

OLD PERLICAN MUNICIPAL PLAN 2009

-

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF OLD PERLICAN MUNICIPAL PLAN 2009**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Old Perlican adopts the Town of Old Perlican Municipal Plan 2009.

Adopted by the Town Council of Old Perlican on the 20th day of July, 2009.

Signed and sealed this _____ day of _____, 2009.

Mayor: _____

Don Burt

Clerk: _____

Judi Barter

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: _____

Arvo McMillan, MCIP

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF OLD PERLICAN MUNICIPAL PLAN 2009**

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Old Perlican

- a) adopted the Town of Old Perlican Municipal Plan 2009 on the 20th day of July 2009.
- b) gave notice of the adoption of the Town of Old Perlican Municipal Plan 2009 by advertisement inserted on the 11th day of August, 2009 and the 18th day of August, 2009 in the Compass newspaper.
- c) set the 27th day of August, 2009 at 7:00 p.m. at the Town Hall, Old Perlican 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*, on the 15th day of August, 2009 the Town Council of Old Perlican approves the Town of Old Perlican Municipal Plan 2009 as adopted.

SIGNED AND SEALED this _____ day of _____, 2009

Mayor: _____

Don Burt

Clerk: _____

Judi Barter

TABLE OF CONTENTS

1	INTRODUCTION	Page 1
1.1	THE PLAN AND DEVELOPMENT REGULATIONS	Page 1
1.2	BACKGROUND	Page 2
2	ISSUES AND OBJECTIVES	Page 5
3	DEVELOPMENT POLICIES	Page 6
3.1	FUTURE LAND USE DESIGNATIONS	Page 7
3.2	GENERAL DEVELOPMENT POLICY	Page 7
3.3	CONDITIONS – ALL DEVELOPMENT	Page 8
3.4	ADVERTISEMENTS AND SIGNS	Page 9
3.5	AGRICULTURE	Page 9
3.6	ARCHAEOLOGICAL AND HERITAGE RESOURCES	Page 10
3.7	COMPREHENSIVE DEVELOPMENT	Page 10
3.8	DISCRETIONARY POWERS	Page 10
3.9	DISCRETIONARY USES	Page 11
3.10	ENVIRONMENT	Page 11
3.11	FORESTRY	Page 12
3.12	MINERAL EXPLORATION	Page 12
3.13	MINERAL WORKINGS	Page 12
3.14	PROTECTED ROAD ZONING PLAN	Page 13
3.15	TRAILS	Page 13
3.16	WASTE DISPOSAL SITE	Page 13
3.17	WATERWAYS AND WETLANDS	Page 13
4	LAND USE DESIGNATIONS	Page 15
4.1	TOWN	Page 15
4.2	RESIDENTIAL	Page 15
4.3	HARBOURSIDE	Page 16
4.4	COMMERCIAL HIGHWAY	Page 16
4.5	PARK	Page 16
4.6	RURAL	Page 17
4.7	ENVIRONMENTAL PROTECTION	Page 18
4.8	PROTECTED PUBLIC WATER SUPPLY AREA	Page 18

MAPS – Future Land Use Maps 1 and 2, and “Town of Old Perlican Municipal Plan 2009 – Cultural Sites and Areas Map”.

TOWN OF OLD PERLICAN MUNICIPAL PLAN 2009

1 INTRODUCTION

1.1 THE PLAN AND DEVELOPMENT REGULATIONS

The Old Perlican Municipal Plan contains goals and land use policies approved by the Town and registered by the Minister of Municipal Affairs. The Municipal Plan is binding upon Council and upon all other persons, corporations and organizations within the Old Perlican Municipal Planning Area.

The Old Perlican Development Regulations 2009 were approved and registered at the same time as the Old Perlican Municipal Plan 2009. The Development Regulations implement the land use policies of the Municipal Plan with land use regulations, including regulations pertaining to variances and non-conforming uses. Included with the Old Perlican Development Regulations is Newfoundland Regulation 3/011 - Development Regulations under the Urban and Rural Planning Act 2000.

