

Whitbourne Municipal 2013 - 2023



Whitbourne Municipal Plan 2013 - 2023

**Prepared by Stanley N. Clinton, MCIP
August 2013**

THE URBAN AND RURAL PLANNING ACT 2000

RESOLUTION TO APPROVE

TOWN OF WHITBOURNE MUNICIPAL PLAN 2013

Under the authority of Sections 16, 17, 18 and 21 of the Urban and Rural Planning Act 2000, the Town Council of Whitbourne :

- a. Adopted the Whitbourne Municipal Plan 2013 on the 30th October 2013.
- b. Gave Notice of the adoption of the Whitbourne Municipal Plan 2013 by advertisement inserted on the 9th and 16th November in The Telegram newspaper.
- c. Set the 26th November 2013 at 7.30 p.m. at the Whitbourne Lions Club for the holding of a public hearing to consider representations and objections.
- d. Within the time specified in the notice of public hearing for the receipt of submissions none was received at the Whitbourne Town Office and so the public hearing was cancelled.

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000 the Council of the Town of Whitbourne approves the Whitbourne Municipal Plan 2013 as adopted.

APPROVED by the Town Council of Whitbourne on the 27th November, 2013.

SIGNED AND SEALED the 27th November, 2013.

Mayor

Nilda Whelan

Town Clerk

Crystal Peckle

PROVINCIAL REGISTRATION

Municipal Plan/Amendment	
REGISTERED	
Number	<i>5355-2013-008</i>
Date	<i>November 23, 2013</i>
Signature	<i>[Signature]</i>

THE URBAN AND RURAL PLANNING ACT

RESOLUTION TO ADOPT

TOWN OF WHITBOURNE MUNICIPAL PLAN 2013

Under the authority of section 16 of the Urban and Rural Planning Act 2000, the Town Council of Whitbourne adopts the Whitbourne Municipal Plan 2013.

The Whitbourne Municipal Plan 1998 as amended is repealed and replaced upon the coming into effect of the Whitbourne Municipal Plan 2013.

ADOPTED by the Town Council of Whitbourne on the 30th day of October, 2013.

SIGNED AND SEALED the 30th day of October, 2013.

Mayor

Yhola Whelan

Town Clerk

Crystal Peddle

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Whitbourne Municipal Plan 2013 has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000.

Stanley N. Clinton MCIP

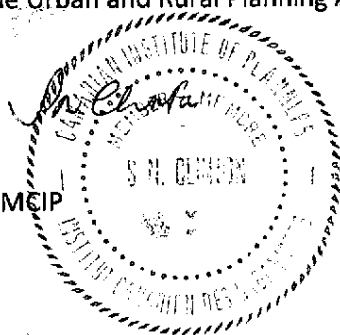


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1.0 Introduction

1.1 Purpose of the Plan

The Whitbourne Municipal Plan is Council's comprehensive policy document for the management of growth within the municipal planning area over the ten-year planning period 2013-2023. The Plan repeals and replaces the Whitbourne Municipal Plan (approved in 1998).

The Plan has been drafted following a comprehensive review of the 2000 Plan and all other land use planning documents pertaining to the Town. All relevant planning issues have been reviewed, as required under the *Urban and Rural Planning Act*, including a survey and study of land use, population growth, the economic base of the planning area, transportation, and public services. The results of the work conducted for the review are summarized in Section 2 of this Plan.

The Plan outlines a vision for development of the Town, and goals, objectives and policies of Council regarding the development of the municipal planning area for the next ten years. The Whitbourne Municipal Plan consists of written text and Future Land Use Maps.

1.2 Approval

When the Municipal Plan is formally adopted by resolution of Council under Section 16(1) of the Act, Council gives notice of a public hearing on the Municipal Plan. At the public hearing the commissioner appointed by the Council will hear objections and representations and then write a report to Council together with copies of all submissions taken at the hearing.

After the commissioner's report has been submitted, Council consider's the recommendations and may approve the Plan, or approve it with changes recommended by the Commissioner. Council then submits the Municipal Plan and accompanying Development Regulations to the Minister of Municipal Affairs to be registered in a planning registry that the Minister has established in the Department. The Plan comes into effect on the date notice of its registration is published in the *Newfoundland and Labrador Gazette* (Section 24(3)).

1.3 The Effect and Variation of the Municipal Plan

When the Municipal Plan comes into effect it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council every five years from the date on which it comes into effect and revised to take into account developments which can be foreseen during the next ten-year period.

1.4 Municipal Plan Implementation

Council is required to prepare 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 “Development Regulations” 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.

Day-to-day administration of the Municipal Plan and Development Regulations is conducted by staff members authorized by Council, who issue permits for developments approved by Council. Staff may also make recommendations to Council on matters pertaining to development in accordance with the Municipal Plan, and enforce the regulations.

1.5 Other Plans for Development

At any time after the approval of the Municipal Plan, Council can prepare and adopt development schemes under Section 29 of the *Urban and Rural Planning Act* for the purpose of carrying out specific proposals of the Municipal Plan.

Council may also prepare a development scheme for the acquisition, assembly, consolidation, subdivision, and sale or lease by the municipality, of land and buildings, which are necessary to carry out provisions of the Plan. Development schemes are prepared and approved in the same way as the Municipal Plan and form part of the Plan.

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

1.6 Interpretation

The following sections and the Future Land Use Maps constitute the legally effective parts of the Whitbourne Municipal Plan.

