

# **Town of St. Lewis**

## Municipal Plan 2015-2025

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*Prepared for*

Town of St. Lewis

*Prepared by*

Baird Planning Associates

2015

**Gazetted: August 14, 2015**



# Urban and Rural Planning Act Resolution to Approve

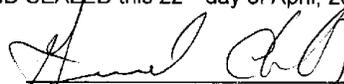
## Town of St. Lewis Municipal Plan 2015 - 2025

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

- (a) Adopted by the St. Lewis Municipal Plan on the 31<sup>st</sup> day of March, 2015.
- (b) Gave notice of the adoption of the St. Lewis Municipal Plan by advertisement inserted in the Northern Pen newspaper on the 6<sup>th</sup> day and the 13<sup>th</sup> day of April, 2015.
- (c) Set the 22<sup>nd</sup> day of April, 2015 at St. Lewis Town Hall, St. Lewis for the holding of a public hearing to consider objections and submissions.

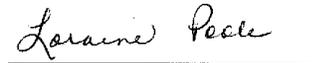
SIGNED AND SEALED this 22<sup>nd</sup> day of April, 2015.

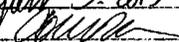
Mayor:

  
Gerald Chubbs

(Council Seal)

Clerk:

  
Loraine Poole

Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>4445-2015-016</u>
Date	<u>August 3, 2015</u>
Signature	<u></u>



# Urban and Rural Planning Act Resolution to Adopt

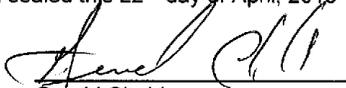
## Town of St. Lewis Municipal Plan 2015 - 2025

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

Adopted by the Town Council of St. Lewis on the 31<sup>st</sup> day of March, 2015.

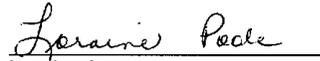
Signed and sealed this 22<sup>nd</sup> day of April, 2015

Mayor:

  
Gerald Chubbs

(Council Seal)

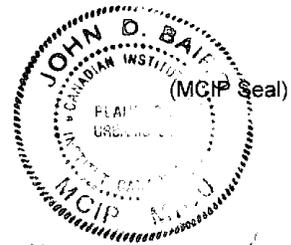
Clerk:

  
Loraine Poole

### Canadian Institute of Planners Certification

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

  
John Baird, MCIP





## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>1</b>
1.1	Purpose of the Municipal Plan.....	1
1.2	Plan Preparation.....	1
1.3	Contents of the Municipal Plan.....	1
1.4	Municipal Plan Administration.....	1
1.5	Interpretation.....	2
<b>2.</b>	<b>BACKGROUND REPORT.....</b>	<b>3</b>
2.1	St. Lewis Planning Area and Municipal Area.....	3
2.2	Population.....	4
2.3	Housing.....	7
2.4	Land Use Issues.....	8
2.4.1	Development Patterns and Municipal Services.....	8
2.4.2	Residential Uses.....	8
2.4.3	Commercial and Industrial Uses.....	9
2.4.4	Airport.....	9
2.4.5	Tourism.....	9
2.4.6	Water Supply Area.....	10
2.4.7	Other Environmentally Sensitive Areas.....	10
2.5	Public Participation.....	10
2.5.1	First Community Session – May 15, 2013.....	10
2.5.2	Second Community Session – June 26, 2014.....	10
<b>3.</b>	<b>GOALS AND OBJECTIVES.....</b>	<b>11</b>
3.1	Community Structure and Character.....	11
3.2	Environment.....	11
3.3	Economic Growth and Development.....	12
3.4	Housing.....	12
3.5	Transportation.....	13
3.6	Recreation and Open Space.....	13
3.7	Governance.....	13
3.8	Municipal Finance.....	13
<b>4.</b>	<b>COMMUNITY WIDE POLICIES.....</b>	<b>15</b>
4.1	Policy Framework.....	15
4.2	General Land Use Policies.....	16
4.2.1	Objectives.....	16
4.2.2	Land Use Policies.....	16
1.	General Layout of the Town.....	16
2.	Compatibility of Uses.....	17
3.	Non-Conforming Uses.....	17
4.	Land Development and Subdivisions.....	17
5.	Consolidation and Infill in Areas of Existing Development.....	19
6.	Public Streets and Infrastructure.....	20
7.	Public Access to Watercourses and Coastal Shorelines.....	20
8.	Coastal Shoreline Protection.....	20
9.	Comprehensive Development.....	20
10.	Heritage and Archaeological Resources.....	21
11.	Discretionary Uses.....	21

	12. Mineral Exploration .....	21
	13. Mineral Working.....	22
	14. Utilities and Utility Easements .....	22
	15. Trails .....	22
4.3	General Environmental Policies .....	23
	1. General Environment .....	23
	2. Unstable Soils and Drainage.....	23
	3. Watercourse and Wetland Protection.....	23
	4. Coastal Lands.....	24
	5. Flood Risk Areas.....	24
	6. Steep Slopes.....	25
	7. Storm Drainage .....	25
4.4	Infrastructure Policies .....	26
	1. Water Supply System.....	26
	2. Sanitary Sewer System .....	26
<b>5.</b>	<b>AREA SPECIFIC POLICIES .....</b>	<b>27</b>
5.1	Protected Watershed .....	27
	1. General Intent.....	27
	2. Land Uses .....	27
	3. Department of Environment and Conservation .....	28
	4. Watershed Monitoring and Enforcement.....	29
5.2	Environmental Protection .....	29
	1. General Intent.....	29
	2. Land Uses .....	29
5.3	Coastal.....	30
	1. General Intent.....	30
	2. Land Uses .....	30
	3. Filling-In of Land and Water .....	31
5.4	Residential .....	31
	1. General Intent.....	31
	2. Land Uses .....	31
	3. Council Control of Land Development.....	32
	4. Home Occupations.....	32
	5. Agricultural Uses .....	32
	6. Use of Discretionary Authority.....	33
	7. Design and Appearance of Non-Residential Properties.....	33
5.5	Mixed Development.....	33
	1. General Intent.....	33
	2. Land Uses .....	34
	3. Compatibility of Development .....	34
	4. Use of Discretionary Authority.....	35
5.6	Commercial Industrial .....	35
	1. General Intent.....	35
	2. Land Uses .....	35
5.7	Open Space .....	36
	1. General Intent.....	36
	2. Land Use.....	36
	3. Trail System.....	36

5.8	Airport.....	36
	1. General Intent.....	36
	2. Land Uses .....	36
5.9	Rural.....	37
	1. General Intent.....	37
	2. Land Uses .....	37
	3. Environmentally Sensitive and Scenic Areas .....	37
	4. Mineral Working.....	38
	5. Mineral Exploration.....	38
	6. Forest Management .....	38
<b>6.</b>	<b>IMPLEMENTATION .....</b>	<b>39</b>
6.1	Administration of the Plan.....	39
	1. Map Interpretation .....	39
	2. Development Applications.....	39
	3. Subdivision Proposals and Agreements.....	40
	4. Non-Conforming Uses .....	41
6.2	Public Participation.....	42
6.3	Development Regulations.....	42
	1. Council Responsibility.....	43
	2. Content.....	43
6.4	Development Control.....	43
	1. Municipal Plan is Binding .....	43
	2. Council Responsibility.....	43
	3. Subdivision and Development Applications.....	44
	4. Right to Appeal.....	44
	5. Provincial and Federal Referrals.....	44
6.5	Amending the Municipal Plan and Development Regulations.....	44
	1. Municipal Plan Amendment .....	44
	2. Stand-Alone Amendment to the Development Regulations .....	45
6.6	Five-Year Plan Review .....	45



## **1.0 INTRODUCTION**

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

The St. Lewis Municipal Plan was prepared to provide the Town Council with a comprehensive policy document to manage development within the municipal planning area over the ten-year planning period 2015-2025. This document has been prepared in compliance with the Urban and Rural Planning Act, 2000 (hereafter referred to as the Act).

