

# TOWN OF TORBAY MUNICIPAL PLAN 2015-2025

**Gazetted:** February 10, 2017

**Consolidation Date:** n/a

**Amendments:** To see if there were any amendments to this document since it came into effect, please refer to:

[List of Amendments](#)

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF TORBAY 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 Torbay.

- a) Adopted the Torbay Municipal Plan 2015-2025 on the 11<sup>th</sup> day of October, 2016.
- b) Gave notice of the adoption of the Town of Torbay Municipal Plan 2015-2025 by advertisement inserted on the 15<sup>th</sup> day and the 22<sup>nd</sup> day of October, 2016, in *The Telegram* newspaper.
- c) Set the 3<sup>rd</sup> day of November, 2016, at 7:00 p.m. at the Torbay Kinsmen Centre for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Torbay approved the Town of Torbay Municipal Plan 2015-2025 as adopted (or as amended).

SIGNED AND SEALED this 29<sup>th</sup> day of November, 2016

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

5125-2016-019  
January 27, 2017  
[Signature]

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF TORBAY MUNICIPAL PLAN 2015-2025**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Torbay adopts the Torbay Municipal Plan 2015-2025.

Adopted by the Town Council of Torbay on the 11<sup>th</sup> day of October, 2016.

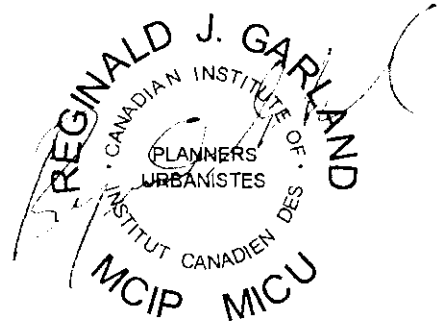
Signed and sealed this 21<sup>st</sup> day of November, 2016.

Mayor: [Signature] (Council Seal)


Clerk: [Signature]

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Torbay Municipal Plan 2015-2025 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



**The Town of Torbay**  
**Municipal Plan 2015-2025**



**Torbay**

PLAN-TECH



ENVIRONMENT

## TABLE OF CONTENTS

	Page
<b>1.0 INTRODUCTION</b>	<b>1</b>
1.1 Municipal Plan Preparation .....	1
1.2 Special Studies and Policy Documents .....	2
1.3 Plan Approval .....	2
1.4 Plan Review and Amendment .....	3
1.5 Plan Administration .....	4
1.6 Torbay Municipal Plan Review .....	4
1.7 St. John's Urban Region Regional Plan .....	9
1.8 Interpretation .....	11
<b>2.0 GOALS AND OBJECTIVES</b> .....	<b>12</b>
2.1 Physical Structure .....	12
2.2 Economic Opportunities .....	13
2.3 Housing .....	14
2.4 Municipal Services .....	15
2.5 Transportation .....	15
2.6 Community and Social Services .....	16
2.7 Environment .....	17
2.8 Municipal Finance .....	18
2.9 Recreation and Tourism .....	18
2.10 Agriculture .....	19
2.11 Heritage Preservation .....	20
<b>3.0 THE LAND USE PLAN</b> .....	<b>21</b>
3.1 General Land Use Policies .....	21
3.1.1 General Policies .....	21
3.1.2 Servicing Policies .....	29
3.1.3 Environmental Policies .....	30
3.2 Specific Policies - Land Use Designations .....	40
3.2.1 Residential .....	40
3.2.2 Town Centre .....	45
3.2.3 Commercial .....	48
3.2.4 Mixed Use .....	50
3.2.5 Industrial .....	52
3.2.5.1 Industrial/Commercial .....	52
3.2.5.2 Industrial/Hazardous .....	53
3.2.5.2 Industrial/Commercial-CDA .....	54

## TABLE OF CONTENTS (cont'd)

	Page
3.2.6 Agricultural Development Area .....	55
3.2.7 Public Use.....	56
3.2.8 Open Space - Recreational.....	57
3.2.9 Conservation .....	58
3.2.10 Watershed.....	59
3.2.11 Transportation .....	61
3.2.12 Rural.....	63
<b>4.0 IMPLEMENTATION .....</b>	<b>65</b>
4.1 Plan Administration .....	65
4.2 Plan Implementation .....	66
4.3 Development Regulations.....	67
4.4 Development Control.....	67
4.5 Public Works and Municipal Services .....	68

## **1.0 INTRODUCTION**

### **1.1 MUNICIPAL PLAN PREPARATION**

The Torbay Municipal Plan is Council's comprehensive policy document for the management of growth within the municipal planning area over the ten-year planning period 2015-2025. The Plan repeals and replaces the Torbay Municipal Plan 2007-2017.

The Torbay Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various land use categories. Its aim is to promote the well-being of the community and efficiently utilize land, water, and other resources. The Torbay Municipal Plan consists of written text and a Future Land Use Map.

## **1.2 SPECIAL STUDIES AND POLICY DOCUMENTS**

The Torbay Municipal Plan Review is guided by numerous major studies undertaken by or on behalf of the Town of Torbay. These studies include the following:

- Open Space Management Strategy
- Recreation Master Plan
- Economic Development Plan
- Beautification Plan
- Heritage Plan
- Tourism Plan
- Engineering Design Guidelines for Subdivision
- Archaeological Study, 1998
- Signage Policy
- ICSP
- Habitat Conservation Plan
- Flood Risk Policy
- Occupancy and Maintenance Regulations
- Backfilling and Excavation Regulations
- Torbay Town Centre Plan
- Architectural Guidelines for the Torbay Town Centre
- Torbay Heritage Regulations.

## **1.3 PLAN APPROVAL**

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation, Council must adopt the draft Plan and allow for further input from the general public through a Public Hearing.



Council shall appoint a qualified Commissioner to conduct a formal hearing to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner will formally report his findings to Council as a result of the public hearing. Council may adopt the report in whole, in part or reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to Land Use Planning, Department of Municipal Affairs for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Newfoundland and Labrador Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Planning Area.

#### **1.4 PLAN REVIEW AND AMENDMENT**

Every five years from the date on which the Municipal Plan first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with, and become part of the Municipal Plan and so must not conflict with any other of its policies. If circumstance do not permit a Plan review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan review is completed and fully approved.

When the Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement Regulations*. These are also

known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

## **1.5 PLAN ADMINISTRATION**

The day-to-day administration of the Municipal Plan and Development Regulations is administered by staff members authorized by Council. Council staff issue all necessary permits approved by Council, make recommendations to Council in accordance with the Municipal Plan, and enforce the regulations. The Department of Municipal Affairs may be consulted on any development matters.

## **1.6 TORBAY MUNICIPAL PLAN REVIEW**

The previous Torbay Municipal Plan was drafted in 2007 and came into effect on August 10, 2007. Prior to 2007 Plan, the Municipal Plan was reviewed and consolidated in 2001. This 2015 Municipal Plan updates all preceding Plans and accommodates various amendments made to the original documents.

### ***Regional Context***

Torbay is located on the east coast of the Avalon Peninsula in the St. John's Urban Region. It is bounded to the north by the Town of Flatrock, to the south by the City of St. John's, to the south east by the Atlantic Ocean and the Town of Logy Bay-Middle Cove-Outer Cove, and to the west by the Town of Portugal Cove-St. Philip's. Torbay's

north western boundary also borders the Towns of Bauline and Pouch Cove. Torbay developed initially around fishing and sustainable farming. In recent years it has increased in size as a residential community for commuters to St. John's but strives to retain its rural character.

### ***Municipal Planning Area***

The municipal planning area of the Town of Torbay covers approximately 36 square kilometres (14 square miles). The Town grew up on the hills around Torbay Bight. Torbay Road has evolved mainly as an area for residential development and limited commercial and industrial land development. Other residential development has spread out in ribbon fashion along Indian Meal Line, Bauline Line, Marine Drive, and other local roads.

Torbay has three watersheds designated for municipal water supply: North Pond, South Pond, and Great Pond. At present, only North Pond is in use. The central area, containing approximately 45% of the dwellings, is serviced with municipal water and sewerage. Studies are presently ongoing to further evaluate the potential of South Pond and Great Pond as a future water supply. Sewage drains into an outfall in Torbay Bight.