In this Municipal Plan:

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

- “Town” shall mean the Town of Whitbourne.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in cases 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 Planning Context

2.1 Whitbourne Municipal Planning Area

The Town of Whitbourne is situated inland on the Avalon Peninsula at the junctions of the Argentia Access Road (R 100) and the Trinity Shore Highway (R 80) with the Trans Canada Highway (TCH), approximately eighty (80) kilometres west of St. John's. Although the town's origins are based on the railway and agriculture, with the closing of the former its accessibility afforded by the above noted roads have changed its orientation to that of a centre providing services to the traveling public and its region. The town encompasses an area of 214.1 square kilometres, but the Municipal Planning Area, which includes the town's protected watershed, more than doubles the municipal area and is shown more precisely on Future Land Use Map 2.

The land in general is relatively flat and there are a number of ponds and low lying wetlands which on the one hand provide attractive aspects for development and on the other hand present constraints to continuous and compact development.

2.2 Population

In 2006 Whitbourne's population was 855 and by 2011 it had grown to 916, an increase of 7.1%. This compares with a growth rate of 1.8% for the province as a whole and a growth of 5.6% for Census Subdivision No. 1 in which Whitbourne is located. This is at a time when the vast majority of small rural communities in the province have experienced declines in their populations.

Although modest it would appear that Whitbourne's location and ease of access relative to the province's growth points of the St. John's region and the Isthmus of Avalon plus the availability of residential land have contributed to this growth and should continue to provide stability and future impetus for further growth.

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2.3 Land Supply and Demand

As noted earlier there are some physical constraints to development in the Town of Whitbourne. However, there are still considerable opportunities. With the four laning of the Trans Canada Highway between St. John's and Whitbourne and its continuation at least around the town it is expected that Whitbourne's growth will continue to have good access to the province's most economically active centres and be in a position offer both residential opportunities and commercial services to the Trinity/Placentia region and cross island travelers.

2.3.1 Residential – In 2011 there were 478 dwellings in the town of which 385 were occupied by their owners. However there is already considerable acreage reserved for future residential development to the east and west of Goose Pond and

between Bethune's Pond and Junction Pond plus other infilling opportunities such that there should be no constraint to residential growth over the planning period.

- 2.3.2 Commercial/Industrial** – The upgrading of the Trans Canada Highway between St. John's and Whitbourne resulted in the reduction in the number of highway servicing opportunities on this section of road. On the other hand it and the vicinity of the Argentia Access and Trinity Shore highway junctions would appear to have increased the attractiveness of the Whitbourne service centre. There is limited addition space available at this location but other land to the east and towards Goose Pond would appear to provide for highway service related development opportunities.

The original town centre in the vicinity of the abandoned rail junction and yards still functions as such but in a lesser capacity as commercial development has tended to gravitate northward along Route 81 towards the Trans Canada Highway. The vacant rail yard lands provide an opportunity to consolidate the centre's role but it is still expected that this trend will continue with original node and the frontage of Route 81 becoming a mix of commercial, service and residential uses

Although strictly speaking the town's three chicken farms are not industrial uses they very much in appearance resemble industrial operations. Their potential for nuisance is such that they warrant relative separation from other uses and also encroachment from those uses.

Any other industrial uses if they should arise are likely to be resource based and located outside of the urban part of town.

- 2.3.3 Public Uses** - Public uses such as schools(one of which is the provincial youth centre), health centre, churches, municipal and government government offices and other places of assembly are distributed throughout the town, although mostly in or near the original town centre. It is not anticipated that there will be any such new facilities during the planning period, but should the need arise there are potential sites within the servicing limits.

- 2.3.4 Recreation and Open Space** – A regional stadium is located at the north end of town near to the Trans Canada Highway and a park on Junction Pond at the south end of town

A ballfield and recreation area are near the centre of town and traversing the town on the alignment of the old rail line is the Newfoundland Trailway. Otherwise the town is small and the open country is always near and accessible.

2.3.5 Rural Resource Uses – A large portion of the rural area to the east of town is comprised of the section of the Hodge River watershed that is protected as the town's source of domestic water. There are a number of cottages elsewhere in the rural area and in town are the chicken farms previously noted

2.4 Road Network

The significance of the junctions of the Argentinia Access Road and the Trinity Shore Highway with the Trans Canada Highway has previously been noted. It is anticipated that the TCH upgrading will at some point be continued further westward.

The original town was developed around the rail junction and yards in a partial grid but has now spread northward along Route 81, which is effectively a town street, and the Old Brigus Road.

2.5 Municipal Services

Piped water and sewage disposal systems are available throughout the central core area of the town. Water is pumped from the Hodge River to an elevated tower and sewage is directed to a lagoon at Bethune's Pond.

Outside of the core there are no piped municipal services and although there are no problems anticipated with expanding the sewage treatment facility should additional development be connected into the system, it has yet to be determined what work would be needed to expand the area covered by the municipal water supply. The capacity and elevation of the tank and the pipe capacities at the outer limits will determine whether or not water can be provided to areas such as Goose Pond.

The Hodge River designated protected watershed is partly in the town with a much larger area being in the Municipal Planning Area.

