

# MUNICIPAL PLAN 2017 - 2027

TOWN OF PORTUGAL COVE SOUTH

DECEMBER 2017



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## Town of Portugal Cove South



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**Urban and Rural Planning Act, 2000**  
**Resolution to Approve**  
Town of Portugal Cove South Municipal Plan (2017-2027)

Under the authority of Section 16, Section 17, and Section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove South:

- a) Adopted the Town of Portugal Cove South Municipal Plan on the 22<sup>nd</sup> day of August 2017.
- b) Gave notice of the adoption of the Town of Portugal Cove South Municipal Plan by advertisement inserted on the 11<sup>th</sup> day and the 15<sup>th</sup> day of November 2017 in the Telegram (newspaper).
- c) Set the 4<sup>th</sup> day of December, 2017 at 6 p.m. at the Town Hall for the holding of a Public Hearing to consider objections and submissions.

Now under the authority of Section 23, of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove South approves the Portugal Cove South Municipal Plan as adopted.

Signed and Sealed this 19<sup>th</sup> day of December, 2017.

Mayor: Clarence Molloy  
Clarence Molloy

Clerk: Ida Perry  
Ida Perry

(Council Seal)

APPROVED  
MAYOR CLIFF

**Urban and Rural Planning Act, 2000**  
**Resolution to Adopt**  
Town of Portugal Cove South Municipal Plan

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the Town Council of the Town of Portugal Cove South adopts the Town of Portugal Cove South Municipal Plan 2017 – 2027.

Adopted by the Town Council of the Town of Portugal Cove South on the 22<sup>nd</sup> day of August 2017.

Mayor: Clarence Molloy  
Clarence Molloy

Clerk: Ida Perry  
Ida Perry

(Council Seal)

**Canadian Institute of Planners Certification**

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

MCIP: Anna Myers  
Member of Canadian Institute of Planners



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# 1.0 INTRODUCTION

## 1.1 FOREWARD

The *Town of Portugal Cove South Municipal Plan 2017-2027* establishes guidelines for the sustainable management of development on lands contained within the Portugal Cove South Municipal Planning Area (PAB) by setting out a ten-year land use strategy. This Plan provides a policy framework for the land use zoning and subdivision regulations, to be administered by Council through development and subdivision permits.

In guiding the physical improvement and sustainable growth of the community, the Plan indicates the location and timing of residential development and the general layout and scheduling of capital works to support development such as: maintenance and upgrades to municipal water infrastructure and the potential to pursue tourism development opportunities.

It also identifies plans to address the environmental, social, cultural, economic, and governance needs of the community. As required under the *Urban and Rural Planning Act, 2000*, hereby referred to as “the Act,” all relevant planning issues have been reviewed in the preparation of this Plan and are presented in this document.

The Plan additionally serves as the basis for preparation of the companion regulatory planning document, the Development Regulations. The Regulations address land use zones, development standards and terms and conditions, advertisement and subdivision requirements in support of the Plan’s policies. A Zoning Map also accompanies the Regulations. Once registered, Town Council administers the Municipal Plan and Development Regulations through its review of development permits and subdivision applications, and all other proposed land development inquiries.

## 1.2 PLAN CONTENTS

The Town of Portugal Cove South Municipal Plan, 2017-2027, consisting of this document and the associated Generalized Future Land Use Map, constitutes a legal document once approved

in accordance with the Act. It proposes the allocation of land for various uses, and includes Council's *vision* (goals, objectives and policies); the plan for the sustainable development of the community; and the timing and costs of recommended capital works over the next decade.

### **1.3 PLAN PREPARATION AND CONSULTATION**

This Plan was prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000. The Plan documents are based on a review of current land uses, available mapping and other studies of the community and on Council's perception of the land use problems facing the community, opportunities for improvements to its physical environment, and the direction of future growth. Community and stakeholder consultation has also been sought in the planning process.

Early in 2013, Town Council sent its resolution to hire Tract Consulting Inc. to prepare a Municipal Plan and Development Regulations to the Department of Municipal and Intergovernmental Affairs. A follow up letter (dated March 2015) contained the request to initiate an internal provincial consultation process to solicit feedback from various departments and agencies that may have an interest in the municipal planning process.

Various meetings were held with Town staff, Council and residents to determine the most appropriate Municipal Planning Area for the community's resources and capabilities. Some of these meetings also explored a possible role for Town Council with respect to the Mistaken Point UNESCO World Heritage Site and increasing the size of the planning area to include administration of land use zoning for the Drook, Long Beach and Cape Race. Upon careful deliberation, Council decided to request a planning area that is within the Town's means and capabilities.

Meetings with Council uncovered challenges and opportunities, council priorities and rationale for preparing a Municipal Plan and Development Regulations for the community. As part of its background research, Tract personnel conducted a site visit of the community.

As part of the process, Tract Consulting held a public meeting on February 4, 2017 to engage citizens in the plan process, to present background information that informed the preparation of the draft municipal plan and to seek their ideas and opinions. Following the meeting, at the request of citizens, the draft Municipal Plan 2017-2027 and the draft Development Regulations were posted on the Town's Facebook page for a two- week period, so that residents and other interested individuals and organizations could review the draft documents in detail and submit feedback to the Town.

#### **1.4 ADOPTION, APPROVAL, & REGISTRATION OF THE PLAN**

The Act sets out the process for bringing a Municipal Plan and Development Regulations into effect. Following initial public consultation and subsequent provincial review, and upon formal adoption of the Municipal Plan (2017-2027) through a resolution by Portugal Cove South Town Council under Section 16 (1) of the Urban and Rural Planning Act, Council provides notice of adoption and schedules a Public Hearing to receive further comment on the proposed Municipal Plan. At the Public Hearing, a Commissioner that is appointed by Town Council, will hear and receive representations and objections to the Municipal Plan, and submit a report with recommendations to Council for consideration.

Council may, by resolution, approve the Municipal Plan and Development Regulations, or approve the Plan with the revisions that may be recommended by the Commissioner. The planning documents are thereafter submitted to the Minister of Municipal and Intergovernmental Affairs for conformance to all applicable provincial policy, regulation and legislation, prior to registration of the Portugal Cove South Municipal Plan and Development Regulations in the provincial planning registry.

The Municipal Plan and Development Regulations come into legal effect on the date that a notice of registration is published in the Newfoundland and Labrador Gazette. The Urban and Rural Planning Act also requires public notification through advertisement in a local newspaper.

