
TOWN OF CONCEPTION HARBOUR MUNICIPAL PLAN 2014 – 2024



Prepared By:

PLAN-TECH



ENVIRONMENT

In Effect: November 11, 2014

(Gazette date)

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**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF CONCEPTION HARBOUR MUNICIPAL PLAN 2014-2024**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Conception Harbour.

- a) Adopted the Conception Harbour Municipal Plan 2014-2024 on the 10th day of June, 2014.
- b) Gave notice of the adoption of the Town of Conception Harbour Municipal Plan 2014-2024 by advertisement inserted on the 7th day and the 14th day of August, 2014 in *The Shoreline* newspaper.
- c) Set the 26th day of August at 7:30 p.m. at the Town Office, Conception Harbour for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Conception Harbour approved the Town of Conception Harbour Municipal Plan 2014-2024 as adopted (or as amended).

SIGNED AND SEALED this 16th day of October, 2014

Mayor: [Signature] (Council Seal)

Clerk: [Signature]

Municipal Plan/Amendment
REGISTERED
Number <u>1148-2014-004</u>
Date <u>November 3, 2014</u>
Signature <u>[Signature]</u>

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF CONCEPTION HARBOUR MUNICIPAL PLAN 2014-2024**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Conception Harbour adopts the Conception Harbour Municipal Plan 2014-2024.

Adopted by the Town Council of Conception Harbour on the 10th day of June, 2014.

Signed and sealed this 16th day of October, 2014.

Mayor:  (Council Seal)

Clerk: 

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Conception Harbour Municipal Plan 2014-2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



1.0 INTRODUCTION

1.1 Forward

This document and the maps contained with it comprise the Municipal Plan of the Town of Conception Harbour. The maps show the Planning Area divided into various land use districts. Within each district only certain kinds of development may take place. The document presents statements regarding the kinds of development that may take place in each land use district. It also provides more general statements about other aspects of development that apply throughout the entire Municipal Planning Area. The Municipal Plan is a legal document and is binding upon Council and any person or group using or proposing to use land anywhere within the Planning Area. All new development must conform to the Plan from the date it becomes legally effective.

1.2 Purpose of the Municipal Plan

A Municipal Plan guides growth and development within a Municipal Planning Area. It provides a means of preventing the kind of problems that occur when incompatible land uses take place in close proximity to each other. It directs future growth so that it occurs in a manner in which municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that would result if development became needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. The aim of planning is to protect and enhance the qualities of the Planning Area that make it a healthy, prosperous and pleasant place in which to live and work.

1.3 Municipal Plan Preparation

This Municipal Plan review has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services, and other relevant factors. Because of the time frame since the first Municipal Plan, this Plan has been reviewed in its entirety.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years.

1.4 Plan Approval

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation Council must approve the draft Municipal Plan and submit the Plan to the Engineering and Land Use Planning Division, Department of Municipal Affairs for review to ensure the Plan policies conform to provincial policies.

Once the plan is released by the Department of Municipal Affairs, Council shall appoint a qualified Commissioner to conduct a formal public hearing to consider objections and representations from the public either opposing or in favour of the Municipal Plan. The Plan in its entirety shall be placed on display for a two week period for public viewing. If written objections to the Plan are received a public hearing maybe held and the Commissioner shall conduct the hearing. The

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

1.5 Plan Review and Amendment

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

1.6 INTEGRATED COMMUNITY SUSTAINABILITY PLAN

The Town of Conception Harbour Integrated Community Sustainability Plan (ICSP) is a long-term plan to provide direction to the Town to achieve sustainability objectives. The Conception Harbour Municipal Plan supports the requirement for an ICSP under the Local Government Gas Tax Agreement between the Towns and the Province. It is developed in consultation with community members and provides

direction for the Town to achieve sustainability objectives for the environmental, economic, social, cultural, and governance pillars.

The Conception Harbour Municipal Plan, 2014-2024, along with the Northeast Avalon Regional Economic Development Board Strategic Plan (2008-2011) contributes to the Town's ICSP objectives.

1.7 Interpretation

The following sections and the Future Land Use Maps constitute the legally effective parts of the Conception Harbour Municipal Plan. In this Municipal Plan:

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

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category.

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

1.8 Conception Harbour Municipal Plan

The Town of Conception Harbour was incorporated in 1972. The previous Town of Conception Harbour Municipal Plan was in effect in 1999 and was for a 10 year period. This new Municipal Plan updates the preceding one to accommodate various changes to the development within the Town and to incorporate new policies and regulations as deemed necessary by the Town Council and from input received from public consultation.

