

August 5, 2008

**PORT AU PORT EAST MUNICIPAL PLAN  
PLAN 2008**

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**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF PORT AU PORT EAST MUNICIPAL PLAN 2008**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Port Au Port East adopts the Port Au Port East Municipal Plan 20078

Adopted by the Town Council of Port Au Port East on the 9<sup>th</sup> day of September, 2008.

Signed and sealed this 27 day of October 2008.

Mayor: Neil Duffy  
Neil Duffy

Clerk: Joanne Ryan  
Joanne Ryan

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

MCIP:





**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF PORT AU PORT EAST DEVELOPMENT REGULATIONS**

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Port Au Port East

- a) adopted the Town of Port Au Port East Development Regulations on the 9 day of Sept., 2008.
- b) gave notice of the adoption of the Town of Port Au Port East Development Regulations by advertisement inserted on the 16 day and the 23 day of Sept. 2008 in the Georgian Newspaper.
- c) set the 14 day of Oct at 7:00 p.m. at the Town Hall, Port Au Port East for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the 21 day of October, 2008 the Town Council of Port Au Port East approves the Town of Port Au Port East Development Regulations as adopted.

SIGNED AND SEALED this 27 day of October, 2008

Mayor: Neil Duffy  
Neil Duffy

Clerk: Joanne Ryan  
Joanne Ryan

Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>3940-2009-001.</u>
Date	<u>Jan. 5, 2009.</u>
Signature	<u>Clare Adams</u>



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MAPS: Future Land Use Map 1 and Future Land Use Map 2





# PORT AU PORT EAST MUNICIPAL PLAN 2008

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## 1 INTRODUCTION

This municipal plan 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 Port Au Port East Development Regulations which provides the land use controls necessary to implement the land use policies of this municipal plan.

The 1988 municipal plan underwent one amendment, and that occurred in 1996, and this is incorporated into this municipal plan and development regulations. The amendment extended the Mixed Development Designation along Hynes Road (Highway 462) and eliminated the Residential Unserviced Designation and Zone.

There are changes to the formatting of both the Plan and Development Regulations. The maps are brought in line with the Municipal Information Management System standards as required by the Department of Municipal Affairs and, in response to the referrals sent out by the Department of Municipal Affairs, Engineering and Land Use Planning Division and the responses that came back, certain policies have been modified. The major changes are outlined below and in italics in Sections 3 and 4.

- 1) Environmental protection areas along waterways and wetlands are expanded to provide for additional protection of areas valuable for the preservation of wild life habitat and unique plant and geologic (Table Mountain region of interest for limestone habitat) areas, and to minimize possible flood damage and shore line erosion in coastal areas and along steep river embankments – the latter, particularly along Romaine’s Brook (Eastern Joint Habitat Venture, Department of Municipal Affairs Regional Manager, Department of Environment and Conservation).
- 2) Well Head Protected Water Supply Area and Protected Public Water Supply policies are altered in accordance with draft Provincial policies (Department of Environment and Conservation and Department of Government Services). The Environmental Protection designation for the Protected Public Water Supply is replaced with the Protected Public Water Supply designation and zone. A 500 metre Well Head Protected Water Supply Area is established.
- 3) A specific policy is introduced for Waterways and Wetlands buffers
- 4) Mineral Exploration is allowed as either a permitted or discretionary use throughout the municipal planning area to ensure that petroleum exploration

and other minerals exploration activities can take place (Department of Natural Resources).

## **2 INTERPRETATION**

Sections 3 and 4 and the Future Land Use Maps 1 and 2 comprise the Goals and Objectives and Land Use Policies of the Port Au Port East Municipal Plan. The Municipal Plan policies are given effect under the Urban and Rural Planning Act and the Port Au Port East Development Regulations. Through development regulations under this Plan, the Town shall provide for variance and non-conforming use regulations, and deal with other matters required under the Urban and Rural Planning Act 2000 and the Development Regulations under the Urban and Rural Planning Act 2000 in accordance with the policies contained in this Municipal Plan.

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 category.

## **3 GOALS AND OBJECTIVES**

The following are the Town's goals and objectives regarding its future development which have caused it to adopt this plan and which form the basis for the policies contained herein.