## **1.5 PLAN ADMINISTRATION**

The Municipal Plan is a land use policy document of Council that shall be administered by the designated staff of the Town of Portugal Cove South, and under the direction of Town Council. When the Municipal Plan (2017-2027) comes into effect, in accordance with Section 24 of the Urban and Rural Planning Act, the Plan shall be binding upon Town Council and any persons undertaking a development within the Portugal Cove South municipal planning area.

Council will administer the Town of Portugal Cove South Municipal Plan by carrying out the Plan's policies. There are several ways in which this is done:

- By preparing land use zoning and subdivision regulations prepared and approved at the same time as the Municipal Plan;
- By issuing development permits to people wishing to build or change the use of a building or to subdivide in accordance with regulations; and
- By undertaking the capital works and development schemes outlined in the Plan when the financial resources are available.

In five years' time, Council will review this Plan and revise it to provide for the next 10-year period in accordance with Section 28(1) of the Act. Amendments may be made at any time prior to the five-year review in response to new development proposals or changed community priorities. Amendments may be made at the discretion of Council, and must follow the process outlined in Sections 14 to 24 of the Act. Section 27 of the Act identifies that the cost of the amendment shall be the responsibility of the applicant.

## **1.6 MUNICIPAL PLANNING AREA**

The Portugal Cove South Municipal Planning Area (MPA) is comprised of approximately 3173.6 hectares of land as illustrated on Figure 1 -Municipal Planning Area (found on page 10). The Municipal Planning Area includes the entire municipal infill limit (which will no longer be applied once the Municipal Plan is in legal effect) and includes the Wrights River and the entire Wright's Brook Unprotected Water Supply with a 150m offset buffer. The Municipal Planning Area does

not overlap nor is it contiguous with the World Heritage Site Buffer or the boundary of the Mistaken Point UNESCO World Heritage Site.

The northern boundary of the Planning Area was established so as to protect the community's source of potable drinking water, the Wright's Brook Unprotected Water Supply. Traditionally, residents have used the rural lands adjacent to this water supply for recreational pursuits and it is Council's intention to allow these uses to continue.

The Municipal Planning Area is governed by Town Council, which exercises control over all development, environmentally sensitive areas, and amenities within the planning area.

## **1.7 INTERPRETATION OF PLANNING TERMS**

In this Municipal Plan:

- "Act" shall mean the Urban and Rural Planning Act, 2000, or "ACT", unless otherwise specified.
- "Council" shall mean the Council of the Town of Portugal Cove South.
- "Development Regulations" shall mean the Portugal Cove South Land Use Zoning, Subdivision and Advertisement Regulations.
- "Planning Area" shall mean the Town of Portugal Cove South Municipal Planning Area.
- "Town" shall mean the Town of Portugal Cove South.

To assist in the interpretation and understanding of the varied land use planning terms, please refer to the Definitions section (Schedule A) of the Development Regulations that accompany this Municipal Plan. If there are instances where the Portugal Cove South Definitions of planning terms conflict with those defined by the Urban and Rural Planning Act, 2000 (ACT), or Regulations of ACT (Minster's Development Regulations), the former shall defer to ACT.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category. Nothing in the Plan shall affect the

continuation of land uses, which are lawfully established on the date that this Plan comes into effect.



## 2.0 PLANNING CONTEXT

### 2.1 BACKGROUND OF PORTUGAL COVE SOUTH

Located on the southern shore of the Avalon Peninsula, Portugal Cove South is a small fishing village approximately 138 km south of St. John's. First settled in the 16<sup>th</sup> century as a Portuguese fishing station, the village and cove it is nestled into were named Portugal Cove. The "south" was added later to differentiate it from Portugal Cove on Conception Bay.

Until 1992, many of the town's residents participated in the in-shore cod fishery, which ebbed with the cod moratorium of July 1992. The moratorium put 30,000 people in the province of Newfoundland and Labrador out of work, ending a way of life that had endured for generations in many outport communities, including Portugal Cove South. In recent years, the economy has diversified with residents finding work in neighbouring communities or pursuing self-employment.

Several local residents have become involved in the development of the tourism industry associated with the Irish Loop. Two key attractions include the Mistaken Point UNESCO World Heritage Site (inscribed in 2016) and the Cape Race Lighthouse National Historic Site. Portugal Cove South is the gateway to both of these important sites.

The recently established Portugal Cove South Visitors' Centre and Edge of Avalon Interpretation Centre is the starting point for guided tours of the Mistaken Point UNESCO World Heritage Site known for offering some of the oldest known Ediacaran fossils in the world. Dating back 565 million years, some fossils are the oldest multi-cellular fossils on earth. The Mistaken Point UNESCO World Heritage Site is a provincially protected site under the Wilderness and Ecological Reserves Act.

The Cape Race Lighthouse, 19 km to the south, is one of many historic lighthouses in the Irish Loop. It was the first wireless station in Newfoundland and is known for having received the Titanic's distress signals in 1912. It is the closet point of land to Titanic's resting place, and home



to the Myrick Wireless Interpretation Centre, with artefacts and exhibits related to the wireless station and Titanic history.

## 2.2 DEVELOPMENT HISTORY AND LAND USE PATTERNS

Basque, English, French and Portuguese migratory fishermen originally settled the Village of Portugal Cove South. However, permanent settlement did not occur until the late 18<sup>th</sup> century arrival of William Hartery of Waterford County, Ireland. From the 1800-1850's the Molloy's from Trepassey and O'Leary's from Renews settled in the area. From 1850 to 1890, the Coombs, Power and Ward families arrived. Families from the communities of Long Beach and the Drook followed from 1900 – 1950.

## 2.3 ESTABLISHING A MUNICIPAL PLANNING AREA

Currently, the Town of Portugal Cove South has no legislated municipal boundary. The town's infill limits follow an historic pattern of settlement dating back some 200+ years as illustrated in **Map 1: Municipal Planning Area**. The town's infill limit encompasses an area of approximately 217.8 hectares. The western boundary follows the shoreline of Portugal Cove, while the northern boundary is adjacent to the shore of Portugal Cove Pond. The eastern boundary forms a narrow strip and terminates at Wright's River Bridge, historically considered by residents as the town's southern boundary.

Currently, the town has the Portugal Cove South Visitor's Centre that houses the Edge of Avalon Interpretation Centre and Gift Shop. Guided tours of the Mistaken Point UNESCO World Heritage Site can be arranged here. Residential land uses predominate with 91 residences, of which 70 single-detached family homes are the main building type and 21 are seasonal cottages. There is a Department of Fisheries and Oceans government wharf and building.