Policies and regulations under the Municipal Plan and Development Regulations must comply with all applicable Provincial and Federal regulations. Prior to adoption by the Town under the Urban and Rural Planning Act, the Department of Municipal and Provincial Affairs reviews the Plan and Regulations to “to determine provincial and other government agency interests. . . .” (Section 15(3) of the Urban and Rural Planning Act)

Development schemes, design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more detailed designs, design strategies and policies for roads and other facilities, and development.

While capital works programming does not affect the day to day regulation of land uses under the Development Regulations, it does over the long run affect how and when lands will be developed and the standards of development. Capital Works programming is left to the five-year capital works budgeting process.

1.2 BACKGROUND

The Old Perlican Municipal Planning Area is the area set out under the Urban and Rural Planning Act for planning and regulatory purposes. The Town of Old Perlican exercises full planning and zoning control within the Old Perlican

Planning Area. The two boundaries differ somewhat, but not to the extent of affecting the major development area along Highways 80 and 70 which lie within the Town's municipal boundary.

Located near the head of Trinity Bay east side (junction of Highway 70 – Conception Bay North Highway, and Highway 80, which runs north along the east side of Trinity Bay), the Town of Old Perlican is approximately a two hour drive from St. John's and is about forty-five minutes from Carbonear – a major, full-service (commercial, recreational, government services, including fisheries, etc.) community on Conception Bay.

Old Perlican is a member of the Mariner Resources Opportunities Network (MRON) regional economic board which is headquartered in Carbonear. The Eastern Health Board and the Eastern School District (hospital and school in the Town) are located in St. John's. As well, the Town will be disposing of its solid waste at the regional landfill in St. John's.

Bay de Verde on Conception Bay, and New Melburne on Trinity Bay are its closest communities.

One of the first references to Old Perlican comes from a report written by Captain Charles Leigh in 1597. He says that a Spanish vessel had been fishing out of a place he called 'Parlican' that summer. By at least 1612 people had begun to call the place Old Perlican. John Guy mentions Old Perlican a number of times during his trip into Trinity Bay that year.

Old Perlican was settled by the 1630s. At that time a planter called John Brown was living there. The 1675 census of Newfoundland lists 146 people living at Old Perlican that year including 11 planters and their servants.

There are numerous archaeological sites of pre-European and early European settlement, together with a number of early 20th century buildings. Most of these early 20th century buildings have been substantially renovated, so that along with the updated fish plants, new homes and businesses, school, hospital, etc., the Town has a contemporary feel to it. However, the street pattern, road names and place names firmly set Old Perlican as a community that has been around a very long time.

The Town's Heritage Advisory Committee, a blend of council and non-council members, has steadily promoted heritage conservation. It has worked closely with the Heritage Foundation of Newfoundland and Labrador and Council in the designation of heritage buildings and sites.

Old Perlican acquired and developed a key site on the harbour-front – Memorial Gardens and is supporting the work of the Heritage Advisory Committee.

Sites either designated as heritage sites by the Town and/or the Province and other sites deemed to be historically and culturally important are shown on the map: "Town of Old Perlican Municipal Plan 2009 – Cultural Sites and Areas Map".

For the purpose of this plan, the population is not expected to appreciably change from its 2006 population of 676 and the rate of new development is expected to be modest.

New development is most likely to occur within areas that are presently serviced, and in areas that can be served with relatively minor extensions to municipal water and sewer services, since development has proceeded at a very gradual pace, running from none up 4 new homes per year constructed from 2001 up to 2007 – 11 new homes constructed during those years. In the same period 7 new commercial buildings have been erected.

A number of dwellings are owned by the two fish plants – Quinlan Brothers and Quinsea – and these have been acquired to provide accommodation for plant workers and boat crews, and, where adjacent the fish plants – to provide room for expansion.

The two fish plants are successful operations that have been around for a long time. These plants exploit groundfish and pelagics fish species, along with shell-fish. Together, these two plants employ more than 300 people on seasons that on one end last 14 weeks, and the other, from April to November.

The Town is almost fully serviced with municipal water and sewer systems. There is no sewage treatment. The Town currently uses a regional incinerator, south of the Town and just outside the Planning Area on Highway 80, to handle its refuse. This facility will be shut down, and refuse will be taken to the regional land fill at Robin Hood Bay in St. John's.

Baccalieu Collegiate and Dr. A. A. Wilkinson Hospital are the two major institutions in the Town – both of them located near Highway 80. These are relatively new facilities.

