TOWN OF CHANNEL-PORT AUX BASQUES

MUNICIPAL PLAN

2019-2029

DRAFT

Prepared by:
Boundridge Planning and Development Services (BPD) Inc.
St. John's, Newfoundland

April 2019

TABLE OF CONTENTS

Part I ADOPTION AND APPPROVAL.....1
Section 1.1 Council Resolution to Adopt.....1
Section 1.2 Council Resolution to Approve.....2
Section 1.3 Planner's Seal and Signature.....3

Part II FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION.....4
Section 2.1 The Municipal Plan.....4
Section 2.2 Municipal Planning Area.....4
Section 2.3 The Planning Process and Ministerial Approval.....5
Section 2.4 The Effect and Amendment of the Municipal Plan.....6
Section 2.5 Municipal Plan Administration; Role of Development Regulations.....7
Section 2.6 Appeals Procedure.....8
Section 2.7 Organization.....8
Section 2.8 Interpretation.....8

Part III INTRODUCTION AND PLANNING CONSIDERATIONS.....10
Section 3.1 Title and Components.....10
Section 3.2 Review and Amendments.....10
Section 3.3 Purpose of Plan.....10
Section 3.4 Channel-Port Aux Basques and the Municipal Planning Area.....10
Section 3.5 Planning Considerations.....11
(1) Introduction.....11
(2) History.....11
(3) Social and Economic Context.....13
- Population.....13
- Income.....15
- Employment.....16
- Housing.....17
(4) Physical Development.....18
(5) Municipal Services.....18
- Water.....18
- Sanitary Sewer.....18
- Storm Sewer.....18
- Roads.....19
- Waste Management.....19
- Recreation and Leisure Services.....19
- Fire Protection Services.....20
- Port Aux Basques Industrial Facility.....20
(6) Services Provided by the Province.....20

DRAFT

- Education……20
- Health Care……20
- Ambulance Services……21
- Public Library……21

(7) Commercial Amenities……21
(8) Environment……21
- Flooding and Storm Surges……21
- Environmentally Sensitive Areas – Municipal Stewardship Area……21

(9) Special Studies and Policy Documents……22
- Channel-Port Aux Basques Downtown Design Study (CBCL, December 2012)……22
- Strategic Economic Development Plan 2009–Striving Towards Growth and Diversification (Town of Channel-Port Aux Basques, 2009)……22
- Town of Channel-Port Aux Basques Integrated Community Sustainability Plan 2010 – Building a Sustainable Future (Arvo McMillan,
- March 2010)……22

Section 3.6 Public Consultation……23

PART IV VISION STATEMENT, GOALS, OBJECTIVES AND POLICIES…..25

Section 4.1 Introduction……25
Section 4.2 Vision Statement……25
Section 4.3 General Goals and Objectives……25
(1) Growth and Urban Structure……25
(2) Environment and Natural Resources……26
(3) Housing……26
(4) Employment and Economic Development……27
(5) Recreational Open Space and Public Facilities……27
(6) Transportation and Highway Safety……28
(7) Municipal Services and Finance……28
(8) Transparency and Accountability……28

Section 4.3.1 General Development Policies……29
(1) Growth Management and Municipal Services……29
(2) Services and Access – Notwithstanding……29
(3) Premature Development – Services Required……30
(4) Compatibility of Development……30
(5) Site Development……30
(6) Comprehensive Development……31
(7) Coordination of Development/Comprehensive Plan/Comprehensive Development Area Plan……31
(8) Non-Conforming Uses……32
(9) Uses Generally Allowed in All Land Use Designations……32
(10) Archaeological and Heritage Resources……32

DRAFT

(11) Building Near Highways Regulation and Protected Road Zoning Plan....33
(12) Environment....33
(13) Archaeological and Heritage Resources....33
(14) Municipal Stewardship Program....34
(15) Waterways and Wetlands....35
(16) Recreational Trails and Walkways....36
(17) Agriculture and Forestry and Trees....36
(18) Mineral Exploration and Mineral Workings....37
(19) Municipal Water Supply and Watershed....38
(20) Utilities - Alternate Energy Sources....38
(21) Downtown Channel-Port Aux Basques....39
(22) Development Assessment Reports....39