### **1.2 Plan Preparation**

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

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

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

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

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

### **1.4 Municipal Plan Administration**

After Council approval, the St. Lewis Municipal Plan was registered with the Department of Municipal Affairs and came into effect on the day that notice of approval was published in the

Newfoundland and Labrador Gazette. The Plan is binding upon Council and all other persons, corporations and organizations. Council administers the Municipal Plan by carrying out the Plan's policies. This is done in several ways:

- By preparing and implementing the Development Regulations,
- By issuing development permits to applicants wishing to subdivide land, erect a building or structure, or change the use of a building or land, or conversely by refusing to issue permits for developments that are not in accordance with the Plan,
- By adopting or approving development schemes, comprehensive plans, and so forth.

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

## **1.5 Interpretation**

In this Municipal Plan:

- “Council” means the Council of the Town of St. Lewis.
- “Development Regulations” mean the St. Lewis Land Use Zoning and Subdivision Regulations.
- “Municipal Planning Area” means the St. Lewis Municipal Planning Area.
- “Town” means the Town of St. Lewis.

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

Nothing in the Plan will affect the continuance of any land use that was lawfully established on the date that this Plan came into effect.

## 2.0 BACKGROUND REPORT

This section sets the context for the St. Lewis Municipal Plan. It includes an analysis of key economic and social indicators, a demographic profile, and a forecast of future housing needs. For the purpose of this profile, we have established comparative data for the following benchmark areas - Southeast Aurora Economic Zone, Labrador as a whole, and the province as a whole. For some indicators the communities of Mary’s Harbour and Port Hope Simpson are used as benchmarks as well.

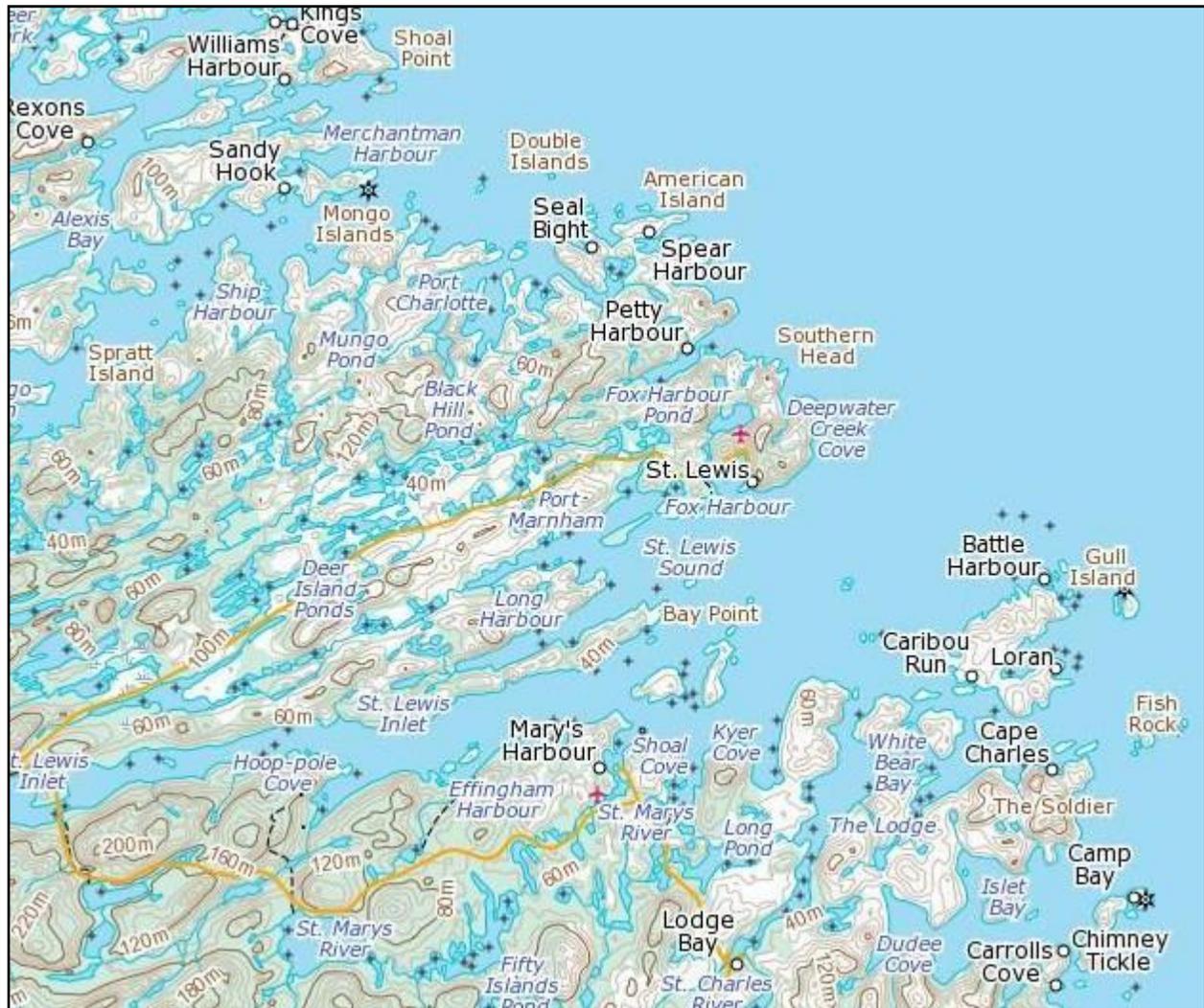
### 2.1 St. Lewis Municipal Area and Planning Area

The St. Lewis Municipal Area and Planning Area boundaries are shown in Exhibit 1.1. The Town is the most easterly populated community in Labrador and the on the mainland of North America. The nearest other community is Mary’s Harbour, located approximately 12 kilometres to the southwest across St. Lewis Sound but 62 kilometres by road. The historic fishing centre of Battle Harbour is located approximately 11 kilometres to the southeast. As the crow flies, Port Hope Simpson is a farther distance away, but closer than Mary’s Harbour by road. St. Lewis has a Municipal Area of 9.3 square kilometres and a total Planning Area more than double that.

**Exhibit 2.1 – St. Lewis Municipal Area and Municipal Planning Area**



### Exhibit 2.2 – St. Lewis Regional Setting



## 2.2 Population

Exhibit 2.3 presents key demographic indicators for St. Lewis compared to the selected benchmarks of Southeast Aurora Economic Zone, Labrador as a whole, and the province as a whole. It shows that St. Lewis lost a significant proportion of its population from 2001 to 2011, dropping by 83 residents or -28.6 percent. This compares to a drop over the same period of -18.9 percent in the Southeast Aurora Economic Zone, -4.4 percent in Labrador as a whole, and +0.3 percent in the province as a whole.