### ***Population Characteristics 1996-2011***

The 2011 census population of Torbay is 7397 which represents a 17.8% increase from 2006 population which was 6281. The 2006 census population of Torbay is 6281, which represents a 14.7% increase from 2001 population which was 5474, a slight increase of

4.7% from its 1996 population of 5230 and 11.1% increase from its 1991 population of 4707. This figure reflects a positive growth rate contrary to the provincial population decrease of -1.5% during the 2001-2006 census period. The Province experienced an out migration of population, while the Town has increase in population.

The population of Torbay increased by 523 persons between the years 1991 and 1996. This figure represents an increase in the population of 11.1%. Between 1996 and 2001, the population had further increased by 244 persons, or by 4.7%, and further increased again by 807 persons, or by 14.7% and increased by 1116 persons in 2011 (See Table 1).

**Table 1: Population Change**

Year	Population	Change	% Change
1986	4520		
1991	4707	198	4.2%
1996	5230	523	11.1%
2001	5474	244	4.7%
2006	6281	807	14.7%
2011	7397	1116	17.8%

### ***Housing***

The 2011 census recorded 2,662 dwellings. This has increased from approximately 2,200 dwellings as of 2006. Council has been issuing an average of 80 building permits per year during the past 5 years.

Statistics pertaining to households in Torbay are shown in Table 2.

**Table 2: Households and Occupancy Rates for Specified Years**

Year	No. of Households	Change	% Change
1986	1520		
1991	1560	+40	1.03%
1996	1740	+180	1.13%
2001	1937	+197	8.90%
2011	2662	+725	27.0%

New dwelling construction has proceeded at an average of 50 units per year over the past 10 years, but appears to have increased during the past 5 years. A substantial proportion of new dwelling construction has occurred in all areas of the town.

### ***Economy and Labour Force***

In 1996, the employable workforce of Torbay numbered 1555 people. This figure increased to 3060 in 2001 (2001 census), of which the majority work in St. John's. In Torbay, there is work in service-sector businesses, the commercial fishery, and some commercial farming. The forests are used for domestic woodcutting and recreation. There is potential in the tourism sector such as attracting tourists to hiking trails such as the East Coast Trail.

Table 3 shows the types of occupations in which these people worked.

**TABLE 3: EMPLOYMENT BY INDUSTRY, TORBAY 2006**

Industry	No. of Employees	Percent of Total
Agriculture and other Resource Based Industries	175	5.7%
Manufacturing and Construction	370	12.1%
Wholesale and Retail	510	16.7%
Finance and Real Estate	100	3.2%
Health and Education	540	17.6%
Business Services	700	22.9%
Other Services	665	21.7%
<b>TOTAL</b>	<b>3060</b>	<b>99.9</b>

NOTE: Only 2006 industry statistics are available.

### ***Land Use***

While Torbay was once considered a low-density rural community, it is now undergoing growth and urbanization and density has increased substantially in the past decade. Its convenient location near St. John's makes it a growth centre within the St. John's Urban Region. The predominant housing form is the single-family detached house, mostly located on larger lots.

Lands in the northern part of town are designated for protection as part of the St. John's Urban Region Agricultural Development Area (ADA). The ADA area has been recently reviewed and a Commissioner's Report recommended the removal of several large tracts of land in the north side. Commercial and community-service uses are concentrated along Torbay Road. A large industrial fabrication facility is located along

Torbay Road immediately entering the Town. Several small-scale industrial uses are located at scattered sites throughout the Town.

### ***Planning Issues***

With the growing population, Torbay still has ample land designated for future residential growth. However, development in the outlying areas has been constrained by the cost of extending municipal services. The Town is experiencing growth along Indian Meal Line, Marine Drive and Bauline Line with the development of large residential lots.

It is Council's intent to encourage economic development by providing appropriate policies for home-based businesses. Council has also reserved land near the airport for a future industrial park. The Torbay Bypass Highway has been re-defined with a 60 metre reserve to direct traffic away from Torbay Road. The Torbay bypass has now been completed, but along with the inclusion of a new two lane highway leading to St. John's, traffic is still congested particularly during peak rush hours.

## **1.7 ST. JOHN'S URBAN REGION REGIONAL PLAN**

The St. John's Urban Region (SJURRP) Regional Plan designates Torbay as a local centre where municipal water and sewerage services must be provided. The SJUR Regional Plan seeks to confine the major population growth to the urban core - the City of St. John's and its immediate environs - in order to make the best use of existing roads, water and sewerage, and other services.

The SJUR Regional Plan establishes the following policies which are applicable to Torbay:

- The local centres shall develop to the fullest extent possible within the areas shown on the Regional Plan Map, with the following constraints:
  - existing and future municipal services;
  - financing for capital works;
  - the need to protect regional resources, including agricultural and forest lands, watersheds and scenic resources;
  - the need to limit capital expenditures on the regional road network to handle commuting and other traffic;
  - the amount of infilling possible within developed areas;
  - the capacity of existing local roads; and
  - capacity of school facilities.
- Within the local centres, residential uses shall generally be low density, mostly single-family dwellings.
- Commercial uses shall be of a local nature but may include retail and highway commercial functions. Industrial activities shall generally be of a local nature such as the fishing industry. Other small-scale industries may be appropriate.
- The local centres shall encourage the infilling and consolidation of partly developed areas once the existing developments are serviced and shall improve the local road system to provide better circulation of traffic.
- The Municipal Plan of a local centre shall recognize and define, where applicable, a core area for higher density development and development in depth.
- Two levels of service may be provided in the local centres: full municipal services, including water and sewerage, in the higher density core; and a lower



standard of services in the lower density area outside the core. The Regional Plan Map indicates the wider limit as the 'local centre' boundary.

- The Municipal Plan should prevent development that will require disproportionately costly public services and should preserve land that should not be developed due to its physical characteristics.
- The Municipal Plan should prevent further ribbon development along the main roads and highways.

## **1.8 INTERPRETATION**

The following sections and the Future Land Use Map constitutes the legally effective parts of the Torbay Municipal Plan. In this Municipal Plan:

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

The boundaries between the different land uses designated 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.

Nothing in the Plan shall affect the continuance of land uses which are lawfully established on the date that this Plan comes into effect.

## **2.0 GOALS AND OBJECTIVES**

It is the intention of the Municipal Plan to establish a number of goals and objectives. A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Torbay Planning Area, the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten year planning period.

### **2.1 PHYSICAL STRUCTURE**

#### **Goals:**

- To encourage future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal services.
- To control future growth of the town in such a manner as to develop a balanced and attractive community.
- To preserve the rural character of the Town, allowing residents to maintain their small-scale traditional agricultural uses without hindering other development or creating problems to neighbouring residents.
- To identify hazardous areas prone to landslide and coastal erosion.

**Objectives:**

- To encourage infilling in areas served by municipal water and sewer pipes.
- To allocate land for future development on the basis of its best use considering its physical characteristics and location.
- To ensure that natural areas such as drainage courses, shorelines, and steep slopes are protected from development to preserve environmental resources and the rural character of the Town.
- To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism.
- To prohibit development in areas along the coastline of Torbay Bight which may be prone to coastal erosion.

**2.2 ECONOMIC OPPORTUNITIES****Goal:**

- To encourage the continued operation of existing businesses through appropriate land use policies.
- To encourage the development of additional employment opportunities to serve the present and future population.

**Objectives:**

- To allocate land so that new businesses will be attracted to Torbay.
- To support the development of facilities and attractions in promoting the tourism industry within Torbay, particularly the East Coast Trail and scenic lookouts.
- To encourage home-based businesses.

## 2.3 HOUSING

### Goals:

- To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- To provide good quality residential site design and a high standard of municipal services.

### Objectives:

- To provide an adequate amount of serviced land to accommodate residential development within the municipality.
- To encourage improvement of sub-standard dwellings.
- To provide for a mixture of housing types within the municipality.
- To encourage the development of residential infilling lots within built up neighbourhoods.
- To prevent residential development within areas of excessive aircraft noise, as determined by Transport Canada's Noise Exposure Forecast (NEF).

