

**URBAN AND RURAL PLANNING ACT, 2000**

**TOWN OF BOTWOOD  
RESOLUTION TO ADOPT  
MUNICIPAL PLAN, 2020-2030**

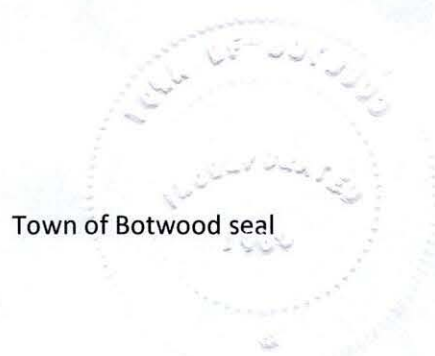
Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Botwood adopts the Town of Botwood Municipal Plan, 2020-2030.

Adopted by the Town Council of the Town of Botwood on the 6th day of October, 2021.

SIGNED AND SEALED this 16<sup>th</sup> day of December, 2021

Mayor: James F. Hewson

Town Clerk: A. Russell



Town of Botwood seal

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

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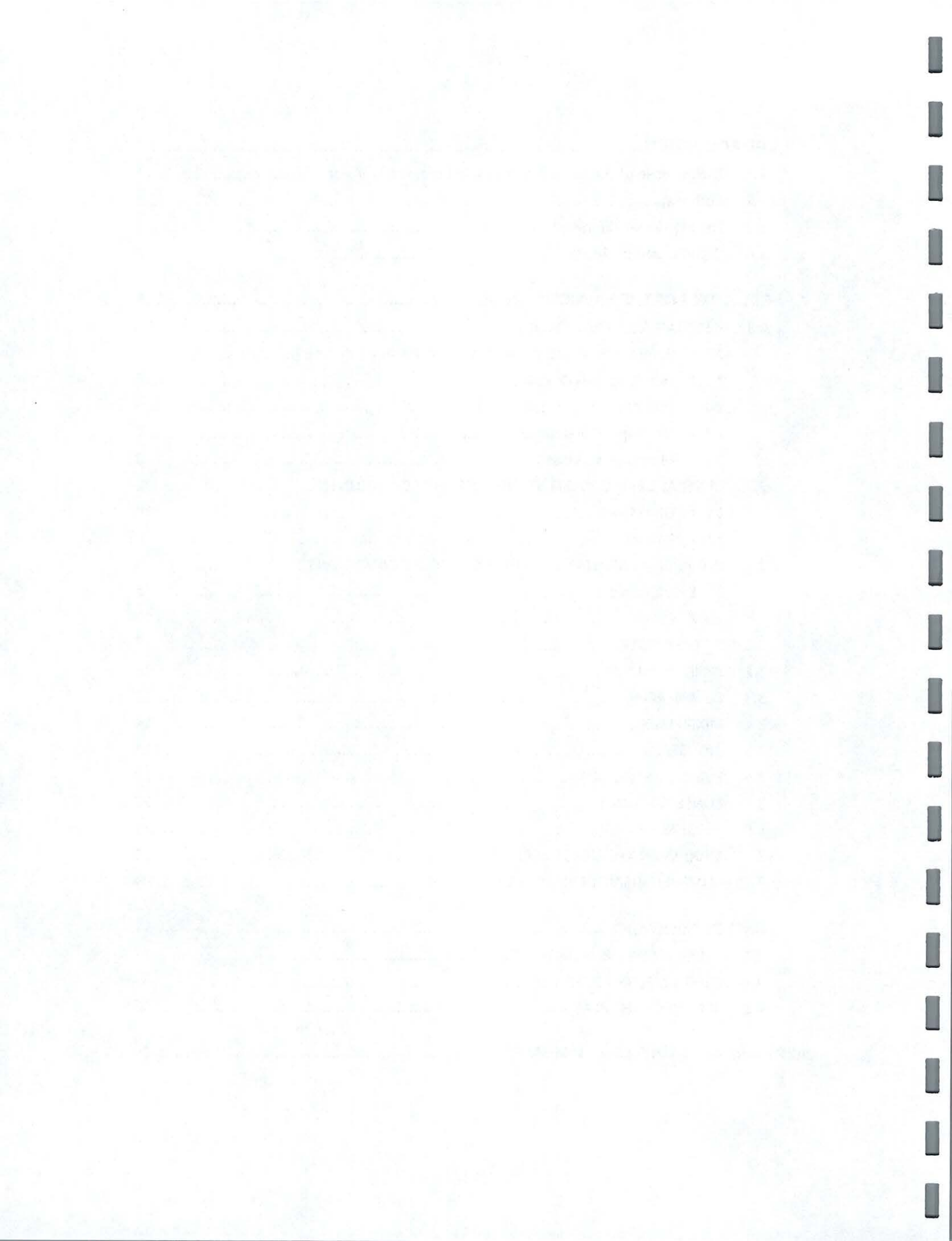


Member, Canadian Institute of Planners (MCIP)



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## 1.0 INTRODUCTION

### 1.1 The Purpose of the Municipal Plan and Community Vision

The purpose of the Municipal Plan is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This updated plan provides an up to date, comprehensive policy framework to influence, manage, and regulate future growth and change in the Town of Botwood.

The Town of Botwood Municipal Plan Review process is mindful of the Community Vision as set out the Town's Integrated Community Sustainability Plan:

***"The future of the Town of Botwood is one that is defined by the connection of its stakeholders to each other, and to the environment: the sea and natural resources which are the foundation of the community.***

***By working together, the community of Botwood, together with its neighbours will be active, healthy and prosperous, thriving on the culture and heritage that defines the community and its past, and also sets a path for the future."***

### 1.2 Authority

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the Act).

The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and setting out policies for various types of land use development. These locations are shown as land use designations on the Future Land Use map found in Appendix A.

The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development applications.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Plan (Section 35); these form a separate companion document to the plan. The Development Regulations enable the Council to administer the policies of the Municipal Plan.

The Municipal Plan (2019-2019) that comes into legal effect upon publication of the notice of registration in the Newfoundland and Labrador Gazette, and at that point the 2008 Municipal Plan is repealed and replaced by the new plan.

### **1.3 The Municipal Planning Process**

The process for preparing a plan is set out in Part III of the Act (Sections 14 – 25) which must be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A comprehensive Background Report was prepared to inform the Municipal Plan review. It provides the key findings of statistical research, community site visits and discussions with the Town, Provincial agencies and with community representatives, including public consultation. The Background Report contains a review of land use, development and infrastructure servicing issues and a socio-economic profile of the Town of Botwood. As well, an analysis was undertaken of the 2008 planning documents and mapping. The Background Report provides the foundation for preparation of this plan update.

The planning documents and maps will be circulated online and with Council and staff. Upon completion of the review and comment phase, Council accepts (by Resolution) the draft Plan and Development Regulations recommends submission to the Provincial government for (Section 15) review and release from Provincial legislative and regulatory requirements.

Upon release, there is further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner formally reports his findings to Council as a result of the public hearing. Council may adopt the Commissioner report in whole, in part or reject the report in its entirety.

Council can then approve (by Resolution) the Municipal Plan and Development Regulations, and apply to the Minister of Municipal Affairs and Environment for registration. Upon registration, the Council arranges for a notice to be published in the Newfoundland and Labrador Gazette which becomes the date of legal effect. A notice must also be published in a local newspaper to inform the public.