- 1) Community Structure
  - To promote a separation of incompatible land uses and to keep land use conflicts to a minimum.
  - To encourage infilling to maximize the benefits from existing services.
  - To promote and maintain an orderly pattern in new development.
- 2) Housing
  - To make available land for new housing in accordance with local demand.
  - To maintain the low density semi-rural character of the community.
- 3) Environment
  - To protect the Town's public water supply and avoid pollution of the soil and water of the community

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- To protect valuable resources in the rural area.
  - To protect environmentally valuable and/or sensitive areas, areas deemed to be of unusual interest, and likely hazard areas, including certain coastal areas, from incompatible developments.
- 4) Recreation
- To provide an adequate level of organized recreational open space in the community.
- 5) Town Services
- To provide the best system of waste disposal.
  - To avoid creating a need for a municipal sewer system.
  - To provide adequate fire protection to the community.
- 6) Transportation
- To maintain the highways in the community at least at their present level of efficiency.
  - To make improvements to intersections and eliminate parking on the highways where possible.
  - To require all new development to have adequate parking.
  - To require all new developments to have adequate access from public roads.
- 7) Municipal Finance
- To keep municipal costs within the ability of local taxpayers to pay.
  - To ensure that all new development is self-financing and does not become a burden on existing taxpayers.

## **4. POLICIES**

### Introduction

The following policies shall apply to all development occurring in the Planning Area and shall be reflected in the implementing regulations.

#### **4.1 GENERAL - ALL DESIGNATIONS**

- 1) Conservation is permitted in all designations.
- 2) Public utilities and services and roads are permitted in all designations. However, these uses may be subject to conditions by the Town and/or the Department of Environment and Conservation, particularly in environmentally sensitive areas, protected public water supply areas and similar areas of concern, in order to avoid or minimize negative impacts.
- 3) Recreational open space is either a permitted or discretionary use in all designations unless specifically prohibited. Recreational open space may be subject to conditions by the Town and/or the Department of Environment and Conservation, particularly in environmentally sensitive areas, protected public water supply areas and similar areas of concern in order to avoid or minimize negative impacts.
- 4) Mineral exploration is a permitted or discretionary use in all designations unless specifically prohibited. However, mineral exploration may be subject to conditions by the Town and/or the Departments of Environment and Conservation and Natural Resources, particularly in and around residential areas, environmentally sensitive areas, protected public water supply areas and similar areas of concern, in order to avoid or minimize negative impacts.

#### **4.2 MIXED DEVELOPMENT DESIGNATION**

The land lying within the Mixed Development designation shall be developed and used primarily for residential purposes. Other uses of land for commercial, light industrial, public use, open space and agricultural purposes, including antenna, child care, general assembly and service station can be permitted with the intent that they be local in nature and intended primarily to serve or employ local residents and that they do not create or cause any nuisance to adjoining residential development. Specific requirements for each of the above uses will be set out in the implementing zoning regulations.

Mineral exploration is a permitted use in this designation, provided that its impacts are controlled in such a way as to ensure that there are no negative effects on nearby properties and uses.

#### 4.2(a) Residential Development

All new residential development shall be of a low-density type similar to that now existing.

Residential development will be encouraged to infill the small spaces between existing houses along the two provincial highways, but rights-of-way for future streets will be reserved at appropriate locations to allow for future roads giving access to land at the rear of existing development.

Mobile homes shall not be occupied for residential purposes anywhere in the Mixed Development designation except in mobile home parks or mobile home subdivisions which have received a permit under the Provincial Mobile Home Development Regulations.

Mineral exploration is a permitted use in this designation, provided that its impacts are controlled in such a way as to ensure that there are no negative effects on nearby properties and uses.

#### 4.2(b) Commercial Development

No commercial development, other than strictly local establishments, shall be permitted, since if large regional commercial facilities are permitted to be built, the traffic through the Town would increase significantly and with it the danger to pedestrians, especially the children.

When commercial enterprises are placed near to residential properties, every effort shall be made to protect the residential property owner. This shall be done by providing adequate sideyards and landscaping to act as a buffer.

Adequate off-street parking shall be provided to all new commercial operations.

#### 4.2(c) Light Industrial Development

No light industrial development, other than small scale strictly local establishments of types likely to employ primarily residents of the Town shall be permitted, since if larger regional industries were built, the residential character of the Town would be adversely affected and the traffic through the Town would be further increased.

When light industrial enterprises are placed near to residential properties, every effort shall be made to protect the residential property owner. This shall be done by providing adequate sideyards and landscaping to act as a buffer.

Adequate off-street parking shall be provided to all new or expanded industrial operations.

#### 4.2(d) Public Uses

Public uses such as churches, schools and town halls and other public or community services, will be permitted in the Mixed Development designation provided they are primarily intended to serve the community by itself or together with other nearby small communities. Public uses are encouraged to locate at the intersection of Routes 460 (Main Street) and 462 (Hynes Road) to facilitate the creation of a compact community centre. Larger regional public uses are expected to locate in the regional centre of Stephenville.

When public uses are placed near to residential properties, every effort shall be made to protect the residential property owner. This shall be done by providing adequate sideyards and landscaping to act as a buffer.

Adequate off-street parking shall be provided to all new or expanded public use development.

#### 4.2(e) Agriculture

Agricultural uses of land shall be permitted within the Mixed Development designation as a temporary use until the land is developed for other purposes. Agricultural operations will be limited to those which will not constitute a nuisance to present or future residential development.