1.9 Community Profile

General Location and History

The Town of Conception Harbour, located between Colliers and Avondale on the Admiral's Coast, was incorporated in 1972. Containing an area of 2,162 km², Conception Harbour is a small rural community with spectacular scenery and ocean view, particularly along Bacon Cove. The Town has experienced a steady decrease in population since the 1990's. In 2011, the population of Conception Harbour was 697 a decrease of 6.2% from 2006.

The Town includes the areas known as Bacon Cove and Kitchuses (believed to be the first settled parts of the Town), which has a number of points of interest. Bacon Cove has a site that is of great interest to geologists. The unconformity between late Proterozoic and Cambrian rocks is not often exposed. A particularly good example may be seen in Bacon Cove, where the gap in the rock record represents an interval of about 100 million years. Glaciation provided the latest cycle of erosion, exposing the surfaces that can be seen today. Modern weathering and erosion by waves are continuing to crack off blocks from the shore ledges.

St. Anne's Church is one of the oldest in the area. The sheltered and scenic harbour has many shipwrecks and one of the Province's last whaling wrecks can be seen partially above the water line. The many underwater wrecks make the harbour a popular site for kayaking and scuba diving. There is also a hiking trail, a natural waterfall, and picnic area.

The Trahey Property, a collection of buildings in the community, forms a rare intact example of the type of structures used in the domestic economy of rural Newfoundland during the 19th and 20th centuries. It includes a house, stable, carriage house/workshop, store, fencing, gate, gardens and rock-lined root cellar that accommodated the agricultural and fishing activities typical of the families in Conception Harbour until the mid-20th century. The property has been in the Trahey family name since before 1800. The dwelling house was constructed in about 1914-1915.

Conception Harbour is known as the home of ironworkers who built skyscrapers, bridges and other "high steel" structures throughout North America beginning in the early 1900s. Well known Newfoundland actors Mary Walsh and Rick Boland have developed a musical production and play that tells the story of three generations of ironworkers in the Costello family from Conception Harbour.

Conception Harbour is also the home of Corporal Jamie Murphy, one of the first Canadian soldiers killed in Afghanistan in January, 2004, by a suicide bomber while patrolling the streets in Kabul. On Remembrance Day, July 1, 2007, the community unveiled a monument overlooking the Town to his memory. A portrait of Jamie Murphy and the words Lest We Forget are engraved in the grey marble of monument.

Population Characteristics

At the time of writing, only the 2011 population figures were available. Statistics reflecting age characteristics, work force and economy will use the 2006 population profiles.

The age characteristics of the community indicate the majority of residents are between the ages of 40 and 69 years old. New residential development in the community may contribute to future growth of young families moving into the community.

Year	Population	% Change
1996	888	- 2.1%
2001	801	-9.8
2006	743	-7,2%
2011	697	-6.2%

The 1999 Municipal Plan stated that despite the steady decline in population, decreasing household size and Council's expectation that residents will be building new homes in order to upgrade family accommodation. Therefore, it is predicted that a small increase in the number of dwellings is projected over the next 10 years.

The role of the Municipal Plan is to designate sufficient land to accommodate future residential development. Council is also experiencing conversion of dwellings into summer homes or cottages, mainly due to the scenic attraction of the area.

Households

The number of private residential dwellings within the Town has remained unchanged in 2006 with 325 dwellings. While the number of dwellings has remained relatively constant, the population has decreased by 125 people over the same 10 year period. The average household size in the Town is 2.08 persons per dwelling (based on a total of approximately 325 dwelling units). This is down slightly from 2.8 persons per household in 2001, and compares with an average Newfoundland household size of 2.6, and a national average of 2.66 persons per dwelling for 2001. The predominant housing type in the Town remains the single family detached dwelling, some dwelling have subsidiary apartments. Approximately 10 newer residential developments have been developed in the past five years.

Town of Conception Harbour	
Selected Household Characteristics	Total
Total private households usually occupied by owner	290
Households containing a couple (married or common-law) with children	95
Households containing a couple (married or common-law) without children	75
One-person households	75
Other household types	40
Average household size	2.6
Median income in 2005 – All private households	\$47,002
Median monthly payments for rented dwellings	\$606
Median monthly payments for owner-occupied dwellings	\$381

Economy and Labour Force

In 2001, the employable workforce of Conception Harbour numbered 325 people. This figure decreased to 290 in 2006, of which the majority worked outside of Town and in St. John's Urban Region. In Conception Harbour, the work force is associated with the primary industries associated with wood harvesting. Associated industries in the wood harvesting also contribute to the work force such as transportation and equipment. Table 3 shows the types of occupations in which these people worked.