PART V LAND USE DESIGNATIONS and POLICIES SPECIFIC TO LAND USE DESIGNATIONS....40
Section 5.1 Introduction....40
Section 5.2 Interpretation Policy....40
Section 5.3 Residential Designation....41
Section 5.4 Mixed Development Designation....41
Section 5.5 Town Centre Designation....42
Section 5.6 Public Designation....44
Section 5.7 Open Space Designation....44
Section 5.8 Commercial Designation....45
Section 5.9 Industrial Designation....45
Section 5.10 Rural Designation....46
Section 5.11 Environmental Protection Designation....47
Section 5.12 Environmental Protection Management Unit Designation....47
Section 5.13 Protected Public Water Supply Designation....48
Section 5.14 Highway Designation....49

PART VI PLAN IMPLEMENTATION....50
Section 6.1 Implementation....50
Section 6.2 Administration of the Plan....50
Section 6.3 Land Use Zoning, Subdivision and Development Regulations....51
Section 6.4 Adoption of Development Schemes....51
Section 6.5 Procedure for Amending the Municipal Plan....52
Section 6.6 Procedure for Considering Re-Zonings....52
Section 6.7 Considerations for Rezonings....52
Section 6.8 Considerations for Development Regulations Text Amendments....53
Section 6.9 Administrative Processes....53
Section 6.10 Public Consultation....53
Section 6.11 Development Appeals....53

DRAFT

Part I ADOPTION AND APPPROVAL

1.1 Council Resolution to Adopt; Clerk's Certificate

RESOLUTION TO ADOPT
TOWN OF CHANNEL-PORT AUX BASQUES
Municipal Plan 2019 - 2029

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the Town Council of Channel-Port Aux Basques adopts The Town of Channel-Port Aux Basques Municipal Plan 2019 – 2019.

Made and adopted by the Council of the Town of Channel-Port Aux Basques, on the day of , 2019.

Signed and sealed this _____ day of _____, 2019.

_____ Mayor

_____ Clerk

(Council seal)

DRAFT

Clerk's Certificate

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2019-2029, adopted by the Council of the Town of Channel-Port Aux Basques on the _____ day of _____, 2019.

_____
Clerk

1.2 Council Resolution to Approve; Clerk's Certificate

URBAN AND RURAL PLANNING ACT RESOLUTION TO APPROVE TOWN OF CHANNEL-PORT AUX BASQUES MUNICIPAL PLAN 2019-2029

Under the authority of section 16, section 17 and section 18 of *the Urban and Rural Planning Act 2000*, the Town Council of Town of Channel-Port Aux Basques

a) adopted the Town of Channel-Port Aux Basques Municipal Plan 2019-2029 on the _____day of_____, 2019.

b) gave notice of the adoption of the Town of Channel-Port Aux Basques Municipal Plan 2019-2029 by advertisement inserted on the_____ day of _____, 2019 and the _____ day of _____, 2019 in the *Gulf News* Newspaper.

c) set the _____ day of _____, 2019 at _____ p.m. at the Town Hall, Town of Channel-Port Aux Basques 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 Channel-Port Aux Basques approves the Town of Channel-Port Aux Basques Municipal Plan 2019-2029 on the ___ day of _____, 2019.

SIGNED AND SEALED this _____ day of _____, 2019

Mayor: _____

Clerk: _____

Clerk's Certificate

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2019-2029, approved by the Council of the Town of Channel-Port Aux Basques on the _____ day of _____, 2019.

_____
Clerk

DRAFT

1.3 Planner's Seal and Signature

Canadian Institute of Planners Certification

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

_____ _____

MCIP seal Paul Boundridge, MCIP

_____

Date

DRAFT

Part II FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION

2.1 The Municipal Plan

This document and the maps contained with it form the Municipal Plan for the Town of Channel-Port Aux Basques. It is a review of the Town of Channel-Port Aux Basques Municipal Plan 2010 and has been prepared in accordance with the *Urban and Rural Planning Act, 2000*. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the community's Municipal Plan which came into effect in 2011, including all amendments thereto.

The document presents statements regarding the Town's intentions with respect to the location and manner in which development within the community shall take place. The maps show the Channel-Port Aux Basques Planning Area divided into various land use designations. Within each designation only specified kinds of development may take place.