FIGURE 1 -MUNICIPAL PLANNING AREA



## 2.4 DEVELOPMENT HISTORY AND LAND USE PATTERNS

### Municipal Infrastructure and Services

The town is serviced by a municipal water supply whose source is the Wright's River. Volunteers maintain the system. Recently a new chlorination system has been installed that will improve water quality and dispense with the boil order that has been in place for a number of years.

There is no municipal sewage system and all buildings are serviced by private septic systems. All development must receive approval for septic systems from Service NL.

### PCS Volunteer Fire Department

There is a volunteer fire department comprised of 15 local residents. The volunteer fire department is responsible for Portugal Cove South and the adjoining community of Biscay Bay.

### Transportation Infrastructure

#### **Class II Protected Road Zoning**

Route 10, the Southern Shore Highway is a Class II Protected Road under the Province's Protected Road Zoning Regulations. According to Section 10 of the Regulations, once the Municipal Plan and Development Regulations for Portugal Cove South are approved, the Protected Road Zoning Plan for Route 10 will defer to the Municipal Plan and Regulations. However, dual permitting will be the responsibility of both the Province through Service NL and the Municipality. The maintenance and upkeep of Route 10, Main Road, Harbour Road and Loop Road is a provincial responsibility. Main Road – that section of Route 10 between Loop Road and Harbour Road, together with Route 10, is considered a collector road.

#### **Local Roads**

The following five roads, together with Loop Road, are considered the local streets in the Town of Portugal Cove South, and are maintained by the municipality:

- Molloy's Lane
- Hartery's Road
- Church Road

- Coombs Lane
- Ward's Road

#### Council and Services

Town Council is comprised of the Mayor and 4 councilors, and a paid part-time clerk who works two afternoons a week and manages the Town's administrative functions. The Town does not require or issue building permits for new development, renovations or modifications to buildings, on private property; not does it offer construction inspection or services. However, it is acknowledged that that Council is legally required to issue building and occupancy permits under the *Municipalities Act, 1999*, and once the Municipal Plan and Development Regulations are gazetted and in legal effect under the *Urban and Rural Planning Act, 2000*, the Council is required to issue development permits. There has been minimal construction in the community over the last few years.

Water hook-up is charged to the property owner at \$500 and the yearly rate for water services is \$170 per property. All non-residential buildings, except the church are serviced with municipal water. The Town operates the water system, which was upgraded in 2011-2012 at a cost of \$300,000. This was possible due to the federal/provincial infrastructure program that requires municipal investment of 10% and government investment of 90% of the total cost of the project.

The province is responsible for the upgrade and maintenance of Route 10, Main Road, Harbour Road and Loop Road. Although the town is responsible for the maintenance of Molloy's Lane, Church Road, Hartery's Road, Coombs Lane, and Ward's Road, the Department of Transportation and Works provides winter snow clearing services for which the town is charged \$3000 per year.

## Taxation

The Town's municipal tax revenue is derived from residential uses. The Provincial Municipal Assessment Office is responsible for the assessment of all properties in the community.

Municipal revenues are generated through property taxes as well as a poll tax. Residential property taxes are charged at a mill rate of 6.5 on a \$1000 of assessment, while non-residential property taxes are charged at a rate of 12.5 mills. Council also charges a poll tax of \$100.

Municipal revenue generated for the last 5 years is as follows:

YEAR	TOTAL MUNICIPAL REVENUE FROM TAXATION
2011	\$18,368
2012	\$17,038
2013	\$20,465
2014	\$21,175
2015	\$19,596.

Figure for 2016 not yet available.

## Residential Use

Typical residential housing in Portugal Cove South is the single detached family home. According to the 2011 census data, there are 70 private dwellings occupied by usual residents in the Town and no apartments. The Town reports 91 dwellings in total including summer homes. There are no mobile homes or apartments and all homes are serviced with municipal water, and individual private septic systems.

## Commercial and Resource Uses

### Businesses

- Taxi and Transportation Service
- Portugal Cove South Visitors' Centre, which includes the Edge of Avalon Interpretation Centre and Gift Shop

### **Government Wharf**

The Small Craft Harbours Branch of the Department of Fisheries and Oceans owns and operates the breakwater, wharf, community stage building and launch facility on Portugal Cove and adjacent lands.

A local harbour authority operates the wharf and monitors fishing activity. Approximately 10 vessels use the wharf and fishing activity indicates it is a medium producing harbour. Crab landings average at approximately 300,000 lbs per season.

### **Institutional and Recreational Uses**

#### **Worship**

- Holy Rosary Roman Catholic Church (& cemetery)

#### **Recreation**

- Portugal Cove South Playground

#### **Community Services**

The following community services are available in Portugal Cove South:

- Cape Race/Portugal Cove South Heritage Inc.
- Portugal Cove South Cemetery Committee
- Portugal Cove South Harbour Authority
- Portugal Cove South Historical Corporation

## **2.5 DEMOGRAPHIC TRENDS**

The 2011 Census reports a population of 160 residents, down from the 2006 count of 225 residents by 65 people or a decline of -28.9% of the total population. However, Council reports a total population of 130 residents. Differences may be due the methodology used by Statistics Canada in rounding up numbers.

The Newfoundland Statistical Agency, Community Accounts suggests a 2012 population of 155 individuals. In terms of age characteristics and gender, there are 45 residents in the age category from 10 – 44 years of age; and 105 in the category 45 – 80+ years of age; with the bulk of the population, 65 residents in the category 45 to 59 years; and 25 individuals in the age group 65+ years. There are no children under 10 years of age. Residents are evenly divided in terms of gender.

The median population age is 52.4 years compared to a provincial median age of 44 years. The percentage of the population aged 15 years and over is 93.8%.

#### Dwelling Characteristics and Counts

The 2011 census indicates there is a total of 70 private dwellings in the town and usual residents occupy all 70. The average assessed residential value is \$17,800 for a ranking of 211 out of 225 municipalities that were represented in this category.

#### Total Census Families

There are total of 55 census families in Portugal Cove south. 45 of these are married couple families; 5 are lone parent families and 5 are common-law couple families.

#### Education

Data with respect to the highest level of education achieved, indicate the following for a population aged 25 – 64 years, equivalent to 95 residents in the community: 25 have high school or equivalent; 20 have a college or post-secondary certificate or diploma; 25 have a university certificate or degree; and 40 have no certificate or diploma.