Town of Conception Harbour Employment by Occupation, 2006	
Industry	No. of Employees
Total experienced labour force 15 years and over	325
Agriculture and other Resource Based Industries	45
Manufacturing and Construction	100
Wholesale and Retail	20
Finance and Real Estate	10
Health Care and Social Services	40
Educational and Business Services	50
Other Services	60

Municipal Services

The Town has a water servicing program in the developed areas of the community. At present, houses in the core of the community are serviced. The domestic water supply source is Norah Pond, which is designated as a protected watershed by the Department of Environment and Conservation. However, Town water is supplied by

five (5) drilled wells at Cemetery Road Well, Healey's Pond Road Well, Lower Bacon Cove Well, Upper Bacon Cove Well and Old Road Well.

Water Supply Wells and Protection

In order to protect water quality, a 100 metre radius no development buffer zone shall be established around the four wellheads located at Cemetery Road Well; Healey's Pond Road Well; Lower Bacon Cove Well and Upper Bacon Cove Well as designated on the Future Land Use Map. A referral shall be required to the Water Management Resources Division, Department of Environment and Conservation, for any development proposal within the 100 metre radius of the wellhead buffers.

2.0 GOALS AND OBJECTIVES

Goals represent desired states or conditions which the town would like to attain over the long-term and provide a foundation upon which the Plan's objectives and policies are based. The following are goals of the Conception Harbour Municipal Plan.

2.1 Community Structure

Goals:

- Promote residential development at a density consistent with the rural character of the area.
- To encourage structured growth for Conception Harbour that will ensure orderly development between land uses.
- Protect and enhance the physical and social well-being of all residents and ensure the town remains a pleasant place in which to live, work and visit.

- Maximize the efficiency and cost effectiveness of municipal services.

Objectives:

- Allocate land for development which will promote the efficient and orderly expansion of compatible land use activities.
- Ensure all development takes place in a logical sequence, and to best utilize the financial resources and land base of the Planning Area.
- Maintain safe and efficient movement of traffic along the Planning Area's road and highway network.
- Encourage infill development within existing serviced areas.
- Avoid extending services to areas where the cost to do so would be exorbitant.

2.2 Residential Housing**Goal:**

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

Objectives:

- Provide appropriate buffer zones between residential and non-residential areas (i.e. commercial, industrial).
- Prevent development in residential areas which are incompatible with residential uses.

2.3 Economy

Goal:

- To encourage diversified and balanced economic growth and promote the development and diversify the local employment base.

Objectives:

- Encourage diversification of the local economy through the attraction of new businesses and the support of local entrepreneurship.
- Support the development of facilities and attractions which will promote the tourism industry within the community such as historic sites, visitor information centres, and outdoor recreation sites.
- Promote the attractiveness of Conception Harbour as a place to live, drawing upon its scenic beauty, amenities, and geographic location.

2.4 Recreation and Tourism

Goal:

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

Objectives:

- Encourage public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town.
- Promote the Town as a tourist attraction and encourage travelers to visit Conception Harbour.

2.5 Environment

Goal:

- Preserve, sustain and enhance the natural environment and scenic quality of the Planning Area for its aesthetic, recreational and resource values.

Objectives:

- Prevent development in environmentally sensitive areas such as shoreline and waterways, steep slopes, drainage areas and bogs.
- Council shall ensure a regular maintenance standard is employed for municipal owned properties such as the Town Hall and Fire Station.
- Council shall encourage local residents to take pride in their property and keep them clean and free of refuse and the Town shall also encourage the greening of the Town.

2.6 Transportation

Goals:

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

Objectives:

- Ensure that new roads are constructed to Town standards and to reduce the number of dead-end roads.
- To improve local roads on a yearly and priority basis in accordance to the Town's financial capability and Capital Works program.

2.7 Municipal Finance

Goal:

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

Objectives:

- Manage the municipal debt load with consideration being given to expenditures over the long term.
- Encourage an enlarged economic base to generate more revenues.

2.8 Sustainable Development

Goal

- To encourage the preservation of natural resources and to promote the development of sustainable development activities.

Objectives:

- To encourage the use of natural resources like wind and solar energy as alternative sources of renewable energy.
- To promote the development of industries that use clean renewable sources of energy.

2.9 Governance

Goal

- To provide municipal administration and services effectively, efficiently, and equitably to all residents, in consultation with the Town's ICSP and within the fiscal capacity of the Town.
- To collaborate with other municipalities in the Region, government, community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.

Objectives:

- To encourage strong public interest and participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making.
- To deliver municipal administration and services effectively, efficiently, openly, and within the Town's fiscal capacity.
- To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act* and the *Urban and Rural Planning Act, 2000*.

3.0 THE LAND USE PLAN

The following policies with accompanying Future Land Use Maps constitute the land use component of the Conception Harbour Municipal Plan, 2014-2024. Included are all policies which are seen as necessary by Council to ensure that the physical development of Conception Harbour is undertaken in an efficient and economic manner during the ten-year (2014-2024) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.0.