2.6 Summary of Development Issues

This plan must address a number of issues, which arose from the public consultation, consultation with the government departments and agencies and a review of existing policies and development. These include:

- A need to identify land for additional highway related commercial development;
- The availability of land for other than high end residential development:

- The need to protect the chicken farms from encroaching development;
- The use of the vacated railway lands;
- The preservation of land for access and recreational purposes, in particular the river corridors and pond frontages;
- The incorporation of a comprehensive flood risk policy, for that area prone to this risk;
- The extension if possible of the water and sewer systems to the outer areas to reduce the reliance on wells and septic systems and possible impacts on ground water supplies, ponds and wetlands;
- The protection of the railway corridor;
- New developments where possible shall be interlinked by both road and pathways and existing dead end streets will be eliminated where possible;

3.0 Goals and Objectives

The following are the planning goals and objectives of the Town of Whitbourne for the 10-year planning period. Each goal is a desired state which reflects the long-range desires of the Council. Each objective is a shorter-term step towards achieving the goal. It should be concrete, realistic, action-oriented, and attainable within the planning period. To implement these aims Council adopts the policies outlined in S 4.

3.1 Land Use

Goal: To manage growth in the Town in a manner to ensure orderly development, the economic use of municipal services and compatibility between adjacent land uses.

Objectives:

- Encourage continued infilling along existing public roads, thus making better use of municipal infrastructure where available.
- Encourage new compact development in areas that can be economically connected to the Town's municipal water and sewerage systems.
- Accommodate unserviced development only in areas where services can not be economically provided, only where environmental standards can be met and where development will not interfere with the optimal future use of adjacent lands.
- Preserve adequate public open space, thus maintaining the character of the Town.
- Guide new development in a fashion that is compatible with surrounding land uses.
- Protect environmentally important or sensitive areas such as ponds, rivers, streams, and wetlands, by designating them as conservation areas.
- Encourage further consolidation and further development of the two commercial nodes and their linkage.

3.2 Economic Development

Goal: To encourage diversified economic growth in order to generate employment and build up a favourable base for municipal assessment.

Objectives:

- Diversify the local economy by supporting local entrepreneurs and attracting new businesses and industries.
- Encourage the development of additional commercial uses to serve local residents and the regional market
- Protect the chicken farms from encroachment.
- Support the development of facilities and attractions that will enhance tourism.
- Encourage the development of inoffensive home based business.

3.3 Commercial and Industrial Development

Goals: To develop an appropriate mix of retail, office and service facilities to serve residents and provide a source of employment.

Objectives:

- Ensure an adequate supply of land at appropriate locations for commercial facilities.
- Encourage consolidated development of retail, office, and service industries in the two commercial nodes and along Route 81.
- Ensure maximum utilization of existing serviced core land.
- Encourage resource utilization on rural lands outside of the urban limits of the town
- Prevent development in inappropriate locations of offensive trades and nuisance that may be detrimental to the Town as an attractive place to live.

3.4 Housing

Goal: To provide land for an adequate quality and quantity of housing to serve the needs of the present and future population.

Objectives:

- Maintain a high standard of residential subdivision design by encouraging comprehensive development, open space amenities and efficient road networks.
- Accommodate demand for a variety of housing types and preferred locations.
- Encourage new housing in areas that can be economically connected to municipal water and sewer services.
- Accommodate unserviced residential development only in areas where it is uneconomic to provide these services and the development will not result in future demands for municipal water and sewer services, will not interfere with the optimal future use of adjacent lands or negatively impact ground water supplies or water bodies
- Link residential areas with each other through new development and the acquisition of key rights of way.

3.5 Culture, Recreation and Open Space

Goal: To provide convenient, functional well maintained and operated public recreational and cultural facilities, which meet the leisure needs of all age groups.

Objectives:

- Locate sufficient open space and recreational facilities conveniently accessible to all residential areas.
- Develop recreational uses in conjunction with new developments.
- Preserve areas and features of natural, scenic, environmental, and historical significance.
- Support the provision of cultural and recreational facilities and services, which are accessible to people of all abilities (including the disabled) and ages (including senior citizens and youth).
- Develop a trail system for a variety of users and purposes including linkages between the town's recreational areas and recreational and commercial facilities and protect these trails from incompatible development.

3.6 Transportation

Goal: To develop a safe and efficient transportation network to serve Whitbourne.

Objectives:

- Maintain existing public roads through a regular program of maintenance and improvement.
- Ensure that proper access is provided to all development.
- Provide efficient means of access to public areas and buildings for disabled persons.
- Ensure that the transportation network accommodates pedestrians, with particular provisions to facilitate safe pedestrian and bicycle usage.
- Develop roads that have minimal adverse impact on the environment and do not detract from the aesthetic character of Whitbourne.
- Ensure that development does not prevent access to the Trailway route through Whitbourne
- Ensure that new developments are interconnected by both roads and pedestrian pathways and where possible existing dead end streets are connected to nearby streets when the opportunity arises.

3.7 Environment

Goals: To provide for the health, safety, welfare and enjoyment of the general public.

To preserve and protect important aspects of the natural environment such as the shorelines of ponds and wetlands

Objectives:

- Recognize the existing natural constraints to development (such as ravines, steep slopes, wetlands and lands in flood risk areas) and protect them in their natural state.
- Provide municipal services at environmentally acceptable standards.
- Protect environmentally sensitive areas such as rivers, streams, wetlands, ponds, and the watershed.

- Ensure that resource development activities such as forestry, agriculture and aggregate extraction are undertaken in an environmentally responsible manner and do not impact the developed area of Whitbourne.