## **2.4 MUNICIPAL SERVICES**

### **Goal:**

- To provide, where possible, a full range of municipal services to Torbay in the most economical fashion.

### **Objectives:**

- To ensure that on site services meet the standards of the Department of Environment and Conservation and Service NL.
- To permit new subdivision development in areas which are or can easily be connected to municipal services.
- To provide fire protection to all residents.

## **2.5 TRANSPORTATION**

### **Goal:**

- Ensure that the local transportation system adequately and safely provides access throughout the Planning Area.

**OBJECTIVES:**

- To undertake continued improvements to the municipal roads through a regular maintenance program.
- To aim for a proper road system by connecting streets which require a second access, such as existing cul de sacs which exceed the maximum length requirement.
- To ensure that development in Torbay does not interfere with the safety and operations of St. John's Airport.
- To reserve land for future access to backlands.

**2.6 COMMUNITY AND SOCIAL SERVICES****Goal:**

- To provide a full range of community and social services to Torbay.

**Objectives:**

- To ensure that land is reserved throughout the town for recreational open space.
- To ensure public access to the major natural features of the planning area such as the ponds, streams, and ocean shoreline.
- To encourage the multi-functional use of existing community buildings (schools, churches, etc.).

## 2.7 Environment

### Goals:

- To provide a pleasant and safe living and working environment in Torbay.
- To provide for the health, safety and welfare of the general public.
- To protect and enhance the natural environment for its aesthetic, recreational, and resource values as reflected in the Habitat Management Plan.

### Objectives:

- To provide municipal services at environmentally acceptable standards.
- To promote a regular community “clean-up” program.
- To discourage development in areas with slopes greater than 15 percent, recognizing that development in such areas can result in environmental damage and higher costs for servicing and maintenance.
- To prevent development within the municipal watersheds.
- To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development.
- To protect natural resources from degradation including water, air, soils, agricultural land, forests and scenic areas.
- To govern activities that threaten wetlands within the Stewardship Zone to ensure that negative impacts to the wetlands are minimized.

## **2.8 MUNICIPAL FINANCE**

### **Goal:**

- To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

### **Objectives:**

- To manage municipal expenditures with restraint, aiming for maximum return on investment.
- To manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
- To encourage a more diversified economic base to generate more revenues through business taxes.

## **2.9 RECREATION AND TOURISM**

### **Goal:**

- To provide recreation facilities and develop new facilities to accommodate recreational and social needs for all age groups in the Town.



**Objectives:**

- Encourage public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.
- Encourage public participation in the planning and development of the Town's new ice arena, soccer and sports fields.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town.
- Promote the Town as a tourist attraction and encourage travelers to visit Torbay.

**2.10 AGRICULTURE**

**Goal:**

- Encourage the agricultural use of lands designated as agriculture and protect agricultural lands from non-compatible development.

**Objectives:**

- Ensure that new development does not encroach on existing agriculture operations, limiting them in their operation.
- Protect existing agriculture uses from other non-compatible uses.

## **2.11 HERITAGE PRESERVATION**

### **Goal:**

- Encourage the protection and preservation of lands and buildings identified as heritage.

### **Objectives:**

- Identify and document, through the Heritage Committee, heritage buildings, structures, properties and sites which exist in the town.
- Institute and adopt Heritage Regulations to formally designate, conserve and protect identified heritage buildings, structures, properties and sites which exist in the town.
- Promote the heritage of Torbay through the recognition and retention of buildings/areas within the Town that have a known historical or cultural significance.

### **3.0 THE LAND USE PLAN**

The following policies with accompanying Future Land Use Map, constitutes the land use component of the Torbay Municipal Plan, 2015-2025. Included are all policies which are seen as necessary by Council to ensure that the physical development of Torbay is undertaken in an efficient and economic manner during the ten-year (2015-2025) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.

#### **3.1 GENERAL LAND USE POLICIES**

The following policies can be categorized as general in scope in that they can be applied to more than one land use and to different sections of the Town of Torbay. They are therefore presented as a separate section of this Land Use Plan.

##### **3.1.1 GENERAL POLICIES**

###### **1) Subdivision Policies:**

Land which borders developed residential areas may be suitable for large-scale residential development in the future. All proposed subdivision developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Torbay Development Regulations and will include:

- An investigation of physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- an outline of how the proposed subdivision will integrate with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;
- ensure compatibility between the subdivision and surrounding land uses, both existing and future; and
- review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.

## **2) Subdivision Development Agreement**

As a condition of approval, Council shall require the developer to sign a subdivision development agreement with the municipality.

## **3) Conveyance to Council of Private Roads**

New subdivision streets shall be constructed and upgraded to the Town's road standards before Council shall assume ownership and responsibility for future maintenance. All new streets shall have a legal land survey and a Deed of Conveyance, approved by the Town's solicitor, before Council assumes ownership.

## **4) Access and Public Street**

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

**5) Easements and Emergency Access**

Where land is required for utility easements or emergency access, the land may be obtained for the appropriate agency (such as Newfoundland Power) in the course of approving subdivision or other development applications.

**6) Building Setback**

Building setbacks from roads shall be provided in accordance with the Torbay Development Regulations to preserve the right-of-way widths specified in this Plan. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

**7) Traditional Agriculture (Hobby Farming)**

Torbay has a history of traditional agriculture use such as hobby farming and small scale root cropping for personal use. Nothing in this Municipal Plan shall prohibit the continuation of this established use. Unless indicated, land uses such as the keeping of livestock (farm animals) may be permitted in residential land use zones as defined in the Torbay Development Regulations. Existing livestock uses associated with hobby farming shall be allowed to continue.

**8) Soil and Drainage**

Development shall only be permitted on lands having soil and drainage conditions which are suitable for the proposed uses.

**9) Open Space/Recreation**

Not more than 10% of the gross area of land developed for subdivision purposes shall be dedicated to the Town as public open space. This land would be suitable for walking trails, tot lots, green belts etc. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated. The market value shall be determined by either the Municipal Assessment Agency or by a Current Market Value Appraisal of the raw land (whichever is greater).

Council shall ensure the preservation of scenic viewpoints and ensure long-term stewardship. Public access to natural areas and open spaces shall be maintained.

It is the intent of this Plan to designate open space areas within the Town such as the East Coast Trail, for active, outdoor community recreation and passive, outdoor recreational needs. Council shall maintain and wherever, improve the integrity of natural recreational systems such as walking and hiking trails.

**10) Trail Development and the East Coast Trail**

Proposals for trail development along streams in close proximity to residential areas may be permitted subject to submission of a detailed plan which includes a statement of public support for the development.

The East Coast Trail Association has developed a natural walking/hiking trail within the Town of Torbay along the coastline of Atlantic Ocean as part of a coastal trail system and its route is delineated on the Land Use Zone Map.

Council shall ensure that:

- a buffer be maintained along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail;
- landowners/developers take into consideration the effects of development on the preservation of the East Coast Trail and the scenic beauty of the landscape along the coastline;
- natural topography and vegetation will be maintained where possible;
- a buffer free of development will be maintained between the East Coast Trail and shoreline recreational uses or wharves; and
- Council shall support further work on the East Coast Trail as a hiking/walking trail with minimal disturbance to the surrounding land.

#### **11) Access and Public Street**

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

#### **12) Archaeological Sites and Artifacts**

There is only one archaeological site recorded with the provincial archaeological office. The site is a European site located in this area. No development shall be permitted in this area subject to approval of the Provincial Archaeology Office, Department of Tourism, Culture and Recreation.

### **13) Noise Exposure Forecast**

In accordance with the Airport Environs Policy of the St. John's Urban Region Regional Plan, development shall take account of Transport Canada's Noise Exposure Forecast (NEF). As a result, measures shall be taken to ensure that incompatible development not be permitted in potentially high noise areas and whenever possible, proper acoustical measures shall be included in buildings to reduce noise from Airport activities.

The most current Noise Exposure Forecast zones for the St. John's Airport, as provided by Transport Canada, are identified on the Future Land Use Plan Map. The following policies apply to lands identified within each zone.