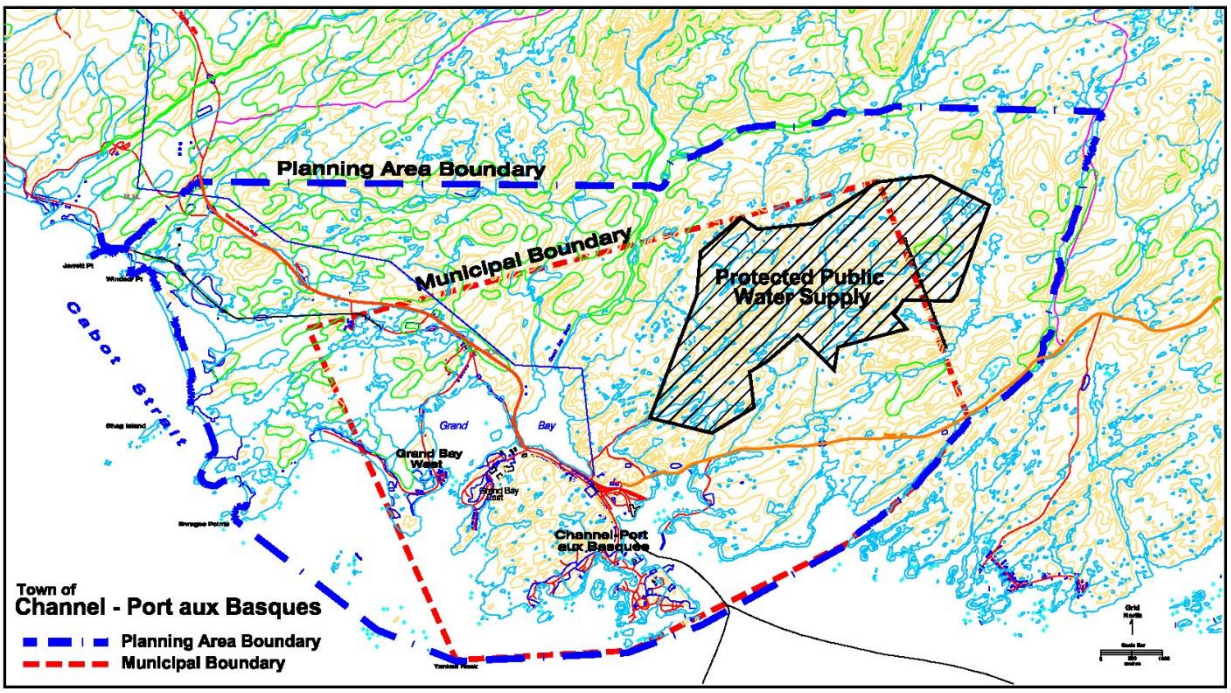
The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Channel-Port Aux Basques Planning Area Boundary. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

2.2 Municipal Planning Area

The figure below shows the territory subject to this Municipal Planning Area for the Town of Channel-Port Aux Basques. The Planning Area is set out under the *Urban and Rural Planning Act 2000* for planning and regulatory purposes. It includes all of the area of the protected water supply of the Town of Channel-Port Aux Basques and occupies approximately 95.5 square kilometres, a far larger area than the 41.4 square kilometres area defined by the Town boundary.

In recent years, the population has steadied at approximately 4067 residents, down slightly from approximately 4139 in 2010 and significantly (32%) from approximately 6000 in 1986. The economy has also settled, becoming self-sustaining, but with little growth or diversification locally. Currently, Marine Atlantic is the major economic driver of Channel-Port aux Basques.

DRAFT



2.3 The Planning Process and Ministerial Approval

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 23 of the Act.

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, it is submitted to the Department of Municipal Affairs and Environment for review. When the Department has reviewed the draft document and is satisfied that it is acceptable considering provincial and other government agencies' interests, the Department officially releases it pursuant to Section 15 of the Act. Council then, by resolution, can adopt the document pursuant to Section 16 of the Act.

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the community's area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least 14 days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the Public Hearing.

The Public Hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the Act (two days before the hearing). If no objections are received by the deadline, Council may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts

the meeting and subsequently prepares a report including recommendations. Council then considers the report and either approves the Plan (with or without changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the Act.

