

TOWN OF HARBOUR GRACE
MUNICIPAL PLAN 2010

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF HARBOUR GRACE MUNICIPAL PLAN 2010**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Harbour Grace adopts the Harbour Grace Municipal Plan 2010.

Adopted by the Town Council of Harbour Grace on the 28th day of July, 2010.

Signed and sealed this _____ day of _____, 2010.

Mayor: _____
Don Coombs

Clerk: _____
Lester Forward

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

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF HARBOUR GRACE
MUNICIPAL PLAN 2010**

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

- a) adopted the Harbour Grace Municipal Plan 2010 on the 28th day of July, 2010.
- b) gave notice of the adoption of the Harbour Grace Municipal Plan 2010 by advertisement inserted on the 17th day of August, 2010 and the 24th day of August, 2010 in the Compass newspaper and the 21st day of August 2010 in the Telegram newspaper.
- c) set the 9th day of September, 2010 at 7:00 p.m. at the Firemen's Social Building, Harbour Grace 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 Harbour Grace on the 13th day of September, 2010 approves the Harbour Grace Municipal Plan 2010.

SIGNED AND SEALED this _____ day of _____, 2010

Mayor: _____
Don Coombs

Clerk: _____
Lester Forward

TABLE OF CONTENTS

1	INTRODUCTION.....	1
1.1	<i>The Plan</i>	1
1.2	<i>Harbour Grace and the Municipal Planning Area</i>	2
1.3	<i>Challenges and Opportunities</i>	3
1.4	<i>Sustainability</i>	5
2	GENERAL GOALS AND DEVELOPMENT POLICIES.....	6
2.1	<i>Future Land Use Designations and Policies</i>	6
2.2	<i>General Development Policy</i>	7
2.3	<i>Conditions – All Development</i>	8
2.4	<i>Adaptive Reuse of Existing Buildings and Properties</i>	9
2.5	<i>Agriculture</i>	10
2.6	<i>Archaeological and Heritage Resources</i>	10
2.7	<i>Comprehensive Development</i>	10
2.8	<i>Discretionary Uses</i>	11
2.9	<i>Environment</i>	11
2.10	<i>Areas Subject to Flooding</i>	11
2.11	<i>Forest Resources and Trees</i>	12
2.12	<i>Heritage Sites and Areas</i>	13
2.13	<i>Mineral Exploration</i>	13
2.14	<i>Mineral Workings</i>	14
2.15	<i>Recreational Trails and Walkways</i>	14
2.16	<i>Building Near Highways Regulation and Protected Road Zoning Regulations</i>	15
2.17	<i>Utilities – Alternate Energy Sources</i>	15
2.18	<i>Waterways and Wetlands</i>	15
3	RESIDENTIAL DESIGNATION.....	18
4	MIXED DEVELOPMENT DESIGNATION	19
5	TOWN DESIGNATION	20
6	HERITAGE DISTRICT DESIGNATION.....	21
7	PUBLIC ASSEMBLY DESIGNATION	22
8	OPEN SPACE AND RECREATION DESIGNATION	23
9	COMMERCIAL DESIGNATION	23
10	INDUSTRIAL DESIGNATION	24
11	RURAL DESIGNATION.....	24
12	ENVIRONMENTAL PROTECTION DESIGNATION	25
13	PROTECTED PUBLIC WATER SUPPLY DESIGNATION AND WELL-HEAD PROTECTED AREAS	25
14	HIGHWAY DESIGNATION.....	27

MAPS – Future Land Use Maps 1 and 2 and Municipal Plan 2010 Background Map

HARBOUR GRACE MUNICIPAL PLAN 2010

1 INTRODUCTION

1.1 *The Plan*

This document, called the Harbour Grace Municipal Plan 2010, is a review of the Harbour Grace Municipal Plan 1995 – 2005 approved in 1996. Prepared pursuant to the Urban and Rural Planning Act 2000, the Harbour Grace Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years.

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations. The Plan must be reviewed by the Town every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten year period.

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations, also known as the Development Regulations. These are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by the Province.

Development schemes (amendment to the Municipal Plan), 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.

The Town may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its

acquisition and use of these purposes. The Town may also specify the manner in which any particular area of land is to be used subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

1.2 Harbour Grace and the Municipal Planning Area

The Harbour Grace Municipal Planning Area is the area set out under the Urban and Rural Planning Act for planning and regulatory purposes, which along with the Town of Harbour Grace, includes the bulk of the Town's water supply area and the community of Bristol's Hope. The Town of Harbour Grace has an area of approximately 33.71 square kilometres.