#### Labour Force Demographics

Data is not available on the Newfoundland and Labrador Statistical Agency website regarding labour force activity.

## Income

Income data is derived from NL Community Accounts but is not broken specifically for the Town of Portugal Cove South. Community Accounts offers income data for a larger area referred to as Local Area 14 – Trepassey Bay, which encompasses Biscay Bay, Portugal Cove South, St. Shott's and Trepassey. Data is organized in this manner to preserve the anonymity of respondents.

Average employment income for Local Area 14 is \$32,200 compared to \$39,000 for the province. Personal income per capita for Local Area 14 is \$30,600 compared to \$32,000 for the province. However, total personal income in Local Area 14 drops to \$28,784. In 2011, median income was \$24,400.

Family income including all family types was recorded as \$48,400. Couple family income was \$75,900 for Local Area 14, compared to an average provincial figure of \$91,700. Lone parent family income registered at \$43,200 for the area. However, the median lone parent family income for the province was recorded as \$32,900.

In terms of economic self-reliance, Local Area 14 has a ratio of 71.9% compared to the provincial ratio of 81.2%. The higher the ratio, the lower the dependencies on government transfer payments such as Canada Pension, Employment Insurance and Income Support Assistance.

The Background information lays the foundation for the preparation of the Town of Portugal Cove's first Municipal Plan, Development Regulations and accompanying mapping. It provides a chronology of the settlement and development of the Town, its founders and residents, and highlights opportunities for the future. These opportunities will be examined in further detail in the Chapters of the Municipal Plan that follow.



## **2.6 A STRATEGY FOR GROWTH AND CHANGE**

The development strategy for the Town of Portugal Cove South Municipal Plan 2017-2027 is to continue to reinforce the patterns of development that have evolved over the last number of decades. The emphasis will be on retaining and strengthening current land use patterns to minimize the inefficient use of land and services. Provision of commercial and community services, the enhancement of tourism, recreation and open space opportunities and the protection of significant environmental features and lands will be the focus of this plan.

## 3.0 VISION, GOALS AND OBJECTIVES

This section outlines the Town's planning vision, goals, and objectives that will be pursued for the period. The vision statement establishes a broad picture of the community's future – a future that Council will endeavour to achieve through the implementation of the policies and proposals outlined in the Municipal Plan. A goal is a desired state that reflects the long range desires of Council and is related to an area of concern. It is concrete, realistic, action-oriented and attainable within a period of three to five years. The realization of an objective should move the goal closer to reality. The community vision, goals and associated objectives were determined through consultation with Council and the public.

### 3.1 COMMUNITY VISION

In 2009, the Town of Portugal Cove South collaborated with the municipalities of St. Shott's and Trepassy to prepare a joint Integrated Community Sustainability Plan (ICSP). The plan suggested a regional statement of principles based on regional collaboration, the sharing of opportunities resources and knowledge and support of regional municipal services and initiatives. The ICSP provides a good platform from which to develop a vision unique to the Town of Portugal Cove South. Consultation with Council revealed a desire to craft a vision statement for Portugal Cove South that integrates aspects of the ICSP core principles. By integrating elements of the ICSP into the Municipal Plan, the Town will have two complementary documents to help guide the future growth of the Town. Council's vision is as follows:

*Portugal Cove South has a history of sustaining its citizens in a rural setting that dates back to the 18<sup>th</sup> century. Council will continue to enhance that role by providing a clean, safe, economically viable environment for all of its citizens from youth to seniors; while promoting a sense of community; protecting the environment; and respecting the past.*

*Portugal Cove South will provide a strong base of support for senior citizens while encouraging an active, healthy lifestyle for all residents. The Town will promote planned developments that respect current land uses while promoting economic growth, tourism, and respect for the environment. The Town will promote itself as the Gateway to History – taking advantages of opportunities offered by the Mistaken Point UNESCO World Heritage Site and Cape Race.*

## 3.2 COMMUNITY GOALS

The following five community goals will guide the growth and development of Portugal Cove South from 2017-2027. The five goals are based on the key principles identified in the ICSP and will guide the decisions and actions of Council over the course of the next ten years.

### Goal 1: Community Structure and Character

- Encourage growth in the Town of Portugal Cove South that ensures orderly development, efficient provision of municipal services, respect for the natural environment, and compatibility between land uses. Infill development on available lands with access to existing municipal water services should be considered before development in unserviced areas. Access to land adjacent to serviced areas should be promoted and provided through the coordination of development plans.

### Goal 2: Housing

- Encourage the development of good quality, appropriate housing to address the needs of local residents especially seniors.

### Goal 3: Environment

- Encourage a community philosophy that values and protects its natural environment and applies the principles of environmental stewardship to the use of land and human activity.

### Goal 4: Tourism and Recreation

- Support existing and take advantage of new tourism and recreation opportunities that are accessible to all residents of Portugal Cove South regardless of age, ability or economic position.

### Goal 5: Efficient Municipal Services

- Manage municipal expenditures and revenues so as to provide municipal services based on long-term financial stability.

### 3.3 COMMUNITY OBJECTIVES

The intention of the Community Objectives is to create the foundation for the policies expressed in this Plan. Derived from the Community Goals, the Town of Portugal Cove South Municipal Plan outlines the following policy objectives.

- Objective A Encourage new and infill development in the areas of the town with existing water services that have capacity, or where these services can be easily and efficiently provided.
- Objective B Maintain the conventional single-family detached dwelling as the dominant housing form to accommodate the needs of families and an aging population.
- Objective C Prevent development in areas that pose potential hazards such as steep slopes, wetlands and flood plains.
- Objective D Encourage economic development by permitting home-based businesses.
- Objective E Preserve and protect open spaces, ponds, streams, coastal features, areas of scenic value and environmentally sensitive areas for conservation and recreational uses.
- Objective F Protect and preserve the Wright's Brook Unprotected Water Supply so as to ensure the quality and quantity of the town's source of municipal water.
- Objective G Encourage and facilitate the continued development of tourism opportunities associated with the Mistaken Point UNESCO World Heritage Site and Cape Race, especially those that promote the town as the Gateway to these historical resources.
- Objective H Manage municipal expenditures and debt burden in a prudent manner, according to the Town's ability to pay. Maximize return on investment.
- Objective I Ensure that new land developments take place with no additional capital cost burden to the Town for municipal services by requiring developers to fund infrastructure extensions and improvements to support their proposed land developments.