3.1 General Land Use Policies

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

1. Physical Structure

Land uses will be allocated in accordance with the Future Land Use Map attached to this text. Development within the Planning Area will be managed in accordance with the regulations of Council, in compliance with the policies, acts, and regulations of the Province of Newfoundland and Labrador.

Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan is registered by the Minister of Municipal Affairs. Where a building or use exists which does not comply with the intent of the Plan and the designated use, then it shall not be permitted to expand substantially. Minor extensions of such properties may be approved provided there will be no

adverse effects on surrounding properties or the environment.

2. Subdivision Policies

All proposed subdivision developments will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Conception Harbour Development Regulations and shall include:

- analysis of all physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- analysis of how the proposed subdivision will integrate with existing development, roads, municipal services, adjacent lands, and provide for future access to undeveloped lands in the area; and
- ensure compatibility between the subdivision and surrounding land uses, both existing and future;

3. Subdivision Agreement

As a condition of approval, Council may require the developer to enter into a subdivision agreement with the Town.

4. Council Assumption of Private Roads

New subdivision streets shall be constructed and upgraded to the Town's standard before Council shall assume ownership and responsibility for future maintenance.

5. Access and Public Street

All development must front on a publicly maintained street, unless otherwise specified in this Plan.

6. Building Setback

Adequate building setback from roads shall be required in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the abilities of the Town's snow clearing program. In certain circumstances where topography restricts the development of a lot, a larger setback may be permitted to accommodate the development.

7. Municipal and Public Utility Works and Easements

Municipal and public utility works such as electrical power, telephone, and pollution control facilities may be permitted in all land-use designations provided that no adverse effect on adjacent land uses or the environment is created. Buffering, where appropriate shall be provided in the form of a suitably landscaped area between any such works and adjacent land uses.

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

8. Infill Development in Serviced Areas

Council will encourage infill development in areas that are accessible to water services. This can occur through infilling along existing roads and the development of new streets and street extensions.

Site plans for infill development must be approved by Council. Development must be compatible with the existing neighbourhood character and in accordance with Council's objectives and development standards with respect to lot size, frontages, road widening, alignments, installation of services, environmental protection, and retention of open space.

9. Environmental Preservation and Enhancement

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

Natural Environment

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

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of

development proposals. Alterations which will adversely affect adjacent property shall not be permitted.

Built Environment

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

- preservation of trees on sites for new development (ie, to discourage the traditional practise of clearing development sites of all trees and vegetation);
- development and expansion of recreation lands; and
- encourage the reduction and recycling of solid waste within the Town.

10. Soils and Drainage

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

11. Protection of Watercourses and Fish Habitat

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

Council shall encourage the preservation and protection of sensitive wetlands that

are valuable wetlands for controlling flooding; habitats for waterfowl or have important aesthetics value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department of Environment and Conservation, Water Resources Management Division, for comment.

12. Backlot Development

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. In such cases, the following requirements shall be met:

- The site is located in an area designated for Residential development in the Conception Harbour Development Regulations.
- Approval for on-site water supply and sewage disposal must be obtained from Council and the Service NL.
- The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. In such cases, access to the public street must be of sufficient width (15 metres) to accommodate future public use.
- Where there is no potential for additional development, the access road shall be treated as a private driveway and only one backlot development shall be permitted.
- Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands.

- Approval of any backlot development shall not affect the legal conformity of any existing lots.
- To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a minimum of 32 metres and a maximum of 100 metres from a public street.

Standards for backlot development shall be established in the Conception Harbour Development Regulations.

3.2 SPECIFIC LAND USE POLICIES

The lands within the Conception Harbour municipal planning area shall be managed according to the designations shown on Future Land Use Maps 1 and 2 and the policies of this Municipal Plan.

Future Land Use Maps 1 and 2, divide the Planning Area into the following designations:

Residential
Mixed Development
Recreation
Conservation
Rural

3.2.1 Residential

The purpose of the Residential designation is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use throughout the Planning Area.

Dwellings are scattered throughout the Planning Area. Dense residential areas are located near Conception Bay Highway along Church Road, Kitchuses Road, Bacon Cove Road, Old Road, Healey's Pond Road and Silver Springs Road.

Limited infill opportunities exist in the older part of town. Council wishes to encourage a compact development pattern in order to minimize the cost of the provision of municipal services such as garbage collection and snow clearing as well as the future installation of water lines.

Policies:

1. Land Uses

On land designated as Residential, single-family detached dwellings and recreation uses shall be permitted. Marine uses associated with the fishing industry and located in close proximity to the sea shore may also be permitted. Complementary uses such as double dwelling, row dwelling, apartment building, child care, office, home office, boarding house residential (bed and breakfast), personal and professional services, convenience store, light industry, place of worship, educational or a small scale business use as part of a residence may be permitted throughout the area under the discretion of the Council.