3.8 Municipal Finances

Goal: To achieve long-term financial stability by managing expenditures on municipal services while broadening the assessment base for municipal revenues.

Objectives:

- Manage the expenditures on municipal services and achieve the most efficient use of existing services.
- Manage the municipal debt, considering the Town's ability to meet its expenditures in the long term.
- Diversify the local economy through the growth of existing businesses and the establishment of new ones, so as to generate more municipal revenues.

3.9 Public Services

Goal: To ensure that there are sufficient public utilities, facilities and services such as fire and policing that meet the needs of current and future residents of the Town.

Objectives:

- Provide an acceptable and consistent level of water, sewer and storm sewer services to permit maximum development and usage of available land.
- Ensure an adequate supply of land to support the public and institutional needs of the Town as they arise.

4.0 Land Use Policies

4.1 Policy Statement

All development within the Planning Area must conform to the Goals and Objectives outlined in Section 3.0 and the General Intent of the Municipal Plan expressed in Section 4.2; and with any applicable General Policy of Section 4.3, and Policies Specific to the Land Use Designation in which it is to be located as presented in Section 4.4.

4.2 General Intent and Interpretation

General Intent of Municipal Plan

The General Intent of the Municipal Plan is to ensure that the foremost consideration guiding future land use and development in the Planning Area will be the Goals and Objectives expressed in Section 3.0 of this document and the potential cumulative effect of individual development on those goals and objectives.

Interpretation of Policy Statements

- When a judgment, interpretation or choice regarding a planning issue or development proposal has to be made, Council's decision shall take foremost into account the Plan's General Intent, principles of good municipal planning and the overall best interests of the Town's residents. If necessary and appropriate, concerned residents and departments or agencies of higher levels of government shall be consulted.
- Except where there are distinct physical barriers, boundaries between different land use designations may be interpreted to provide for the reasonable development of land provided that any variance is minor and the result does not compromise the goals and objective as stated in Section 3.0 of the Plan.

4.3 General Policies

The following policies are general in scope and they may be applied to more than one land use designation and to different sections of the Town.

4.3.1 *Physical Structure* - Land uses are allocated in accordance with the Future Land Use Maps 1 and 2 attached to this text.

Development within the Planning Area will be managed in accordance with the regulations of Council, in concert with the policies, acts and regulations of the Province.

Development which would not have been permitted within the land use designation in which it is located may continue as a non-conforming use, with restrictions designed to limit its potential for replacement. Where a non-conforming use is causing a nuisance or otherwise infringing on or preventing

allowable development Council will encourage its relocation or discontinuance. However it is Council's intention to phase out non-conforming uses over time. If a non-conforming use ceases to exist or operate for a period of more than one year, any new use for the property and any buildings must conform to the current land use designation.

Municipal and public utility works such as telephone, pollution control and electric utility facilities are permitted uses in all land use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses, where in Council's opinion it is necessary.

Where routes are required for utility easements or emergency access, land will be acquired for the appropriate agency in the course of approving subdivisions or through the development application process.

- 4.3.2 Subdivision Policies** - All proposed subdivision developments will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Development Regulations, which will implement this Plan and shall include:

An analysis of all 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 analysis of how the proposed subdivision will integrate with existing development, roads, services on adjacent lands, and provide for future access to undeveloped lands in the area, and

An assessment of compatibility between the subdivision and surrounding land uses both existing and proposed for the future.

- 4.3.3 Development Agreements** - It shall be a policy of the Town to enter into agreements for new developments involving the subdivisions and/or consolidation of lands for development. Such agreements will be negotiated between the developer and Municipality for financing and development of all services, constructed to municipal standards and consistent with the Policies of this Plan and the Development Regulations.

- 4.3.4 Council Assumption of Private Roads** - Existing private roads or those public roads not maintained by the Town must be upgraded to Council standards before Council will take responsibility for them and before further development is allowed along the roads.

4.3.5 Access and Public Street - All development must front on a publicly maintained street, unless otherwise specified in this Plan.

4.3.6 Building Setback - Adequate building setback from roads shall be required in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the operation of Town's snow clearing programme but not so large as to preclude the provision of municipal and emergency services. In certain circumstances where topography restricts the development of a lot, a larger setback may be permitted to accommodate the development.

4.3.7 Environmental Preservation and Enhancement - Council will place high importance on environmental preservation and enhancement, given its importance to residents and to Council's intention of enhancing the local environment and developing a tourism industry.

Natural Environment

The policy of preserving the natural environment will apply to all natural systems within the Planning Area, including natural drainage systems, wetlands bogs, wildlife, plant and fish habitats. The preservation of watercourses and shoreline areas will be priority within the Planning Area.

Development proposal 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. Alternations which will adversely affect adjacent property shall not be permitted.

Built Environment

Council will encourage partnerships and initiatives aimed at changing environmental attitudes, awareness and promoting projects which will enhance the built environment. Examples will include the following:

- Preservation of trees on sites for new development (i.e. discourage the traditional practice of clearing development sites of all trees and vegetation) which may include requiring a landscape plan outlining which trees and vegetation are to be retained and/or planted.
- Development of walking trails around ponds and in river valleys.
- Reduction and recycling of solid waste within the Town.

4.3.8 Soils and Drainage -Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses and any onsite services.

4.3.9 Removal of Topsoil - Removal of topsoil from land will not take place unless a permit has been obtained from the Department of Natural Resources and Council has given approval.