Baccalieu Collegiate opened its doors to students on September 5, 2002. Baccalieu Collegiate consolidated four schools St. Joseph's, Bay De Verde, North Shore Collegiate, Northern Bay, E.J. Pratt, Brownsdale, and Holy Trinity, Hearts Content. Baccalieu Collegiate is a 7-12 School Systems, with approximately 270 students. Baccalieu Collegiate's Students come from

communities all along the Baccalieu Trail. As far a way as Winterton, Trinity Bay, Bay De Verde, and Ochre Pit Cove, Conception Bay. (Source: Baccalieu Collegiate website.)

The Dr. A.A. Wilkinson Memorial Health Centre has a four-bed in-patient service to serve the residents of Old Perlican and surrounding communities. Routine laboratory and radiology services are available on site and allied health professional services are shared with Carbonear General Hospital. A family practice clinic operates from this site. A physician also operates a family practice clinic in Western Bay and provides coverage for physicians at the health centre. (Source: Eastern Health Board Website April 17, 2007.)

2 ISSUES AND OBJECTIVES

This section sets out the major issues and objectives that emerged during the preparation of the Plan. It provides a framework for the policies that appear in the following sections of the Municipal Plan.

While these are set out as discrete topics, they are strongly interrelated. Environment, heritage, recreation, housing, industry, harbour development and other topics are linked in part, because of the logic of development, and in part, because they share the same space.

The interlinked issues and objectives which have emerged during the planning process are:

- achieving a balance between the operations and expansion of the fish plants, the needs of nearby residents and business operators, the preservation and development of nearby heritage and cultural and recreational sites and other users of the same general harbour front area;
- creating a multi-purpose attractive harbour front area that not only satisfies the requirements of the Town's major industries, but also provides for tourists – marina for recreational water-craft, tourist accommodation – and leisure and cultural opportunities;
- providing opportunities for residential growth – additional new housing;
- conserving cultural and heritage artefacts, landscape and places of the community ('the memory');
- providing for the recreation and enjoyment of the Town's citizens and its visitors;
- conserving the natural environment – public health and safety, recreation and culture and conservation.

The primary use of the harbourside area is recognized as being the fishery and compatible marine and business activities – fish plants, boats, boat repair and storage facilities while the secondary use of the harbourside is recreation and tourism.

3 DEVELOPMENT POLICIES

All development within the Old Perlican Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

3.1 FUTURE LAND USE DESIGNATIONS

To identify land for the future development needs of Old Perlican, the following land use designations are established in the Plan and designated on Future Land Use Maps:

Town
Residential
Harbourside
Commercial Highway
Park
Rural
Environmental Protection
Protected Public Water Supply.

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

3.2 GENERAL DEVELOPMENT POLICY

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands.

- (3) For larger developments in particular, the Town can require that a comprehensive plan of development be prepared and adopted before any development is permitted. This comprehensive plan would show the details of the development and indicate how the balance of the affected area is to be accessed and developed.
- (4) When reviewing a development proposal, and determining whether to grant a permit or refuse a permit or attach conditions to a permit, the Town shall consider:
 - a) whether the property is likely to be affected by flooding or other natural event and/or an event brought about by climate change using the best available documentation about these events;
 - b) the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water;

and based on this information the Town may reject the application, approve the application or approve the application subject to conditions.

- (5) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water-table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

Based on this information the Town may reject the application, approve the application or approve the application subject to conditions.

3.3 CONDITIONS – ALL DEVELOPMENT

- (1) Services and Access

Services and access must be appropriate to the type and scale of development.

Except for development within a comprehensive development or a development falling within the non-building use class, or is a remote cottage development shall have frontage on a publicly owned and maintained road that is designed and maintained to provide access for fire protection and other emergency services vehicles.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Unless it is a non-building use, development within the municipal servicing limits and/or within the Town, Residential, Harbourside and Commercial Highway designations, shall be connected to municipal water and sewer services. However, if it is satisfied that there is no reasonable alternative, the Town can permit unserviced development within certain land use zones.

If deemed feasible by the Town, development adjacent serviced areas may be connected to the Old Perlican municipal water and sewer systems provided that there is sufficient capacity in the existing systems and provided that the developer agrees to pay for the cost of the extension of the services.