Council shall consider 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; and the primary use of the lot remains residential. A compatible use will occupy only a minor part of the floor area of the dwelling.

All new development and all new lots created shall have direct frontage onto a

publicly-maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council.

2. Recreation Uses

Compatible recreation uses such as children's playgrounds and tot lots may be located within Residential areas provided that adequate screening from nearby properties is provided, and safe setback distances from the roads can be obtained.

3. Medical Treatment and Special Care

Medical Treatment and Special Care shall be limited to only homes for the aged. Development, in the form of a residence for seniors, may be permitted, provided that adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

4. Bed-and-Breakfast

Bed-and-breakfast operations must clearly be subsidiary to the residential use and must not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

5. Office Use

Home office use shall be limited to a home based business which may be permitted if contained inside the residence, is clearly subsidiary to the residential use, and there shall be no open storage of materials, equipment or products, and do not

adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations.

6. Childcare

Family Childcare uses may operate within a family dwelling as a home based business or as a standalone Group or Family Childcare facility. Such uses must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Any Group or Family Childcare business shall operated in accordance with provincial Child Care Services Act and all applicable Provincial Regulations.

7. Convenience Store

Within the Residential designated lands, new convenience stores may be permitted as a subsidiary use to a residential dwelling or as a separate structure on its own lot. Council shall encourage the even distribution of convenience stores in appropriate areas throughout the Town. Development standards shall ensure that the size of the convenience store is limited so that it will not interfere with neighbouring residential uses.

Council shall consider access to the site; amount of parking to be provided; any adverse impacts upon adjoining neighbours, and effects of the business on traffic flow when reviewing applications for a new or expanded convenience store.

8. Residential Subdivisions

In order to ensure efficient use of land and future provision of services, avoid a

proliferation of individual cul-de-sacs that are costly to service, and ensure that development is properly located so as not to interfere with optimal future development of adjacent lands, subdivision proposals shall be considered only if they conform to an area concept plan, proposal to subdivide property into building lots, that has been approved by Council (See Policy 9: Subdivision Development Plans).

Building permits shall not be issued unless a road agreement has been reached between the Town and the developer. Services (roads, storm drainage, etc.) will normally be installed at the expense of the developer.

Subdivision Plans, engineering site plans, and building designs must meet the approval of Council. Lot layouts and the sighting of buildings shall follow development standards as outlined in the Town's Development Regulations.

9. Subdivision Development Plans

Subdivision development plans shall address specific proposals for development of a site in a relatively short time frame. The subdivision plan shall be detailed and shall address needs pertinent to development of the site, including:

- Conformity to the goals, objectives, and policies of this Municipal Plan;
- Conformity to an area concept plan as approved by Council, which accounts for the development of lands abutting the site;
- A description of the subject lands;
- Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- Access to the site from existing roads and internal road layout;
- Extension and development of municipal piped services for new subdivision;
- Demonstration the long-term viability of any proposed on-site servicing system through soil analysis and other appropriate site evaluation. A site assessment in this regard that has been carried out as part of a area concept

plan may suffice if Council is satisfied that it accurately depicts the conditions of the proposed subdivision site;

- Phasing scheme;
- Provision for lotting;
- Provision for 10% recreation lands or alternative measures if requested by Council;
- Adherence to the Town's engineering development standards for streets designs, grades, storm drainage, building lines, accesses, landscaping, buffers, development standards for each lot, etc.;
- Other information that Council may require.

10. Open Space Requirements

The provision for open space within a residential subdivision development shall be the responsibility of the developers and if required, shall dedicate a maximum of 10 percent of suitable land in new residential areas for recreational open space. Alternatively, Council may require the developer to pay a sum of money equal to 10 percent of the assessed value of the area of land prior to commencement of the development of the subdivision.

11. Transportation and Marine Uses

Transportation, marine or ocean related uses such as wharfs, slipways, boathouse, etc. may be permitted at the discretion of Council. Development occurring within the limits of the shoreline reservation shall also require approval the Department of Environment and Conservation, Crown Lands Administration Division.

3.2.2 Mixed Development

In Conception Harbour, commercial establishments, including a number of existing dwellings, front onto the Conception Bay Highway. Public buildings such as the church, the fire hall and town office are located on Corporal Jamie Murphy Drive as

well as a large number of dwellings. In order to recognize this mixture of residential, institutional, commercial and home based business uses, Council shall designate land along the Conception Bay Highway and Corporal Jamie Murphy Drive as Mixed Development. In the Mixed Development Future Land Use designation, Council intends to encourage further commercial development. Businesses meeting the convenience needs of residents as well as businesses requiring a central location and good road access may be permitted. All types of dwellings shall be permitted. Public uses, such as churches and community halls, may be permitted.

Council will encourage the development of tourism attractions and related uses representing Conception Harbour's history and marine environment in the Mixed Development designation.