Amendments can be made the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (section 25). Note that a *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

The Municipal Plan is to address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28), and reviewed comprehensively again at 10 years.



## 1.4 Organization of the Plan

The Municipal Plan is organized into four chapters:

- Chapter 1 sets the legal context and the organization structure requested by Council;
- Chapter 2 sets out the objectives of the Municipal Plan that apply generally throughout the community;
- Chapter 3 sets out the land use objectives and policies by land use classification (as required under Section 13 of the Act); and,
- Chapter 4 sets out the implementation of the Plan.

The Future Land Use Map in Appendix A indicates the land use designations corresponding to the land use policies set out in the plan.



## 2.0 OBJECTIVES OF THE MUNICIPAL PLAN

The following sections outline objectives of the Municipal Plan that apply throughout the Town of Botwood Planning area (as required by Section 12 (2) (a) of the *Urban and Rural Planning Act, 2000*).

### 2.1 A SUSTAINABLE FRAMEWORK

The objectives of the Municipal Plan articulate the aspirations and needs of the residents of the Town of Botwood. They will provide a sustainable framework for the land use and development policies that will be implemented through the regulations set out in the Development Regulations.

#### 2.1.1 Community structure: built and natural environment

The objectives for community structural sustainability include:

1. To facilitate future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal services.
2. To control future growth of the town in such a manner as to develop a balanced and attractive community by considering its physical characteristics and location.
3. Protection of the natural environment, including soil, water, vegetation, wetlands, wildlife, plant and fish habitats and to ensure that natural areas such as waterbodies including wetlands, shorelines, and steep slopes are protected from development to preserve environmental resources.
4. To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism and the preservation of the rural character of the Town.
5. To preserve the Town's natural resources, such as agriculture, forestry, mineral resources, and for the development of sustainable development activities.
6. To facilitate the use of alternative renewable energy sources, such as, wind and solar energy, and for the development of industries that use clean renewable sources of energy.
7. To consider healthy community principles in evaluating development applications and infrastructure renewal:
  - a. 'People First' design – Development should emphasize human-scale and quality-of-life features such as 'walkability' (active transportation) to recreation, parks and trails, and shopping services.
  - b. Foster varied urban environment that is laid out to make social engagement easy: Mentally, emotionally and socially healthy people require full lives of rich and dynamic engagement;



- c. Keep Nature in the built-up urban areas: Green design, parks, open space and landscaping enhances everyday life (biophilic design);
- d. Reduce auto dependency and consider 'complete street' concepts that incorporate active living and landscaping in street management and design;
- e. Minimize hard surfaces in development by use of non-porous materials in lanes, streets, parking lots;
- f. Develop paths, walkways and trails to connect different neighbourhoods, commercial and recreation areas to encourage walking, cycling and any other form of active transportation;

### **2.1.2 Economic sustainability**

The objectives for economic sustainability include:

1. To make land available for employment-generating activities, such as, industrial and commercial development, including tourism-related initiatives so that new businesses will be attracted to Botwood;
2. To facilitate home-based businesses by including provisions regarding home business opportunities in the regulations that will help residents augment their income and also provide products for seasonal tourism;
3. To provide conditions to ensure compatibility of non-residential and residential development in a Town with of the size and geography of Botwood
4. To assist the continued operation of existing businesses through appropriate land use policies.
5. Develop new employment opportunities to serve the present and future population.
6. Provide advertising of the Town as a tourist attraction and support the development of facilities and attractions in promoting the tourism industry within Botwood.
7. Incorporate public participation in the planning of recreational open space lands and events such as festivals, sporting events, and other attractions.

### **2.1.3 Environmental sustainability**

The objectives for environmental sustainability include:

1. To provide a pleasant and safe living and working environment in Botwood;
2. To provide for the health, safety and welfare of the general public;

3. To protect and enhance the natural environment for its aesthetic, recreational, and resource values;
4. To participate in the Provincial Waste Management Program;
5. To continue the Town's initiative in waste management, recycling and composting;
6. To provide municipal services at environmentally acceptable standards;
7. To organize regular community 'clean-up' programs;
8. To maintain a minimum 15 metre buffer of land from the highwater mark of bodies of water to be kept generally free from development;
9. To protect natural resources from degradation including water, air, soils, agricultural land, forests and scenic areas;
10. To foster an attractive community particularly for growing families by promoting greenbelts, passive parks and walking/hiking trails;
11. To develop landscaping regulations and programs:
  - a. For existing development: landscaping and property maintenance standards to enhance the appearance of the community and instil community pride and stewardship values, including standards for property maintenance and measures to reduce sand and dust nuisance;
  - b. For new developments, both single lot/unit and subdivision development: to landscape design requirements may be included as conditions for new and expansion development permits, such as, vegetation retention and replacement measures, landscaping thresholds before occupancy permits are issued, tree planting;
  - c. For public realm areas such as streets and publicly owned lands and buildings: undertake beautification measures such as landscaping, signage and street furniture;
  - d. Consider option of implementing Town/landowner agreements for Town trees/landscaping on private property;
12. Restrict development in environmentally sensitive areas such as steep slopes, areas prone to landslides and rockfall and lands having soil and drainage conditions.

#### **2.1.4 Municipal governance**

The objectives for sustainable municipal governance include:

1. To provide municipal administration and services effectively, efficiently, and equitably to all residents, in a transparent manner and within the fiscal capacity of the Town;



2. To create opportunities to strengthen public interest and participation in Municipal governing processes, including Council elections, committee activities, and public participation in decision-making by increasing community awareness;
3. To take an active role to develop a more diversified economic base to generate more revenues.
4. To collaborate with other municipalities in the region, government and community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.
5. To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability, aiming for maximum return on investment, and responsibly manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
6. To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act, 1999* and the *Urban and Rural Planning Act, 2000*.
7. Provide the quality-of-life amenities and infrastructure services for a vibrant economy and secure future for the community.
8. To facilitate timely decision-making and implementation, including enforcement, by developing a Policies and Procedures Manual;
9. To undertake regular review of Municipal Plan and Development Regulations to provide a flexible, clear and fair planning process, and monitor compliance;

### **2.1.5 Municipal services**

The objectives for providing sustainable municipal services include:

1. To provide, where possible, a full range of municipal services to Botwood to residents and businesses in the most economical fashion.
2. To ensure that on site services meet the standards of the Service NL;
3. To permit new subdivision development in areas which can be easily connected to municipal services.
4. To provide fire protection to all residents.
5. Ensure that the local transportation system adequately and safely provides access throughout the Planning Area.
6. Develop and maintain an Asset Management Plan;

7. To undertake continued improvements to the municipal roads through a regular maintenance program.
8. 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.
9. To reserve land for future access to backlands.
10. To prohibit alterations which will adversely affect adjacent property, for example, where there is concern that development may contribute to excessive storm-water increases,
11. To consider the utilization of sustainable green technologies,
12. To maintain its water supply system to ensure the availability of an adequate quantity and quality of water for residents, businesses, and public facilities;
13. Ensure that all water and sewer infrastructure associated with new development meets the minimum standards of the Town and be approved by the Town's engineer before being turned over to the Town and ensure that the costs of installing water and sewer services and connecting new lots to the Municipal system does not create a financial liability to the Town, and ultimately the taxpayers;
14. Develop, monitor and test Emergency Preparedness Plan;
15. Undertake an Energy Audit on Town-owned facilities;
16. To ensure that municipal services and utilities, such as telecommunications, pollution control and electric utilities, are permitted uses in all 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;