#### 4.2(f) Services and Access

All new development within the Mixed Development designation shall be served by and connected directly to the Town's water system. Lateral connections crossing other private property will not be permitted.

The Department of Government Services must give its approval for the use of sewage disposal system on the lot before the applicant receives a permit to develop from the Council.

All new development and all new lots being subdivided shall have direct frontage onto a publicly maintained road. Backlot development which prejudices the further development of suitable backland shall not be permitted.

#### 4.3 RESIDENTIAL DESIGNATION

The land lying within the Residential designation shall be developed and used primarily for residential purposes. Other uses of land for local convenience commercial, public use, open space and agricultural purposes and, antenna, child care and general assembly can be permitted provided that they do not create or cause any nuisance to adjoining residential development. Specific requirements for each of the above uses will be set out in the implementing zoning regulations.

In the Residential designation the servicing requirements of section 4.2(e) shall apply.

Mineral exploration is a permitted use in this designation, provided that its impacts are controlled in such a way as to ensure that there are no negative effects on nearby properties and uses.

##### 4.3(a) Residential Development

All new residential development shall be of a low density character similar to that now existing.

Residential development shall be encouraged to infill small spaces between existing houses along the provincial highway and local roads, but rights-of-way for future streets will be reserved at appropriate locations to allow for future roads at the rear of existing development.

Mobile homes shall not be occupied for residential purposes anywhere in the Residential designation except in mobile home parks or mobile home subdivisions.

##### 4.3(b) Commercial Development

No commercial development, other than strictly local convenience establishments, shall be permitted.

When commercial enterprises are placed near to residential properties, every effort shall be made to protect the residential property owner. This shall be done by providing adequate sideyards and landscaping to act as a buffer.

Adequate off-street parking shall be provided to all new commercial operations.

#### 4.3(c) Public Uses

Public uses such as churches, schools and community halls, will be permitted in the Residential designation provided they are primarily intended to serve the community by itself or together with other nearby small communities. Larger regional public uses are expected to locate in the regional centre of Stephenville.

When public uses are placed near to residential properties, every effort shall be made to protect the residential property owner. This shall be done by providing adequate sideyards and landscaping to act as a buffer.

Adequate off-street parking shall be provided to all new or expanded public use development.

#### 4.3(d) Agriculture

Agricultural uses of land shall be permitted within the Residential designation as a temporary use until the land is developed for other purposes. Agricultural operations will be limited to those which will not constitute a nuisance to present or proposed residential development.

#### 4.3(e) Services and Access

All new development within the Residential designation shall be served by and connected directly to the Town's water system. Lateral connections crossing other private property will not be permitted.

The Department of Government Services must give its approval for the use of a sewage disposal system on the lot before the applicant receives a permit to develop from the Council.

All new development and all new lots being subdivided shall have direct frontage onto a publicly owned and maintained road, or in the case of a new subdivision, shall have frontage on a road being constructed under the terms of a subdivision permit issued by Council.

New roads shall be constructed to the standards approved by Council and shall be designed to accommodate the safety and convenience along existing roads.



#### 4.4 RURAL DESIGNATION

The land lying within the Rural designation shall be used primarily for purposes of forestry, agriculture, mineral exploration and other resource activity. In addition, antenna and cemetery can also be allowed in this designation.

##### 4.4(a) Resource Uses

The use of land for purposes of forestry, agriculture, antenna, mineral exploration and other resource activity shall include any use or development which is directly related to the harvesting, extraction or cultivation of any natural resource. However, Mineral workings and mining may only be permitted as a discretionary use, provided that there is no negative impact on other uses of this or other designations, and provided that the necessary approvals have been received from the relevant Provincial and Federal agencies.

##### 4.4(b) Agriculture

Agriculture operations in proximity to the Mixed Development designation and the Residential designation will be restricted to those which will not constitute a nuisance to existing or proposed development.

##### 4.4(c) Forestry

Forestry operations in proximity to the Mixed Development designation and the Residential designation will be restricted to those which will not constitute a nuisance to existing or proposed development or affect the municipal water supply.

##### 4.4(d) Mineral Workings

Mineral Workings, including sand and gravel pits, will not be permitted in close proximity to the Mixed Development designation or the Residential designation. Mining operations shall be required to provide direct private access to their works from provincial highways so that mining truck traffic does not use local Town roads. The Town may, when issuing a permit for any mining operation, attach such conditions as are, in its opinion, necessary to properly regulate the operation. Such conditions in particular may refer to landscaping, screening and fencing, hours of operation and rate of extraction, noise, dust and pollution control, and, rehabilitation.