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

Council shall encourage the preservation and protection of sensitive wetlands that are valuable for controlling flooding, are habitats for water fowl or have important aesthetics value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department of Environment and Conservation, Water Resources Division, for comments before Council approves any development.

4.3.11 Development Criteria for Non-Residential Sites - All built development of non-residential land uses will conform to the following criteria:

- a) Each site will have direct frontage on a public road.
- b) Development will be located and designated in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening will be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.
 - i. Properties will be designed, constructed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
 - ii. Access points to the public street will be limited in number and designed for maximum safety for pedestrians and vehicles.
 - iii. Each site will provide space for adequate off-street parking and loading facilities to meet the needs of the proposed development.
 - iv. Adequate municipal services must be available to meet the needs of each proposed development.

Development must be in accordance with the Town's Development Regulations and where applicable the regulations of the Departments of Government Services, Environment and Conservation; Transportation and Works; Fisheries and Oceans and any other relevant agencies.

4.3.12 Designated Flood Plain - The flood risk area for the Hodge River has been identified as the 1:20 year floodway and the 1:100 year floodway fringe. These designations are established to identify flood risk areas and to reduce the risk to life and future damage to infrastructure and development resulting from flooding. It is the prime responsibility of the property owner to avoid development in areas of flood risk and, in instances where development already exists or is permitted, to undertake appropriate flood proofing. The following policies shall apply to Flood Plains:

Floodway

(a) Within a floodway,

- (i) New development is restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and marine activities;
- (ii) The placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk;
- (iii) Existing buildings or structures damaged beyond economic repair shall not be replaced unless:
 - (a) the replacement building or structure has no greater floor area than the original building or structure at or below the defined flood proofing elevation;
 - (b) the replacement building or structure is flood proofed; and
 - (c) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
- (iv) Existing uses, such as residential, commercial, industrial and institutional buildings, are encouraged to undertake flood proofing measures to reduce the risk of flood damage or relocate.
- (v) Any expansion of existing buildings and structures must be balanced against the risks to human safety and property and the possibility of exacerbating upstream and downstream flooding. Any expansion of existing buildings and structures in the

floodway must not increase the area of the structure at or below the defined flood proof elevation.

- (vi) Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with S 48 of the Water Resources Act.

Floodway Fringe

(b) Within a floodway fringe:

- (i) New buildings and structures, provided they are floodproofed, may be permitted, except for:
 - (a) residential institutions such as hospitals, senior citizen homes, homes for special care and any other use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary,
 - (b) police stations, fire stations and other facilities that may provide emergency services during a flood including government offices;
 - (c) schools, and
 - (d) uses associated with the storage, warehousing or the production of hazardous materials including gas stations.
- (ii) The placement of imported fill shall be limited to that required for floodproofing, flood risk management or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.
- (iii) Development in the floodway and floodway fringe and in a 15 metre buffer around these areas as well as in any other area known to flood must obtain prior written approval of the Minister of Environment and Conservation pursuant to S. 48 of the *Water Resources Act*.

4.3.13 Mineral Exploration - Mineral exploration including seismic testing shall be limited to rural and resource areas and such activities shall not cause undue noise, ground disturbance or risks to the health and safety of residents of the Town.

4.3.14 Archaeological Remains - There are no recorded archaeological sites in the Whitbourne Planning Area but there is always a potential for the discovery particularly near water bodies. Any proposed development on vacant land near water bodies will be forwarded for review by the Provincial Archaeology Office, which must also be informed of any finds discovered during development anywhere in the Planning Area.

4.4 Specific Land Use Designations and Policies

Land within the Whitbourne Municipal Planning Area shall be managed in accordance with the land use designations shown on Future Land Maps No's 1 and 2, the specific policies applicable to those designations outlined in this section and General Policies outlined in Section 4.3.

Future Land Use Maps No's 1 and 2 divide the Planning Area into the following land use designations:

4.4.1 Residential – The purpose of the Residential designation, which is the major land use in Whitbourne, 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 the Town and it is anticipated that the vast majority of future development will be of a residential nature. Lands to the east of Goose Pond and infill opportunities in the built up area of the Town provide the most immediate opportunities for development and although the lands set aside Mixed Use on the Future Land Use Map are not specifically earmarked for residential use it is anticipated that residential development will likely be a significant component in these areas.

(i) Land Designations

The Residential designation will be divided into three residential zones in the implementing Development Regulations. These zones for the existing developed areas of the Town will reflect the nature of that development and for existing undeveloped areas the zoning will reflect what Council feels is the most appropriate form of development.

The Residential 1 zone will be applied to the vast majority of existing Residential development.

The Residential 2 zone will be applied to the existing less densely developed areas of the Town such as housing in the vicinity of Goose Pond and development proposed for Junction Pond.

The Residential Seasonal zone will be applied to land to the west of Goose Pond to be developed for the seasonal accommodation of trailers and recreational vehicles.

(ii) Land Uses

Within lands designated for Residential use to which the Residential 2 zone will apply the only form of residential units will be single family detached dwellings. However in the Residential 1 zone higher density forms of development such as row housing, duplexes and low rise apartment units may be permitted. Also within this zone Council may consider the development of a mobile home park for permanent and/or seasonal occupancy.

In both the Residential 1 and 2 zones complementary uses such as child care, home based business, bed and breakfast, medical treatment and special care and personal and professional services uses may be permitted if they are confined to the residential unit. Recreational uses such as small children's playgrounds may be located within either of the residential zones provided that adequate screening from nearby properties is provided and there is adequate setback from adjacent roads.