In 2006 the Town of Harbour Grace had a population of approximately 3,048, while the population of Bristol's Hope was approximately 206.

The Town of Harbour Grace exercises full planning and zoning control within the Harbour Grace Planning Area. However, Harbour Grace does not levy taxes nor does it provide services to Bristol's Hope. However, The Harbour Grace Volunteer Fire Department does provide fire protection.

The Town of Harbour Grace and its Planning Area is located in the Conception Bay North area approximately an hour's drive from St. John's. Neighbouring communities include Carbonear, Upper Island Cove and Bryant's Cove. It is a member of the Conception Bay North Joint Council and the Mariner Resource Opportunities Network Zone Board. It is served by the Eastern Regional Health Board, with a hospital in Carbonear, and the Health Sciences Centre in St. John's.

Public educational services are supplied through the Eastern School District. Harbour Grace Elementary – K-4 and St. Francis Elementary – Grades 5 to 9 are located in Harbour Grace, while high school students attend Carbonear Collegiate.

The College of the North Atlantic is a significant presence in the region, with the Carbonear campus offering a variety of programs ranging from Business Administration to Heritage Carpentry. It is also hosts the Agriculture Training and Research Centre in the Province.

Garbage, which was formerly disposed at the regional incinerator in Harbour Grace, is now trucked to the regional landfill in St. John's under the management of the Greater Avalon Waste Management Board.

Along with being a member of the Mariner Resource Opportunities Network (MRON) Regional Economic Board Zone 13, it is also a member of the Conception Bay North Joint Councils Association.

Harbour Grace's population declined by 9.1% between 2001 and 2006 from 3,380 persons to 3,074, while Bay Roberts, population 5,705, grew by 5.3%, and Carbonear, population 5,315, lost 1.9% of its population in the same period.

While there was a loss of population during the 2001 – 2006 inter-censal period the total number of dwellings and usual occupied dwellings has not appreciably changed during that period. Thirty-eight new home permits have been issued from 2004 to 2008, with a particular increase in the last couple of years.

1.3 Challenges and Opportunities

Challenges

While still retaining an important industrial base, large scale retail business has by-passed Harbour Grace for Carbonear and Bay Roberts along with other services. There is a perception of decline in the older part of Harbour Grace with empty store fronts, vacant lots and buildings for sale. However, in the newer subdivisions like Alberta Drive and a significant part of the Heritage District, the Town has a distinct air of prosperity. What has happened to the commercial core, the old Downtown – Water Street and Harvey Street – is typical of many communities. The number of permits issued for new homes have doubled over the last three years to 14 for 2008.

Main government services are located in Carbonear and St. John's, although there is still the Government Services Driver Licences office, the historic Court House, and an RCMP detachment office in Harbour Grace.

The Town of Harbour Grace faces major challenges in bringing its water, sewer and storm sewer systems up to an acceptable standard. At present the main emphasis is replacing the rock sewers and water lines in the core area between Noad and Cochrane Streets and Water and Harvey Streets. Lead water lines will have to be replaced, and significant portions of Harvey and Water Streets need to be rebuilt due to years of underinvestment because of lack of funds. Until the basic upgrading has been carried out, the Town does not have the resources to extend either the water or sewer systems, and to carry out other improvements.

Opportunities

While there is cause for concern, the Town still maintains a healthy industrial base related to the fishery and to manufacturing, and enjoys a high quality of indoor and outdoor recreational facilities, a registered heritage district, historic buildings, museum, monuments, and points of interest and visitor accommodations.

Services and jobs that are not provided in Harbour Grace are available in the larger neighbouring communities or in the St. John's Metropolitan Region – which is only an hour and a quarter away.

The main industries of Harbour Grace – Terra Nova Shoes (120 employees), Marine Service Centre (25 to 35 employees, Harbour Grace Cold Storage Company (10 to 80 employees) and Tetford and Sons Furniture and Restwell Mattresses (10 retail employees; 10 employees mattress manufacturing) employ some 255 persons on a full and part-time basis.

Recreational needs of the Town and surrounding area are very well served by the S.W. Moores Stadium, a soccer pitch and tennis court at St. Francis Junior High, the ball field at Moriarity Park, various other recreational facilities. A big draw is the Harbour Grace Regatta on Lady Lake which always draws a substantial number of entries. Started in 1862 it is the second oldest continuing sporting event in North America. Harbour Grace is noted for its athletes.