## 4.0 LAND USE POLICIES

This section provides the policy framework necessary to determine planning for the Town of Portugal Cove South in the future, by translating the Goals and Objectives outlined in Section 3: Vision, Goals and Objectives into specific planning policies. This section, along with the accompanying Future Land Use Map, includes all policies viewed by Council as necessary to ensure the physical development of the Town is carried out in an efficient and economic manner during the Planning Period (2017-2027). These policies will be implemented according to the Town's Land Use, Zoning, Subdivision and Advertisement Regulations (Development Regulations).

### 4.1 GENERAL LAND USE POLICIES

The following policies can be categorized as general in scope and apply to all areas within the Town and of Portugal Cove South Planning Area.

#### 4.1.1 GROWTH MANAGEMENT

**Policy G-1:** It shall be a policy of Council to direct new development in accordance with the Future Land Use Map, as amended from time to time, and in accordance with the policies of this Plan. Generally speaking, new residential development will be located in areas of Town that can be easily and economically serviced with municipal water. New commercial development will be concentrated along Route 10 on lands designated for Mixed Development.

**Policy G-2:** It shall be a policy of Council to require that site plans for infill and land development meet the approval of Council. Developments shall be compatible with the existing character of surrounding buildings, and in accordance with Council's objectives and development standards for the area with respect to lot size, frontage, road width, alignment, installation of municipal services or private systems, and other matters concerning current or future public works.

#### 4.1.2 NON-CONFORMING USES

Policy G-3: It shall be a policy of Council, in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, to recognize that any development or land use that legally exists on the day this Plan comes into effect, may continue. Where a building or use exists which does not comply with the intent of the Plan and the designation use, it shall not be allowed to substantially expand. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment and a change from one non-conforming use to another more acceptable use may be permitted.

#### 4.1.3 GENERAL ENVIRONMENTAL POLICIES

Conservation values are inherent in this Municipal Plan. Priority is given to protecting sensitive areas from potential negative impacts of development and climate change. This Municipal Plan pays particular attention to protecting sensitive and scenic areas, including watercourses (rivers, streams, etc.), water bodies (lakes, ponds, etc.), coastlines, flood risk areas, and wetlands from the potentially adverse impacts of development.

Policy G-4: It shall be a policy of Council to encourage the preservation of natural features such as natural shorelines, wetlands, and view planes, among others, in order to preserve natural areas for future generations. New development shall be required to minimize impacts on the environment.

Policy G-5: It shall be a policy of Council that any development or land use activity will be separated from any water body, watercourse, tributary, wetland and coastline by a buffer, the requirements for which shall be set out in the Development Regulations. Council shall prohibit development in areas exposed to ocean surges, flooding or other significant natural dangers. Proposed development activity in the water, or within a required buffer area, will be referred to the Department of Municipal Affairs and Environment for consideration under Section 48 of the Water Resources Act.

#### 4.1.4 SUBDIVISION OF LAND POLICIES

The process and result of dividing a parcel of land into smaller buildable sites, streets, open space and public areas is known as the “subdivision of land.” Note that under the Water Resources Division of the Department of Municipal Affairs and Environment require that subdivisions of 4 or more lots undertake a Ground Water Assessment.

- Policy G-6: It shall be a policy of Council that all proposed subdivisions of lands for mixed development, rural, and conservation uses will be subject to a comprehensive evaluation. The depth of the evaluation will depend upon the scale of the proposed development, the environmental sensitivity of the area, and the nature of any public concerns identified. The content of this evaluation will be detailed in the Development Regulations and will include:
- a) An investigation of all physical features of the site and the opportunities and constraints to development;
  - b) The layout of proposed lots and roads with respect to the topography and natural features of the land;
  - c) The integration of the proposed subdivision development with existing developments, roads and municipal services and the provision of future access to undeveloped backland areas;
  - d) Potential effects on environmentally sensitive resources;
  - e) Future access to undeveloped lands in the area;
  - f) Potential compatibility (or conflict) with surrounding land uses, both existing and future.
  - g) The proponent's proposal for water and sewer services and appropriate provincial permits; and
  - h) The estimated long-term costs to the Town to maintain the proposed roads and water services infrastructure.

#### Subdivision Agreements

- Policy G-7: It shall be a policy of Council to require an applicant to enter into a subdivision agreement with the Town as a condition of approval. An agreement shall be negotiated between the developer and the Municipality for financing and development of services provided to the site, constructed to municipal standards, and consistent with the policies of this Plan and the Development Regulations.

#### Council Decision

- Policy G-8: It shall be a policy of Council to review each subdivision and development application on a case-by-case basis. Upon review, Council may:
- (a) Approve the development as proposed;
  - (b) Approve the development with terms and conditions;
  - (c) Defer a decision subject to more detailed information; or
  - (d) Not approve the development if it concludes that the development is unsuitable for the location, will be prohibitively expensive to service, or

will create environmental or other problems that cannot be sufficiently corrected or mitigated.

#### Stormwater Drainage

Policy G-9: It shall be a policy of Council that all development including buildings, driveways, parking areas, grading of land and excavation of drainage ditches is carried out in a manner that does not cause an excessive increase of stormwater runoff affecting adjacent properties, steep or unstable slopes, nearby watercourses, and other sensitive areas.

#### Municipal Services and Costs

Policy G-10: It shall be a policy of Council that developments requiring new street extensions, and municipal water services will be constructed to standards set out in the Development Regulations and shall be the financial responsibility of the developer. Ownership of new streets and service infrastructure will be required to be transferred, at no cost to the Municipality, upon satisfactory completion.

### 4.1.5 OTHER GENERAL LAND USE POLICIES

#### Easements and Emergency Access

Policy G-11: Where land is required for utility easements or emergency access, it shall be a policy of Council to permit such land to be acquired for the appropriate agency in the course of approving subdivision or other development applications.

#### Appropriate Siting of Development

Policy G-12: It shall be a policy of Council that building setbacks from roads be provided in accordance with the zoning and subdivision regulations to preserve the right-of-way widths, as specified in the Development Regulations. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

Policy G-13: It shall be a policy of Council that all development must front on a publicly maintained street, unless otherwise specified in this plan.



Policy G-14: It shall be a policy of Council to permit development only on lands having soil and drainage conditions that are suitable for the proper siting and development of the proposed use.