Where a medical treatment and special care use is permitted it shall be limited to homes for the aged.

Where the bed and breakfast, home office and family childcare uses are permitted they shall be clearly subsidiary to the main residential use and there shall be no open storage of materials, equipment or products and Council must determine that they would not adversely affect the residential quality of the area by either increased traffic, noise, unsightly premises or similar considerations.

In the Residential Seasonal zone complementary uses such as an office, recreational and catering uses may be permitted.

(iii) Residential Subdivisions

In order to ensure efficient use of land and municipal services and to avoid a proliferation of dead end streets, proposals for the subdivision of land will only be considered by Council if they conform to an area concept plan that takes into account the development of lands abutting the site or form part of a much larger development for which a development scheme has been prepared and approved by Council.

Generally an area concept plan should be for an area large enough to show the relationship between adjacent parcels of land and proposed roads and will address all pertinent planning requirements for the development of the area, which may include:

- Conformity with the goals, objectives and policies of this plan.
- A description of the subject lands.
- The proposed use of all land in the area concerned, taking into account Council's aim to promote orderly development and the economical use of municipal services.
- Access to the site and an internal road system taking into account the existing road network in the vicinity.
- Consideration of land ownership and how it may affect the design and development of streets and the subdivision of adjacent lands.
- Description of the impact on adjacent land uses.
- Assessment of possible impacts on the natural environment of the area.
- A phasing scheme for the proposed development.

When reviewing area concept plans Council shall seek public input from residents as early as possible in the pre-approval process. Once an area concept plan has been accepted by Council it may consider detailed subdivision plans for portions of that concept area and in doing so must ensure conformity with the concept plan before approval of the subdivision and the entering into a development agreement for the provision of services and amenities.

(iv) Open Space Requirements

The provision for open space within a residential subdivision development shall be the responsibility of the developer who shall dedicate a minimum of 10% of suitable land in the residential subdivision area for recreational open space purposes or alternatively Council may require the developer to pay a sum of money equal to 10% of the assessed value of land before any development of the subdivision can commence.

4.4.2 Commercial – Lands set aside for commercial use are to accommodate the commercial and service needs of the Town and the traveling public and to accommodate growth in the tourism sector.

(i) Location

In the Development Regulations implementing this plan those lands designated for Commercial purposes will be covered by two different zones. Nevertheless it is anticipated that other commercial and service type uses may locate in the Mixed Use zone.

Lands in the vicinity of the Trans Canada Highway will be zoned for Highway Commercial Use.

Lands at the north end of Route 81 and elsewhere in the Town will be set aside for other commercial/service uses serving more local needs and zoned Commercial General.

(ii) Land Uses

Where the Commercial General zone is applied it is Council's intent to see developed a range of retail and service facilities mainly catering to the needs of the Town's residents and as such it is anticipated that shops, office type uses and catering facilities will likely be the main uses. However a range of other uses including commercial accommodations and entertainment type uses may be considered.

On lands adjacent or with good access to the Trans Canada Highway where land has been set aside for commercial purposes it is anticipated that these lands will be developed for uses servicing the traveling public and providing a tourism base for the Town. The uses here could include accommodations, either in the form of hotels or motels or camping type facilities, uses such as service stations and eating establishments which service the traveling public or other attractions which may be of interest to the tourist sector.

4.4.3 Commercial Industrial – This designation has been applied to the three poultry operations based largely on their size, appearance and nature of their use and to land fronting the Argentia Access in the vicinity of its junction with the TCH.

(i) Location

The sites of the three existing poultry businesses will be zoned for that purpose and a buffer zone will be applied to lands surrounding them to prevent development which could be negatively impacted by them and to prevent the encroachment of development which could limit their operation.(See 4.4.6 (iii))

(ii) Land Uses

Where the Commercial Industrial zone is applied to the chicken barns only poultry uses will be permitted.

On the Argentia Access Road frontage a broader range of industrial and commercial uses likely serving a wider region will be permitted.

4.4.4 Mixed Use - The Mixed Use designation has been applied areas have developed or are developing with a mix of residential commercial and public uses.

- (i) Location
This designation has been used for the original core of the town and for the majority of the frontage of Route 81.
- (ii) Land Use
A range of residential, commercial, office, service and public uses may be permitted and council will exercise due care where non- residential uses are proposed near to existing residences either in not permitting these uses or imposing appropriate conditions to protect the residential integrity.

4.4.5 Public Use – The Town has a number of areas in which public and institutional uses are located. These include schools, places of worship, municipal and government offices and community facilities.

- (i) Location
The Public designation recognizes existing facilities and no land beyond those existing facilities is designated in this plan for that purpose.
- (ii) Land Use
Lands are designated Public are for public or semi-public uses and could include places of worship, cemeteries when they are located in the urban part of town, schools, fire hall, community centre and municipal and government offices.

4.4.6 Rural – The built up area of the Town of Whitbourne in its central core is relatively compact but spreads out northwards, as a consequence within the municipal boundary and certainly within the municipal planning area there are lands, which will clearly not be required or be suitable for urban development in the near term. The rural designation will be applied to these areas.

- (i) Location
All lands in the Whitbourne Municipal Planning Area not falling within any other land use designation are designated Rural.
- (ii) Land Use
Lands in the Rural designation may be used for agriculture, forestry, mineral exploration and extraction, outdoor recreation and adventure tourism. Activities associated with the conservation of soil, wildlife and fish are also permitted.