The Heritage District, historic churches and homes, Court House, Conception Bay Museum, the S.S. Kyle, the Amelia Earhart monument and the Harbour Grace Airstrip part of the heritage of the Town, and add value to the community as a home, a place to do business, and a place to visit.

Admiral's Marina is located on the south side of Harbour Grace and can accommodate 100 vessels, both commercial and recreational on a year round basis. The split is 50/50 between commercial and recreational vessels. This natural harbour within a harbour was designed to complement its surroundings, such as a sea-wall which follows the natural shore line.

The Harbour Grace Harbour Authority also operates a fishermen's wharf on the north side of the harbour where it has its office. Both the Admiral's Marina and Fishermen's Wharf facilities are leased by the Harbour Authority from the Department of Fisheries and Oceans Canada.

Overall, Harbour Grace has many fine features – location, access to services, a good manufacturing and entrepreneurial base, harbour, scenery and natural environment, high quality housing and housing environment and an attractive heritage area and buildings.

1.4 Sustainability

Sustainability matters. Sustainability is woven into the fabric of this Municipal Plan and the implementing Development Regulations.

It is in fact a cornerstone of good planning practice. Section 13 of the Urban and Rural Planning Act 2000 includes sustainability issues in the catalogue of requirements of a sound municipal plan.

The Town engages sustainability by:

- Fully engaging in the regional problem-solving process by participating in Mariner Resource Opportunities Network (M-RON) and in the Conception Bay North Joint Council and other regional governance and funding initiatives, including a regional waste management system under the Greater Avalon Waste Management Committee;
- Prudently managing its finances by systematically reducing its deficit and debt load and targeting expenditures where they are most likely to improve the health and well-being of the community while attracting new development – through systematic investment in basic services and recreational facilities;
- Protecting and developing trails for recreational use and a healthier lifestyle;
- By being proactive in measures (see above) that retain existing industries, enable them to expand, and bring in new developments, including housing, reduce distances to work and thus greenhouse gases;
- By preserving the built heritage and facilitating the adaptive reuse of existing structures, help to sustain the cultural fabric of the community, and, reduce waste as well adding to the overall appeal of the Town and its quality of life;
- Through the protection of the significant waterways and wetlands and taking measures to control development in coastal areas, particularly those vulnerable to storm events reduce threats to biodiversity – plant and animal species, protect human life and property, through retention of these land and seascapes help retain the heritage of the community and add to the attractiveness of Harbour Grace and its appeal to residents and visitors; and,
- Adopting and implementing an Integrated Community Sustainability Plan as set out in the appendix to the Municipal Plan.

2 GENERAL GOALS AND DEVELOPMENT POLICIES

GOALS

1. Accommodate and encourage constructive change that will foster the community and region's economic and social development while adhering to basic principles of economically sound and environmentally appropriate urban and rural development within the Municipal Planning Area and the Town of Harbour Grace.
2. Achieve a more sustainable community that within the regional and provincial context provides and increases opportunities for residing, working and recreation within the Town and conserves and enhances the marine and terrestrial resources of the community.

DEVELOPMENT POLICIES

All development within the Harbour Grace 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.

2.1 *Future Land Use Designations and Policies*

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

Residential	– Section 3
Mixed Development	-- Section 4
Town	– Section 5
Heritage District	-- Section 6
Public Assembly	– Section 7
Open Space and Recreation	– Section 8
Commercial	– Section 9
Industrial	– Section 10
Rural	– Section 11
Environmental Protection	– Section 12
Protected Public Water Supply and Well-Head Protected Areas	– Section 13
Highway	-- Section 14

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.

2.2 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. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is permitted in a given area.
- (3) When reviewing a development proposal, the Town shall consider 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.
- (4) 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.

2.3 Conditions – All Development

(1) Services and Access

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

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.

Within the municipal servicing limits, development shall be connected to municipal water and sewer services. If deemed feasible by the Town, development adjacent serviced areas may be connected to the Harbour Grace 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.

Unless otherwise required, outside the servicing limits development does not have to be connected to municipal water and sewer 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

Accessory buildings and uses, conservation, public services and public utilities, recreational open space, roads, accesses and trails are generally 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.