Policies:

1. Land Uses

Within the Mixed Development area, permitted uses shall include single dwellings, double dwellings, recreation and conservation.

Other uses may be permitted such as row dwelling, apartment building, boarding house residential, place of worship, educational, cultural and civic, general assembly, passenger assembly, club and lodge, catering, funeral home, child care, indoor assembly, outdoor assembly, medical & professional, office, office, personal service, general service, communications, taxi stand, police station, medical treatment and special care (home for the aged only), take-out food service, shop, service station, convenience store, general industry, light industry, transportation and marine uses and antenna may be permitted throughout the area under the discretion of the Council provided they are compatible with the residential character of the area and do not cause a nuisance by virtue of excessive noise, dust, odour, increased traffic or hours of operation.

2. Site Plans

The Council may require developers to provide a comprehensive site plan for any proposed developments, indicating building locations, delivery areas, parking spaces, accesses, landscaping and buffer areas, and where other development components are to be located. In assessing proposals, Council will be primarily concerned with aesthetic factors, scale and conformity with the desired character of the area, and compatibility with other land uses in the vicinity, in particular any residential development.

3. Adverse effects

Adverse effects of any proposed development on adjacent residential uses shall be prevented or minimized through proper site layout, scale of development, and buffering. The type of buffer that may be required is subject to the site specifics of the particular proposed development.

4. Access to Street

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

5. Parking

Adequate off-street parking and loading facilities shall be provided for any non residential development.

6. Office Use and Other Home Based Businesses

Office use and other home based businesses may be permitted. The office use, if located within the home, shall be subsidiary to the residential use. The office and business uses may be located in an accessory building on the same lot as the residence. There shall be no open storage of materials, equipment or products, and the use does not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations. Provisions for parking shall meet the standards as prescribed by Council. Provisions for other home based business are outlined in the Town's Development Regulations.

7. Boarding House Residential

Boarding House Residential uses such as Bed-and-breakfast operations must not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

8. Medical Treatment and Special Care

Medical Treatment and Special Care shall be limited to only homes for the aged in the form of residence for seniors may be permitted, provided that adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

9. Childcare

Group or Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Group or Family Childcare business shall operate in accordance with provincial Child Care Services Act and all applicable Regulations.

10. General Services and Light Industrial Uses

General services uses and light industrial uses shall be small scale uses such as small workshops, fabrication and warehouses. The use shall be carried out in a separate building from any residence. There shall be no outdoor storage of equipment or materials. Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference.

11. Transportation and Marine Uses

Transportation, marine or ocean related uses such as wharfs, slipways, boathouse, etc. may be permitted at the discretion of Council. Development occurring within these limits shall also require approval the Department of Environment and Conservation, Crown Lands Administration Division.

3.2.3 Recreation Open Space

The intent of the Plan is to designated lands used for active and passive recreational needs of Conception Harbour residents and visitors.

Policies:

1. Land Uses

Permitted uses include parklands, sports fields and playgrounds, linear trail systems and walking/hiking trails are permitted. Permitted recreational facilities shall include indoor and organized facilities with such uses as recreation centre and outdoor facilities such as sports fields, open concert/stage areas, and day use parks. Other permitted uses may include office in association with a permitted use, amusement, such as youth centre, and personal service such as a gymnasium.

2. Effects Surrounding Property

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.

3. Recreation Uses

Additional recreational facilities shall be provided in areas where they are needed and when the Town's financial resources permit. Since most of the regional and local recreational facilities are less accessible to the older age groups, the provision of additional facilities will give special consideration to these groups.

4. Trail Development

The development of passive recreation facilities such as walking or nature trails, and associated interpretation programs may be permitted provided they will not have an adverse impact on the natural environment and residential properties.

3.2.4 Conservation

Land designated as Conservation uses are intended to protect certain lands within the Town which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values. They include wetlands, watercourses, bodies of water, shoreline frontages, steep cliffs, as well as, open natural spaces such as woodlands, green belts, buffers, natural trails, areas of scenic attraction for public enjoyment, etc.

Conservation Policies:

1. Land Uses

The Conservation designation shall protect and conserve environmentally sensitive and important lands from adverse development. No permanent buildings or structures shall be permitted on lands designated for Conservation uses, except those necessary for environmental protection (e.g., for erosion control).

The permitted uses shall include recreation and open space. Other compatible uses that may be permitted include agriculture, forestry, transportation and antenna.

2. Conservation Buffer Waterbodies

Along the shoreline of all water bodies and water ways, a conservation buffer area shall be established which includes all land within 15 metres of the high water mark along shoreline. Proposed developments affecting water bodies or watercourses, such as stream crossings, watercourse alterations, and other public works, may be permitted in limited circumstances where it can be demonstrated the proposed use will have a minimal adverse impact. The number and size of such activities shall be limited in numbers. Any such proposed development shall be referred for review and approval to the Department of Environment and Conservation, and the Department of Fisheries and Oceans, and any other relevant agencies before Council issues any permits for development.