## **2.2 GENERAL DEVELOPMENT STANDARDS AND CONDITIONS**

### **2.2.1 Objective**

1. To administer the existing built community and manage future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal services;

### **2.2.2 Policies**

The following policies apply throughout the Botwood Planning area in conformance with Section 13 (2) 2 of the *Urban and Rural Planning Act, 2000*:

#### **Administration of the regulations**

- 1) Establishment of a transparent application review process that enables Council to more comprehensively evaluate proposed development, involve the public, and consider alternatives during the review process of development proposals. The regulations will address: when a permit is required, the obligations of the applicant and Town in the application process for all applications, discretionary use and comprehensive planned development applications.
- 2) The Development Regulations will set out options to address the situation when a proposal doesn't fit the development standards or zoning use table, including: variances, infill, nonconforming use, and the amendment process for the plan and/or development regulations. The regulations will also address special conditions for development, such as comprehensive planned developments, Development Agreements, Planning Impact Analysis and Service levies.
- 3) The Development Regulations will set out the application decision-making process including, but not limited to, the decision-making authority of Council, including premature development, written reasons for refusal and the responsibility to inform applicants of the appeal process.
- 4) In considering an application for a permit to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, safety and public convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in these Development Regulations, conditionally approve or refuse the application;

#### **Comprehensive Planned Development**

- 5) Provision of development standards for comprehensive development in the Development Regulations, including a residential, commercial or industrial development containing one or more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are



leased as individual spaces) may be treated as a single development where services are to be provided and maintained privately and internally. It must have frontage on a public road and meet the Town standards for roads and servicing.

- 6) Where Municipal services are not feasible, the provision of on-site services must meet requirement of the Town and Provincial agencies, in particular, Water Resource Management Division and Service NL.
- 7) The Development Regulations will specify requirements for a Comprehensive planned development application;

#### **Planning Impact Analysis**

- 8) Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;

#### **Compliance with federal and provincial regulations**

- 9) The Development Regulations must state the responsibilities with regard to compliance of land use and development within the Municipal Planning Area boundary with the policies and land use classes of the Municipal Plan and Future Land Use Map, and the conditions and standards set out in the Development Regulations, subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines.
- 10) The Development Regulations will incorporate specific compliance requirements as set out in Section 2.3 – Interdepartmental Land Use Committee (ILUC) – at the request of these government agencies (Refer to Section 2.3).

#### **Existing Non-Conforming Use**

- 11) Nothing in the Plan shall affect the continuation of a use which was legally existing on the day that this Plan is registered by the Minister of Municipal Affairs and Environment except as outlined in Section 108 of the Act regarding discontinuance and resumption of use, alterations, repair;

#### **Development to Front onto a Publicly Maintained Road**

- 12) All development must have front on to a publicly maintained road (Provincial or Municipal) and have independent, approved access; however, with the exception of development within a Comprehensive Planned Development where there may be an internal road plan (which will be set out in the Development Regulations).

#### **Site requirements**

- 13) The Development Regulations shall provide standards and conditions regarding lot siting, buildings (including including patios and heat pumps, etc.) and landscaping.

#### **Infill development**

- 14) Council may facilitate infill development in areas served by Municipal water and sewer services. In the residential zones, where there are lots which are confined: these are lots where Council determines that that there is no feasible means to make the lot conform to



the Development Standards of the zone in which the lot is located, for example, that the lot is completely surrounded by developed lots and acquiring land from these abutting lots would create more non-conformity. A definition of a 'confined lot' will be set out in the Development Regulations and standards for a single detached dwelling and a tiny home will be set out, subject to Council taking into consideration:

- a. Council will also be able to consider allowing the side yard standard to be applied at the rear yard and rear yard standard as the side yard provided that separation distances meet other safety requirements for the National Building Code and Fire code.
- b. Council shall review confined lot development to ensure:
  - i. the type, scale, massing, and design of the development is generally appropriate to the neighbourhood;
  - ii. preservation of side/back/front yards for public safety requirements;
  - iii. Building line setbacks shall conform to the existing development pattern; and,
  - iv. adequate provision is made for light, privacy, and amenity.

#### **Character of town and compatible development**

- 15) Require that non-residential land uses located near and/or within residential areas will be laid out and designed in a manner that is:
- a. compatible with the neighbourhood; and,
  - b. minimizes potential nuisance factors such as, 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.

#### **Signs**

- 16) Include standards and conditions in the Development Regulations pertaining to the design and location of advertisements and signage for amenities, natural and cultural resources and businesses of the community.
- 17) Ensure that signage will enable people to quickly and easily locate services and contribute to the overall attractiveness and distinctiveness of Botwood;

#### **Parking, Off-street Loading**

- 18) Include requirements for adequate off-street parking, loading and safe access to the street in the Town's Development Regulations.

#### **Access to streets**

- 19) Set out standards in the Development Regulations regarding access points to the public street in terms of number, location, and design in order to keep the street safe and efficient for both vehicles and pedestrians.

#### **Future Development**

- 20) Reserve land for future road access to back-lands (showing access protection on the land use zoning mapping of the Development Regulations);
- 21) Allocate land for future development, such as, development scheme area designations on the basis of its best use considering its physical characteristics and location;

- 22) Prioritize new subdivision development in areas that can be easily and economically connected to municipal services provided that the existing service have sufficient capacity;
- 23) Within serviced areas, development shall be connected to municipal water and sewer services unless the connection is unfeasible, in which case, subject to the approval of the Service NL and, if appropriate, the Water Resource Management Division regarding groundwater assessments, development may be allowed to proceed on private water supply and/or sewage disposal systems;
- 24) Require that the groundwater assessments are carried out for proposed residential, cottage/cabin and other development in unserviced areas as required by the Water Resources Management Division of the Provincial Government;
- 25) Ensure that new development makes efficient use of existing roads and infrastructure. Council shall ensure that new development will not create unreasonable servicing demands or costs; for example, by allowing un-serviced development that may in the future demand servicing at the expense of the Town or by developing services that will place an unsustainable maintenance burden on the Town;
- 26) Explore options to have a property mapping system that will help identify available serviced and non-serviced lands (both private and Crown lands) to allow for contiguous development which is more efficient use of services and helps make the community economically sustainable;
- 27) Provide requirements for the subdivision of land and the standards of development, including a Subdivision Agreement, in the Development Regulations in order to achieve compliance with the policies of the Municipal Plan;

#### **Roads, Parking, and Off-Street Loading**

- 28) Undertake continued improvements to the Municipal roads through a regular maintenance program;
- 29) Consider the development of 'complete street' design standards for all new streets and street repairs in order to facilitate both vehicular and pedestrian safety and provide for healthy, active lifestyle activities.
- 30) Require adequate building setback from roads in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and Town service obligations, such as, snow clearing;
- 31) Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;
- 32) Aim for a proper road system with connecting streets by ensuring that streets do not exceed the maximum length before providing a second access for emergency access purposes;
- 33) Adequate off-street parking and loading facilities shall be set out in the Development Regulations;



**On-site servicing for unserviced development**

34) In areas where it is uneconomic to provide municipal servicing, ensure that on site services meet the standards of the Service NL and the Water Resources Management Division with respect to un-serviced residential or cabin lots; where unserviced development is greater than 5 lots, a groundwater assessment is required;

**Require Land Conveyed for Public Work Purpose**

35) Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

**Open Space/Recreation**

36) Section 37 of the Act requires up to 10% of the subdivision or land to be developed shall be dedicated to the Town as public open space. 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.