(4) Non-Conforming Uses

In accordance with the Urban and Rural Planning Act 2000 non-conforming uses legally present at the time of the gazetting of the Municipal Plan and Development Regulations shall be allowed to continue within any designation under the Plan or zone under the Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

2.4 Adaptive Reuse of Existing Buildings and Properties

It is the Town's policy to encourage the adaptive reuse of existing buildings and properties for uses which are compatible with nearby residential properties and uses under the Residential Designation. Adaptive reuse can also be applied within non-residential designations and zones.

At the discretion of the Town an existing non-residential building and property in the Residential Designation and Residential Zone or Zones may be used for:

- (a) Light Industry;
- (b) Medical and Professional ;
- (c) Office,
- (d) Personal Service;
- (e) General Service; and,
- (f) Shop, and other uses which the Town deems acceptable;

provided that the use is taking place in an existing non-residential building or property and provided that the essential features of the property are not altered and that the use is compatible with the residential use of nearby properties.

Within any of the non-residential designations of this Plan and non-residential zones of the Development Regulations, the Town may permit a building to be used for a purpose not otherwise allowed under the designation or zone in an existing building provided that it does not adversely affect the use of nearby properties – for example a dwelling in an industrial park would negatively affect the proper use of the other properties – and could be allowed once all other relevant matters have been considered.

This policy does not replace and shall not affect the implementation of the provisions of the Urban and Rural Planning Act 2000 as it relates to non-conforming uses.

2.5 Agriculture

At one time there were a number of farms in Harbour Grace, including a broiler operation. However, presently there are only a couple of small farms which keep horses and cattle. While these small operations are accommodated as legal non-conforming uses, additional operations are not allowed in the built-up parts of the Town.

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations.

Agricultural operations and development within Blueberry Management Areas shall be approved by the Agrifoods Development Branch of the Department of Natural Resources.

2.6 Archaeological and Heritage Resources

The Town shall conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest in within the Town and Planning Area and by regulation and other suitable means including the designation of selected buildings and sites, and the development of a trail network that links heritage sites and landscapes.

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.

2.7 Comprehensive Development

In order to achieve a higher quality of development than would otherwise be achieved under the standard requirements and/or that would allow for the development of a property which has unusual site constraints – such as steep slopes, rock outcrops and wetlands, the Town of Harbour Grace can permit a fully serviced comprehensive development on a large parcel of land that except for overall density and use classes does not otherwise comply with the lot size, frontage, and minimum front, rear and side yard requirements of the development regulations zone in which it is located.

The development should provide a higher quantity and quality of open space and environmental protection than is otherwise achievable under the standard requirements and, the Town can use this provision to protect heritage sites and culturally significant landscapes.

The development must be compatible with adjacent development.

The Town shall require that a comprehensive development be connected to municipal water and sewer services.

2.8 Discretionary Uses

Unless it is specifically set out as a discretionary use in the Municipal Plan, the Town may decide that a use should 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.

2.9 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 adhered to.

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

2.10 Areas Subject to Flooding

There are no designated flood risk areas within the Town or the Municipal Planning Area outside the Town boundary. However, portions of Bannerman Brook and South River will flood, particularly in the Riverhead area where these brooks enter the harbour. Also, there are other watercourses which will suddenly flood during severe storm events.

The Town's policy is to prevent development in areas known to be subject to flooding by designating them Environmental Protection or, where an area is being used for public purposes, such as around the Visitor Information Centre and boardwalk near the junction of Harvey Street and Water Street – Open Space and Recreation.

2.11 Forest Resources and Trees

Harbour Grace, a goodly portion of Riverhead and Southside and Bristol's Hope are well-treed and present a very attractive appearance, even though there are significant areas of exposed rock and low vegetation particularly along the ridge back of the south side of the Harbour, an area known as the "Thicket" and in cleared areas near Veteran's Memorial Highway.

The Forestry Services Branch of the Department of Natural Resources has identified 822 hectares of productive forest – of which 183 is Crown and the rest private. Also, there is a very large portion of a domestic cutting area just within the Planning Area Boundary, not too distant from Lady Lake.

Forestry activities are regulated by the Department of Natural Resources, Forestry Services Branch, and the Town. The Town also has the authority under the Act to protect existing trees and tree stands insofar as tree-cutting is classed as "development" under the Act.

Tree cover is important in that it helps to smooth out water flows, reduce siltation and pollution of water bodies, maintain water quality and fish habitat, provide wild-life habitat and opportunities for recreation. And good tree cover really enhances the appearance of a community.