3. Trail Development

The development of passive recreation uses such as walking or nature trails, and associated interpretation programs may be permitted provided they will not have an adverse impact on the natural environment.

4. Preservation of Natural landscape

It is also essential that all the visual amenities and undevelopable areas such as the shoreline, rivers, brooks, streams, flood plains, steep slopes, and rock outcrops are preserved and retained in their natural state. This can add to the open space system and complement the rural development patterns. Areas of scenic attraction and with recreational potential shall be preserved and protected.

5. Excessive Slope

Extensive areas of land having slopes in excess of 15 percent are designated Conservation. Development is not considered feasible on such slopes because of excessive runoff and erosion and high costs to install and maintain services, and risk to public safety.

3.2.5 Rural

The Rural area of Conception Harbour contains natural resources that have significant economic and recreational value to the Town. Deposits of aggregate, timber stands and land are the principle resources of importance in addition to the significant recreational and economic value. The Rural area also provides a large

resource area for passive recreational activities such as snowmobiling and hunting. The Municipal Plan also protects Norah Pond as a future source of drinking water. Council wishes to restrict development close to Norah Pond in order to avoid contamination.

No development shall be permitted within this designation except those associated with agriculture, forestry, outdoor recreation, resource conservation or other uses as may be outlined in this Plan.

Uses that are environmentally sensitive or for other reasons not conducive to development or active recreational uses will be protected under the Rural designation. Examples are steep or unstable slopes, drainage areas, bogs and ravines. In these areas, protective rather than development measures shall take priority.

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

Seasonal Residential uses such as summer cottages may be permitted at Council's discretion. Council shall ensure that protection and enhancement of the recreational character and amenities of rural areas is not compromised by over development of seasonal cabin uses.

Policies:

1. Land Uses

The uses permitted in the designated Rural areas include agricultural, forestry and conservation uses, recreational uses characterized by large areas of open space, provided they do not detract from the rural character of the area;

2. Discretionary Uses

Other discretionary uses may also be permitted. These uses may include single dwelling, rural industrial use, service station, mineral workings, cemetery, outdoor markets, veterinary, and sports fields/ playgrounds.

3. Residential Use

Council shall not extend municipal services to rural designated lands. Residential dwellings shall not be permitted, except as an accessory to a permitted resource use.

4. Seasonal Residential Use (Summer Cottages)

Seasonal Residential uses shall be limited to summer cottages and cabins which are not intended for year-round occupation and which will not be provided with municipal services. Accessory structures such as sheds may also be considered appropriate.

Development of seasonal residences will not prejudice future urban development which may reasonably be anticipated, and will not jeopardize the safety and efficiency of public roads.

Municipal services such as snow clearing, garbage collection, street maintenance, etc, shall not be provided for seasonal residential uses.

5. Preservation of Agriculture Activities

New development shall not adversely affect existing agricultural uses or activities within the Agricultural designation. Encroachment of non compatible use shall not result in the limiting or discontinuance of a permitted agricultural use.

The Council shall give due regard to the impact of new agricultural development or uses on existing adjacent development and to other development in close proximity to the proposed agricultural development but which is located outside the Agricultural designation.

6. Blueberry Management Unit

The Blueberry Management Unit shall be reserved for activities associated with blueberry harvesting. The Future Land Use Maps show the Blueberry Management Unit boundaries. Development proposed for the area shall be referred to the Department of Forest Resources and Agrifood.

7. Mineral Working

Mineral exploration shall be permitted within the Rural land use designation. Mineral workings include the extraction, exploration, processing or storage of gravel, sand, rock or any other mined material, concrete and asphalt making, rock crushing, quarrying, sand and gravel pits and other types of mining in general. Council will prohibit all but very small scale mineral workings and related activities from taking place within general view of roads and developed areas and will not allow development of new mineral workings activity at any location in the Planning Area where it would create a negative impact on visual amenities. The mineral development shall be limited visually from highways or local roads or developed areas by a buffer of vegetation.

Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife. All mineral operations will be required to complete a site rehabilitation plan as a part of the development application. Council will not permit other development activities within 150 m of existing quarry operations that may jeopardize their operation or future expansion.

4.0. IMPLEMENTATION

The Municipal Plan will be implemented over the next ten years through decisions of Council and affected agencies such as the Departments of Municipal Affairs; Transportation and Works; Environment and Conservation; Service NL and Natural Resources. Of particular importance to Council are the following:

- effective administration of the Plan;
- the adoption of annual capital works program;
- adopting land use zoning, subdivision and advertisement regulations;
- adopting development schemes; and
- the procedure for considering amendments to the Plan

4.1 Administration of the Plan

For the purpose of administering the Plan, Council shall read the Future Land Use Maps together with the goals, objectives and policies outlined in this document.