**Cost/Benefit analysis for development proposals**

37) Implement 'Smart Growth' principles such as maximizing efficient use of municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance. In considering proposals for development, Council will consider the costs and benefits to the Town;

38) Support development consistent with this Plan, where it is determined to have a net positive fiscal impact on the Town;

39) Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits; and,

40) Review and revise development levies so that they adequately reflect the public costs of development and are fairly and equitably applied.

## 2.3 INTERDEPARTMENTAL LAND USE COMMITTEE CONDITIONS

In preparation for the Municipal Plan Review, the Local Governance and Planning Division referred the Town of Botwood review notice to the Interdepartmental Land Use Committee (ILUC). ILUC consists of about 16 government departments and agencies with land use and development jurisdiction.

### 2.4.1 Objective

1. To incorporate the recommendations of the ILUC (#1740) report into the Development Regulations in order to facilitate compliance with the recommendations of the report.

### 2.4.2 Policies

It is the policy of Council to:

#### Climate Change Impacts

- 1) Assess available data regarding provincial climate change projections for Comfort Cove and Gander (nearest regional sites) when considering land for future developments that are in close proximity to a river, floodplain or coastline. These projections suggest that extreme precipitation events will become more intense, by about 33%. Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors should be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline;
- 2) Seek funding to assess climate change impacts on the Town of Botwood;

#### Work near Survey Control Monuments

- 3) Inform the Surveys and Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument.

#### Archaeology

- 4) Any public works project or major land development that results in ground disturbance must be sent to Provincial Archaeology Office (PAO) for review. As well, any accidental discoveries of historic resources should also be reported to the PAO.

#### Agriculture

- 5) Protect the 'Areas of Interest' shown as a referral overlay on the Future Land Use map as required identified by the Land Resources Stewardship Division.

#### Crown lands

- 6) Review whether the Crown land reserve established for park purposes (and shown as an overlay on the Future Land Use map) is still required and to designate and zone the land for best use to the benefit of the community;

#### Mineral Resource Lands

- 7) Ensure ongoing access and operation of quarry resources by implementing the quarry buffer shown as an overlay on the Future Land Use map as required by the Mineral Lands Division;



- 8) Indicate that mineral exploration that is not a development is allowed as a permitted use in all zones and that mineral exploration that is a development is a discretionary use; and development requirements regarding potential mining are incorporated in the regulations;

#### **Service NL**

- 9) Ensure that applicants for a development or building permit from the Town are aware of Service NL requirements which can be researched through Bizpal;

#### **Water bodies**

- 10) Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the *Environmental Protection Act, 2002* including Policy Directives: W.R.91-1-Infilling Bodies of Water, W.R. 97-1-Development in Shore Water Zones and W.R. 97-2-Development in Wetlands, the Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and, Environmental Control Water and Sewage Regulations, 2003 for any effluent or runoff from a site.
- 11) Where fish habitat is affected, requiring appropriate approvals from Fisheries and Oceans Canada;
- 12) Maintaining, where possible, existing vegetation along banks and shorelines for protection of riparian habitat;

#### **Wildlife**

- 13) Include the following condition for development applications along Peters River regarding a rare plant species occurring along the shores and in the water at Peters River: The Wildlife Division must be contacted prior to any disturbance/development in this area.
- 14) Set up a meeting with staff involved with in the Wildlife Division who work with the Eastern Habitat Joint Venture to discuss the incorporation of wildlife and conservation values in municipal plans and associated development regulations.
- 15) Wherever possible, particularly in the Resource zone, Council should incorporate general wildlife habitat and landscape connectivity during application review, such as:
  - a. a riparian buffer of 30 m minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.) or more for riparian areas near agricultural areas.
  - b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
  - c. incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) to minimize disturbance during that sensitive breeding/ young rearing;

#### **Protected Road Zoning Regulations, 1996**

- 16) The Protected Road Building Control Line is identified as an overlay on the Future Land Use map and the Town must comply with the *Protected Road Zoning Regulations, 1996*. The Municipal Plan and Development Regulation land use policies, designations, zoning and development regulations apply along Protected Roads within the Planning Area boundary.

### 3.0 LAND USE CLASS DESIGNATIONS: OBJECTIVES AND POLICIES

#### 3.1 INTERPRETATION

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Planning Area of the Town of Botwood is divided into land use classes. Each class of land use is described by the objectives that reflect the vision of the community.

Each land use class is further refined into zones which set out the permitted, discretionary and prohibited land uses that reflect the various desired outcomes for each zone. The regulations will set out how the zones, uses and conditions are to be interpreted.

Council may add or revise the uses, standards and conditions for development in any land use zone by an amendment to the Development Regulations, provided the changes are consistent with the objectives of this Plan.

The Town of Botwood's Future Land Use Designations will reflect the following land use classes:

- Residential
- Commercial
- Mixed
- Industrial
- Public/ Institutional
- Conservation
- Resource
- Marina & Heritage Park
- Comprehensive Development Area-Residential
- Comprehensive Development Area-Industrial

The Future Land Use Designations are illustrated on the Future Land Use Map. The boundaries between land uses classes 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. Note that the paper copy of this map with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of Botwood and a second copy is in the Minister's Registry with the Local Governance and Land Use Planning Division.

Council shall establish zones in the Development Regulations that indicate permitted, discretionary and prohibited uses in each zone. The regulations shall set out the standards and conditions for uses and development in each land use zone based on the objectives and policies of the Municipal Plan.

The Development Regulations shall:

1. Set out permitted uses in each zone and that can be approved, with or without conditions; note that any decision of Council is subject to section 2.2.2.(4);
2. Set out discretionary uses in each zone where Council determines that:



- a. the use may negatively affect the predominant uses of the zone and that in order to mitigate this impact, it is desirable to consult with the public and possible affected parties prior to issuing (with or without conditions) or refusing a permit; and/or,
  - b. it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone;
3. Indicate the following considerations when accepting or refusing a discretionary use and attaching conditions to a discretionary use:
  - a. whether these is appropriate for the site and the immediate surrounding area;
  - b. the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the designation show shown on the Future Land Use Maps in which the use is located.
4. Set out the uses permitted in all designations which will include: accessory buildings and uses, conservation uses, roads, mineral exploration that is not a development, and public utilities are permitted in all land use designations.

The objectives of the Municipal Plan as articulated in Chapter 2 are also implemented by the policies that apply to the following Land Use Classes in the Botwood Planning area.