It is therefore the Town's policy to protect the existing tree cover insofar as possible through:

- (a) Regulations regarding site development so that when a property or subdivision is developed the loss of trees is minimized or that when it is necessary to remove trees, new trees are planted;
- (b) Planning and development of public spaces, including street and trail corridors, that ensures landscaping which includes trees and other plants;
- (c) Ongoing liaison between the Forestry Services Branch and the Town to ensure that timber cutting does not occur in sensitive areas.

2.12 Heritage Sites and Areas

Buildings and structures which were built in a traditional or distinctive architectural style (or otherwise are deemed to have historic or aesthetic value by the Town can add greatly to community pride and identity and provide an economic value as tourist attractions. Harbour Grace, in particular, has many older houses and buildings, most of which concentrated in Harbour Grace's old downtown.

The objective is to protect and preserve heritage structures and areas for their aesthetic, historic and economic value as tourist attractions.

- (1) A number of buildings and sites are listed as heritage buildings by the Heritage Foundation of Newfoundland and Labrador. In addition there are other structures and sites which are architecturally and historically significant and yet are not designated. The designated properties are shown on the Harbour Grace Municipal Plan 2010 Background Map.
- (2) No development shall be allowed which could impair the quality of the designated building or site, or other buildings or sites which would be so designated or identified.
- (3) Any development adjacent or within 30 metres of these properties shall be reviewed by the Town to ensure that there are no negative effects on these properties.
- (4) The Town may from time to time designate additional heritage sites and properties under the Municipalities Act.

2.13 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 or may be permitted in various designations, provided that adequate provision is made for buffering/and or other mitigations of impacts of 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.

2.14 Mineral Workings

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Mineral workings can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

2.15 Recreational Trails and Walkways

The Town and Municipal Planning Area contain numerous well-known trails, including the Carbonear Branch Line rail-bed (shown as 'Track' on the Future Land Use Maps) and former roads which are used for motorized and non-motorized recreational purposes.

Most of these trails and the Track are protected under the Plan and Development Regulations to ensure that they continue to play an important role in the recreation, health and sustainability of the community.

The Town may require that any development within a specified distance of a significant well-established and clearly demarcated trail and the Track to be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail for a corridor width of 30 metres.

2.16 Building Near Highways Regulation and Protected Road Zoning Regulations

Development along certain Provincial highways and roads is subject to the Building Near Highways Regulation under the Works, Services and Transportation Act and the Protected Road Zoning Regulations under the Urban and Rural Planning Act 2000.

2.17 Utilities – Alternate Energy Sources

Within the Planning Area there may be opportunities for public and private groups and individuals to develop alternate energy sources and to reduce demands on the Province's public utility based electrical system.

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – "Utilities" in Schedule B – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources, NALCOR and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Planning Area, along with other matters that the Town may deem to be significant. Wind mills utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

2.18 Waterways and Wetlands

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect all waterways and wetlands of the Harbour Grace Municipal Planning Area.

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.

- (1) Development within waterways and wetlands is subject to the Municipal Plan and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2,
- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland. This 15 metre buffer shall be expanded to 30 metres along the marine coast line and estuaries.
- (3) If the toe of an embankment with an average slope of 30% or more lies within 15 m of the highwater mark, or 1 in 100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (4) However, where a water body is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation. In certain instances this designation may provide a buffer that is greater or less than 30 metres.
- (5) Subject to the approval of the Department of Environment and Conservation and the Town, the only uses that can be permitted in the buffer area of a waterway are roads, driveways, public utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (6) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.
- (7) The Town or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (8) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals, Coast

Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Management Division of the Department of Environment and Conservation before a permit is issued by the Town.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (9) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- (10) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is zoned Conservation under the Development Regulations.
- (11) 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.
 - (a) A **minor waterway** is defined as being a drainage course, an intermittent stream which does not carry significant storm flows and/or a stream which is not a fish habitat.
 - (b) A **minor wetland** is defined as a wetland less than 5,000 square metres in area not associated with a waterway and not deemed have a role in water management, wildlife habitat or the conservation of an environmentally sensitive area.

3 RESIDENTIAL DESIGNATION

The Residential Designation is applied to serviced and unserviced and semi-serviced areas that are suitable for residential development and where it is expected that the predominant use will remain residential.

This designation allows for various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types.