#### **Policies**

- That noise sensitive uses such as residential, daycare, senior homes, etc) shall be prohibited in existing and future high noise impact areas.
- New residential development in noise impact areas between the 30 NEF contour and the 35 NEF contour shall include sufficient sound insulation as recommended by the Canada Mortgage and Housing Corporation.
- That structures and landscaping on land in high noise areas be designed to act as noise barriers or absorbers.
- That the change of use from noise-sensitive uses to noise-tolerant uses (office, light industrial, etc.) be encouraged in high noise impact areas.
- That noise levels, noise level forecasts and airport development be monitored and the land use policies of this plan be reviewed on the basis of forecasts variations.



#### **14) Development Near Livestock Structures**

Two existing livestock buildings, Connors Dairy Farm and Ryan's Farm, are surrounded by a 330 metre buffer. New development shall only be permitted within the buffer in accordance with the conditions specified in the Torbay Development Regulations; the Soil and Land Resource Stewardship Division, Department of Natural Resources, and by the Service NL.

#### **15) Mineral Exploration**

The Torbay Planning Area has the potential for mineral deposits. Regulated mineral exploration shall be permitted in the planning area as set out in the policies of this Plan and conditions of the Torbay Development Regulations. Aggregate mining and extraction shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Natural Resources and approval of the Town of Torbay.

#### **16) Forestry/Wildlife Uses**

Forestry uses such as domestic cutting may be permitted and shall require a permit from the Regional Ecosystem Management Division, Department of Natural Resources. Three areas are designated for domestic wood cutting and are located in the general area of Patrick's Path, Bauline Line and Western Island Pond. Domestic cutting areas are identified on the Land Use Zone Map.

Hunting and trapping are recognized uses in forested areas. The Forestry/Wildlife Regional Office at Paddy's Pond regulates such activity and

should be consulted for appropriate hunting permits. It is unlawful to discharge a firearm within 1,000 metres of a school, playground or athletic field or within 300 metres of a dwelling.

#### **17) Coastal Reservation**

Steep cliffs and a rugged coastline exist along shoreline of Torbay Bight. There is potential for numerous rockfalls and landslides in these areas. The Town shall prohibit development so that it does not encroach to close to the steep coastlines or rock cliffs. To ensure that development is setback sufficiently to protect both the developer/user of the land and the environment, no building development shall be permitted within 30 metres from the top of the steep coastlines along the shorelines of the Town.

#### **18) Heritage Preservation**

Torbay has undertaken initiatives to review a number of heritage buildings throughout the Town. There is currently one such building (Codner House) designated as a heritage building. This building and several cemetery sites have qualified for status by the Heritage Foundation of Newfoundland and Labrador.

As property values continue to rise, there is growing pressure to redevelop older properties with new, modern buildings. It will be important to consider the value of the community's heritage resources and priorities for protection.

Council shall encourage the preservation of older buildings. This may include working with the owners in identifying new or enhanced uses for older buildings

and making owners more aware of public programs aimed at the preservation of built heritage.

In reviewing new development proposals, priority will be given to ensuring that new buildings do not obstruct or detract from the older heritage structures and generally conform to the character and scale of the Heritage Community.

### **3.1.2 SERVICING POLICIES**

#### **1) Municipal Services**

Within and near serviced areas, new development shall only be permitted in areas which can be provided with full municipal water and sewage services. In areas where water and/or sewage must be pumped, Council will evaluate the cost of installing and maintaining pumping stations before permitting development to proceed.

#### **2) No Municipal Services**

##### **A. Ground Water Assessment**

New subdivisions shall require a groundwater assessment be undertaken to determine the acceptable quality and quantity of drinking water. The *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced, by Individual Private Wells*, provide administrative and technical guidance to developers. The Water Resources Management Division,

Department of Environment and Conservation, should be contacted prior to new residential subdivision development.

#### **B. On-Site Sewerage Disposal**

On-site sewerage disposal system shall be in compliance with the requirements of the Service NL. Sub-service sewerage disposal systems shall be no closer than 30 metres from a waterbody or watercourse.

### **3.1.3 ENVIRONMENTAL POLICIES**

#### **1) Preservation of Trees**

Mature trees shall be preserved and replaced where necessary. Such trees shall be removed only if they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy, or if they will unduly inhibit construction.

#### **2) Protection of Watercourses, Wetlands Fish and Waterfowl Habitat**

Rivers, streams, ponds, and shorelines shall be protected from pollution. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within a minimum of 15 metres of a watercourse without approval from the Department of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans Canada.

### **3) Waste Disposal**

Protective measures shall be taken to prevent or minimize pollution when disposing of sewage and solid waste.

### **4) Alterations to the Natural Environment**

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property or watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

### **5) Environmentally Sensitive Areas**

Development shall be prohibited in environmentally sensitive areas such as steep slopes and bogs. Development shall also be prohibited in areas prone to landslides and rockfall. Development shall be prohibited in conservation areas within 30 metres of the rock cliff along the sea wall. These areas are known for coastal erosion. The Future Land Use Map identifies Conservation areas. The Conservation policies apply to environmentally sensitive areas in other land use designations.

## **6) Mining and Quarrying**

The adverse effects of mining and quarrying such as dust, noise, and visual impact shall be minimized through adequate separation from adjacent land uses. Derelict lands are to be rehabilitated by the operator prior to abandonment.

## **7) Upkeep of Properties**

Council shall promote the upkeep of residential properties, businesses, and institutions; encourage the repair or removal of dilapidated buildings and structures; and prohibit indiscriminate dumping. Council shall encourage businesses and contractors to store their materials and heavy equipment at the rear of their property or screen it from view.

## **8) Habitat Management Plan**

The Town of Torbay signed a Municipal Wetland Stewardship Agreement in 1997 and is now an important link in wetland conservation. Through this agreement, the town agrees to manage wetlands within its jurisdiction with technical advice from the partners of the Eastern Habitat Joint Venture.

The Habitat Management Plan aims to:

- restore, enhance and/or protect the important wetlands in Torbay;
- promote a greater appreciation of wetlands and wetland values; and
- have wetland values included in the municipal plan.

The Management Plan benefits are the maintenance of healthy wetlands and populations of waterfowl, other species and water quality. The Plan presents

opportunities for canoeing, hiking, photography, bird watching, and an opportunity to learn more about nature, especially wetlands and waterfowl conservation.

#### **9) Stewardship Zone**

The Stewardship Zone was originally created to highlight that there are additional areas within the town boundary, generally less developed, that do contain wildlife habitat. The Town's Stewardship Zone, makes up over half of the municipal boundary and contains most of the major wetlands and waterfowl habitat within the Town. Within this Stewardship Zone are some significant wildlife habitats, which have been, or are hereby, designated as Management Units. The southern portion of the Stewardship Zone was extended south and east to encapsulate significant wetland and upland habitat adjacent to Torbay Road.

Applications for development located within the Stewardship Zone and within wetland areas shall be reviewed by Council to ensure that sensitive waterfowl habitats are preserved and protected. Council shall refer development proposals within sensitive wetland habitat to Wildlife Division, Department of Environment and Conservation, for review and comment. Council may use mitigating measures to reduce any habitat degradation that may result from development within the Zone.

The Gully portion of the Stewardship Zone is a small wetland situated within the developed area of Torbay. It is used by waterfowl for feeding and brood rearing and Osprey have been observed taking fish here. It's proximity to local schools and residences make it an ideal candidate for a wetlands interpretation site.

## **10) Management Units**

Management Units are areas of significance to waterfowl, generally providing prime habitat for nesting and brood rearing. These areas are often also important recreational areas to Town residents, as well as visitors to the area. Together these areas support a diversity of avian species, including waterfowl, songbirds, and other wildlife. Under its original agreement Torbay sought to conserve two areas as Management Units; Western Island Pond Management Unit and the Gosse's Pond (also known as Goose Pond) Management Unit. These two areas encompass approximately 230 acres (93 hectares) of valuable wetland and upland habitat for both waterfowl and other wildlife species. In 2015, the Government of Newfoundland and Labrador and the Town of Torbay decided to expand the scope of the 2010 Habitat Conservation Plan to incorporate four new Management Units: Upper Three Corner Pond, Jones Pond Riparian Zone, The Gully, and the Shoreline Conservation Area.