## **3.2 RESIDENTIAL**

### **3.2.1 Goals**

1. To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population;
2. Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided;

### **3.2.2 Objectives**

The objectives of the residential land use class are:

1. Accommodate housing needs for current and future residents for a range of age, income, abilities, and family status with a range of housing types to satisfy market needs;
2. Build livable neighbourhoods by through consideration of sustainable options for more diverse housing densities and economically efficient residential patterns;
3. Preserve and enhance the amenity of existing residential areas and protect residential quality of life and property values;
4. Develop aesthetically pleasing residential streets with a diverse and interesting streetscape;
5. Allocate sufficient quality, quantity and mix of housing to meet anticipated requirements for the next ten years;

6. To provide good quality residential site design and a high standard of municipal services;
7. To provide an adequate amount of serviced land to accommodate residential development within the municipality;
8. To facilitate the development of residential infilling lots within built up neighbourhoods.

### 3.2.3 Residential Policies

It is the policy of Council to:

#### General

- 1) Provide for a residential land use designation on the Future Land Use mapping;
- 2) Provide for the following zones within the residential Future Land Use designation in order to provide a range of housing options to meet the needs and desires of all residents:
  - a. **Residential Medium Density (RMD)** zone which will have the following Permitted Uses: Single detached dwelling; Semi-detached (double) dwelling; Mini-home; Townhouse of 4 dwelling units or fewer; 3 & 4 Plex housing; Subsidiary apartment; and the following Discretionary uses: Tiny homes only considered for Confined lots; Townhouse greater than 4 units; Garden Suite; Apartment building, Assisted Living-Residential, Non-profit housing, Supportive housing; Transitional housing; Convenience store; Home business; Urban agriculture; Public Gathering Places-Indoor; Energy generating facility – residential only.
  - b. **Residential Mobile/Mini-home (RMMH)** zone which will have the following Permitted Uses: Mobile Home, Mini Home; and the following Discretionary uses: Convenience store, Home business, Urban agriculture.
  - c. **Residential Rural (RR)** zone which will have the following Permitted Uses: Single detached dwelling, Urban agriculture; and the following Discretionary Uses: Resort-tourism establishment; bar; Assisted Living-Residential, Non-profit housing; Supportive housing, Emergency shelter; hostel; Transitional housing, Energy generating facility – residential only, Subsidiary apartment.
- 3) Provide for non-residential uses related to open space, parks and trails to increase community amenity;
- 4) Provide for a range of discretionary uses that complement the concept of a complete community, such as home-based businesses, urban agriculture, subsidiary apartments, backlot development and detached garden suites;
- 5) Address the issue of short-term rentals, such as Airbnbs in the Development Regulations;



- 6) Clarify non-market housing in terms of group houses, supportive housing and other similar housing to clearly define these uses and indicate appropriate location criteria in the various zones in the Development Regulation;
- 7) Increase the lot coverage in order to allow for more built form on the lot which reduces the amount of land needed per home and allows for larger accessory buildings for storage;
- 8) Include provisions regarding tiny homes and tiny home subdivision development;
- 9) Assess the impact of the bulk and scale of proposed uses in residential designations to ensure: that development does not adversely affect the residential character and amenity of the area; provision of adequate space for on-site parking, loading, and buffering is provided;
- 10) For home-based businesses, ensure that the primary use of the lot remains residential. A compatible use will occupy only a minor part of the floor area of the dwelling.
- 11) Provide for residential infill in established neighbourhoods by including standards for confined lots, which are defined as lots which cannot be brought into conformance due to development on all sides, and also allow for Council discretion to exchange sideyard and backyard requirements for these lots after consultation with adjacent landowners; and allowing for accessory buildings to be considered in sideyards or frontyards as a Discretionary Use;
- 12) Manage residential development in a manner that preserves and protects sensitive environments and natural areas by requiring areas to be zoned appropriately for conservation purposes, 'environmental protection' or 'open space, parks and trails' in new developments;
- 13) Ensure that landscaping requirements are set out in the development permit and that the application addresses how the owner proposes to preserve the scenic quality of the neighbourhood.
- 14) Allow for provisions regarding alternative energy within a built-up residential area which will be limited to a single energy-generation unit that serves an individual property;
- 15) Require conformance to the Development Regulations for (1) Individual Lot layouts and the siting of buildings, (2) Subdivision Plans, including development standards of the Town's Development Regulations, engineering site plans, landscape plans and building designs must meet the approval of Council;
- 16) Require prior approval of the Service NL for on-site water supply and sewage disposal system for each lot for non-serviced lots, before development permits are issued.
- 17) Backlot development may be permitted at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. Standards for backlot development shall be established in the Botwood Development Regulations, which will include, but is not limited to, the following requirements:



- a. The site is located in an area designated for Residential, and the appropriate residential zone as set out in the Botwood Development Regulations;
- b. Appropriate servicing is the responsibility of the developer and must be approved by Council, and where appropriate, approval must be obtained from Service NL;
- c. The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, a road access to the public street must be provided of sufficient width (15 metres) to accommodate future public use; and where there is no potential for additional development, the access shall be treated as a private driveway and only one backlot development shall be permitted;
- d. Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
- e. To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a maximum of 100 m from a public street.

#### **Subdivisions**

- 18) Facilitate new subdivision developments to accommodate an appropriate mix of housing types to meet changing market conditions and socio-demographic needs of residents; such as innovative housing forms and other efficient and uses of land that are financially accessible to a range of household types and income groups including first-time home owners, young families, seniors and those with disability needs, such as, compact lots and backlots in the 'Residential Medium Density' zone;
- 19) For subdivision development with 5 lots or more, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
  - a. Conformity to the goals, objectives, and policies of this Municipal Plan;
  - b. Conformity to a Comprehensive Planned Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
  - c. A description of the subject lands;
  - d. Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
  - e. Access to the site from existing roads and internal road layout;
  - f. Extension and development of municipal piped services for new subdivision;
  - g. Demonstration of the long-term viability of any proposed on-site servicing system through a site assessment which shall accurately depict the conditions of the site;

- h. Provision for lot layout scheme including the phasing of development;
- i. Provision for 10% recreation lands or alternative measures if requested by Council;
- j. Adherence to the Town's Engineering Design Guidelines for Subdivisions for standards for streets designs, grades, storm drainage, building line setback, access, landscaping (landscape plan if required), buffers, development standards for each lot, etc.

### **3.3 COMMERCIAL**

#### **3.3.1 Goals**

1. To provide for an adequate quality, quantity and mix of commercial land to serve the present and future needs of the community;
2. Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided;
3. To facilitate diversified and balanced economic growth, development and diversify the local employment base; and,
4. To protect existing businesses and to ensure their continued operation.

#### **3.3.2 Objective**

The objective of the Commercial land use designation is intended to stimulate economic development in order for the Town of Botwood to be able to continue to provide local jobs and expand the level of services and programs to the residents by facilitating growth of existing businesses and attracting new businesses.

#### **3.3.3 Policies**

It is the policy of Council to:

- 1) Provide for a commercial land use designation on the Future Land Use mapping;
- 2) Provide the following Commercial zones:
  - a. **Commercial zone:**
    - i. This zone is to provide an opportunity for a general mix of commercial activities;
    - ii. Permitted Uses include: - Commercial Land Use Class: All Uses, EXCEPT Amusement Park/Attraction, Campgrounds, Resort; Institutional/Public Land Use Class-All Uses EXCEPT Cemetery; and Discretionary Uses include: Apartment building with commercial on main floor; Assisted Living-Residential, Supportive housing, Emergency shelter, Transitional housing, Hostel, Public Gathering – Indoor, Open Storage.