Development lacking either municipal water and/or municipal sewer services shall be approved by the Department of Government Services before a permit is issued by the Town.

(2) Uses Allowed In All Designations

Subject to certain conditions, accessory buildings and uses, conservation, public utilities and services, recreational open space and roads and trails can be allowed in all designations as either permitted or discretionary uses.

(3) Compatibility of Uses, Buffers and Screening

The Town shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town

may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects.

3.4 ADVERTISEMENTS AND SIGNS

Signage should facilitate orientation within the Planning Area and help promote its human and physical resources in a way that contributes to the overall attractiveness and distinctiveness of Old Perlican and its environs. Regulations shall ensure that signs are not hazardous to traffic and are in compliance with Provincial policy.

3.5 AGRICULTURE

The Town's policy is to protect agricultural operations and resources by requiring compliance with applicable Provincial regulations and policies when issuing permits for agricultural and residential uses.

All agricultural operations shall be approved by the Department of Natural Resources, Agrifoods Branch.

3.6 ARCHAEOLOGICAL AND HERITAGE RESOURCES

The Town shall endeavour to conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest, through regulation and/or other suitable means, including the designation of selected buildings and sites.

A map, "Town of Old Perlican Municipal Plan 2009 – Cultural Sites and Areas Map", is attached to this Plan to show the current sites deemed to be important and to be preserved from encroachment. This map can be amended from time to time without amending the Municipal Plan or Development Regulations.

Archaeological sites and discoveries are protected under the Historic Resources Act, 1985. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

3.7 COMPREHENSIVE DEVELOPMENT

At the discretion of the Town, a large scale comprehensive development containing two or more individual developments may be permitted as a single comprehensive development on public or private roads and services provided that a comprehensive detailed plan of the entire development showing lotting and services and other features deemed necessary by the Town is approved by the Town.

While the use classes and overall density of the comprehensive development must comply with the use zone schedule of the zone in which it is located, other standards can be modified or waived.

The development must be compatible with adjacent development. The comprehensive development itself must access a public road.

3.8 DISCRETIONARY POWERS

Under the Urban and Rural Planning Act, this municipal plan and the development regulations, the Town can exercise broad discretionary powers over development to ensure that such development occurs in a way that protects the basic interests of the community and individual in accordance with the other provisions of this municipal plan and in accordance with the applicable legislation.

Discretionary powers are exercised over a wide range of developments, including discretionary uses, non-conforming uses, variances and developments which under the Act and in the opinion of the Town require the exercise of such powers.

The criteria for the exercise of discretionary powers are as follows:

- a) the applicant and the likely affected parties, the general public and other persons or agencies (Provincial, Federal, non-profit) are given adequate notification and opportunity to comment on the application and the decision of the Town;
- b) the discretionary power is exercised in a clear and fair (unbiased) manner;
- c) the exercise of the discretionary power is properly documented.

3.9 DISCRETIONARY USES

Unless it is specifically set out as a discretionary use in the Municipal Plan, the Town may decide that a use be set out as a discretionary use under the Development Regulations, where:

- a) it determines that the use could negatively affect the predominant uses of the zone and that in order to mitigate this impact it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing, a permit;
- b) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone.

3.10 ENVIRONMENT

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment complied with.

A number of these issues are addressed under separate sections of the Municipal Plan.

3.11 FORESTRY

Before any permit is issued for development, including forestry, within the Rural or Environmental Protection designation the Forest Resources Division of the Department of Natural Resources shall be consulted.

3.12 MINERAL EXPLORATION

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development can be permitted as either a permitted or discretionary use in the Rural and other designations,

provided that adequate provision is made for buffering/and or other mitigations of impacts on existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.

- a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
- b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.
- c) Where there is ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

3.13 MINERAL WORKINGS

There are a number of continually or intermittently active mineral workings within the Planning Area and in and near the built up part of Old Perlican.

Subject to the approval of the Mineral Lands Division of the Department of Natural Resources, the Town can allow mineral workings in areas where there are known aggregate supplies and where there is not likely to be conflict between mineral workings and other uses. These mineral workings are subject to controls that will minimize environmental damage, conflict with other land uses and ensure that inactive areas are properly landscaped.