<b>Exhibit 2.3 - Population Characteristics</b>				
	<b>St. Lewis</b>	<b>Southeast Aurora Zone</b>	<b>Labrador</b>	<b>NL</b>
Pop'n – 2011	207	2,204	24,111	514,536
Median age	42.9	42.5	36.9	44.0
Pop'n < 15	16.2%	15.4%	19.5%	15.5%
Pop'n > 65	11.6%	12.3%	8.1%	13.9%
Pop'n – 2006	252	2,615	23,950	505,470
Median age	37.6	36.7	35.0	42.0
Pop'n – 2001	290	2,720	25,230	512,980
Median age	30.7	31.8	32.0	38.4
<u>Pop'n change</u>				
2006-11	-17.9%	-15.7%	+0.6%	+1.8%
2001-06	-13.1%	-3.9%	-5.1%	-1.5%
2001-11	-28.6%	-18.9%	-4.4%	+0.3%

Exhibit 2.3 shows that St. Lewis's population aged rapidly over the 2001-11 period. With a median age of 30.7 years in 2001, this increased to 42.9 years by 2011. This increase of 12.2 years compares to an increase of 10.7 years in the Southeast Aurora zone, 4.9 years in Labrador as whole, and 5.6 years in the province. Despite its rapid increase, St. Lewis's median age remains on par with the Southeast Aurora zone (42.5 years) and slightly younger than the province as a whole (44.0 years). However its population is six years older than Labrador as a whole (36.9 years).

In 2011 the Town's under-15 age group comprised 16.2 percent of its population, compared to 15.4 percent in the Southeast Aurora zone, 19.5 percent in Labrador, and 15.5 percent in the province. The Town's over-65 age group made up 11.6 percent, compared to 12.3 percent in the Southeast Aurora zone, 8.1 percent in Labrador, and 13.9 percent in the province.

Exhibit 2.4 provides a breakdown of St. Lewis's population by 5-year intervals. It shows that 60.1 percent of the town's residents are in the main working-age group of 20-64, only slightly lower than the province as a whole. The town's under-20 population comprised 17.7 percent, compared to 22.1 percent of the provincial population.

<b>Exhibit 2.4 Population by 5-Year Age Groups – 2011</b>												
<b>Age Group</b>	<b>St. Lewis</b>			<b>Southeast Aurora Zone</b>			<b>Labrador</b>			<b>Province</b>		
	<b>No.</b>	<b>Percent</b>		<b>No.</b>	<b>Percent</b>		<b>No.</b>	<b>Percent</b>		<b>No.</b>	<b>Percent</b>	
0-4	10	4.7%		105	4.7%		1,595	6.6%		24,495	4.8%	
5-9	10	4.7%	16.3%	110	5.0%	15.4%	1,465	6.1%	19.5%	25,100	4.9%	15.0%
10-14	15	7.0%		125	5.7%		1,645	6.8%		27,030	5.3%	
15-19	20	9.3%		175	7.9%		1,705	7.1%		29,585	5.7%	
20-24	10	4.7%	14.0%	90	4.1%	12.0%	1,600	6.6%	13.7%	30,050	5.8%	11.5%
25-29	5	2.3%		95	4.3%		1,705	7.1%		28,310	5.5%	
30-34	15	7.0%	23.3%	110	5.0%	27.2%	1,635	6.8%	30.3%	29,280	5.7%	25.1%
35-39	15	7.0%		165	7.5%		1,885	7.8%		33,375	6.5%	
40-44	15	7.0%		230	10.4%		2,065	8.6%		38,020	7.4%	
45-49	15	7.0%	34.9%	210	9.5%	32.7%	2,005	8.3%	28.4%	42,225	8.2%	32.5%
50-54	20	9.3%		195	8.9%		1,850	7.7%		43,185	8.4%	
55-59	20	9.3%		165	7.5%		1,685	7.0%		42,645	8.3%	
60-64	20	9.3%		150	6.8%		1,310	5.4%		39,135	7.6%	
65-69	10	4.7%	11.6%	110	5.0%	12.7%	825	3.4%	8.1%	28,740	5.6%	16.0%
70-74	10	4.7%		65	3.0%		505	2.1%		20,115	3.9%	
75-79	0	0.0%		50	2.3%		320	1.3%		14,620	2.8%	
80-84	5	2.3%		35	1.6%		180	0.7%		10,075	2.0%	
85-90	0	0.0%		20	0.9%		115	0.5%		8,550	1.7%	
Total	215	100%		100%	2,205		100%	100%		24,095	100%	

Exhibit 2.5 provides a population forecast for St. Lewis derived from projections by government for the Southeast Aurora zone. It assumes that the rate of change in St. Lewis’s population in the coming years will parallel that projected for the Southeast Aurora zone. If this holds true, the population will decline from 207 in 2011 to 194 by 2026, a drop of 6.2 percent over 15 years.

<b>Exhibit 2.5 - Population Forecast</b>									
<b>Year</b>	<b>St. Lewis</b>			<b>Southeast Aurora Zone</b>			<b>Province</b>		
	<b>Population</b>	<b>5-Year Change</b>		<b>Population</b>	<b>5-Year Change</b>		<b>Population</b>	<b>5-Year Change</b>	
		<b>No.</b>	<b>Percent</b>		<b>Pop’n</b>	<b>No.</b>		<b>Percent</b>	<b>No.</b>
	<u>Actual</u>			<u>Actual</u>			<u>Actual</u>		
2001	245			2,751			521,986		
2006	227	-18	-7.3%	2,655	-96	-3.5%	509,940	-12,046	-2.3%
2011	207	-20	-8.8%	2,282	-373	-14.1%	519,513	+9,573	+1.8%
	<u>Projected**</u>			<u>Projected*</u>			<u>Projected*</u>		
2016	197	-12	-5.7%	2,153	-129	-5.7%	525,727	+6,214	-2.0%
2021	191	-6	-2.9%	2,090	-63	-2.9%	521,514	-4,213	-0.8%
2026	194	+3	+1.6%	2,124	+34	+1.6%	521,807	+293	0.0%

## 2.3 Housing

Exhibit 2.9 compares housing and household characteristics in St. Lewis and the benchmark areas. Between 2001 and 2006, the number of households in St. Lewis declined by five dwellings, or -6.3 percent, while the average number of persons per dwelling dropped from 3.6 to 3.0 persons.

<b>Exhibit 2.9 – Housing Characteristics</b>						
	<b>St. Lewis</b>	<b>Mary’s Harbour</b>	<b>Port Hope Simpson</b>	<b>Southeast Aurora</b>	<b>Labrador</b>	<b>NL</b>
Occupied Dwellings 2011	75	134	149	819	8,877	208,840
Avg. Persons/Dwelling	3.0	2.8	2.9	2.7	2.7	2.5
Occupied Dwellings 2006	84	133	168	866	9,255	197,185
Avg. Persons/Dwelling	3.0	3.1	3.2	3.0	2.6	2.6
Occupied Dwellings 2001	80	145	155	865	9,265	188,520
Avg. Persons/Dwelling	3.6	3.1	3.3	3.1	2.7	2.7
Change in Dwellings 2001-11	-6.5%	-7.6%	-3.9%	-5.3%	-4.2%	+10.8%

Exhibit 2.10 compares St. Lewis’s housing characteristics with the benchmark communities and the Southeast Aurora zone, as well as Labrador and the province as a whole. Occupied dwellings include all dwellings that are permanently occupied. The remaining dwellings are either unoccupied or are occupied seasonally by non-permanent residents. The table shows that occupied dwellings in St. Lewis comprise 79.6 percent of the total, similar to the surrounding region, but slightly lower than the proportion for the other benchmarks.