#### Wharves, Docks and Shoreline Access

Policy G-15: It shall be a policy of Council that, as a condition of approval, development of wharves and docks for public, commercial or personal uses may be permitted in appropriate locations along the shoreline of Portugal Cove and Portugal Cove Pond provided that they have no adverse effect on the site, are compatible with surrounding land uses, and meet the approval and conditions of the Department of Municipal Affairs and Environment and the Department of Fisheries and Oceans, or any other regulatory agency.

Policy G-16: It shall be policy of Council to ensure that public access to and along the shoreline of Portugal Cove and Portugal Cove Pond preserved and, where possible enhanced.

#### Public Access to Watercourses

Policy G-17: It shall be a policy of Council to ensure that sufficient and appropriate public access is maintained to coastlines, ponds, lakes, rivers and streams, for recreational use, provided that such access does not unreasonably affect the use and enjoyment of adjacent private lands by property owners.

#### Archaeological Sites

Policy G-18: It shall be a policy of Council to consult with the Provincial Archaeology Office, Historic Resources Division, Department of Tourism, Culture and Recreation before undertaking any municipal works or considering applications for development that are proposed to occur on known archaeological sites within the Portugal Cove South Planning Area.

#### Sustainable Energy Development

Policy G-19: It shall be a policy of Council to permit, at its discretion, the development of renewable energy facilities in the mixed development and rural land use zones. Proposals for commercial and private wind energy turbines will be subject to standards set out in the Development Regulations.

#### Home-based Businesses



Policy G-20: It shall be a policy of Council that businesses in the form of home occupations may be considered in any residential dwelling in any land use designation, where such businesses will not have negative impacts on traffic, noise, odour, lighting, or signage.

## 4.2 SPECIFIC LAND USE POLICIES

The land resources of the Portugal Cove South Planning Area shall be managed in accordance with the proposed land uses shown on the Future Land Use Map and the land use policies of this Municipal Plan. The Future Land Use designations, and the specific policies that apply to each of these land use designations, are described in the following sections.

- Mixed Use Development
- Rural
- Conservation

### 4.2.1 MIXED USE DEVELOPMENT LAND USE POLICIES

#### General Intent

The Town of Portugal Cove South has no identified commercial centre. With a small resident population, there is limited demand and capacity for local commercial retail and personal services activities.

Lands fronting on and adjacent to Route 10, and lands fronting on the municipality's local roads contain a mix of residential, limited commercial, and public uses. The intent of the Mixed Use Development designation is to provide opportunities for residential development to serve the local community; and to integrate a mix of commercial, public and recreational uses within the built up areas of the municipality.

The areas designated as Mixed Use Development on the Future Land Use Map, shall be further categorized on the Land Use Zoning Map as the following zone: **Mixed Use Development – MD**. The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

**Policy MD-1:** It shall be a policy of Council to permit residential uses in the form of single dwellings as the primary use and double dwellings within the Mixed Use designation. Council may permit on a discretionary basis, a wider range of higher density residential uses it deems appropriate, where such uses are determined to be compatible with the existing rural – residential nature of the community, as detailed in Schedule C of the Development Regulations.

Policy MD-2: It shall be a policy of Council to permit on a discretionary basis, low impact commercial uses such as convenience store, café, retail, and service outlets and the like, subject to terms and conditions as outlined in Schedule C of the Development Regulations.

Policy MD-3: It shall be a policy of Council to permit on a discretionary basis, public uses such as government offices, fire hall and training centre, cultural and civic centres (such as community hall, information centre, etc.), churches, places of public assembly and recreational facilities (such as trails, picnic areas, playgrounds and ballfields), club and lodge, protection, seniors centre, museum, bed and breakfast, medical treatment and special care class, service station, agriculture, forestry, mineral working, cemetery, animal, antenna, transportation and fisheries, subject to terms and conditions as outlined in Schedule C of the Development Regulations.

Policy MD-4: It shall be a policy of Council to permit the use of a modular home as a permanent residence that is certified as meeting construction standards set by the Canadian Standards Association (CSA) subject to terms and conditions outlined in Schedule C of the Development Regulations.

Policy MD-5: It shall be a policy of Council to permit as a discretionary use, home-based businesses in Mixed Development areas subject to the terms and conditions listed in Schedule C of the Development Regulations.

Policy MD-6: In evaluating proposals for new development in Mixed Use areas, it shall be a policy of Council to pay particular attention to the compatibility of uses such that non-residential uses shall not create excessive noise, pollution or a hazard to adjoining properties and, if necessary, must be adequately separated and buffered from surrounding residential development in the form of sideyards, screening, or landscaping buffers.

Policy MD-7: Before permitting any non-residential development, Council will be satisfied that its requirements with respect to building setbacks, buffering between uses, off-street parking, outdoor storage and other site related matters can be met as outlined in Schedule C of the Development Regulations.

Policy MD-8: It shall be a policy of Council to allow on a discretionary basis, backlot development in Mixed Development areas where Council is satisfied that:

- (a) Water and sewer services can be provided to the development;
- (b) Adequate access is provided to the lot;
- (c) Development will not prejudice the future use of adjacent lands; and

- (d) The development is in compliance with the terms and conditions outlined in Schedule C of the Development Regulations.

Policy MD-9: Notwithstanding the foregoing policies, it shall be a policy of Council to not issue a permit where it is of the opinion that the proposal will have an adverse or detrimental effect on adjacent properties.

Policy MD-10: It shall be a policy of Council to allow conservation, recreational open space and utilities as permitted uses.

#### 4.2.2 RURAL LAND USE POLICIES

##### General Intent

Areas are designated Rural on the Generalized Future Land Use Map in recognition of their importance for natural resource uses, conservation of habitats and environmentally sensitive areas, and passive outdoor recreation and open space. Urban encroachment into rural areas will be minimized in order to sustain resource-based activities and to reduce the loss, fragmentation and degradation of the natural environment.

The areas designated as Rural on the Generalized Future Land Use Map, shall be further categorized on the Land Use Zoning Map as the following zone: **Rural - RUR**

The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

Policy RUR-1: It shall be a policy of Council that lands intended for Rural purposes be used for mineral workings, forestry, cemetery, wharves, marinas and related uses, passive outdoor recreation and open space, and conservation uses. Communications antennae, public utilities, road construction and maintenance may also be permitted.

Policy RUR-2: It shall be a policy of Council to encourage conservation of natural features such as steep slopes, natural shorelines, waterbodies, watercourses, and wetlands and flood risk areas in order to preserve natural areas for future generations.

