreation opportunities and provide for associated community and public facilities.

A. Objective: To designate land and facilities to meet active recreation needs.

- (1) *Policy:* Areas designated as Recreational Open Space shall be reserved for active recreational use, generally sport and physical activity, and can accommodate buildings designed for such activities.
- (2) *Policy:* Permitted uses shall include community halls, indoor and outdoor recreation, public utility, and conservation. Uses accessory to recreational facilities shall also be permitted.

B. Objective: To ensure that community recreational and public facilities maintain residential amenity.

- (1) *Policy:* The development and operation of recreational and public facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic, parking and hours of operation.

3.2.7 Rural Resource

Natural resources such as aggregate, forest, blueberry areas and undeveloped land have significant economic and recreational value and are important community resources. The New Perlican Municipal Plan protects the hinterland from urban development. The Municipal Plan promotes the optimum use of natural resources such as blueberry harvesting while attempting to preserve, protect and enhance the natural environment.

A. Objective: To protect natural resources from the encroachment of urban development.

- (1) *Policy:* All land outside of the built-up area, excluding the Residential Seasonal area and the Protected Water Supply shall be designated *Rural Resource*. Land uses shall be restricted to those of a rural nature.
- (2) *Policy:* Uses that can be permitted in rural areas include agriculture, forestry, mineral exploration, recreational open space, conservation, cemeteries, public utilities and antenna. Discretionary uses include campgrounds, mineral workings, outdoor assembly and outdoor markets. Single dwellings may only be permitted, at Council's discretion, in association with an existing and operating rural resource use. The single dwelling shall be accessory to and necessary for the operation of the rural resource use.
- (3) *Policy:* The Blueberry Management Unit shall be reserved for activities associated with blueberry harvesting. The Future Land Use Map 2 shows the Blueberry Management Unit boundaries. Development proposed for the area shall be referred to the Department of Forest Resources and Agrifoods.
- (4) *Policy:* The Domestic Cutting Area shall be reserved for forestry activities. This area is shown on the Future Land Use Map 2. Development within this area shall be referred to the Department of Forest Resources and Agrifoods.
- (5) *Policy:* A permit is required from both the Town and the Department of Mines and Energy for mineral exploration. Mineral exploration involving appreciable ground disturbance and other identifiable impacts shall be suitably buffered or separated from residential development, and may only be permitted in or adjacent environmentally sensitive areas after review by the Department of Environment.
- (6) *Policy:* A separation between urban development and aggregate extraction sites shall be enforced to minimize land use conflict and to ensure the utilization of the natural resource. Development within 300 metres of a mineral working shall

be reviewed by the Department of Mines and Energy before a permit is issued by the Town. The key mineral workings and their 300 metre buffers are shown on the Future Land Use Maps.

B: Objective: To protect New Perlican River Protected Water Supply Area

- (1) *Policy:* The New Perlican River protected water supply area is designated **Protected Water Supply**.
- (2) *Policy:* Subject to the approval of the Minister of Environment the only uses that are permitted within the immediate vicinity of the primary water sources and intakes are conservation, public utilities, water supply management, hiking trails and similar open space recreational uses. Elsewhere in the Protected Water Supply, subject to the approval of the Minister of Environment the uses that may be permitted include appropriate public works, and agricultural, forestry, and mineral exploration uses.

3.3 Trinity South Highway Protected Road Highway Zoning Plan

The Trinity South Protected Road Highway Zoning Plan applies to the essentially undeveloped areas of New Perlican south towards Hearts Content, and north towards Turk's Cove along Highway 80. This Municipal Plan overrides the zoning of the Protected Road Plan. However, there is still the duty to secure the approval of the Department of Government Services and Lands prior to the issuance of any permit in this area.

The area covered by the Protected Road Plan is shown on Future Land Use Maps 1 and 2.