In addition, the regulations may fix such fees for the issuance of a permit for a mining operation as will ensure that the required rehabilitation is carried out progressively or on completion of operations. It should be noted that in addition to a permit issued by the Council, a Quarry Permit is required from the Department of

Natural Resources for any pit or quarry located on land where the Crown retains ownership of mineral rights.

#### 4.4(e) Residential Development

Generally, by the nature of the Rural designation, residences are not permitted. Exceptions to this may be allowed by the Council where an agricultural operation is large enough to warrant a farm operator to live on the site. Similarly, with other permitted uses in this area where Council feels that it is necessary that someone live on the site, they may permit it.

#### 4.4(f) Cottage Development

Cottages may be permitted provided they are to be occupied on a part-time basis only and are not for full-time occupancy. These areas cannot be serviced easily or economically by the Council. All cottage development must meet the requirements of the Department of Government Services for water supply and sewage disposal facilities.

Remote cottages, that is, cottages not having frontage on a public road, may be allowed subject to the approval of the Town and the Department of Government Services.

#### 4.5 ENVIRONMENTAL PROTECTION DESIGNATION

The land within the Environmental Protection Designation shown on Maps 1 and 2 shall be used primarily for purposes of management and conservation of the natural environment. Other development permitted in this area may include buildings and structures used for the purposes of conservation such as flood control structures, forestry uses, and utility uses. Public utilities and roads and driveways, recreational open space and trails, and uses requiring direct access to a body of water – such as wharves and docks and similar transportation uses may be permitted. Mineral exploration may be permitted as a discretionary use, provided that it has little or no impact on the area. All uses shall be developed and managed in such a manner as to respect natural hazards to development and preserve the environmental quality of the area.

This area includes flood prone land, steep slopes, land presenting any other hazard to development, and land containing features of outstanding scenic quality. In particular, this includes part of the valley of Romaines Brook, the slopes of Table Mountain and the sandbanks along the shore of St. George's Bay. The Council will request the Government to retain all rights except controlled forest harvesting rights to Crown lands in these areas.

These provisions shall not prevent the use of shore lands for fishing related activities; however, residences will not be permitted.

No development is permitted to destroy rare plant species along the access road leading to navigation sites at the top of Table Mountain.

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

#### 4.6 WATERWAYS AND WETLANDS BUFFERS

Notwithstanding the designation, a minimum buffer shall be maintained around all waterways and wetlands. In general, only public utilities and roads and driveways, recreational open space and trails, and uses requiring direct access to a body of water – such as wharves and docks and similar transportation uses may be permitted within a waterway or wetland buffer.

All development within the buffer is subject to the approval of the Town and the Minister of Environment and Conservation.

#### 4.7 PROTECTED PUBLIC WATER SUPPLY DESIGNATION AND WELLHEAD PROTECTED WATER SUPPLY AREA

No development shall occur within the Protected Public Water Supply designation or the Wellhead Protected Water Supply Area without the approval of the Town and the Minister of Environment and Conservation.

It is the Town's policy to prohibit development within the Protected Public Water Supply designation unless it is a public utility or a public road or access road or drive-way, and then only after an assessment by the Town and the Minister of Environment and Conservation to ensure that there are no negative impacts on the Town's water supply. Recreational open space is not a permitted or discretionary use in this designation.

The Wellhead Protected Water Supply Area is an overlay designation which overlays other designations, and thus, subject to the considerations set out in the next paragraph, certain types of development allowed under these designations can or may be allowed in this overlay designation.

Development may or can be allowed within the Well-Head Protected Water Supply Area provided it constitutes infill development or is a public utility or a public road

or access road or driveway, and provided that activities on the property or uses of the property are not deemed to be likely to contaminate the water supply.

#### 4.8 RECREATION AND OPEN SPACE

It is the intention of this Plan that active recreation space in the Town should be provided at a standard of 1.5 hectares per 1,000 population. Since it is unlikely that the Town will wish to expropriate private land for recreation purposes, this Plan permits recreational uses and other open space uses to be located from time to time anywhere within the Planning Area where suitable land is available. Since the Town is presently lacking funds to implement the above standard, land acquisition and development for recreation will be dependent mainly on senior government assistance. If it is suitably located, Crown land may be used to meet part of the above requirement, and where new subdivisions are being developed, the regulations will require dedication of an appropriate percentage of land for public use under the Urban and Rural Planning Act 2000.

#### 4.9 HISTORIC RESOURCES

Archaeological surveys have recorded three sites on the west side of the isthmus and several more elsewhere on the Port au Port Peninsula. It is predicted that some archaeological sites may be found in the Town of Port au Port East, on Romaine's Brook and other rivers and ponds, and at the mouths of these water bodies.

Where possible, these areas will be preserved. However, if during any development in any land use area, an archaeological find is made, development shall cease temporarily, and the Town shall contact the Provincial Archaeology Office.