An approved Plan then is submitted to the Minister for review and registration, pursuant to Section 24 of the Act. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted and approved by Council, the Commissioner's report, and all written objections and representations that may have been submitted at the Hearing. After reviewing the document and determining that it is not contrary to law or a policy of the government of the Province, the Minister will register the Plan in the Minister's planning registry and Council will publish a notice to that effect in the *Newfoundland and Labrador Gazette* and in a newspaper circulating in the community's area. The date of the publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect.

If the Minister chooses to not register the Plan, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Plan in the same manner.

It is important to recognize that a new Plan does not come into legal effect until the notice of the Minister's registration appears in the *Newfoundland and Labrador Gazette* and the newspaper ad has appeared. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Planning Area Boundary.

A concurrent and parallel process is involved in the preparation, review, adoption, approval, and coming into effect of Development Regulations.

2.4 The Effect and Amendment of the Municipal Plan

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Planning Area, unless specifically exempted by superior legislation. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

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 way 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.

Section 28 of the Act requires that a Municipal Plan be reviewed not later than every 5 years from the date it has come into effect, and if necessary, revise it to reflect changes within the community which can be foreseen during the next 10 years. Consequently, the time frame for this Plan is the 10-year period of 2019 through 2029.

The Municipal Plan may be amended at any other time, in whole or in part, for legitimate reasons that may have been unforeseeable at the time it had initially been drafted – new developments proposals, changed policies or circumstances, different community priorities. Any amendment must be consistent with the Municipal Plan as the amendment will be read together with and become part of the Municipal Plan. Such amendments must be consistent with Sections 14 to 24 of the *Urban and Rural Planning Act, 2000*.

2.5 Municipal Plan Administration; Role of Development Regulations

When a Municipal Plan comes into effect, the Council is required to provide for its administration by means of Land Use Zoning, Subdivision and Development Regulations (commonly referred to as Development Regulations). The Development Regulations are written in conformity with the Municipal Plan and must be submitted to the Minister for approval in like manner to the process for Municipal Plans.

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act, 2000*, and any other rules and regulations enacted by the Province; including the *Municipalities Act*, the *Environmental Protection Act*, the *Water Resources Act*, as well as legislation relating to agriculture, forestry, mines and mineral workings, and highways. Standard Provincial Regulations have been developed to form the basis of these regulations.

Development Regulations are prepared at the same time as the Municipal Plan. Like the Plan, they may be amended from time to 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 in addition to permitted uses and discretionary uses, include matters such as non-conformities (non-conforming buildings, non-conforming uses), development standards, public consultations and advertisements, subdivisions and permitting requirements.

Development schemes (amendment to the Municipal Plan), secondary/local area plans, development concept plans, comprehensive plans and subdivision development agreements further implement the Municipal Plan and the Development Regulations with more detailed designs, design strategies and development policies.

The day-to-day administration of the Municipal Plan, and subsequent Development Regulations, is in the hands of staff members authorized by the Council. Staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the Municipal Planning Area.

2.6 Appeals Procedure

Appeals procedures are set out in Part VI (Sections 40 to 46) of the *Urban and Rural Planning Act 2000* (URPA). Regional Appeal Boards for different areas of the Province are set up under Section 40 of URPA. Appeal Board composition, procedural rules, and scope of authority are set out in Sections 41 and 42 of URPA.

Any person may appeal any decision of Council or an authorized officer of Council made under the Channel-Port Aux Basques Development Regulations. The Appeal Board must consider each appeal in accordance with the intent of the Municipal Plan, the Regulations, and any further plans, schemes or regulations in force at the time. An Appeal Board decision can be appealed to the court not later than 10 days after notice of that decision has been received by the appellant.

2.7 Organization

The Plan consists of introductory sections that present the background to the planning process and the context for planning in Channel-Port Aux Basques. It includes a statement of the future vision and goals for the community; followed by specific objectives and policies that apply throughout the Town; more specific policies that apply to particular areas of the Town, types of development and municipal services; and identifies land use designations applied to different areas of the community and the Planning Area

The final section addresses the implementation of the Plan. It includes matters regarding the administration of the Plan and the Development Regulations. Lastly, the Plan includes a Future Land Use Map that sets out the broad categories of land use within the community and the Planning Area.