3.14 PROTECTED ROAD ZONING PLAN

Development within 100 metres of Highways 70 and 80 is subject to the approval of the Department of Government Services along with the Town because, although the municipal plan provisions override those of the Trinity South Protected Road Zoning Plan, concurrent approvals are still required.

3.15 TRAILS

Major trails, whether or not shown on the Future Land Use and/or Land Use Zoning maps are protected by a corridor within which no development can be permitted which would negatively affect the use and enjoyment of the trail for recreational purposes. This corridor can vary in width, but in general it should be no less than 15 metres wide.

Portions of the former track bed along with certain other trails are shown on the Future Land Use and Land Use Zoning Maps. Though shown on the maps, the location of these trails can be changed without an amendment to the Municipal Plan and Development Regulations provided that the alternative route of the trail is satisfactory and provides a similar degree of usefulness and quality.

3.16 WASTE DISPOSAL SITE

A 1.6 kilometre radius buffer is retained around the Old Perlican Waste Disposal Site off Highway 80. Any development within this buffer area must be assessed and approved by the appropriate Government Service Centre of the Department of Government Services before it is approved by the Town.

3.17 WATERWAYS AND WETLANDS

- (1) The basic Provincial policy is to protect waterways and wetlands. These policies are set out in statutes, particularly the Water Resources Act, the Environmental Protection Act and various policy directives, including Newfoundland and Labrador and Policy Directives W.R. 91-1 - Infilling Bodies of Water, W.R., W.R. 97-1 - Development in Shore Water Zones and W.R.-97-2 - Development In Wetlands. The Lands Act provides for a 15 metre Crown Land reserve along all Crown waterways – which can be reduced to 10 metres in certain cases.

Provincial policies establish a basic buffer of 15 metres along all bodies of water under provincial control which can only be developed if the use is relatively benign and it cannot be located elsewhere. Development of wetlands is subject to stringent requirements and oversight by the Province.

- (2) Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect all except the very minor, waterways and wetlands of the Old Perlican Municipal Planning Area.
- (3) A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.
- (4) Unless specifically prohibited or the limitations of the Environmental Protection designation, subject to the review and approval of the Department of Environment and Conservation and other agencies as required:
 - only fishing and marine related uses, such as wharves and fishing sheds, shall be permitted along the shorelines of Old Perlican in areas traditionally used for these purposes;
 - also, and in areas traditionally used for waterfront activity, the Town can allow the development of cultural and recreational facilities that relate to Old Perlican's history and marine environment and allow related uses on the shoreline of Old Perlican Cove and other coves.

Elsewhere, only trails and accessory uses and uses requiring direct access to a body of water may be permitted within the waterways and wetlands buffer areas.

- (5) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.

(6) Any activity that has the potential to affect fish habitat or takes place in Navigable Waters shall be forwarded to Fisheries and Oceans Canada for review.

(7) Development within 15 metres of the highwater mark of a waterbody shall be subject to the approval of the Minister of Environment and Conservation as well as the Town. Where slopes are in excess of 30 percent the buffer can be measured from the top of the embankment.

Where slopes are unstable and/or prone to erosion, the Town can extend the depth of the buffer in which the Minister's approval is required for development in order to protect both private and public private property and the integrity of the environment.

(8) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

4 LAND USE DESIGNATIONS

4.1 TOWN

The Town Designation is designed to sustain and develop the existing character of Old Perlican. This designation allows the Town to zone for an array of assembly, residential, commercial, industrial, institutional, public and recreational uses, transportation and other compatible use classes as permitted or discretionary uses.

The Town will carefully regulate non-residential uses to ensure that they are located and designed in such a way to as to be compatible with other uses in the area. However, certain uses are not allowed under this designation – notably hazardous industry, mineral workings and scrap yards.

Subject to conditions specified in the Development Regulations, accessory buildings and uses, conservation, public utilities, recreational open space, roads and trails are allowed.

4.2 RESIDENTIAL

Development within the Residential Designation is restricted to dwellings and compatible non-residential commercial and public uses. Compatible non-residential uses can be allowed as either permitted or discretionary uses.