<b>Exhibit 2.10 - Housing Characteristics</b>						
	<b>St. Lewis</b>	<b>Mary’s Harbour</b>	<b>Port Hope Simpson</b>	<b>Southeast Aurora Zone</b>	<b>Labrador</b>	<b>NL</b>
Total dwellings (2011)	93	155	182	1,029	10,128	250,275
Occupied dwellings	74 (79.6%)	134 (86.5%)	149 (81.9%)	819 (79.6%)	8,877 (87.7%)	208,842 (83.4%)
<u>Type of dwelling (2011)</u>						
Single detached dwellings	93.3%	96.3%	93.3%	92.7%	66.9%	74.4%
Mobile/mini homes	0.0%	0.0%	3.3%	1.2%	4.2%	0.9%
Apartments	6.7%	3.7%	3.3%	1.8%	6.4%	5.8%
Double & row dwellings	<u>0.0%</u>	<u>0.0%</u>	<u>0.0%</u>	<u>4.3%</u>	<u>22.5%</u>	<u>19.0%</u>
	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Dwellings constructed before 1986 (2006)	55.5%	44.4%	45.5%	n/a	73.7%	70.8%
Avg. Dwelling Value (2006)	\$56,244	\$54,121	\$51,607	\$54,123	\$100,941	\$111,711
Avg. Dwelling Value (2001)	\$47,209	\$44,817	\$47,918	\$44,056	\$73,361	\$76,283
Percent Change (2001-06)	19.1%	20.8%	7.7%	22.9%	37.6%	46.4%

Single dwellings comprise the overwhelming majority (93.3%) of homes in St. Lewis, a similar proportion to other communities in the region and the region as a whole, but significantly more than in Labrador (66.9%) and the province (74.4%). Apartments comprise the remaining dwellings in St. Lewis.

The average 2006 value of dwellings in St. Lewis was \$56,244, slightly higher than the similar value in the nearby benchmark communities and the region as a whole. The 19.1 percent increase in average dwelling value from 2001 to 2006 was on par with the increase of 22.9 percent in the region as a whole. Census data is not available to draw a comparison for 2011.

## **2.4 Land Use Issues**

### **2.4.1 Development Pattern and Municipal Services**

St. Lewis's land use pattern is dominated by residential housing with a number of significant commercial and institutional uses, as well as the airport.

The main land use concentration is located on the north side of the harbour in the area known as The Bottom, which is serviced with both municipal water and sewer. Outside this core area, development is spread out around the harbour shoreline. The most distant points of development in the community, at the extremities of Fishermen's Point Road and Frankie's Cove Road, are approximately 4.2 kilometres apart by road.

The Town has three larger unserviced areas, including Fishermen's Point Road and Airport Hill Road on the east side of the harbour, Loder's Point Road and Shoal Point Road in the centre, and Frankie's Cove Road on the west side. These areas are characterized by dispersed development spread out along these roads.

The Town's water distribution system extends for approximately 1.5 kilometres along Main Road from the pump house on south of Tub Harbour Pond to the fishplant. It also supplies water to Harbour View Road and Hillview Road, St. Lewis Academy, and the now closed fishplant.

The Town's sewer system serves a more limited area than the water system, covering Harbour View Road, Hillview Road, and approximately 650 metres along Main Street.

### **2.4.2 Residential Uses**

As shown in Table 2.5, St. Lewis's population is projected to remain stable for the foreseeable future, assuming no major changes in the local economy. Even with a marginal decline in its number of residents, the Town's housing stock can be expected to remain stable or increase slightly.

Ideally, new residential development should be concentrated in areas that already have, or are relatively close to, piped municipal services. However, such opportunities are limited due to the lack of available land in the existing serviced core. There is some vacant land in the vicinity of the old school (between the east end of Harbour View Road and Airport Hill Road), which is serviced by water but not sewer. This land is privately owned, therefore its development would require the owner(s) to be willing to sell some lots. Vacant land near the corner of Main Road

and Loder's Point Road is also relatively close to municipal water and sewer.

Outside the serviced core, residential development would require private wells and sewage septic systems. However, opportunities may be limited due to natural constraints including steep contours, bedrock, wetland, and availability of potable groundwater. Nevertheless, there may be pockets of land along Fishermen's Point Road, Frankie's Cove Road, and Loder's Road that would be suitable for on-site services.

The Town has had a Limit of Servicing Agreement with the Department of Municipal Affairs since 1997, which defines the areas that are eligible for cost-shared funding under the Municipal Capital Works Program. These areas include all of Fishermen's Point Road, Airport Hill Road, Hill Road, Frankie's Cove Road, and Main Road, but exclude Loder's Point Road and Shoal Point Road.

### **2.4.3 Commercial and Industrial Uses**

Historically the fishery has been the mainstay of St. Lewis's economy. This took an unfortunate turn in 2012 when the Town's main employer, P. Janes and Sons, closed the local fishplant. Located on the east side of Fox Harbour, the premises are now used as a base for a number of fishing boats and for the unloading of crab and other species destined for fishplants in other parts of the region.

Other businesses in the Town include three retail stores, a gas station, and a bed and breakfast operation. Two of the stores, the gas station, and the bed and breakfast are located in The Bottom, while the third store is located on Fishermen's Point Road.

Fisheries and Oceans Canada operates a management office in St. Lewis. The Town's electricity is produced at the Newfoundland and Labrador Hydro generating plant located at Loder's Point.

### **2.4.4 Airport**

St. Lewis Airport is located on the northeast side of the harbour. Air services offered by Air Labrador include three flights weekly from November to April and two flights weekly for the remainder of the year.

### **2.4.5 Tourism**

The Town's primary tourist attraction is the Loder's Point Premises, a former fishing premises and mercantile store now operated as a museum by the St. Lewis Heritage Society. Originally built in the 1930's, the museum interprets St. Lewis's fishing history as well as other historical aspects of the town and region. It includes several buildings, an original root cellar, and a gazebo offering a scenic view of the surrounding harbour and hillsides.

On the hillside east of the harbour, the old USAF antenna site offers a spectacular 360-degree panorama of St. Lewis Inlet and the Atlantic Ocean. This is the starting point of a breathtaking trail to Deepwater Creek, a community that was abandoned when its residents moved to St. Lewis.

#### **2.4.6 Water Supply Area**

The St. Lewis water supply area includes a network of ponds and streams north of the town. The major water bodies include Tub Harbour Pond, Fox Harbour Pond, and Hawk Nest Pond. The majority of residents attending the public forum for the plan review emphasized the importance of protecting this water supply. Particular concerns were expressed about potential impacts associated with mineral exploration that is taking place in the watershed. While acknowledging the Town would benefit from mineral development, most participants agreed that exploration activity should be stringently controlled to ensure the water supply would not become contaminated. Because no alternative supply sources are available, the water supply area is vital to the environmental health and long-term social and economic sustainability of the community.

#### **2.4.7 Other Environmentally Important Areas**

Other environmentally important areas in St. Lewis include watercourses, wetlands, steep slopes, and coastal shorelines. Policies and zoning measures are included in the Plan and Development Regulations to help protect these vulnerable areas from harmful land use activities.

### **2.5 Public Participation**

#### **2.5.1 First Community Session – May 15, 2013**

The initial public consultation for the Plan Review took place at St. Lewis Academy on May 15, 2013. It was attended by sixteen residents, including three Councillors and the Town Clerk/Manager.

The main issue of discussion was the mineral exploration activity within the Town's water supply watershed. The primary message from those in attendance was that provisions in the Municipal Plan to prevent potential water contamination from exploration work should have real teeth.