A dwelling may only be permitted in conjunction with one of the permitted rural uses but must be clearly subsidiary to that use. A seasonal residence may be permitted in any area already partially developed with similar structures.

(iii) Livestock and Poultry Facilities

The development of new structures or the conversion of existing ones for the accommodation or processing of livestock or poultry will not be permitted within 480 metres of an existing dwelling, except a farm dwelling or within 480 metres of land designated for future residential development.

Existing livestock or poultry operations located within 480 metres of an existing or planned residential area will be allowed to continue, however they will not be permitted substantial expansion.

(iv) Forestry

Limited forestry activities may be permitted in the Rural designation provided they do not take place within the view scape from the built up area of the Town of Whitbourne.

(v) Mineral Workings

Quarries may be permitted in the Rural area where they are deemed by Council not to be incompatible with adjacent existing or planned uses and where they do not fall within the viewscape from the developed area of Whitbourne and where there would not be undue impact from truck traffic, noise and dust on any other land use. In considering these matters Council may if it deems appropriate only allow development subject to that development providing adequate screening from other uses and the posting of a performance bond to cover remediation costs when the use has terminated.

(vi) Future Use of Land in the Rural Designation

The Rural designation provides for land to be used for a number of uses previously noted. However in the longer term and beyond the period of this plan the Town of Whitbourne may have to expand outside of its existing urban limits and the most likely direction for this expansion would be eastward. Therefore in considering the use of rural lands council must ensure that their very long term use is not prejudiced and must consider each proposed rural use on the basis of its likely longevity and its potential for inhibiting urban growth when this materializes. It is recognized that making this judgment on what is a very long term objective will be somewhat subjective but Council will consider each proposal on a case by case basis and use its discretion accordingly

(vii) Trails

The old rail bed (the Trailway) through Whitbourne has been placed in the Environment Protection designation and largely abuts in the rural designation. No rural use will be permitted to encroach or interfere with the Trailway

4.4.7 Environment Protection – The protection of water sources particularly where used for domestic purposes is of paramount importance and large areas of the Whitbourne Municipal Planning Area are protected for this purpose.

(i) Location

The Town of Whitbourne takes its domestic water supply from the Hodge River water system which has a designated protected watershed which falls within the Whitbourne Municipal Planning Area. In addition there are numerous ponds, waterways and wetlands.

(ii) Land Use

No development which could impact on the quantity or quality of available water will be permitted in the designated watershed. The only building or structures permitted will be those associated with the provision of water and other than the use of the land for passive recreation such as walking or ski trails, no other development will be permitted.

A fifteen (15) metre buffer will be placed around all other water bodies where no development may be permitted without the approval of the Minister of Environment and Conservation

4.4.8 Open Space/Recreation – The lands designated Open Space/Recreation cover lands which are used for both outdoor and indoor recreation. In the former category and such uses as a ball field and in the latter a structure such as a stadium

(i) Location

The Open Space/Recreation designation has been applied to lands used for a ball field, park and the stadium

(ii) Land Use.

Within the Open space/Recreation designation lands may be used for recreational activities and facilities, trails, public parks and natural areas. The only urban type structure is the stadium on its present site. Should the need arise to build another structure to accommodate other in door recreation activities the chosen site will require an amendment to this plan.

4.4.9 Institutional/Correctional – This designation has been created to recognize the specific correctional use..

(i) Location

The only area designated for this use is the Whitbourne Youth Centre

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(ii) Land Use

The only uses permitted will be those required for the operation of the Centre which may include education, training and recreational facilities amongst others.

5.0 Municipal Services

The quality of services to residents and businesses contribute to the attractiveness of the Town as a desirable place to live. The Town strives to provide adequate municipal water and sewer, fire protection, waste collection and disposal, snow clearing and recreational services to the community.

Virtually all buildings in the original core area of Whitbourne are connected to piped water and sewer services. However, these are not available in the areas spreading northwards from the core.

5.1 Sanitary Sewer System

It is the policy of Council that all new development in the area where piped sewers are available will be hooked into the Town's sewage collection system. The responsibility for installation will rest with the persons or companies carrying out the development, which must be completed to the standards specified by the Town.

Where piped sewage disposal is not available, proposed development will be only be permitted if it will not negatively impact other development or ground water supplies.

5.2 Water System

The Town is supplied with domestic water from the Hodge River system. Water is pumped from the River into the reservoir and then delivered by gravity to the core area of the Town. It is Council's policy that water service be extended, where feasible to all new development with the responsibility for installation lying with the private developer.

5.3 Storm Sewer System

The majority of streets in the built up area of Whitbourne have open ditches as a means of storm water disposal. However all new subdivision development must include curb and gutter catch basins and storm water sewers.

In areas where storm water drainage is channeled into streams Council will ensure the integrity of these streams and any fish or wildlife habitat associated with them.

6.0 Implementation

The Whitbourne Municipal Plan serves as the blueprint for the community's future development. However, it is critical that the plan is put into action through correct administration and positive action by Council when appropriate.

The Town will continue to grow primarily by private investment. The Town's role in implementation is to help guide and shape private investment and in effect, implement the Municipal Plan in a cooperative framework with the private sector. Municipal services, regulations, and expenditures are a means to encourage or discourage the extent and form of new development.