The boundaries of land use designations shown on the Future Land Use maps are meant to be general, except where they coincide with roads or other prominent physical features, where they define the exact limits. No amendment of this Plan is 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 Council has determined that a development proposal conforms to the Plan, Council will review the proposal and circulate it to all affected public departments and agencies. Council's decision on a proposal will be based on the desire to guide the development of Conception Harbour in the best long-term interests of its residents.

All persons wishing to develop land for any purpose within the Conception Harbour Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve the application, approve it with conditions, or refuse it. Any person who is dissatisfied with the decision may appeal to the appropriate Appeal Board.

Before major land developments are approved, Council shall require the developer to sign a development agreement. The agreement shall set the conditions for development and shall be binding to both parties. Conditions may also be attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan comes into effect, although their expansion, alteration, or conversion may be limited in order to achieve the intent of this Plan.

4.2 Development Regulations

Development Regulations ensure that development takes place in accordance with the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the *Urban and Rural Planning Act 2000*. Like the Municipal Plan, these Regulations are binding upon the Council and all other persons and organizations. They consist of five parts: General Regulations, General Development Standards, Advertisement, Subdivision of Land, and Land Use Zones. The first four are similar for all towns and communities in the province. However, the Land Use Zone section (Schedule C), is tailored individually for each municipality.

1. General Regulations

Among other things, the General Regulations govern matters relating to the power and council of a municipality to regulate development within its Planning Area and establish conditions relating to the issuing of permits.

2. General Development Standards

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.

3. Advertisement

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the Planning Area.

4. Subdivision of Land

Subdivision regulations govern the development and division of larger parcels of land into individual building lots. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes and other necessary requirements.

5. Land Uses Zones

Zoning is a means of ensuring that development conforms with the Plan, and that it is properly situated and does not conflict with or adversely affect neighbouring uses. It can ensure that new growth is concentrated within or adjacent to developed

areas, promoting a compact form to make the most efficient use of public services and utilities. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use district a list of Permitted and Discretionary uses is presented as well as conditions to which development must conform before it may take place.

4.3 Development Control

The Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Before any land development can take place, an application must first be made to Council. Development may take place only after Council has reviewed the application and granted approval. Anyone who fails to follow the required application process or who otherwise violates the Plan or Regulations can be prosecuted and ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Plan and Development Regulations are the responsibility of Council and its staff. It is their duty to implement the Municipal Plan through the Development Regulations, to make recommendations to Council regarding compatibility of development proposals with Plan policies, refer development applications to outside agencies and to issue all required permits when approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the proposed development and include a plot plan showing the location of existing and proposed buildings and structures on the proposed site. Council will examine the application and determine whether or not it conforms to the requirements of the Development Regulations, and the policies of the Municipal Plan. Development applications will be referred to appropriate government departments or agencies or other organizations. Approval of the application will be subject to their recommendations. If the proposed development conforms to all requirements then Council will approve the application and inform the

applicant and state any conditions that may apply. If the proposed development does not conform to the Plan or Regulations, the application must be refused. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board. The Appeal Board shall either confirm the decision or determine that Council's decision be varied or reversed.

4.4 Capital Works

Capital works programs must conform to applicable policies and land use designations of the Municipal Plan. Capital works projects must not contribute to sprawl, since that would conflict with the Plan's goal of promoting compact development. It should be recognized that extensions to roads/new roads required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Improvements to local roads should be undertaken in accordance with the town's financial capability (and in conformity with the Municipal Plan) on a priority basis. Local roads are generally in good condition. The Town intends to maintain and upgrade them as necessary and as funding becomes available. The development of additional recreational facilities should also be carried out on a year-to-year basis subject to the town's financial capabilities.

4.5 Municipal Plan Amendment Procedure

This Plan has been prepared with the intent that no amendment be required during the next five years, at the end of which another Plan Review will be undertaken. Major changes in economic conditions or in policy direction, unforeseen at this time, could however occur during the Planning Period.

Should an amendment to need to be considered, it will be given the same evaluation and approval procedure as this Plan, including a public hearing with a Commissioner appointed by Council. Evaluation of the proposed amendment will be compiled into a Background Report. The proposed amendment will include policy statements, background reports, and/or map changes. Any such amendment shall be read together and form part of this Plan.

Any requests by an applicant for an amendment(s) to the Municipal Plan or Development Regulations, the Town shall charge the costs to complete the amendment(s) to the applicant. The authority to charge and collect the cost for the amendment(s) is granted to the Town under section 27, *Urban and Rural Planning Act 2000*.