An opinion was also expressed that the water intake should have been located in Fox Harbour Pond instead of where it is in Tub Harbour Pond. That would have reduced the area of watershed that needs to be protected.

#### **2.5.2 Second Community Session – June 26, 2014**

The second public consultation session took place on June 26, 2014 at St. Lewis Academy. It was attended by nine residents, including three Councillors and the Town Clerk/Manager. The purpose of this session was to present the draft Municipal Plan and Development Regulations, answer questions, and receive input from those in attendance.

No major concerns were expressed about the draft documents and maps. As in the original public session, the main issue discussed was the need to protect the municipal water supply area when mineral exploration takes place. One person suggested a minor change to the development regulations to strengthen the provisions developed to protect the water supply.

It was also suggested that two areas proposed to be designated Residential on the draft Future Land Use Map be changed to Mixed Development to allow certain types of commercial development.

### 3.0 GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives for the 2015-2025 period. A goal is a desired state that reflects the long-term intent of Council and relates to a major area of interest or concern. An objective is a short-range step towards achieving the goal. In this context, an objective is a desired outcome within the 10-year timeframe of this Municipal Plan.

#### 3.1 Community Structure and Character

Goals: Ensure that St. Lewis's built-up and natural environment is sustained through good quality, properly located, and compatible development.

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

Objectives: Maintain a reasonably compact community layout to facilitate economically efficient use of infrastructure and services, while recognizing the potential to accommodate residential demand in attractive natural locations where municipal services are not available.

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

Preserve and protect environmentally important and sensitive areas including lakes, ponds, streams, wetlands, coastal shorelines, steep slopes, and visually attractive features.

Facilitate the development of appropriately located and scaled commercial uses.

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

#### 3.2 Environment

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

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

Protect the St. Lewis municipal drinking water supply from development that might reduce the quality and/or quantity of water available for municipal use.

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

### **3.3 Economic Growth and Development**

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

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

Support opportunities to revitalize and expand the fish harvesting and fish processing industries.

Ensure that economic development is compatible with neighbouring land uses.

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

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

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

Support industry initiatives to identify and develop mineral resources in way that preserves and protects the municipal water supply and other sensitive aspects of the Town's natural environment.

### **3.4 Housing**

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

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

Protect residential quality of life and property values.

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

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

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

Prohibit residential development in locations that cannot be directly accessed to a publicly maintained street.

### **3.5 Transportation**

Goal: Provide an efficient transportation network to serve the motorized and non-motorized needs of St. Lewis.

Objectives: Provide safe and efficient access to all residential, commercial, public, and recreational areas.

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

Encourage and facilitate the development of trails for recreational purposes.

### **3.6 Recreation and Open Space**

Goals: Develop and maintain natural areas to accommodate a range of active and passive recreational needs of St. Lewis residents.

Objectives: Protect important outdoor recreational resources from encroaching development, particularly St. Lewis's shorelines and trail network.

Encourage and facilitate the development and maintenance of hiking, ATV, and snowmobile trails.

### **3.7 Governance**

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

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

Deliver municipal administration and services effectively, efficiently, openly, and within the Towns fiscal capacity.

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

### **3.8 Municipal Finance**

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

Objectives:

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

Encourage economic development in order to generate more commercial tax revenues.

Ensure that capital costs related to growth and development do not unduly burden the Town's ability to pay.

## 4.0 COMMUNITY WIDE POLICIES

### 4.1 Policy Framework

The overriding thrust of the Municipal Plan is to ensure St. Lewis remains a sustainable community economically, socially, and environmentally, as well as to maintain the town's attractive built environment, beautiful natural environment, and supply of clean drinking water.

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

- i) St. Lewis is recognized as having a traditional character that should be preserved and enhanced.
- ii) Areas that can be developed and serviced at the most reasonable long-term costs to the Town, and are relatively close to existing development, will be given priority for municipal growth and expansion. In areas that would involve above-normal costs for municipal services and infrastructure, high standards will be maintained for on-site wells and sewage disposal.
- iii) Prominent features that help to preserve community character, such as heights of land, viewpoints, and waterfront open space, and fishing and marine facilities shall be preserved.
- iv) A high standard will be maintained for both the natural and built environments, particularly the protection of sensitive resources and features such as the municipal water supply area, coastal features, watercourses, wetlands, steep slopes, and scenery.
- v) Streets and infrastructure will be designed to high standards with respect to street construction, water and sewer distribution, and ease of maintenance.
- vi) Capital works will be undertaken in an efficient, financially prudent, and environmentally responsible manner.

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

## **4.2 General Land Use Policies**

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

### **4.2.1 Objectives**

In order to achieve its community-wide goals, the Town will:

- Provide opportunities for development that can be economically and safely serviced.
- Ensure that development occurs in an efficient, environmentally safe, and responsible manner.
- Ensure economic infrastructure, particularly the fish plant, marine facilities, airport, and tourism attractions, is protected from conflicting development;
- Provide additional opportunities for community economic development;
- Protect the natural and cultural resource assets of the community.

### **4.2.2 Land Use Policies**

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

- (1) Council will encourage new development to concentrate in areas that are economical to connect to existing roads and water and sewer mains.
- (2) Council may limit development in areas where it would be less economical to maintain municipal streets and infrastructure and provide services such as lighting and garbage collection.
- (3) Council may refuse to approve development in locations where municipal services are inadequate or where physical capacity on-site water and septic services is limited.

- (4) Council may approve new residences in unserved areas subject to a positive evaluation of the area's capability for on-site wells and septic systems.
- (5) Future development will be restricted close to saltwater shorelines and in areas that are not accessible to a publicly maintained street.

## **2. Compatibility of Uses**

Council will ensure that new developments will not negatively affect existing land uses through hazards or nuisances such as noise, dust, odour, congestion, or unsightly appearance.

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

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed at the time of the registration of this Municipal Plan will be allowed to continue irrespective of its conformity to the Plan or Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

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

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

When reviewing a proposed land development, Council will consider the site's suitability in terms of steepness of grade, soils, geology, proximity to watercourses and wetlands, proximity to tidal water, street access, and environmental sensitivity. When considering approval Council may set conditions to ensure that the development will have minimal negative effects on water resources, saltwater shorelines, and surrounding properties.

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

If, in Council's opinion, a proposed development could result in contamination of drinking water or other undesirable environmental effects, reduce public enjoyment of shorelines and open space, or create problems for nearby properties,

Council may require, at the proponent's expense, an assessment of the proposed development by a certified planner, engineer, hydrologist, or other appropriate professional.

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

When approving a subdivision or other development, Council may require portions of the site to be set aside from development or the clearing of vegetation in order to reduce and control drainage, erosion, sedimentation of watercourses, drinking water contamination, and other environmental impacts. Council's authority to require land to be set aside for environmental purposes derives from Section 13(3) of the *Urban and Rural Planning Act 2000*. Land needed for such purposes will not be included in the calculation of land for public use as set out in Section 37(1) of the *Act*.

**(4) Land for Public Use**

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

**(5) Municipal Services**

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

**(6) Street Access**

Council will not permit any new dwelling or other main building to locate anywhere in its built-up area unless the property in question has direct access to a publicly maintained street.

**(7) Public Input**

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

**(8) Council Decision**

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

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

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

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

**6. Public Streets and Infrastructure**

- (1) Public roads and municipal infrastructure are generally permitted in all areas except the Protected Watershed and Environmental Protection designations, but may be subject to conditions to mitigate environmental impacts.
- (2) Within the Environmental Protection designation, public streets and municipal infrastructure may be permitted if no alternative route is feasible, but will be subject to stringent conditions to mitigate environmental impacts.