### **Western Island Pond Management Unit**

The Western Island Pond Management Unit is located southwest of Torbay between Indian Meal Line and the St. John's International Airport. The unit includes the pond and its surrounding variable width treed buffer. The treed buffer at the northern end is 30 meters in width, the buffer on the northeast side is 75 meters in width and the remainder of the pond is buffered by a 150-meter-wide treed area.

### **Gosse's Pond Management Unit**

The Gosse's Pond (also known as Goose Pond) Management Unit has a 50-meter buffer on either side of the main water artery and is located north of Bauline



Line and west of Camp Carey Road. The Management Unit is approximately 2.5 kilometers in length and roughly 200 meters in width.

#### **Upper Three Corner Pond Management Unit**

The Upper Three Corner Pond Management Unit consists of the pond and the wetland and upland habitat to the southeast and includes a 50-meter buffer around Upper Three Corner Pond, as well as a 30-meter buffer on the wetland system adjacent to the pond.

**Jones Pond Management Unit** Jones Pond is located west of Middle Cove between Middle Cove Road and Jones Pond Park in Torbay. The Management Unit includes a 30-meter riparian buffer on the northwest side of the pond.

#### **Gully Management Unit**

The Gully is located in the middle of the Town of Torbay adjacent to the Holy Trinity Elementary school and High school and is bounded on the west by Torbay Road (Route 20) and by Lynch's Lane at its eastern end. The Management Unit was delineated from the towns Land Use Zoning Map under the Conservation designation that applies to the open undeveloped lands in Torbay.

#### **Shoreline Conservation Area Management Unit**

The Town of Torbay has a unique shoreline with steep coastlines and rock cliffs and is an important part of the scenic beauty and character of the area.

### **11) Review Process**

Stewardship Zone Development Proposal Process:

- Where a development is proposed within the Stewardship Zone, and the

Town is unsure of the impacts to the conservation of the area, the Town shall refer the proposal to the Wildlife Division for a 30 day review. The Wildlife Division shall provide advice to the Town on the possible impacts of the proposal and mitigative measures that can be implemented. The Town's decision shall be consistent with the spirit of the Stewardship Agreement.

- Where a proposed Municipal Plan amendment, regulation or bylaw may affect land within the Management Units, that proposal shall be referred to the Wildlife Division for a 30 day review to ensure that it is consistent with the purpose of the Management Plan. Any proposed amendment to this Municipal Plan that may have an impact on a Management Unit must be approved by both partners.
- Proposed development within the Management Unit that may potentially threaten or negatively impact the habitat of the Unit, shall require the approval of the Wildlife Division.

## **12) Stormwater Management**

Managing stormwater runoff is becoming increasingly challenging through the incidence of more intense storms and further urban development resulting in increased water runoff Town's storm drainage system. Council shall require land to be developed on the basis of zero net runoff unless otherwise approved by Council. Council shall encourage alternative zero net methods of storm water management such as retention ponds and other techniques that decrease water run-off.

- Where possible, the Town will encourage and support development designs and infrastructure that incorporate stormwater best management practices. The Town may require land to be developed on the basis of zero net runoff.
- Development shall be designed so that run-off from the development does not negatively impact adjoining properties.
- Proposals for development, including the clearing of land, shall include plans to manage stormwater runoff to prevent sedimentation and excessive flooding.

### **13) Designated Flood Plains, Waterbodies and Wetlands**

Areas have been designated as a floodway (1:20 year flood zone), and is located in an area subject to the most frequent flooding. A "designated floodway fringe" (1:100 year flood zone) constitutes the remainder of the flood risk area. This area generally receives less damage from flooding. These designations are established to identify flood risk areas to reduce the risk of future damages as result of flooding. The following policies shall apply to the Flood Plain.

#### **A) Designated Floodway**

- Development in the designated floodway shall be limited to non-building uses that will not be damaged by flooding. Projected maximum 1:20 year flood levels, ice action and current action shall be taken into account when determining the suitability of a proposed development on a particular site.

- The development of public works and public uses may be permitted provided the development takes the flood risk into account. Minor buildings which are necessary for the operation of public works may be permitted at Council's discretion.
- The infilling of land and water for the purposes of development, flood protection, water redirection or to redirect or reduce flood waters shall be prohibited.
- Applications for new development shall be referred to the Water Resources Management Division, Department of Environment and Conservation, for comment prior to Council's decision.

**B) Designated Floodway Fringe**

- Development in the floodway fringe shall meet flood proofing standards, intended to reduce damage to building type development and to minimize the building occupants and public resulting from the predicted infrequent flooding.
- The development of public works and public uses may be permitted provided the development takes account of the flood risk.
- The filling of land and water for the purposes of development, flood protection, water redirection or to redirect or reduce flood waters as a public work, shall not be permitted except with the approval of the Water Resources Management Division, Department of Environment and Conservation and Council.

- Applications for development shall be referred to the Water Resources Management Division, Department of Environment and Conservation for comment prior to Council approval.

### **C) Waterbodies and Wetlands**

The natural and recreational value of rivers, streams, ponds and shoreline beaches is important to the amenity of the Town, as well as their importance as habitat for fish and wildlife. The protection of these resources become important as the Town continues to grow.

- Council shall protect the water quality of local streams, rivers and significant wetlands by ensuring that all necessary Federal and Provincial approvals are enforced. In the case of defined flood risk areas, the high water mark shall be considered to be the 1:100 year flood level as defined on the Future Land Use Map.
- Developments that require water crossings, bridges, culverts, stream diversions and stormwater management devices, shall be planned, designed and constructed so as to ensure that fish habitat preserved and protected.
- Changes or alterations of wetlands shall be prohibited.
- Council shall monitor wetlands to prevent backfilling and ensure wetland preservation.

## **3.2 SPECIFIC POLICIES - LAND USE DESIGNATIONS**

The land within the Torbay municipal planning area shall be managed according to the designations shown on the Future Land Use Map and the policies of this Municipal Plan.

The Future Land Use Map divides the Planning Area into the following designations:

- Residential
- Town Centre
- Commercial
- Mixed Use
- Industrial
- Agricultural Development Area
- Public Use
- Open Space - Recreational
- Conservation
- Watershed
- Rural
- Transportation

### **3.2.1 Residential**

The purpose of the Residential designation, which is the major land use in Torbay, is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use throughout the Planning Area. The Residential designation covers most of the built-up portion of Torbay. The demand for development will be primarily

for residential use. There are minor small tracts of land remaining for serviced residential infilling use in the developed area of Town. The Town has initiated a study to determine the actual amount of land capable of residential development. Small-scale agricultural uses are traditional in the Residential areas of the Town and policies are included for such uses.

**Residential Policies:**

- Single dwellings shall be permitted within areas designated Residential and as further set out in the Torbay Development Regulations.
- Double dwellings, row dwellings, apartment buildings and other residential uses shall only be permitted at Council's discretion and such uses shall be defined in the Torbay Development Regulations.
- Convenience stores and other local commercial uses which serve neighbourhood needs may be permitted within Residential areas provided that the Commercial use is limited in size and clearly subsidiary to the Residential use (contained within the residence or within an accessory building).
- Office, medical and professional service, personal service, and light industry uses and similar home based businesses may be carried out within a residential dwelling at the discretion of Council, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, provided the use is small scale and subsidiary to the main residential use and shall not disturb the amenity of surrounding residential area, or cause an increase in traffic, noise, dust or fumes.

- Council shall encourage business uses such as: bed and breakfast, retail speciality shops producing and selling hand crafted goods, child care, personal services, professional services and home office uses.
- Residential development shall only be permitted in areas which have direct access to a public street.
- The minimum lot size and frontage for residential uses shall be specified in the Torbay Development Regulations.

**Residential Subdivision Areas:**

Residential Subdivision Areas are tracts of undeveloped land which borders developed residential areas. They may be suitable for large-scale residential development in the future.

**Policy Statements:**

- **Residential Subdivision Uses**

Backlands designated as Residential shall be developed for residential uses. It is the intention of Council to have these backlands developed in a comprehensive manner, in line with the subdivision policies in section 3.1, to ensure that the land is used wisely and an efficient, safe road network is developed in the area. No development shall take place in these areas until the land has been appropriately zoned in the Torbay Development Regulations.