- b. **Commercial Local:**
    - i. This zone is intended to be uses for 'spot' zoning in the community where businesses historically were located or new services emerge with meet the needs of the surrounding residential neighbourhood. While 'spot' zoning is not encouraged, it will be limited by the Permitted and Discretionary uses listed below.
    - ii. Permitted Uses include: Retail, Medical or Dental Clinic/Office, Club and Lodge, Offices, Restaurants; Discretionary Uses include: Service Station-Residential, Outdoor Market.
  - c. **Commercial-Industrial:**
    - i. The Commercial-Industrial zone allows for a mixture of compatible commercial and generally light industrial uses which may not be suitable in the 'commercial' zone due to size or activities associated with the use.
    - ii. Permitted Uses include: Industrial – Light, AND Retail associated with the primary industrial use; Industrial–Mall, Solid Waste/ Recycling/Disposal/Composting; All Commercial Land Use Class (4.3) EXCEPT Amusement Park/attraction, Campground, Child care-non-residential, Hotel, Resort; and Discretionary Uses include: Industrial General, Public Gathering-Indoor.
- 3) Allow for commercial activities in the residential zones as Discretionary Uses or as Home-Based Businesses being mindful of the primarily residential nature of the neighbourhoods and including standards and conditions in the regulations to protect residential neighbourhood character;
  - 4) Commercial use development standards will be set out in the Development Regulation;
  - 5) Ensure that lands within areas identified for commercial use are developed in a manner that maximizes the use of land by encouraging development of multi-storey buildings with a high percentage of lot coverage and to locate around key intersections and along major thoroughfares or collector streets;
  - 6) Minimize the impact of commercial traffic on adjacent land uses and, on the traffic, carrying capacity of adjacent roads by allowing Council to require a statement regarding traffic impact as part of the development application and review;
  - 7) Open storage shall not be permitted in the front and may only be a discretionary use in a side yards of a commercial property. Property owners will be required to keep their premises well maintained and tidy.
  - 8) To prevent or minimize the adverse effects of any commercial development on adjacent residential uses, proper site layout and buffering shall be required, including measures such as separation distances, fencing, landscaping or any combination of these.



- 9) To require an aesthetically pleasing built form and better pedestrian connectivity of commercial development by:
  - a. allowing buildings to be located close to the street;
  - b. providing sidewalks, landscaping and streetscape amenities.
  
- 10) To beautify the streetscape of the 'gateway roads' into the town by creating a visual theme to foster a sense of community identity and create an opportunity for landowners to participate in a Streetscape Association and work cooperatively to beautify the Gateway Streetscape;



*Example of how strategically place street furniture and landscape elements are well-used in a busy commercial area*

### **3.4 MIXED USE**

#### **3.4.1 Goal**

1. To provide for an area in the community which allows for a mix of residential and commercial development;

#### **3.4.2 Objective**

1. Create opportunities for a mix of residential development interspersed with attractive commercial buildings that have doors and windows facing streets and parking areas for interconnected, walkable streets to create a sense of community;

#### **3.4.3 Policies**

It is the policy of Council to:

- 1) Provide for a mixed-use designation in the mixed-use Future Land Use map and include a Mixed-use zone on the Land Use Zoning map in the Development Regulations;

- 2) Permitted uses include: Amusement establishment/use, Business support service, Service Club and Lodge, Convenience store, General Service/repair, Medical or Dental Clinic, Personal Service, Office, Restaurant – full service, Retail, Public Gathering Place – indoor; Non-Profit housing, Supportive housing, Emergency shelter, Hostel; and Discretionary Uses include: Bar, Townhouse, Apartment building, Transitional housing.
- 3) Ensure that the non-residential uses allowed in this zone are compatible with the residential uses with due attention to hours of operations, noise levels, traffic levels, and other nuisance factors.

### **3.5 INDUSTRIAL**

#### **3.5.1 Goals**

1. To provide for an adequate quality, quantity and mix of industrial land to serve the present and future needs of the community; and,
2. Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided.
3. To protect valuable industrial land to ensure that the prime locations are available future use of the port infrastructure and land for industrial uses in support of port use.

#### **3.5.2 Objectives**

The objectives for Industrial land use designations are to:

1. Protect sufficient lands for future industrial needs;
2. Provide industrial land use zoning that reflects the needs of current and future industry needs and services to attract more economic activity;
3. To provide land areas suitable for general industrial uses that compatible with each other but would not be compatible with more urban uses;
4. To provide for buffers such as separation distance standards between residential and non-residential uses, fences, landscaping and other means in order to minimize the negative effects of nuisance or unsightly development and land use activities.

#### **3.5.3 Policies**

It is the policy of Council to:

- 1) Provide for an industrial Future Land Use designation on the Future Land Use mapping;



- 2) Provide for the following industrial zones on the Land Use Zoning map of the Development Regulations under the industrial land use designation:
  - a. Industrial General (IG) to provide areas for industrial development that are located away from urban residential areas that have access to the Industrial Marine areas as well as Route 350 to the Trans-Canada Highway;
  - b. Industrial Marine (IM) to support the development of the ports and use of the industrial infrastructure;
- 3) Minimize the impact of commercial traffic on adjacent land uses and, on the traffic, carrying capacity of adjacent roads by allowing Council to require a statement regarding traffic impact as part of the development application and review;
- 4) Facilitate redevelopment of vacant and underutilized industrial sites.
- 5) Classify commercial uses in industrial zones as Discretionary Uses;
- 6) Require an aesthetically pleasing form to industrial development along major road entrances to the Town by applying industrial development design standards, buffers, fences at Council discretion;
- 7) At Council discretion, allow industrial uses which have characteristics that may not be compatible with other land uses, such as resource-related industries or hazardous industry, to be located as a discretionary use in the Resource zone.

#### **3.5.4 Policies for Industrial General (IG) zone**

- 1) To provide land areas suitable for general industrial uses that compatible with each other but would not be compatible with more urban uses;
- 2) Limits non-industrial discretionary uses in industrial areas to those that directly support the industrial area in order to reduce potential conflict between incompatible developments and maximize land set aside for industrial use to be used for that purpose;
- 3) To select locations for General Industrial that are links to main transportation routes to facilitate industry activities and minimize conflict with non-industrial traffic.
- 4) Permitted Uses include: Industrial – General, Natural Resource-related Industries, Salvage/Scrap yard, Fisher-related use; Contractor – General, Composting Facility, Data Centre, Protective and Emergency Services, Industrial Light; Solid Waste Recycling/Disposal/Composting Site; and Discretionary Uses include: Energy Generation Facilities, Wind Turbine Generator, Marina, Aquaculture, Industrial– Heavy and Hazardous, Crematorium.
- 5) Development standards will be developed to maximize use of the land but also reduce conflicts between adjacent developments;

- 6) To ameliorate incompatible contiguous land uses: Property owners with unsightly uses will be required to store their materials in the rear yard. Scrap yards and similar uses will be screened from view of the road by high fences or some other form of buffer as required by Council. 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.
- 7) A Comprehensive planned development application may be required by Council;

### **3.5.5 Policies for Industrial Marine (IM) zone**

- 1) To preserve the lands along the shoreline historically used for industrial marine use for future development of these lands;
- 2) Allow uses that are compatible with future industrial-related industries;
- 3) Permitted uses: Industrial – General, Fishery-related Use, Natural Resource-related Industries, Contractor – General, Composting Facility, Marina;
- 4) Discretionary uses: Energy Generation Facilities, Aquaculture, Industrial– Heavy and Hazardous;

## **3.6 PUBLIC/INSTITUTIONAL**

The Public/Institutional land use class includes the land uses and developments that provide services to the general public and have a community-wide or regional catchment area. Generally, they also represent a significant investment by local, provincial or federal governments, as well.