**7. Public Access to Watercourses and Coastal Shorelines**

Council will ensure that sufficient and appropriate public access is maintained to coastal shorelines, lakes, ponds, rivers, and streams, provided that such access does not unreasonably impinge on the reasonable use and enjoyment of private land.

**8. Coastal Shoreline Protection**

Council will ensure that coastal shorelines are not significantly altered, or obstructed from public access, by development other than necessary fisheries, marine, and municipal facilities or infrastructure.

**9. Comprehensive Development**

- (1) In order to accommodate a desirable type of unconventional development, or to allow for acceptable development of a site that could not otherwise be developed due to spatial or physical constraints, Council may permit a comprehensive development that does not comply with the lot size, frontage, and minimum yard standards of the zone in which it is located.
- (2) A comprehensive development will not be permitted on a site that Council considers to be unsuitable for development due to insufficient area or other physical, locational, environmental, or accessibility constraints.
- (3) A comprehensive development must be compatible with adjacent land uses.

**10. Heritage and Archaeological Resources**

- (1) Council will encourage the preservation of sites and buildings that have heritage significance.
- (2) Council will cooperate with landowners to identify new or enhanced uses for older buildings and pursue public programs aimed at preserving built-heritage.
- (3) Archaeological sites are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development will stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation will be notified and consulted on how the development should best proceed.

**11. Discretionary Uses**

Council may decide that a land use should be set out as a discretionary use in the Development Regulations, where:

- (a) the suitability of the use within a zone is not clear and may depend on the land use characteristics and circumstances of individual locations,
- (b) Council determines that the use could negatively affect the predominant uses of the zone and, in order to mitigate this impact, decides to consult with the public prior to issuing or refusing a permit, or
- (c) it is necessary to attach special conditions to an approval to ensure that the use is developed in a way that is compatible with nearby and prevailing uses in the zone.

**12. Mineral Exploration**

- (1) Proposed mineral exploration that **will involve** drilling, appreciable ground disturbance, construction of access roads, clearing of vegetation, or use of equipment other than hand tools, may be permitted at Council's discretion subject to terms and conditions to protect drinking water sources, remediate disturbed sites to Council's satisfaction, and prevent adverse impacts on residential areas.

- (2) Subject to other provisions of this Municipal Plan, proposed mineral exploration that **will not involve** drilling, appreciable ground disturbance, construction of access roads, or clearing of vegetation, will be permitted anywhere in the Planning Area, provided that Council is adequately notified.
- (3) Mineral exploration will not be permitted unless all necessary Provincial approvals have been obtained.

**13. Mineral Working**

- (1) Mineral working operations may be permitted in appropriate areas subject to terms and conditions aimed at minimizing impacts on surrounding land uses.
- (2) Mineral working operations will take measures to ensure water resources and other sensitive resources will not be negatively affected.

**14. Utilities and Utility Easements**

Municipal and public utility works such as water and sewer mains, telephone and power transmission lines, communication towers, stormwater drains, and pollution control infrastructure may be permitted in all land use designations subject to conditions set by Council.

**15. Trails**

Council will preserve and protect important trails and walkways to ensure they continue to play an important role in meeting the transportation, recreation, public health, tourism, and sustainability needs of the town.

### **4.3 General Environmental Policies**

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

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

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

Land and natural resources that are environmentally sensitive, including the municipal water supply, other watercourses, wetlands, steep slopes, unstable soils, coastal shorelines, and important habitat will be protected from potentially damaging effects of development.

##### **(2) Consideration of Environmental Impacts**

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

#### **2. Unstable Soils and Drainage**

In areas that, in the opinion of Council, are environmentally sensitive or hazardous use due to unstable soils, geology, or drainage conditions, development may be restricted altogether or subject to special conditions to reduce potential impacts or.

#### **3. Watercourse and Wetland Protection**

(1) Development in the vicinity of watercourses and wetlands will be carried out in a manner that protects natural drainage and minimizes potential for environmental impacts.

- (2) Conservation buffers will be established to protect watercourses from stormwater discharges, erosion, sedimentation, pollution, and other adverse effects.
- (3) In areas of existing development, the establishment of watercourse buffers will strive for a reasonable balance between environmental protection objectives and the utilization of vacant land fronting onto existing streets.
- (3) Where it believes that a proposed development may affect a wetland, at its discretion, Council may:
  - (a) require the development to be set back from the wetland a sufficient distance to minimize environmental impacts,
  - (b) require such other conditions or restrictions as may be necessary to protect the wetland, and/or
  - (c) refuse to approve the development if it believes that impacts cannot be sufficiently minimized or mitigated.

#### **4. Coastal Lands**

- (1) Development abutting coastal shorelines shall be carried out in a manner that minimizes potential for environmental impacts, protects natural coastal features, and preserves existing public access to and along the shore.
- (2) Conservation buffers and other measures will be used to protect beaches, beach banks, salt marshes, rock platforms and other sensitive coastal features from development impacts.

#### **5. Flood Risk Areas**

Development may not be permitted, or may be subject to special conditions, on sites that, in the opinion of Council, are subject to local flooding.

**6. Steep Slopes**

Steep slopes will be subject to development restrictions or other conservation measures designed to minimize environmental impacts and hazards to properties resulting from development.

**7. Storm Drainage**

- (1) Development will not be undertaken in a manner that causes an excessive increase in stormwater runoff, which might be detrimental to adjacent properties, unstable slopes, watercourses, and other sensitive areas.
  
- (2) Development will not be permitted on any site where it would otherwise be permitted when, in the opinion of Council, the development might result in flooding, soil erosion, siltation of nearby streams, or significant runoff onto adjacent properties.
  
- (3) In areas where there is concern that development may contribute to increased stormwater runoff, Council may require a landowner to:
  - (a) Set aside open space areas where stormwater can be discharged to naturally infiltrate into the soil.
  - (b) Maintain vegetated buffers between stormwater ditches and watercourses to minimize direct discharges into watercourses.
  - (c) Channel runoff to low-lying areas on the development site.
  - (d) Take advantage of the topography to reduce storm drainage, for example, retain natural depressions in the landscape to accumulate runoff.
  - (e) Re-establish vegetative cover as rapidly as possible on gravel surfaces, banks, drainage ditches, and other areas disturbed by construction activity.

## **4.4 Infrastructure Policies**

### **1. Water Supply System**

#### **(1) Maintenance**

Council will maintain the water intake, pump house, and distribution system in good working order to ensure the community has an adequate quantity and quality of water consistently available for its needs.

#### **(2) Fire Flows**

Adequate fire flows will be maintained in all areas served by municipal water.

#### **(3) Low Pressure Areas**

Development may be restricted in locations where it would be difficult and costly to achieve sufficient water pressure for fire flows and residential needs.

### **2. Sanitary Sewer System**

#### **(1) Maintenance**

Council will maintain the town's sanitary sewer system in good working order.

#### **(2) Sewer Outfalls**

Saltwater sewer outfalls will be designed and maintained to minimize environmental impacts on the coastal environment.

## 5.0 AREA SPECIFIC POLICIES

The Municipal Plan divides the Planning Area into the following land use designations, which are identified on the attached Future Land Use maps. In this section, land use policies are set out for each of these designations.