Home businesses which are subsidiary to the residential use of a property are allowed as permitted uses.

4.3 HARBOURSIDE

- (1) Harbour related general and light industrial development and associated uses are permitted in the Harbourside Designation.
- (2) Notwithstanding the designation, the expansion of the industrial uses toward Main Street is only to be permitted if it is compatible with surrounding residential uses and historic and archaeological sites.
- (3) Other commercial and tourist-oriented uses, including shops and accommodation facilities may be permitted at the discretion of the Town provided there is no interference with the established industrial and related uses. Other uses, including, residential uses, may also be permitted at the discretion of the Town. Hazardous industry is a discretionary use.

4.4 COMMERCIAL HIGHWAY

The Commercial Highway Designation applies to the commercial and public institutions portions of Highways 80 and 70. Within this Designation, commercial development, along with other compatible industrial (including service stations), and institutional (schools, churches, hospitals), assembly, recreational, along with certain residential uses, is allowed as either permitted or discretionary uses.

Single dwellings may only be allowed as a discretionary use provided they do not interfere with the primarily commercial uses of the designations.

Development along Highways 80 and 70 are subject to the Trinity South Protected Road Zoning Plan, and therefore approval must be given by the Department of Government Services before any permit is granted by the Town.

4.5 PARK

Memorial Garden, Washing Brook, Beckett House and the Boardwalk at Old Perlican Harbour are the centre-pieces of the Park Designation which is designed to accommodate a mixture of heritage, civic, conservation and

recreational open space and public assembly uses – wherever these are to occur.

No development shall or may be permitted which will have a negative effect on the uses of this designation as described in the preceding paragraph.

Residential and commercial development, workshops, and similar uses can only be permitted if they are compatible with the public functions of the Park Designation and take place either in a designated heritage building or on a designated heritage property and/or after design review, and if necessary, referral to other agencies, including the Heritage Foundation of Newfoundland and Labrador and the Department of Tourism, Culture and Recreation.

Conservation and recreational open space and trails are permitted uses, along with public utilities and services.

4.6 RURAL

4.6.1 General

The Rural Designation is designed to allow uses best suited for a non-urban location lacking municipal services.

Uses that can be allowed in this designation include resource-based uses such as agriculture, forestry, mineral exploration, mineral workings and related uses, together with uses such as campgrounds, cemeteries, scrap yards and transportation.

A single dwelling is only allowed as a use accessory to a resource-based use. In almost all cases it will be accessory to an agricultural use. Activities accessory to a residential use can be allowed in single dwellings under this designation.

Subject to conditions specified in the Development Regulations, accessory buildings, accessory uses, conservation and public utilities, are also permitted.

However, development is restricted in Cook's Cove, as identified on Future Land Use Map 1, and other selected areas (Section 4.6.2).

4.6.2 Cook's Cove

Development is restricted in the Cook's Cove area for recreational and other compatible uses between the shoreline and Main Street (the road that extends to

Daniel's Cove and which formerly led to Grate's Cove). This area is to be reserved for use by the public for picnicking, hiking, berry-picking and other similar activities.

This restriction is applied to Crown lands or lands acquired by the Town in this area only.

4.7 ENVIRONMENTAL PROTECTION

All development under the Environmental Protection Designation is subject to the approval of the Minister of Environment and Conservation before a permit is issued by the Town.

The Environmental Protection Designation is designed to protect environmentally sensitive areas and heritage sites.

The permitted use in the Environmental Protection designation is conservation.

Discretionary uses in the Environmental Protection Designation are public services and public utilities, roads and driveways and recreational open space and trails and structures related to the use of water resources, uses requiring direct access to a body of water, such as a wharf or a hydraulic structure.

4.8 PROTECTED PUBLIC WATER SUPPLY AREA

There are two Protected Public Water Supply Areas – the Trout Pond - Bell Pond Protected Public Water Supply Area which serves the Town, and the Cook's Pond Protected Public Water Supply Area which is an industrial water supply serving the two fish plants.

No development shall or may be permitted within this designation that could contaminate the water supply, and all development shall be subject to the approval of the Department of Environment and Conservation.

Permitted uses include Antenna, Conservation, Public Services and Public Utilities and Recreational Open Space. Agriculture and Forestry are discretionary uses.