Adaptive Re-use

The Residential Designation also allows for the adaptive re-use of existing non-residential buildings, whether or not they are legally non-conforming, for other non-residential uses – for example, a warehouse which has not been used for many years, could, after consultation with neighbouring residents and property owners, be developed for another light industrial, institutional or other use provided that the appearance of the property was satisfactory, there were safeguards to protect the amenities and appearance of the surrounding area and that there were no environmental or traffic hazards associated with the use. See also Section 2.4 of this municipal plan.

Non-residential Uses

Non-residential uses shall generally be compatible in use, scale and appearance with the surrounding area. Such a use shall not impose a nuisance or hazard on adjacent residential properties. The Town may require a non-residential use to be suitably buffered or screened so as to minimize its impact on nearby residential properties and the character of the residential area.

Serviced and Unserviced/Semi-Serviced Areas

A distinction is made between serviced (municipal water and sewer) and unserviced (no municipal water and sewer) or semi-serviced (municipal water or sewer) residential areas when considering the range of allowable uses in a residential area, with development in areas lacking services being more restricted.

The reason for the distinction between serviced and unserviced/semi-serviced areas is two-fold:

- a) Serviced residential areas are all located in the Town, have more carrying capacity, are built to a higher density, and tend to have a greater diversity of residential and other uses;

- b) Unserviced and semi-serviced areas have much lower densities because of the need for private services and tend to be much less diverse when it comes to land use, with a strong emphasis on single dwellings, with the occasional mobile home.

Serviced Areas Uses

In addition to the uses that are allowed in almost all designations under Section 2.3 (2), the permitted uses in fully serviced areas under this designation are: child care, conservation, double dwelling, recreational open space and single dwellings, together with accessory home businesses and other accessory uses.

Discretionary uses in the fully serviced portions of the Residential designation are: antenna, apartment building, bed and breakfast, commercial – residential (tourist cabins), convenience store, educational, medical treatment and special care, mini-home, mobile home (mobile home park or subdivision only), place of worship, row dwelling, seniors' housing and personal care, and transportation, along with other appropriate and compatible discretionary uses.

Unserviced and Semi-serviced Uses

In addition to the uses that are allowed in almost all designations under Section 2.3 (2), where there are no services or there is only one of the two municipal services, permitted uses are: child care, double dwelling and single dwelling together with accessory home businesses and other accessory uses.

Discretionary uses within the unserviced and semi-serviced areas are: antenna, commercial – residential (tourist cabins), bed and breakfast, convenience store, mobile home, mini-home, place of worship and transportation.

Unserviced and Semi-serviced Areas – Development on Roads

Within unserviced or semi-serviced areas development shall only be permitted along existing publicly owned and maintained roads.

4 MIXED DEVELOPMENT DESIGNATION

The large Mixed Development Designation takes in areas that are largely built-up with a wide array of uses. It includes much of the area from the western boundary with Upper Island Cove to Veteran's Memorial Highway in the east, excluding the centre of Harbour Grace which is designated Town and Heritage District.

Uses

Permitted and Discretionary Uses under this designation include, but are not limited to assembly, institutional, residential, business and personal service, mercantile, and industrial uses, along with selected non-building uses, such as recreational open space and transportation (wharves and docks). However, hazardous industry, scrap yard and solid waste are not permitted in this designation.

Non-residential uses, except where there is already a concentration of commercial or other uses, shall be compatible with nearby residential development.

Municipal Services

All development in this designation shall be connected to the Town's water and sewer system.

5 TOWN DESIGNATION

The Town Designation takes in the commercial and residential centre of Harbour Grace ("Town Centre") and is designed to provide the basis for the conservation and development of the residential, commercial and historic core of Harbour Grace.

The development of the town centre will take place in tandem with other heritage and cultural initiatives that include designation and protection of heritage buildings and landscapes.

The unique pattern of streets and streetscapes strongly defines the character of this area.

Land use policies for the town centre reflect its historic character and wide variety of commercial, industrial, public and residential uses.

Policies

- (1) The Town shall encourage the restoration, renovation and adaptive re-use of existing buildings (see also Section 2.4) and encourage appropriate infill development.
- (2) The Town may pursue the preparation of a development scheme that includes an archaeological survey, an inventory of historic buildings, and streetscape design and improvements.

- (3) Permitted Uses include residential, mercantile, institutional, business and personal service and lower impact assembly uses which are compatible with the scale and current development of the town centre.
- (4) Discretionary Uses include higher impact uses such as catering (bars and lounges), major assembly uses, industrial uses, take-out restaurants, transportation and other uses likely to have a major impact on the area.