Protected Watershed	Commercial Industrial
Environmental Protection	Open Space
Coastal	Airport
Residential	Rural
Mixed Development	

### 5.1 Protected Watershed

#### 1. General Intent

Land is designated Protected Watershed to protect the St. Lewis drinking water supply. The water supply area includes Tub Harbour Pond, Fox Harbour Pond, Hawk Nest Pond, a number of smaller ponds, and the connecting network of streams, along with the surrounding drainage area.

#### 2. Land Uses

- (1) Permitted uses in the Protected Watershed area include conservation uses and utilities expressly related to the management, operation, and protection of the water supply system.
- (2) Forestry and certain open space uses such as walking trails may be permitted at Council's discretion if they are deemed to be compatible with water supply protection. All development will be subject to high standards and conditions to ensure they will not adversely affect the water supply.
- (3) Transportation uses related to the existing airport and runway may be permitted at Council's discretion, subject to conditions to ensure the municipal water supply will not be adversely affected.

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- (4) At its discretion, Council may permit mineral exploration if it deems that there will be no adverse impacts on the municipal water supply. Prior to approving an application for exploration activity, Council:
- (a) will hold a public meeting to provide residents an opportunity to raise questions and have input on the proposed activity. The applicant will be required to attend to provide a description of the proposed activity and answer questions from participants.
  - (b) may, at the applicant's expense, require an independent environmental assessment to be undertaken of potential impacts on the municipal water supply.
  - (c) will require the applicant to cover the costs for Council to hire an environmental monitor to oversee the exploration work.
  - (d) will set conditions that require the applicant to restore disturbed sites to an acceptable natural condition.
  - (e) may require the applicant to enter into a liability agreement for any contamination to the water supply or other environmental damage as a result of the exploration work. This may include the purchase of a surety against potential costs for any necessary remediation.
- (5) No recreational cottages or other forms of built-up development will be permitted in the Protected Watershed zone.

### **3. Department of Environment and Conservation**

No development shall be permitted in the Protected Watershed area without the approval of the Water Resources Branch of the Department of Environment and Conservation.

#### **4. Watershed Monitoring and Enforcement**

- (1) Council will closely monitor land uses and activities in the Protected Watershed designation to ensure they are carried out in a manner that will not harm water quantity and quality.
- (2) Uses or activities that are found to be taking place in a manner deleterious to the water supply will be subject to an immediate stop-work order.

### **5.2 Environmental Protection**

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

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

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

- (1) Conservation uses, including buildings and structures associated with conservation, will be permitted.
- (2) Council may permit open space uses such as walking trails and boardwalks.
- (3) The filling-in of land or water will not be permitted unless it is for flood protection, redirection of floodwaters, and has been approved by the Department of Environment and Conservation.
- (4) Council may permit certain transportation infrastructure, for example road crossings of streams, as long as alternative locations are not possible and Council considers the proposed development to be in the public interest. Before approving such a development, it must be clearly demonstrated to Council that potential

adverse effects on the site or adjacent waterways will be minimal. Council may consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving any such a development.

## **5.3 Coastal**

### **1. General Intent**

In the Coastal designation, highest priority is given to maintaining the integrity of the saltwater shoreline, protecting sensitive coastal features, providing for public access to and along the shoreline, and providing for necessary fisheries and marine facilities and infrastructure.

### **2. Land Use**

- (1) Conservation uses, including buildings and structures associated with conservation, will be permitted. Open space uses such as hiking trails will be permitted subject to conditions set by Council.
- (2) At its discretion, Council may permit developments that are coastal-location essential such as marine and fisheries facilities, docks, and marinas. Council will consult with the Department of Environment and Conservation, Fisheries and Oceans Canada, and other relevant agencies before approving any such development.
- (3) Council may, under the following circumstances, permit a single dwelling to be developed on a lot that existed prior to the adoption of this Municipal Plan:
  - (a) Only if there is no opportunity on the lot to erect the dwelling outside of the Coastal designation,
  - (b) Only if the dwelling will not obstruct public access along the shoreline, and
  - (c) Only if necessary approvals have been obtained from the Department of Environment and Conservation and Fisheries and Oceans Canada.

**3. Filling-In of Land or Water**

The filling-in of land or water will not be permitted unless it is for a public work that has been approved by the Department of Environment and Conservation and Fisheries and Oceans Canada.

**5.4 Residential**

**1. General Intent**

Areas are designated Residential in order to accommodate new housing needs and preserve the amenity of existing residential areas.

**2. Land Uses**

- (1) The predominant use of land in areas designated Residential will be single-detached housing.
- (2) Conservation, open space, crop agriculture, subsidiary apartments, and residential accessory buildings are complementary uses that are permitted in the Residential designation.
- (3) Home occupations are permitted in Residential areas subject to terms and conditions to minimize negative impacts on neighbouring residential properties.
- (4) At Council's discretion, double dwellings, mini homes, multiple-unit dwellings, boarding houses, residential care homes, and bed and breakfast operations may be permitted.
- (5) Other discretionary uses include childcare services, cultural and civic, emergency services, indoor assembly, recreational open space, small-scale livestock agriculture, kennels, and communications uses.

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**3. Council Control of Land Development**

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

**4. Home Occupations**

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

**5. Agricultural Uses**

**(1) Crop Farming**

Crop agriculture, including greenhouses, is permitted in the Residential designation.

**(2) Keeping of Livestock**

A small-scale livestock use may be approved as an accessory use at Council's discretion, subject to limitations on the number of animals and the location of a livestock facility on the lot.

**6. Use of Discretionary Authority**

If Council deems that a proposed development in the Residential designation will adversely affect existing land uses, it may exercise its discretionary authority to refuse the application or to set terms and conditions on the development.

**7. Design and Appearance of Non-Residential Properties**

Council will require a high standard of building design and appearance for commercial, light industrial, and other non-residential developments to ensure they are compatible with surrounding residential properties.

**5.5 Mixed Development**

The Mixed Development designation includes The Bottom area, along Main Road in the vicinity of existing water and sewer services, Fishermen’s Point Road, and Frankie’s Cove Road. This designation recognizes the spatial limitations in these areas for the accommodation of any type of large, land-consuming development.

**1. General Intent**

- (1) Areas are designated Mixed Development to allow for a mix of residential, commercial, light industrial, and institutional uses. Council will carefully manage new development in this designation to maintain and enhance traditional mixed use areas.
- (2) Development will generally be limited to areas that can be economically connected to existing streets including infill along existing roads, extensions to existing streets, and new streets that are readily accessible to existing streets.
- (2) Council will promote and facilitate adaptive reuse and redevelopment of vacant and underused buildings and properties in the Mixed Development designation.

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## 2. Land Uses

- (1) Permitted uses in the Mixed Development designation include single and double dwellings, home occupations, subsidiary apartments, accessory buildings, conservation, open space, and small-scale crop agriculture.
- (2) Multiple-unit dwellings, mini homes, bed and breakfast operations, boarding houses, residential care homes, childcare, medical services, cultural and civic, commercial accommodations, tourist cottage establishments, catering uses, indoor assembly, and general assembly may be permitted at Council's discretion if they are deemed to be suitable for the area and compatible with existing development.

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

Other uses that may be permitted at Council's discretion include shops, offices, indoor and outdoor markets, emergency services, general services, personal services, places of worship, recreational open space, communications, and hobby-scale livestock agriculture.

## 3. Compatibility of Uses

- (1) In evaluating development proposals in Mixed Development areas, Council will pay particular attention to ensuring new development is compatible with existing uses and the general character of the area.
- (2) Where an area within or adjacent to the Mixed Development designation is predominantly residential in character, proposed non-residential uses will not be approved if they are considered incompatible with existing residential uses.