Successful implementation of the Plan involves:

- effective administration of the Plan,
- the adoption of a municipal and works budgets and the preparation of a Capital Investment Plan
- the adoption of land use zoning, subdivision and advertisement regulations,
- the preparation and adoption of development schemes,
- a consistent procedure for considering amendments to the Plan and
- the preparation of an Integrated Community Sustainability Plan.

6.1 Administration of the Plan

For the purposes of administering this Plan, the Future Land Use Maps shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. Development applications will be evaluated for their conformity with the Plan.

The boundaries of land use designations are shown on the Future Land Use Maps. Where possible, these coincide with roads, fence or property lines or other prominent physical features, or as a specified offset from physical features. It is intended that no amendment of this Plan shall be required to permit minor adjustments to these boundaries where required.

All development approved within the Planning Area must conform to the policies of the Plan. Council will ensure that all development proposals are given a comprehensive review, including circulation to affected public departments and agencies.

6.2 Municipal Budget and Capital Investment Plan

Like most businesses, the Town has a budget, which directs annual expenditures. Where and how the Town chooses to spend funds each year can have a significant impact on the future development of Whitbourne.

The various policies related to servicing in the Municipal Plan will be implemented through expenditures according to the Whitbourne Capital Investment Plan (WCIP) and for which the town will apply for Provincial cost shared funding .The WCIP must be prepared and submitted to the Province in order to access funds made available under the Federal/Provincial gas tax refund agreement.

Under this agreement funds can be made available for environmentally sustainable municipal infrastructure e.g. water supplies, wastewater management, solid waste management, public transit, community energy systems, municipal capacity building and roads and bridges, where it can be demonstrated they will enhance environmental sustainability outcomes.

6.3 Integrated Community Sustainability Plan

An Integrated Community Sustainability Plan is a long term plan developed in consultation with community members which provides a direction for a municipality to realize the sustainability objectives it has for the environment, cultural, social and economic dimensions of its identity. Such a plan is required to be prepared during the lifetime of the gas tax refund agreement if a municipality wishes to access funds made available through that agreement.

6.4 Development Regulations

To implement the goals, objectives and policies of the Municipal Plan, Council will prepare and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act*.

All land within the Municipal Planning Area will be covered by land use zones, which will list permitted and discretionary uses and provide detailed requirements such as lot size, frontage, building setbacks and parking standards.

6.4.1 Considerations for Rezoning – In order for consideration of any proposals for an amendment to the Development Regulations (i.e. a rezoning), Council shall require a clear proposal to be submitted. Such a proposal must clearly show:

- a) The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- b) The means by which the site is/will be serviced;
- c) The proposed location of all driveways and parking areas;
- d) Areas which are to be landscaped and/or buffered;
- e) The proposed location of all buildings on the site.

6.4.2 Criteria to be Considered – In its review of proposals for amendment to the Development Regulations, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

- a) The financial ability of the Town to absorb any costs relating to the development;
- b) The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
- c) The adequacy and proximity of schools, recreation and community facilities;
- d) The adequacy of the road network in, adjacent to, or leading to the development;
- e) The potential for the contamination or sedimentation of watercourses or for erosion;
- f) Environmental impacts such as air, water and soil pollution and noise impacts;
- g) Previous uses of the site which may have caused soil or groundwater contamination;
- h) Suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;
- i) Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties; and
- j) That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town by-laws and regulations.

6.5 Development Schemes

Development Schemes may be prepared during the planning period for any area of town. Development schemes become part of the Municipal Plan, and are prepared and approved in the same manner as the Municipal Plan.

6.6 Municipal Land Assembly

Municipalities are empowered by the *Municipalities Act*, to acquire lands for municipal works or economic development purposes and under the *Urban and Rural Planning Act* for the purpose of implementing a Municipal Plan. Such projects generally entail the Town acquiring parcels of land from private owners or other levels of government for a variety of reasons including:

- a) To facilitate new growth and development in an area which is actively being revitalized or redeveloped where such land assemblies cannot by virtue of time or money be assembled privately;
- b) To facilitate the development of municipal parks, recreation and conservation areas;
- c) To facilitate the development of municipal parking lots;
- d) To encourage or make available lands which by virtue of ownership are not available for development but which are necessary for logical and contiguous growth of the community; and

- e) To facilitate redevelopment of a major non-conforming use where the redevelopment is either a conforming use or is consistent with the Municipal Plan.

During the planning period, Council may undertake land assembly projects and land transactions which are consistent with the objectives of this strategy.

6.7 Amending and Reviewing the Municipal Plan

Since conditions in the Town may change during the planning period, amendments to the Municipal Plan may be adopted by Council from time to time. Council may consider amendments to the Municipal Plan when;

- a) There is an apparent need to change policy due to changing circumstances,
- b) Studies undertaken which contain recommendations or policies which should be incorporated into the Municipal Plan,
- c) A Provincial Land Use Policy has been released that requires a change in policy by the Town,
- d) There is a development proposal which provides sufficient information and rationale to support a change in the Municipal Plan.

After five years from the date on which this Plan comes into effect, Council shall review the Plan and revise it if necessary. Revisions will take account of development which can be foreseen during the following ten years. Amendment and review of the Plan shall be carried out in the same manner as this Plan was brought into effect.

6.8 Professional Advice

Council may obtain its own professional advice in regard to any proposed amendment to this Plan, Development Regulations, evaluation of development proposals should circumstances warrant such professional advice.