Municipal Services

All development in this designation shall be connected to the Town's water and sewer system.

6 HERITAGE DISTRICT DESIGNATION

The Heritage District Designation is applied to a unique grouping of heritage buildings and landscapes within the Town and next to the Town Centre which includes the Roman Catholic Cathedral – Church of the Immaculate Conception, St. Paul's Church, Ridley Hall, Coughlan United Church, thirty-two in all included within the Newfoundland and Labrador Provincial Register of Historic Places (source: Heritage Foundation of Newfoundland and Labrador). The improvement and development of the overall historic atmosphere of this area could provide a unique tourist attraction and an economic benefit to the Town. See also Section 2.12.

Policies

- (1) The Town may refuse to approve any development which involves the destruction or inappropriate alteration of any structure it deems to have heritage value.
- (2) No development shall take place within the Heritage District designation which will alter the general appearance of the designation, or individual buildings within it, in a manner that would be inconsistent with their appearance at the time they were initially constructed.
- (3) New buildings to be constructed within the Heritage District designation must not have an appearance which would be visually incompatible with, or which would diminish the overall historic quality of the Heritage District designation.
- (4) The Town may require building plans and architectural renderings of any building to be built in the designation to be submitted before

approving development to ensure that it is compatible with the use and appearance of the Heritage District.

- (5) Permitted Uses Heritage Building – Any house deemed to be a heritage structure can be used as a tourist home or bed and breakfast or other compatible use.
- (6) Permitted Uses New Development – New development permitted uses within the Heritage District include single and double dwellings, places of worship, cultural and civic and uses compatible with these uses. Development shall be compatible in terms of design with similarly used heritage buildings of the Heritage District.
- (7) Discretionary Uses – Discretionary Uses in this designation may include among other uses apartment buildings, major assembly uses, personal care homes, shops, and transportation (wharves and docks) and other uses that are compatible with the character of the area and existing properties and uses.
- (8) Adaptive Reuse – See Section 2.4.

Municipal Services

All development in this designation shall be connected to the Town's water and sewer system.

7 PUBLIC ASSEMBLY DESIGNATION

The Public Assembly designation is applied to sites where there are significant concentrations of public and institutional uses.

Permitted uses within the Public Assembly designation are: conservation, child care, cultural and civic, educational, general assembly, indoor assembly, medical treatment and special care, office, outdoor assembly, place of worship and recreational open space.

Discretionary uses within this designation are: antenna, cemetery, club and lodge, collective residential and transportation.

Municipal Services

All development in this designation shall be connected to the Town's water and sewer system.

8 OPEN SPACE AND RECREATION DESIGNATION

The Open Space and Recreation Designation is applied to sites where there are major public recreational open spaces and cemeteries.

Permitted uses in the Open Space and Recreation designation are: conservation, cemetery and recreational open space.

Discretionary uses in this designation are: campground, cultural and civic, indoor assembly, outdoor assembly and transportation.

Municipal Services

Development in this designation is not required to be connected to the Town's water and sewer system.

9 COMMERCIAL DESIGNATION

The Commercial Designation is applied to major commercial sites, particularly those requiring access and/or visibility from a major road or highway.

Permitted uses in the Commercial designation are: antenna, commercial-residential, conservation, general garage, light industry, service station, transportation, recreational open space, all uses in the assembly uses group, all uses in the business and personal services uses group and all uses in the mercantile uses group.

The only discretionary use in this designation is general industry. General may only be permitted if it is compatible with nearby commercial and non-commercial uses.

Municipal Services

Where feasible, development in this designation shall be connected to the Town's water and sewer system.

10 INDUSTRIAL DESIGNATION

The Industrial Designation is applied to areas and sites containing manufacturing and processing industries as well as businesses engaged in the heavy machinery and vessel repair and other similar uses.

Non-industrial uses can be allowed in this designation only if they are compatible with the industrial uses, and for the most part only if they are accessory to the primary industrial uses. See also Section 2.4.

Within the Industrial designation the following uses are permitted: antenna, communications, conservation, general industry, general service, light industry, office, passenger assembly, service station, shop and transportation.

Within this designation the following uses are discretionary: hazardous industry, mineral working and recreational open space.

Municipal Services

Where feasible, development in this designation shall be connected to the Town's water and sewer system.