- **Serviced and Unserviced Residential Development**

In areas near municipal services, Council shall require the installation of municipal water and sewer for new development. In areas which are sufficiently remote from existing municipal services, Council may consider unserviced development.

- **Subdivision Design**

In areas which require full municipal services, the developer shall submit a subdivision design for the proposed area, showing road layout, proposed lots, open space, and servicing plan. The developer shall identify how the proposed development will connect to adjacent development.

- **Access Points and Road Links**

The Future Land Use map indicates a proposed or suggested future access points and future road links into Residential areas. The access points and road links shall be reserved until a subdivision design is approved by Council.

#### **Agricultural Policies in Residential Areas:**

Traditional small-scale hobby agricultural uses such as vegetable gardens or a small barn with a small number of animals may be permitted in Residential areas. New livestock buildings (barns) may be permitted in a Residential area at the discretion of Council. Within the 330m livestock buffer, new development shall be referred to the Land Resource Stewardship Division, Department of Natural Resources, and by the Department of Environment and Conservation.

The minimum lot size shall depend on topography, tree cover, soils, drainage, and other factors as defined in the Town's Development Regulations. The lot size required for

each development proposal shall be determined in consultation with the Land Resource Stewardship Division, Department of Natural Resources, and by the Department of Environment and Conservation.

Council shall ensure that agricultural uses are not enlarged beyond the intent of this Plan, but remain strictly for hobby and subsistence purposes. Upgrading to commercial agricultural operations in a Residential area shall not be permitted.

Existing commercial farms in a Residential area shall be considered as legal non-conforming uses.

#### **Watershed Policies in Residential Areas:**

A portion of the North Pond Watershed is encroaching into the residential area of Bullocks Town Road, McFayden Street and McGory Place as outlined on the Future Land Use Map. New residential development in the area shall be referred to the Water Resources Division, Department of Environment and Conservation.

A residential designation also applies to the mobile home park in North Pond Heights. It allows the replacement of the mobile homes with single-family detached houses. Land not used for mobile homes or from which mobile homes have been removed may be used for conventional housing as outlined in the Torbay Development Regulations

### 3.2.2 Town Centre

The boundaries for the Town Centre include from both sides of Torbay Road from Marine Drive to Indian Meal Line and including land east of the Town Hall to Spray Lane. This area is currently developed with a mix of commercial, residential, cultural and civic, public buildings and services uses. There is minimal vacant land within the Town Centre designated area that can accommodate future developments along the lines of the current mix of uses. It is expected that most new proposals will be for the re-development of existing properties.

#### Policies

- The Town Centre designated lands shall be located within the area generally located on both sides of Torbay Road from Marine Drive to Indian Meal Line and including land east of the Town Hall to Spray Lane. The area also provides key location for cultural and civic, public buildings and limited commercial development while still being interspersed with a mix of existing service uses.
- It is the intent of Council that the Town Centre be developed as a central, consolidated, commercial core. The permitted land use shall be theatre, cultural and civic, general assembly, club and lodge, child care, office, medical and professional, personal service, general service, taxi stand, shop, convenience store, place of worship, recreational open space and conservation. Other uses that may be permitted include single family dwelling, funeral home, apartment building, catering (lounge), hotels and motels, indoor and outdoor markets, recreational open space, light industry, indoor assembly, communications, service station and antenna.

- It is the intent of this Plan to develop the remaining land within the Town Centre in a planned, comprehensive manner, with the result being a high quality commercial centre capable of attracting retail facilities. The development shall be in a manner that preserves the residential, environmental and social integrity of surrounding areas. Before development is approved, a site plan shall be submitted for the consideration of Council. Site plans will provide dimensional layouts indicating location, scale, and design of proposed facilities and landscaping. In assessing proposals Council will be primarily concerned with aesthetic factors, conformity with the desired character for the area, and compatibility with other land uses in the designation.
- Re-development of existing residential uses shall be at Council's discretion. New residential development shall be prohibited.
- Council shall encourage the design and building of retail enterprises with a high standard for physical appearances. Council shall encourage the development of a facade that provides a pleasant appearance to the traveling public.
- All development shall be required to have landscaped properties. Council may require a Landscape Plan prior to approval of any development. Council may require that landscaping of properties be completed before issuing an occupancy permit. To enhance the appearance of retail business and other developments, Council shall encourage the development of green spaces or planting of shrubs, bushes and flowers along the frontage of properties to enhance their appearance and increase the amount of green space development.

- One of the most distracting features in urban areas, in particular town centres is the overwhelming presence of signage associated with retail and business uses within central retail areas and business districts. Torbay Road is a provincial highway and the location of signs may require the approval of the Department of Transportation and Works. Council shall encourage the best possible siting of signs within the areas to ensure that visual aesthetics are maintained. All signage shall comply with the Town's Development Regulations. Council shall limit the use of portable signs and other signs that are low lying and impede visual view planes of drivers and pedestrians traveling Torbay Road. Council shall encourage designs that are more appropriate for the area and proper siting of signs.
- Council shall encourage the grouping of public uses within the Town Centre. The ability to arrange these uses within reasonable walking distance from each other and the development of above standard walkways shall increase pedestrian use within this area and make the area a place where residents have a feeling of connectivity with all the uses within the Town Centre.
- Council shall establish adequate buffers between commercial developments and any other non-compatible uses. These buffers may be a separation of open space, planting screens, privacy fences, or any other means to reduce the negative impacts between non-compatible uses. The siting of the new development may also be controlled by Council to ensure that activities on the property do not cause negative impacts such a noise, odours, fumes, light, and other visual effects.
- Commercial uses that are incompatible with the surrounding developments through excessive emissions of noise, smell, chemicals or other pollutants, shall

not be permitted. Development of a commercial nature that has associated emissions with operations may be permitted in other areas of the Town. Any development that requires outside storage shall be required to maintain the property in a high standard of appearance.

### **3.2.3 Commercial**

The Commercial designation is applied to local and commercial uses, primarily along Torbay Road. The intent is to allow the continuation of existing uses, most of which are long-standing, and promote Torbay Road as a central commercial area.

Small-scale local and personal-service commercial uses may be permitted within residential areas (see the Residential policies). Commercial may also be permitted within the Mixed Use designation. Retail and service commercial uses which serve residents beyond the neighbourhood are intended to be located primarily along Torbay Road while also allowing for future commercial services. New commercial designated locations shall require good visual exposure to passing traffic and efficient, safe vehicular access.

#### **Policy Statements:**

- The Commercial designation shall accommodate shop, convenience store, office, personal service, general service, medical and professional, take-out food service (no drive-thru), catering (not lounges), licensed restaurant, places of worship, service station, educational, funeral home, veterinary clinic; cultural & civic, indoor assembly, indoor market, child care (group), recreational, and home office.

- Discretionary uses include take-out drive-thru, apartment building, commercial residential, boarding house residential, outdoor market, lounges & pubs, taxi stand, general garages, automotive sales, general assembly, light industry, amusement, police station, child care, antenna, recreational open space and home based business.
- Local and personal-service commercial uses and home-based businesses are also provided for under certain conditions in Residential areas (see Residential policies).
- Council may require developers to provide site plans for proposed developments, to prevent or minimize the adverse effects of any commercial development on adjacent residential uses, and indicating where building locations, delivery areas, parking spaces, accesses, landscaped and buffer areas, and other development components are to be located. In assessing proposals, Council will be primarily concerned with aesthetic factors, conformity with the desired character of the area, and compatibility with other land uses in the vicinity.
- Access points to a public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.
- Adequate off-street parking and loading facilities shall be provided for any non residential development.

- Council shall encourage the design and building of retail enterprises with a high standard for physical appearances. Council shall encourage the development of a facade that provides a pleasant appearance to the traveling public.
- Apartment buildings may be permitted at the discretion of Council and shall be limited to those located above a main floor of permitted commercial uses. The apartment development shall be required to meet parking requirements as outlined in Town Development Regulations. Parking shall be located at either the side yard or rear yard of the property and be considered separately from parking requirements of the permitted commercial use.
- Council shall encourage the best possible siting of signs, particularly along Road, to ensure that visual aesthetics are maintained. All signage shall comply with the Town's Development Regulations. Council shall limit the use of portable signs and other signs that are low lying and impede visual view planes of drivers and pedestrians traveling Torbay Road.