Policy RUR-3: It shall be a policy of Council to permit accessory single dwellings to agriculture and mineral workings uses as a discretionary use, with adequate access and

provision for water and sewer systems and provision for waste disposal, and are subject to terms and conditions outlined in Schedule C of the Development Regulations.

Policy RUR-3: It shall be a policy of Council to allow the following discretionary uses in the Rural zone: agriculture, general industry, scrap yard, solid waste, and animal.

#### Mineral Workings

Policy RUR-4: It shall be a policy of Council that the extraction of aggregate resources be carried out so as to protect existing land uses, environmentally sensitive and scenic areas and passive outdoor recreation. To this end minimum separation distances and buffering requirements shall be implemented between pits and quarries and adjacent uses such as residential uses, public roadways, watercourses, wetlands, environmentally sensitive and scenic areas and outdoor recreation uses as detailed in Schedule C of the Development Regulations.

Policy RUR-5: It shall be a policy of Council to not permit any residential or mixed development use (other than accessory residential) in mineral extraction areas until extraction is complete and preliminary site restoration is carried out. As areas are mined and restored on a progressive basis, the mineral working designation may be moved in depleted areas and those areas may then be committed to other land uses. This process is also dependent on whether adequate buffer zones can be maintained between subsequent land uses and the extraction operations.

#### Conservation of Environmentally Sensitive and Scenic Areas

Policy RUR-6: It shall be a policy of Council to not permit land or resource activities that it feels may adversely affect areas that are environmentally sensitive or are not conducive to development for aesthetic or scenic reasons. This includes steep slopes, coastal features, visible rock outcrops, wetlands, watercourses and ravines. In these areas, protection rather than development measures will take priority.

Policy RUR-7: Notwithstanding the foregoing policies, it shall be a policy of Council to not issue a permit where it is of the opinion that the proposal will have an adverse or detrimental effect on adjacent lands.

#### 4.2.3 CONSERVATION USE POLICIES

##### General Intent

The Portugal Cove South Planning Area has an abundance of open space, coastal and freshwater shorelines, and walking trails. Protecting and enhancing the waterfront and beach areas



associated with Portugal Cove and Portugal Cove Pond will maintain these important community assets for the future. These open spaces offer recreational opportunities for residents and also offer long-term tourism potential for the town.

Lands designated as Conservation/Open Space serve a variety of functions including:

- a) Protecting and preserving the Wright's Brook Unprotected Water Supply as the source of municipal water;
- b) Preserving important features of the natural environment and maintaining, where appropriate, public access to them;
- c) Acting as buffers between potentially conflicting land uses;
- d) Ensuring public access to shorelines is maintained where possible.

The areas designated as Conservation on the Generalized Future Land Use Map, shall be further categorized on the Land Use Zoning Map as the following zone: **Conservation - CON**

The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

Policy CON-1: It shall be a policy of Council that the Wright's Brook Unprotected Water Supply, environmentally sensitive lands or areas important for wildlife habitat are designated as Conservation/Open Space and are to be left in a relatively natural state for scenic purposes, and for the protection of the municipal source of potable water, wetlands, waterways and coastal areas or the need to provide buffers between potentially incompatible land uses.

Policy CON-2: It shall be a policy of Council that within this designation, conservation and open space shall be permitted uses, and recreation uses such as nature trails, parks and nature interpretation, picnic areas, rest areas, facilities for interpretation signage, and uses related to recreational marine uses such as wharves and docks may be considered where such uses will not have a negative impact on the environment. Utilities and antennae may also be permitted.

Policy CON-3: It shall be a policy of Council to allow, and sometimes require, lands to be set aside from active development in order to protect, maintain, or improve an environmental resource or sensitive natural feature. These lands may be used for uses such as fields, walking trails, and passive recreational facilities, but shall not include structures such as buildings, parking lots or other impervious land uses.



- Policy CON-4: It shall be a policy of Council that any development or land use activity shall be separated from any lake, stream, river, shoreline, tributary or wetland by a 15m buffer. Council shall prohibit development in areas exposed to flooding, or other significant natural dangers, except for wharves and boathouses, subject to the requirement of the Development Regulations and requirements of other jurisdictions. Proposed development in the water or within the required buffer area, will be referred to the Department of Municipal Affairs and Environment for consideration under Section 48, the Water Resources Act.
- Policy CON-5: It shall be the policy of Council to allow consideration of the following discretionary uses: agriculture, forestry, transportation, recreational open space (building).

#### 4.2.4 TRANSPORTATION POLICIES

##### General Intent

Route 10, the Southern Shore Highway, connects Portugal Cove South with the adjoining municipalities of Biscay Bay and Trepassy. Other than exception of Route 10, a class 2 Protected Road under the Provincial Protected Road Zoning Regulation, the municipality owns all roads in the town. The Province is responsible for the upgrade and maintenance of Route 10, Main Road, Harbour Road and Loop Road. All other roads are maintained and upgraded by the Town.

The municipal road system is meant to facilitate the efficient movement of people and goods throughout the Planning Area. The road network is shown on the Generalized Future Land Use Map and Land Use Zoning Map.

- Policy T-1: It shall be a policy of Council to designate Route 10 (the Southern Shore Highway) the main road through the settled area to the extent of the municipal boundaries as a Collector Street. All other publicly maintained roads in the settled areas of the town shall be deemed Local Streets.

Policy T-2: It shall be a policy of Council to adopt road design and construction standards appropriate to road function and access management guidelines prepared by the Provincial Department of Transportation and Works to effectively address future development.

Policy T-3: It shall be a policy of Council to require that new development applications include a site plan showing how access and parking is to be arranged and that fulfillment of these plans is a condition of approval.

Policy T-4: It shall be a policy of Council to establish priorities for long-term road maintenance.

Policy T-5: It shall be a policy of Council to ensure that appropriate public road reservations are maintained to provide road connections to back-land areas with future development potential.



## 5.0 IMPLEMENTATION

The Municipal Plan will be implemented over the next ten years through decisions of Council and government agencies that have responsibility for various aspects of development that affect the Town. Of particular importance to Council are the following:

- a) Effective administration of the Plan;
- b) The adoption of a five year capital works program, updated annually;
- c) The adoption of Land Use Zoning, Subdivision and Advertisement Regulations;
- d) The adoption of development schemes;
- e) The procedure for considering amendments to the Plan; and
- f) Working in partnership with citizens, groups, and organization to achieve the collective goals of the community.