11 RURAL DESIGNATION

The Rural Designation is applied to rural areas which are appropriate for resource based uses and certain uses which are not desired in a built-up urban area.

In the Rural designation the following uses are permitted: agriculture, antenna, conservation, forestry, mineral exploration and recreational open space.

The following uses are discretionary: animal, campground, catering, cemetery, commercial residential, communication, general industry, mineral working, outdoor assembly, outdoor market, penal and correctional detention, scrap yard, single dwelling accessory use, solid waste disposal, transportation, utilities and veterinary.

Blueberry Management Units

As identified on the Future Land Use Maps or other appropriate documents and maps, development within the Blueberry Management Units is limited to uses necessary for the cultivation and processing of blueberries. All

development in these areas is subject to the approval of the Department of Resources, Agrifoods Development Branch, along with the Town.

Municipal Services

Except where deemed necessary by the Town, no development in this designation shall be connected to the Town's water and sewer system.

12 ENVIRONMENTAL PROTECTION DESIGNATION

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These features can include certain streams, wetlands, and treed areas.

Only conservation is a permitted use in this designation.

Discretionary uses are: antenna, mineral exploration, recreational open space and transportation.

These developments are subject to the approval of the Department of Environment and Conservation.

13 PROTECTED PUBLIC WATER SUPPLY DESIGNATION AND WELL-HEAD PROTECTED AREAS

The Town of Harbour Grace obtains its municipal water supply from the Bannerman Lake Protected Public Water Supply Area and from four municipal wells located on south side of Harbour Grace. These together with two major private wells serving the South Side Marina are designated and protected under the Municipal Plan and Development Regulations.

The public water supplies are also designated and protected under the Water Resources Act administered by the Department of Environment and Conservation.

The shoreline of Lady Lake, which is included within the Bannerman Lake Protected Public Water Supply Area, has traditionally been used for recreational purposes. The recreational uses of Lady Lake watershed include the Harbour Grace Regatta facilities, summer cabins and a portion of the Harbour Grace Airstrip. In addition there are several Blueberry Management Units within the Protected Public Water Supply Area.

While the prime objective is to protect the quality of the water in the watersheds of the two lakes, existing uses of land must be accommodated.

Policies – Bannerman Lake/Lady Lake Protected Public Water Supply

All development within the Protected Public Water Supply must be approved by the Minister of Environment and Conservation in accordance with the Department's policies.

Uses that can be approved include appropriate public works, recreational open space, agriculture, antenna, forestry, mineral working and utilities (see Section 2.16).

Unless it is established that these uses are impairing water quality or have the potential to impair water quality, existing activities will be allowed to continue. Furthermore uses such as cottages and facilities associated with the Regatta and the Air Strip that have been in this area for a long time, are allowed to continue and be kept up to standard and improved or even replaced as needed. However, no new subdivision of land or use of land beyond what is currently in place is permitted unless it is one of the allowable public works, resource-based, energy or recreational uses.

Policies – Well Head Protected Areas

All development within the Well-Head Protected Areas must be approved by the Minister of Environment and Conservation in accordance with the Department's policies.

- (1) The Well-Head Protected Areas - Public and Private - are identified on Future Land Use Maps 2 and 3 and extend 100 metres from each of the well-heads within which development and the storage of potential contaminants is controlled so as to protect the wells.
- (2) The Well Head Protected Areas - Public and Private - overlay other land use designations and zones under the Municipal Plan and Development Regulations.
- (3) Notwithstanding the other designations and zones, no development shall be allowed within the Well - Head Protected Areas which is likely to contaminate the water supply or otherwise affect the continued operation of the well.
- (4) Within the **Well Head Protected Area - Public** any development, except for property improvements which do not appreciably alter lot coverage or change the use class, shall be referred to the Department

of Environment and Conservation for approval before the Town issues a permit.

- (5) Within the **Well Head Protected Area - Private** development and activities shall be carefully assessed as to potential impacts on the well and the owners of the well shall be consulted before any permit is issued by the Town.
- (6) **Beyond the 100 metre Well Head Protected Area** – In order to ensure that the wells function properly the Town in may require an assessment of the effect of a development on the well or wells before issuing a permit, even though such development lies outside the Well Head Protected Area.

14 HIGHWAY DESIGNATION

The Highway Designation is applied to the Veterans' Memorial Highway and Jamie's Way highway corridors. The only uses allowed in these corridors are conservation and recreational open space.