### **3.2.4 Mixed Use**

A mixture of different kinds of development may be found along Torbay Road and consists predominantly of residential uses interspersed with businesses, light industry and public buildings. Such areas are placed under the Mixed Use designation. This designation shall ensure that a viable combination of compatible uses can co-exist with the predominantly residential development. Areas designated Mixed Use are intended for the continuation of a traditional mix of land uses.



The Mixed Use area designated on the Future Land Use map applies to both sides of Torbay Road.

**Policy Statements:**

- Mixed Use areas are suitable for residential uses and small-to-medium-scale retail, service and other uses, including tourism-related business.
- Service stations and light industrial uses may be permitted on a discretionary basis. New Commercial uses shall not be permitted if they will have a detrimental effect on adjacent residential uses.
- Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.
- Access points onto to a public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.
- Adequate off-street parking and loading facilities shall be provided.
- Where several commercial uses are clustered together along Torbay Road, Council shall consider improving the area by landscaping, planting trees, and adding benches and garbage containers. Road widening and sidewalks shall be a consideration of Council.
- Residential uses shall be permitted in the Mixed Use area and may include single-family detached houses, duplexes, apartments or other dwellings which

may be constructed in connection with a business, such as a second-floor apartment for the owner's use.

- Office, medical and professional service, personal service, and light industry uses and similar home based businesses may be carried out within a residential dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, provided the use is small scale and subsidiary to the main residential use and shall not disturb the amenity of surrounding residential area, or cause an increase in traffic, noise, dust or fumes.
- Animal use in the form of a dog kennel may be permitted at the discretion of Council.

### **3.2.5 Industrial**

#### **3.2.5.1 Industrial/Commercial**

Tapper's Cove, and smaller individual sites are designated as Industrial/Commercial.

The Tapper's Cove site has been designated Industrial/Commercial for the continuation of the fishing operation. The area is highly visible from Marine Drive across the harbour. Further development at Tapper's Cove is limited due to the natural topography and should not detract from the scenic quality of the area.

#### **Policy Statements:**

- The intent of the Industrial/Commercial designation is to permit light industrial and commercial uses. General industrial uses may be permitted at the discretion of Council where they shall not have a detrimental effect on adjacent uses.

- Screening and buffering using fences or trees may be required in order to preserve an attractive appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.
- Permitted industrial/commercial uses shall be compatible with neighbouring residential uses in terms of noise, dust, glare, vibration, smell, traffic, and related factors.
- Building setbacks shall be established in the Torbay Development Regulations to lessen the visual impact of buildings and provide space for off-street parking.
- Access points to a public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.
- Adequate off-street parking and loading facilities shall be provided.

#### **3.2.5.2 Industrial/Hazardous**

The proposed Regional Fire Fighting Training Centre is considered to be an Industrial/Hazardous use. The site is located off Three Island pond Road in the rural area of Torbay.

**Policy Statement:**

- The intent of the Industrial/Hazardous designation is to permit the development of a Regional Fire Training Centre only. Other uses may be permitted at the discretion of Council where the use is associated directly with the permitted use. No other Industrial/Hazardous uses shall be permitted in the Town of Torbay.

**3.2.5.3 Industrial/Commercial Comprehensive Development Area**

Lands on the west side of Torbay Road are conveniently located near the airport and major transportation routes and are reserved for future industrial development.

A comprehensive Development plan shall be prepared and approved by Council before any development is permitted within this area. This plan shall be supported by documentation which considers all factors relative to development of the site, including:

- proposed road reservations and the adequate vehicular access to the site;
- site drainage to avoid any wet areas;
- where appropriate, access to Torbay Road, including possible redevelopment of the properties along Torbay Road;
- buffering from existing residential development;
- the location of industrial uses which conflict with residential uses by reason of noise, odour, etc, shall maintain a safe distance from existing residential uses; and
- the St. John's Airport Authority shall be consulted to ensure that no part of a proposed development will interfere with the radar or general operations of the adjacent airport.

### 3.2.6 Agricultural Development Area

Lands within the municipal planning area which form part of the Agricultural Development Area (ADA) for the St. John's Urban Region are designated as Agricultural Development Area on the Future Land Use Map. There are three primary areas: west of Bauline Line (Connor's farm); west of Torbay By-Pass Road surrounding Axes Pond; and east of Torbay Road around Ryan's dairy farm.

#### Policy Statements:

- The intent of this designation is to conform to the agricultural development objectives for the St. John's Urban Region (SJUR) as expressed in the SJUR Regional Plan and the policies and regulations of the Department of Natural Resources.
- Agriculture and agriculture-related uses shall be permitted within the Agricultural Development Area (ADA). Other uses which conform to the Rural policies of this Plan and which are determined by the Land Development Advisory Authority to have a minimal impact on agriculture shall also be permitted within the ADA. The extraction of peat may be permitted as a mineral-working activity. Council shall consult with the Land Development Advisory Authority and the Department of Natural Resources to review development proposals within the ADA.
- Existing farming operations in the ADA shall be supported by Council. Due to the demands on the dwindling land base of the municipal planning area, Council

shall further review requests for additional large areas of land for agricultural use.

- Camp Carey, a Girl Guide and Boy Scout camp, located on Camp Carey Road, are within the ADA. Council shall consult with the Department of Natural resources and the Land Development Advisory Authority to ensure an adequate buffer between Camp Carey and the agricultural uses and to prevent negative impacts on Axes Pond by agricultural uses.

### **3.2.7 Public Use**

Lands are designated Public Use to permit government, church, educational and other uses for general or limited public access. Facilities required to deliver municipal services to residents, such as the Town Hall, are also within the intent of this designation.

#### **Policy Statements**

- Permitted uses may include schools, churches, government offices, and senior citizens homes. The facilities of community service organizations such as the Kinsmen club, may also be permitted.
- An area including the Town Hall and extending east and south is designated Public Use with the intent that it be developed as a civic and recreation centre.

### **3.2.8 Open Space - Recreational**

Lands designated as Open Space - Recreational are for non-building uses such as parks, playgrounds, outdoor swimming areas, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space - Recreational uses.

#### **Policy Statements:**

- In new subdivisions, Council shall require the dedication of a minimum amount of land for Open Space - Recreational or cash in lieu of land, to be determined in the Torbay Development Regulations.
- The Town shall promote and expand its main recreational site located off the Bauline Line. The area has an existing softball field soccer pitch and an area capable of being developed as a recreational camping park.
- Council shall pursue the development of Camp Carey as a municipal recreational area within the Agricultural Development Area (See the ADA policy statements.)

### **3.2.9 Conservation**

The Conservation designation applies to the open undeveloped lands around Torbay Bight, the shorelines of ponds and wetlands, and the banks of streams.

Lands are designated Conservation to protect important features of the natural environment, to ensure public access, and maintain the rural character of the Town. In most cases, these areas are located where municipal services cannot be feasibly extended.

#### **Policy Statements:**

- No permanent buildings or structures shall be permitted on lands designated for Conservation Uses, except those necessary for environmental protection (e.g., for erosion control).
- Passive recreational uses such as hiking trails or a small picnic park may be permitted at Council's discretion.
- Public access shall be preserved to Conservation areas.
- Extensive areas of land having slopes in excess of 15 percent are designated Conservation. Development is not considered feasible on such slopes because of excessive runoff and erosion and high costs to install and maintain services, and risk to public safety.



- Sections of the East Coast Trail around the harbour is designated Conservation. Street access to the East Coast Trail shall be from points such as Spray Lane, Motion Lane, The Battery, Dodd's Lane, Dunphy's Lane and Gallow's Cove Road.
- The use of motorized vehicles within the off-road Conservation Zone is strictly prohibited.
- The coastal shoreline along Torbay Bight has very steep cliffs, high slopes, unstable soils, and is an important part of the scenic beauty of Torbay. To protect these sensitive lands and the general public, a conservation designation shall be established along the coastline of the Torbay Bight. In areas of rock face and cliffs, the shoreline shall be determined at the edge of the cliff. No development shall be permitted within this designation. Passive recreation uses like hiking shall be permitted. Uses associated with the fishery, or the provision of municipal services and utilities may be permitted.
- Uses associated with municipal infrastructure such sewerage treatment plants and outfalls may be permitted at the discretion of Council. Structures shall be located so as to prevent any negative visual impacts on surrounding areas.