- (3) Council may impose conditions to require a commercial or light industrial use to maintain an attractive appearance and minimize nuisance impacts on existing uses. These may address proper site layout, buffering, screening, parking, and control or restriction of potentially noxious or hazardous activities.
- (4) Council will consult with residential neighbours of a proposed discretionary use development before deciding on approval or non-approval.

#### **4. Use of Discretionary Authority**

If Council deems that a proposed development in this designation would be incompatible with existing land uses or with the general character of the area, it may exercise its discretionary authority to refuse the application or set conditions on the development.

### **5.6 Commercial Industrial**

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

Land is designated Commercial Industrial to facilitate economic development.

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

- (1) The Commercial Industrial designation allows for a range of commercial and industrial uses such as light industry, shops, communications, emergency services, general services, indoor markets, offices, outdoor assembly, outdoor markets, and personal services.

Subsidiary apartments are permitted if they are necessary for the operation of a main use. Conservation and open space use are permitted.

- (2) At Council's discretion, the designation may allow general industrial uses, fisheries and marine facilities, indoor assembly, kennels, tourist cottage uses, recreational open space, service stations, and vehicle sales and services.

Discretionary uses also include mineral working and mineral exploration.

## **5.7 Open Space**

### **1. General Intent**

Land is designated Open Space to preserve natural areas for environmental and aesthetic purposes, as well as for trails and passive recreational uses.

### **2. Land Uses**

- (1) Permitted uses include conservation and open space uses such as trails and other passive recreational uses.
- (2) The Open Space designation may also accommodate recreational open space uses, cultural and civic uses, crop agriculture, and cemeteries.

### **3. Trail System**

- (1) It is the intent of Council to facilitate ongoing development and improvement of St. Lewis's trail system to accommodate a range of recreational activities.
- (2) As much as possible, the trail system will incorporate freshwater and coastal buffer areas, scenic look-off points, and traditional local pathways.
- (3) Council shall encourage local residents and landowners to cooperate with trail developers by facilitating access through and adjacent to private properties.

## **5.8 Airport**

### **1. General Intent**

Land is designated Airport to recognize the existing St. Lewis Airport and facilitate development related to its continued operation.

### **2. Land Uses**

Permitted land uses in the Airport designation include airport related transportations use, conservation, and open space.

## **5.9 Rural**

### **1. General Intent**

Areas are designated Rural to recognize their importance for natural resource utilization, habitat conservation, outdoor recreation, and, in some areas, recreational cabins.

### **2. Land Uses**

- (1) Permitted uses within this designation will include conservation, crop agriculture, forestry, and open space.
- (2) Developments that Council may permit at its discretion include mineral exploration, mineral working, campgrounds, cemeteries, livestock agriculture, general and light industry, recreational open space, and communications uses.
- (3) Council may, under the following circumstances, permit a single dwelling to be developed on a lot that existed prior to the adoption of this Municipal Plan only if there is no opportunity on the lot to erect the dwelling outside of the Rural designation.
- (4) Recreational dwellings may be permitted at Council's discretion, subject to terms and conditions. Council will not be responsible for developing or maintaining roads or trails used for access to recreational dwellings.

### **3. Environmentally Sensitive and Scenic Areas**

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

#### **4. Mineral Working**

- (1) Mineral working operations, if permitted by Council, will be carried out in a manner that protects existing land uses and environmental and scenic resources. Buffering requirements will be required between mineral working sites and nearby residential areas, roadways, watercourses, and recreational developments.
- (2) Proposals for new mineral working operations shall be subject to an assessment of environmental and scenic impacts, and compatibility with nearby residential uses.
- (3) Council will establish standards in the Development Regulations aimed at reducing the potential impacts of mineral working operations on nearby built-up areas and environmentally sensitive areas, and may require measures to:
  - (a) Protect watercourses, wetlands, steep slopes, and other environmentally sensitive areas.
  - (b) Restrict mineral working in public viewsheds and near existing residential areas, roads, and recreational areas.
  - (c) Establish conditions for site management, upkeep, and rehabilitation.

#### **5. Mineral Exploration**

Mineral exploration, if permitted by Council, will be subject to terms and conditions set by Council, as well as to all requirements of the Departments of Natural Resources and Environment and Conservation.

#### **6. Forest Management**

- (1) Forest harvesting and management activities on publicly owned land will be subject to the requirements and supervision of the Department of Natural Resources.
- (2) Wood harvesting activities shall respect the Town's objectives for environmental protection, scenic area preservation, recreation areas, and municipal watershed protection.

## 6.0 IMPLEMENTATION

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

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

### 6.1 Administration of the Plan

The St. Lewis Municipal Plan is is comprised of goals and objectives (Section 3), land use policies (Section 4), and a program of implementation (Section 5). All development applications will be evaluated for their conformity to the policies in the Municipal Plan.

#### 1. Map Interpretation

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

#### 2. Development Applications

- (1) Every person or corporation wishing to develop land for any purpose within the St. Lewis Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications

conform fully to the St. Lewis Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.

- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal statute or regulation may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments.
- (4) Council's final decision on an application will be based on the desire to guide the development of the St. Lewis in the best long-term interest of residents. Council may refuse or approve applications, with or without conditions.
- (5) Provisions regarding the appeal of Council decisions on development applications will be contained in the Development Regulations.

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

- (1) Evaluations of proposed subdivisions of land for development will address:
  - (a) Physical conditions and features of the site, as well as opportunities for and constraints on development.
  - (b) How the proposed subdivision will connect to existing roads, how it will affect existing developments, and whether it will provide for future access to undeveloped lands in the area.
  - (c) Whether the proposed subdivision will be compatible with surrounding land uses both existing and future.
  - (d) Long-term municipal costs of providing services and maintaining infrastructure.
  - (e) How the development may affect important and sensitive environmental resources.

- (2) Before subdivision developments are approved Council may require the developer to enter into a development agreement with the Town. The agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

#### 4. Non-Conforming Uses

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a “non-conforming use” subject to the provisions of Section 108 of the Urban and Rural Planning Act.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of twelve months, or such further period as Council considers fit, it shall not be resumed, and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.
- (3) A non-conforming use under this Municipal Plan:
  - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
  - (b) shall not be structurally modified except as required for the safety of the building, structure or development,
  - (c) shall not be reconstructed or repaired for use in the same non-conforming manner in a case where 50 percent or more of the value of that building, structure or development has been destroyed,

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

## **6.2 Public Participation**

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

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

## **6.3 Development Regulations**

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

## **1. Council Responsibility**

In accordance with Section 35 of the Urban and Rural Planning Act, the Development Regulations have been established to ensure that land is controlled and used only in accordance with the St. Lewis Municipal Plan.

## **2. Content**

The Development Regulations:

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

## **6.4 Development Control**

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

The St. Lewis Municipal Plan is a legal document that is binding upon all persons and organizations, including the Council.

### **2. Council Responsibility**

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

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

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

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

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Appeal Board in accordance with the St. Lewis Development Regulations.

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

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

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

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

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

If Council decides to adopt an amendment to the Municipal Plan, in accordance with Section 25 of the *Urban and Rural Planning Act*, the amendment procedure will be the

same as for the adoption of the Municipal Plan as a whole. This procedure is outlined in Sections 14 to 24 of the Act.

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

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

**6.6 Five-Year Plan Review**

In accordance with Section 28(1) of the Act, Council shall review this Municipal Plan and Development Regulations not more than 5 years after the date on which the Plan and Development Regulations came into force.