Existing Public/Institutional development has been captured in this designation, such as the Town hall, the Dr. Hugh Twomey Health Care Centre, and schools. However, as the determination of the need for these services and land selection process is controlled by the agencies having jurisdiction (i.e., school boards, Provincial government), therefore, no new future sites have been identified as these will be reviewed on their own merit on a site-specific basis and subject to a Municipal plan amendment.

### **3.6.1 Goals**

1. To protect the Public/Institutional land areas to serve the present and future needs of the community; and,
2. Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided.



### 3.6.2 Objectives

1. The objective of the Public/Institutional land designation is to provide suitable locations to accommodate the level of pedestrian and vehicular traffic and activities associated with public and institutional uses in a safe, efficient manner with appropriate buffers to reduce potential impacts on adjacent land uses.
2. To provide a full range of community and social services to Botwood.
3. To ensure public access to the major natural features of the planning area such as the ponds, streams, and ocean shoreline.
4. To facilitate the multi-functional use of existing community buildings (schools, churches, etc.).
5. To provide recreation areas, facilities and programming to appropriately address the recreational and social needs for all age groups in the Town taking into consideration regional recreation facilities.

### 3.6.3 Policies

It is the policy of Council to:

- 1) Provide for a Public/Institutional Future Land Use designation on the Future Land Use mapping.
- 2) Provide for Public/Institutional zone on the Land Use Zoning mapping for the Development Regulations;
- 3) Provide development standards in the Development Regulations to maximize use of the land and accommodate efficient provision of services, and appropriate buffers, fences, and separation distances to avoid conflict;
- 4) Public/Institutional land uses should be located on arterial and collector roads that can accommodate the traffic generated by such uses;
- 5) Permitted Uses include: Institutional/Public Uses – **ALL EXCEPT** Crematoria (discretionary use associated with funeral home) including but not limited to: hospitals, government offices, educational facilities, convention centres or major cultural centres, such as Provincial arts and culture centres, recreation complex, such as an arena, multi-use sports and entertainment centres, swimming pools; and, personal care facilities (larger than residential home), such as nursing or senior's homes, family and group care centres; Also: Assisted Living-Residential, Non-profit housing, Supportive housing, Emergency shelter, Transitional housing; Hostel; and Discretionary Uses include: Service Club and lodge, Outdoor Market, Marina.
- 6) Ensure that Public/Institutional uses are compatible with surrounding development in terms of size, scale and layout of buildings by applying development design guidelines;

- 7) Ensure that development and operation of recreational facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic and hours of operation through appropriate conditions to development approval;
- 8) Determine the need for and implement appropriate buffers, fences or separation distances, and provide signage along trails; and,
- 9) Require that all Public/Institutional proposals provide information regarding access/egress and onsite parking and loading details, where applicable.

### **3.7 CONSERVATION**

The Conservation land use designation may be comprised of public and private open space; water bodies including buffers around ponds, shorelines, and wetlands, and flood plain lands, recognized by Council as having natural significance; lands that contribute to important ecological functions and lands containing other natural physical features which are desirable for open space use or preservation in a natural state.

The inclusion of privately-owned lands within the Conservation designation shall not imply that the land is accessible to the public. Permissions for public access to privately owned property within the Conservation designation shall be at the discretion of the property owner.

#### **3.7.1 Goals**

1. To protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values.
2. To provide appropriate public access and use of Conservation lands.

#### **3.7.2 Objective**

1. It is an objective to provide zoning in the Development Regulations with the appropriate level of protection and limitations on use in order to protect the integral value of these natural resources.

#### **3.7.3 Policies**

It is the policy of Council to:

- 1) Provide for a Conservation Future Land Use designation on the Future Land Use mapping to provide protection for areas deems valuable for open space, parks and trail use;
- 2) Provide for conservation zones in the conservation land use designation as follows:
  - a. Environmental Protection (EP) ;
  - b. Open Space, Parks & Trails (OSPT).



- 3) Reduce the potential for property damage and loss of life due to flooding, by restricting development on lands known to flood, such as flood plain lands to conservation and non-building uses;
- 4) Provide public access to identified environmentally significant areas and the shoreline of Peters River;
- 5) Require that development of passive recreation facilities such as walking or nature trails, and associated interpretation programs do not have an adverse impact on the natural environment and residential properties; and,
- 6) The Town may require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the separation distance or visual buffer be provided by the developer.

#### **3.7.4 Policies for Environmental Protection**

- 1) Permitted Uses include: Environmental Protection; Discretionary Uses include: Forest activities-domestic harvest only; Uses as permitted under the provincial policies of the Water Resources Management Division with respect to uses near waterbodies;
- 2) The Environmental Protection zone shall be applied in areas where development must be restricted, such as shorelines, waterbodies, steep slopes, and development is unsuitable and environmentally unsustainable.

#### **3.7.5 Policies for Open Space, Parks and Trails**

- 1) To provide areas for open space, parks & trails that are protected for this use only; (note that these uses are permitted in every other zone, but while permitted, they have no zoning protection);
- 2) To develop a network of Open space, Parks and Trails throughout the Town;
- 3) Permitted Uses include: Open space, Parks and Trails, Conservation – All use; Discretionary Uses include: Public gathering places-outdoor, -Restaurant – Mobile Take Out, Street Vendor -retail or office; Outdoor Market.
- 4) Development standards shall be at the discretion of Council pending recommendations generated through specific research regarding best practices for trail development, playground and park design and landscaping;

### **3.8 RESOURCE LAND**

Lands designated as Resource lands are intended to be used primarily by natural resource industries such as agriculture, forestry and mineral working operations. The site suitability requirements for each of these industries is limited; therefore, it is important to reserve areas identified by both the public and private sector for these uses.

#### **3.8.1 Goals**

1. To set aside rural lands intended to be used primarily for resource and rural uses and associated development that needs a rural context or large areas of land, or are incompatible with the urban area; and,
2. Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided.