### **3.2.10 Watershed**

The purpose of the Watershed designation is to preserve the water quality of North Pond, South Pond, and Great Pond as municipal water supplies. The boundaries of the designation are intended to take in all lands which drain into the ponds.

**Policy Statements:**

- Uses permitted in the Watershed areas may include passive recreational uses (eg, hiking, picnicking). Structures required for erosion control or other environmental conservation purposes may be permitted. No form of urban development shall be permitted. All proposals for development are subject to approval by the Department of Environment and Conservation, Water Resources Management Division.
- No development or activities shall be carried out in the Watershed area which would adversely affect the water quality.
- Existing residential uses in the Great Pond Watershed may be required to be removed if Great Pond is developed as a municipal water supply, in order to comply with Department of Environment and Conservation standards.
- Council shall cooperate with the Town of Portugal Cove-St. Philip's to ensure that no development takes place within the Great Pond Watershed which could adversely affect water quality.
- Selective wood harvesting may be permitted within Watershed areas, subject to approval of the Department of Environment and Conservation. Maintaining water quality is the overriding priority.

### **3.2.11 Transportation**

To ensure an improved road system for the Town, it is necessary to establish a hierarchy of roads according to their functions. There are three classifications of roads as follows:

- Arterial roads - intended to function as the principal network for through traffic. The proposed Torbay bypass for the Town shall be considered as an Arterial Road.
- Collector Roads - link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access should be properly planned with limited on-street parking allowed. The collector roads are Torbay Road, Bauline Line, Marine Drive and Indian Meal Line.
- Local Roads – all other roads in the town are considered as local roads and serve adjacent properties and generally, are not used as through traffic. The width of pavement and the provisions of sidewalks should be related to the volume of traffic.

#### **Policy Statements:**

- Access from individual properties onto an arterial road such as the proposed Torbay By-pass road, is prohibited in order to preserve the efficiency of the roads. Access shall be limited to public road intersections as designated by the Department of Transportation and Works to ensure free flow of traffic. For new residential development, new individual access will be prohibited. Pedestrian

traffic may be accommodated along arterial roads with sidewalks and crossing controls.

- Collector roads link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access points should be properly planned. Limited on-street parking may be allowed. The collector roads are Torbay Road, Bauline Line, Marine Drive and Indian Meal Line.
- A sidewalk should be constructed on at least one side of Torbay Road, in the area from Holy Trinity Church and elementary school to Gosse's Bridge.
- The remainder of the roads shown on the Future Land Use map are local roads. The speed and volume of traffic on local roads shall be kept at a safe level by means of traffic signs and proper design for streets and intersections. Cul de sacs or dead-end roads shall be provided with an adequate space where vehicles can turn around.
- Adequate off-street parking shall be required for all uses of land in the Planning Area. This will include parking for owners, residents, employees, visitors, and customers, as appropriate, with parking standards to be established in the Torbay Development Regulations. In developed areas such as Torbay Road, additional off-street parking may be provided gradually through redevelopment.

### **3.2.12 Rural**

The remaining lands within the Torbay Planning Area are designated Rural. No development shall be permitted on land within this designation except those associated with agriculture, forestry, mineral workings, outdoor recreation, resource conservation, or other uses as may be outlined in this Municipal Plan.

Activity concerning electric power transmission, other public utilities or road construction and maintenance, consistent with the objective of retaining the qualities of the rural environment, may be permitted.

#### **Policy Statements:**

- Uses permitted within the Rural areas may include forest harvesting, silviculture, agriculture, aggregate extraction, fishing, and recreation. Activity concerning electric power transmission, other public utilities, or road construction and maintenance, consistent with retaining the qualities of the rural environment, may be permitted.
- Uses that may be allowed at the discretion of Council include industrial activity associated with the resource base. This will apply particularly to uses that need to be located close to raw material supplies or for some other reason cannot be located close to the built up Town.
- Uses such as a Place of Worship in the form of buildings associated with burials and cemeteries may be allowed at the discretion of Council.

- Residential uses in the Rural area will not be permitted except as accessory to the permitted uses, where residences may be allowed under limited circumstances at the discretion of Council.
- New cottage development shall not be permitted in the Rural area, in keeping with policies of the St. John's Urban Region Regional Plan. Conversion of existing cabins to permanent dwellings shall not be permitted unless the cabins are included within the Residential designation. This is to prevent premature urban expansion and demand for services in rural areas.
- The Rural area contains forests which provide a long-term domestic wood supply, recreational opportunities, and wildlife habitat. It is important that this resource be well managed. This Plan will support initiatives of the  
  
Department of Natural Resources to manage the forests for continued use by the public during and beyond the planning period.
- Aggregate extraction may be permitted in the Rural area. Proposed operations shall be evaluated in conjunction with the Department of Natural Resources and the Department of Environment and Conservation.
- Council shall ensure that aggregate mining will have minimal impact upon adjoining land uses, particularly the visibility of gravel pits. Buffering and screening may be required to minimize dust and noise. Open pits shall be rehabilitated by the operator prior to abandonment.

## **4.0 IMPLEMENTATION**

The Municipal Plan will be implemented over the ten-year planning period through the decisions of Council and agencies such as the Department Transportation and Works, Department of Natural Resources, Department of Municipal Affairs and the Department of Environment and Conservation. Of particular importance to Council are the following:

- Effective administration of the Plan;
- The adoption of a five year capital works budget;
- adopting Land Use Zoning, Advertisement and Development Regulations
- adopting Development Schemes and plans of subdivision, and
- The procedure for considering future Amendments to the Plan.

### **4.1 Plan Administration**

For the purposes of administering the Plan, the Future Land Use Map shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications will be carefully evaluated as to their conformity to the Plan. The full conformity of all proposals to the Plan shall be required by Council.

The boundaries between land uses designations are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment to this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

All persons wishing to develop land for any purpose within the Torbay Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without conditions. The appeal of all Council decisions to the Regional Appeal Board shall be permitted.

Prior to the major development of land within the Planning Area, a development agreement may be required, which will be signed by both the developer and the Council. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing developments may also be enforced by being attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

## **4.2 Plan Implementation**

The preparation, adoption and approval of the Torbay Municipal Plan represent only a part of the planning process. The Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the *Urban and Rural Planning Act 2000* outlined below:

- control future development by enforcing the Torbay Development Regulations and the policies of this Plan;
- undertake the capital works program on a progressive basis geared to the available resources of the community and financial assistance from the provincial government;
- make necessary amendments to the Plan if conditions of the community change, and
- undertake a review of the Plan every five years.



### **4.3 Development Regulations**

To implement this Plan, Council shall prepare and adopt Development (Land Use Zoning, Subdivision and Advertisement) Regulations on the basis of this Plan. These regulations are intended for Council's control over future use of land and development within the Planning Area and they outline land use zoning, development standards and application procedures necessary to implement this Plan.

### **4.4 Development Control**

The Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Council shall exercise proper control over development within the Planning Area in accordance with this Plan and the Development (Land Use Zoning, Subdivision and Advertisement) Regulations.

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed application form(s) and shall submit a detailed plot/sketch plan of the proposal indicating the location and dimensions of the land and of the development. Council shall examine the application on the basis of the Development Regulations, which reflect the policy of this Plan, may approve the application, approve it with conditions, or refuse it.

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Eastern Regional Appeal Board.

Development in areas under the control of Council as well as other government departments will be referred to the concerned departments for review.

#### **4.5 Municipal Capital Works and Municipal Services**

In order to properly implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include a financial overview and preparation of a "Financial Evaluation for Municipal Capital Works Projects" which outlines proposed capital works to be undertaken by Council over a seven year period, subject to the availability of government funding.

The Town of Torbay provides the usual municipal services (water and sewer, road construction and maintenance, snow clearing, street lighting, garbage collection, volunteer fire brigade and recreational sites. The Town's major service expenditures are the water and sewer systems, followed by road construction and re-surfacing.