### 5.1 ADMINISTRATION OF THE PLAN

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

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

Once conformity to the Plan has been established, Council will ensure that all development proposals are given a comprehensive review that shall include circulation to all affected public departments and agencies. Council's final decisions will be based on the desire to guide the development of Portugal Cove South in the best long-term interests of its citizens.

All persons wishing to develop land for any purpose within the Portugal Cove South Municipal Planning Area shall apply to Council for permission through the established procedure. Council may refuse or approve applications, with or without conditions. The appeal of all Council decisions to the appropriate Regional Appeal Board will be permitted in accordance with the Part VI of the *Urban and Rural Planning Act, 2000*.

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

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

## **5.2 CAPITAL WORKS PLAN**

In the coming planning period, a Capital Works Plan will be adopted and implemented by Council that will aim to upgrade existing infrastructure and construct new infrastructure where appropriate. The Program will include a five-year program of work to be undertaken as required by the *Municipalities Act*.

The following tables identify priority works projects and studies that have been identified to implement the Plan over the Planning Period. Projects will be pursued with due consideration of the financial position of the Town, its revenue sources, borrowing capabilities and available funding opportunities.

YEAR	CATEGORY	PROJECT	TOTAL ESTIMATED COST	COUNCIL PORTION
2015-16		2015 MSIS Applications		
1.	Upgrades to Town water system		\$50,000	10% if approved
<p>*Council is in a position where it must apply for funding to complete capital works improvements, thus planning for capital works projects is done on a yearly basis as opposed to 5-year basis based upon the application process. Note also that the application to upgrade the water system was denied in 2016 due to a boil order; Council will reapply in 2017.</p>				

Council's ability to undertake major public works during the Planning Period will depend largely on its financial management program. Overall, the objective will be to minimize the increase in municipal debt load and to economize on project costs where possible.

The following are regarded as important components of a financial management program for the municipality:

- (a) All proposed public works, which qualify for assistance from the provincial or federal governments, should be financed on this basis. This shall include cost sharing programs with the provincial government and grants.
- (b) Funds raised by the municipality to undertake public works shall be obtained from local revenues where possible. The principle source from which funds could be realized for this purpose is new development. Minor public works in particular should be financed from current accounts where possible.

- (c) Mill rates and service fees shall be managed during the Planning Period to keep pace with inflation and to ensure that an acceptable level of municipal services can be achieved.
- (d) Additional borrowing to undertake major public works shall preferably be on the basis of government guaranteed loans.
- (e) Annual locally generated revenue shall be applied against the municipality's long-term debt. Payments shall be in keeping with the policy of the Department of Municipal and Intergovernmental Affairs and agreement between the Town and Department.
- (f) For subdivision development, Council shall pursue a break-even policy for development that will require the developer to pay for the installation of all services to municipal standards.

### **5.3 LAND USE ZONING, SUBDIVISION & ADVERTISEMENT REGULATIONS**

Once this Municipal Plan has been adopted, Council will proceed to adopt Comprehensive Land Use Zoning, Subdivision and Advertisement Regulations (known as Development Regulations) pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

The Development Regulations are the tools to implement the Goals, Objectives and Land Use Policies of the Municipal Plan. The document will contain general land use and subdivision regulations designed to control all land subdivision and development within the Portugal Cove South Municipal Planning Area.

All land within the Planning Area is divided up into land use zones (residential, commercial, etc.), provides for development standards and conditions, and includes such detailed requirements as lot size and coverage, building setbacks, and parking regulations.

Council may refuse or approve applications, with or without conditions. Once a decision of Council or delegated authority is made regarding a development application, according to the provisions of this Plan and the accompanying Development Regulations, the decision must be

articulated in writing and is subject to appeal to the appropriate Regional Appeal Board established under Part VI of the *Urban and Rural Planning Act, 2000*.

## **5.4 THE ADOPTION OF DEVELOPMENT SCHEMES**

Another means by which this Plan can be implemented is through the adoption of Development Schemes. They can be prepared at any time during the Planning Period in order to amplify on policies contained in the Plan or to allow for development of particular land areas.

Development Schemes are prepared under the *Urban and Rural Planning Act, 2000* and therefore are subject to a Public Hearing and approval by the Minister, the same as a Municipal Plan. The Portugal Cove South Municipal Plan does not require preparation of any schemes at the time of Plan adoption.

## **5.5 PROCEDURES FOR AMENDING THE MUNICIPAL PLAN**

The administration and implementation of a Municipal Plan is a continuous process. During the planning period, conditions in the town may change, and where necessary, amendments to the Municipal Plan may be adopted by Council.

In accordance with Section 27 of the *Urban and Rural Planning Act, 2000*, Council will charge a proportion of the cost of carrying out an amendment to the person or association of persons, who request and amendment. The proportion to be charged will be set by Council as part of its annual budget process in setting its Schedule of Rates and Fees. The costs may include, but are not limited to, research, and preparation of amendments, public notice and consultation, administrative processing costs, and the costs associated with a Public Hearing.

Any such amendment will be read with and form part of this Plan. After five years from the date on which this Plan comes into effect, Council shall review the Plan and revise it if necessary. Any revision should take account of development that 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.

## **5.6 PROCEDURE FOR AMENDING DEVELOPMENT REGULATIONS**

Development Regulations can be changed through text amendments (such as, the addition of a permitted use within a use zone, additions to or changes in a condition, or a change in definition) or through map amendments (such as, a change to the land use zones on the zoning map). In order for consideration of any proposals to amend the Development Regulations (whether an application to re-zone a parcel of land or an application to develop that cannot be accommodated without a text change), Council shall require a clear proposal to be submitted that shows:

- a) The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- b) The proposed means by which the site is/will be serviced;
- c) The proposed location of all driveways and parking areas;
- d) Areas that are to be landscaped or left in a natural state;
- e) The proposed location of all buildings on a site;
- f) Identification of adjoining land uses; natural hazards; or sensitive natural areas; and
- g) The identification by a qualified consultant, of steep slopes and construction methods that will be employed to ameliorate potential negative or hazardous effects of the proposed development.

When considering proposals for developments that necessitate amendments to the Development Regulations, Council shall give regard to the goals, objectives, policies and programs outlined in this Municipal Plan, and whether or not the proposal is in conformance with the intent of the Municipal Plan, Development Regulations and all other Town policies and regulations.