#### **3.8.2 Objectives**

The objectives for the Resource Use designation are to:

1. Ensure responsible management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture;
2. Ensure coordinated and organized development of resource lands that may have significant economic and recreational value to the Town;
3. Retain the present rural character of the resource zone by limiting development permitted within this designation to those associated with agriculture, forestry, quarrying, outdoor recreation, cemetery or other uses such as cottage areas as may be outlined in this Plan;

#### **3.8.3 Policies**

It is the policy of Council to:

- 1) Provide for a resource designation in the resource Future Land Use designation on the Future Land Use mapping;
- 2) Establish a Resource zone that will allow for agricultural, forestry, and mineral development. Council will consult with the natural resource agencies regarding applications and management plans;
- 3) There are land uses which, by the nature of the activity, are not suitable to be located adjacent to other more urban uses or in industrial or commercial zones; therefore, they require the separation space that can be found in the Resource zone. These will be considered as Discretionary uses and range from resource-related industrial uses to resorts or amusement parks and campgrounds. Discretionary uses must be compatible with the primary natural resource values of the Resource zone;



- 4) Permitted Uses include: Commercial Agriculture, Forestry Activities, Mineral Working, Conservation class, Cottage; Contractor-General; Domestic Sawmill; Protective and Emergency Services, Opens Space, Parks and Trails; Resort; and Discretionary Uses include: Veterinary Clinic, Outdoor Market, Cemetery, Campground, Public Gathering – Outdoor, Public Gathering-Indoor, Amusement Park/Attraction, Service Station, Kennel, Marina, Residential-single detached dwelling only association with a permitted use.
- 5) Cottage developments or subdivisions are permitted in the Resource zone, as well, individual remote cottages will be allowed. Sites shall be carefully assessed with regard to access and potential future demand for Municipal services or conversion to permanent homes.
- 6) Provincial government agencies, such as the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division each have jurisdiction under legislation to plan and control these resources. It is the objective of this plan to ensure that the Town is adequately consulted by these agencies, and that permits are secured from the Town;
- 7) There are significant aggregate resources (quarries) located within the Planning Area boundary; therefore, the Development Regulations will contain standards and conditions related to such development in order to assist Council in reviewing any future applications that may be referred to them by the Mineral Lands Division.
- 8) In the Resource zone a 30 m buffer on waterbodies should be incorporated as natural green belts along wetlands and waterbodies (ponds, rivers, creeks etc.). A 30m minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity; wider green belts are suggested when bordering land uses include for example agricultural practices.
- 9) For developments requiring vegetative removal, Council will incorporate measures to maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species.
- 10) Vegetation clearing should be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.
- 11) Protect the natural resources of the Town for the best use in an environmentally responsible manner;
- 12) Ensure that development of resource lands does not block future access for other future opportunities for land use and development;
- 13) Protect and enhance agricultural enterprises in consultation with the Land Resources Stewardship Division and ensure compatible adjacent development in order to minimize potential conflicts;
- 14) Ensure that forestry activities including harvesting, road building and silviculture, are compatible with the other uses in the Resource zone;

- 15) Comply with Provincial government authority regarding mineral exploration and mineral lands development opportunities and ensure the procedures are in place to ensure that:
  - i. the Council is consulted by the Mineral Lands Division on all proposed developments associated with these activities;
  - ii. that appropriate environmental, public health and safety and fencing/landscaping measures are provided to avoid land use conflict; and,
  - iii. parties comply with the requirements of the Mineral Lands Division regarding the Mineral Working buffer which will be identified as an overlay on the Land Use zoning mapping and regulations regarding buffers are to be included in the text of the Development Regulations.

### **3.9 MARINA AND HERITAGE PARK ZONE**

#### **3.9.1 Goal**

1. To develop a focus for tourism-related development that will make the Town of Botwood a major destination for events, interpretive facilities, entertainment by building on the existing marina and heritage facilities.

#### **3.9.2 Objective**

1. To recognize the tourism potential of the Marina and Heritage Park area and focus tourism related development in this area;

#### **3.9.3 Policies**

It is the policy of Council to:

- 1) Provide for a Marina and Heritage Park Future Land Use designation on the Future Land Use mapping;
- 2) Provide for Marina and Heritage Park zone on the Land Use Zoning mapping for the Development Regulations;
- 3) Permitted uses include: Open space, Parks and Trails, Public gathering places-indoor, Public gathering places-outdoor, Marina, and Conservation – All uses; and Discretionary uses include: Restaurant – all, Outdoor Market, Retail.
- 4) Develop tourism-related facilities and events building upon the colourful and strong heritage of the Town of Botwood;



## **3.10 COMPREHENSIVE DEVELOPMENT AREAS**

### **3.10.1 Goal**

1. To protect land with development potential from ad hoc development in order to meet the future needs of the community;

### **3.10.2 Objectives**

1. The Residential Comprehensive Development Area designation is intended to protect lands with development potential to be reserved for the future land needs of the community for residential uses.
2. To identify areas to be designated for protection as CDA-Residential and indicate the primary purpose for these designations as residential use.
3. The Industrial Comprehensive Development Area designation is intended to protect lands with development potential to be reserved for the future land needs of the community for industrial uses.
4. To identify areas to be designated for protection as CDA-Industrial and indicate the primary purpose for these designations as residential use.

### **3.10.3 Policies**

It is the policy of Council to:

- 1) Identify the Residential Comprehensive Development area designation on the Future Land Use Map;
- 2) Provide for a Residential Comprehensive Development area zone on the land use zoning map of the Development Regulations for the purpose of Residential Medium Density development;
- 3) Identify the Industrial Comprehensive Development area designation on the Future Land Use Map;
- 4) Provide for an Industrial Comprehensive Development area zone on the land use zoning map of the Development Regulations for the purpose of industrial development;
- 5) The Development Regulations will allow existing uses to continue in an area designated as a Residential Comprehensive Development Area;
- 6) A Comprehensive Development application must be prepared in order to ensure orderly development and maximize use of land;
5. The Comprehensive Development area scheme areas should incorporate the principles from the 'Smart Growth', 'Complete Community' and 'Healthy Community' planning concepts, as appropriate, such as:
  - a. Mix of land uses

- b. Take advantage of compact building design.
- c. Create walkable neighbourhoods and a range of housing opportunities and choices
- d. Foster distinctive, attractive communities with a strong sense of place
- e. Preserve open space, farmland, natural beauty, and critical environmental areas
- f. Strengthen and direct development towards existing communities
- g. Make development decisions sustainable, predictable, fair, and cost effective





## 4.0 IMPLEMENTATION

### 4.1 DEVELOPMENT REGULATIONS

In order for the Town of Botwood to achieve the Vision, Objectives and Policies articulated in their Municipal Plan, the Council will need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Implement a Capital Works program to support Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes; and,
- Undertake to conduct research to inform decision-making in Plan implementation.

Development Regulations are one of the main vehicles through which Plans are implemented. The Town will review, revise and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

### 4.2 AMENDMENTS TO THE PLAN

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

In considering any proposed amendment to the Plan, the Council should evaluate the proposal for consistency with the strategy for growth of the Town, as established in the goals, objectives and policies of the Municipal Plan. An associated amendment may be required to the Development Regulations. As per Section 25 of the Act, an amendment to the Municipal Plan (and an amendment to the Municipal Plan and Development Regulations) must follow the process set out in Sections 14 -25 of the Act.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. This might only require an amendment to the Development Regulations without amendment to the Municipal Plan. Also, a Development Regulations amendment may consist of a change to the text of the regulations. In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;
- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects ; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

The procedure for an amendment to the Development Regulations only is set out in the Development Regulations.



### 4.3 REVIEW OF THE PLAN

The Council for the Town of Botwood will undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

**APPENDIX A: FUTURE LAND USE MAP**