2.8 Interpretation

Throughout the Plan, maps and graphics are used to illustrate information or policies. While part of the Plan, these graphics are meant to be illustrative only.

The boundaries of the land use designations are intended to be considered as approximate, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category of land use. Therefore, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and areas. The intent and policies of the Plan are to guide the interpretation of the mapped information.

In this Municipal Plan:

Council shall mean the Council of the Town of Channel-Port Aux Basques.
Development Regulations mean the Channel-Port Aux Basques Land Use Zoning, Subdivision and Development Regulations.

DRAFT

Municipal Planning Area shall mean the Channel-Port Aux Basques Municipal Planning Area
The Plan shall mean the Channel-Port Aux Basques Municipal Plan.
Town shall mean the Town of Channel-Port Aux Basques.

Nothing in the Plan will affect the continuance of any land use that was lawfully established on the date that this Plan comes into effect.

DRAFT

Part III INTRODUCTION AND PLANNING CONSIDERATIONS

3.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the Municipal Plan of the Town of Channel-Port Aux Basques 2019-2029. The following text and Future Land Use Maps 1,2 and 3 contained herein constitute the Municipal Plan for the Channel-Port Aux Basques Planning Area.

3.2 Review and Amendments

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are not intended to remain static but are subject to continuous review and alteration as required in the light of changing economic, social, and technological developments, as well as at the required five-year reviews.

3.3 Purpose of Plan

A Municipal Plan guides growth and development within a Municipal Planning Area. The basic intent of a Plan is to protect the public interest and secure the health, safety, convenience and well-being of citizens. It provides a means of preventing problems that could occur if conflicting land uses are developed too close to each other. It directs future growth so that it occurs in a manner whereby municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. Further, it may also set out information and policies on matters affecting social conditions, cultural matters and governance.

By establishing the position of the Town on a wide range of land use matters, the Plan assists developers, property owners and interested citizens understand what is permitted or may be considered in the Town. Plan policies explain the ways for achieving particular types of development and the means by which all parties can express their opinions. The Plan provides Council and municipal staff with a structure for gathering information and making decisions about land use and development.

3.4 Channel-Port Aux Basques and the Municipal Planning Area

The territory subject to this Municipal Plan is that which is included within the boundaries of the Channel-Port Aux Basques Planning Area. The Planning Area is set out under *the Urban and Rural Planning Act, 2000* for planning and regulatory purposes. As noted previously, it occupies an area approximately 95.5 square kilometres and is much larger than the 41.4 square kilometres area defined by the Town boundary.

The Town is composed of several distinct areas: Mouse Island, the Channel, Grand Bay East and Grand Bay West. Mouse Island and the Channel are the older areas of the Town and almost completely built up. Grand Bay East and Grand Bay West are the growth areas of the community, where new development has been occurring over the past decade and will continue into the next.

3.5 Planning Considerations

(1) Introduction

Consideration of the social, cultural, economic and environmental aspects of a community and how these elements are interconnected and essential is necessary in planning for a community's future sustainability. The following section identifies the issues, anticipated challenges and opportunities that the Town of Channel-Port Aux Basques will need to address to ensure its long-term sustainability.

(2) History

Port Aux Basques is one of the oldest settlements on the Island of Newfoundland, with origins going back four centuries. The earliest settlement in this area dates to the sixteenth century when it was seasonally occupied by Basque sailors who hailed from the Basque region of France and Spain. The first permanent settlement came from French fishermen who overwintered on this, the "French Shore", using rights given under the 1713 Treaty of Utrecht which saw France cede its claims in Newfoundland to Great Britain in exchange for the right of use of coastal lands for the fishery.

The Town of Port-Aux Basques was incorporated in 1945. Amalgamation of the communities of Port aux Basques, Channel, Grand Bay, and Mouse Island took place in the 1970s, forming the present town of Town of Channel-Port Aux Basques.

The Town of Channel-Port Aux Basques is located at the extreme southwestern tip of the Island of Newfoundland fronting on the western end of the Cabot Strait. The Town is the principal port of entry for the Marine Atlantic Gulf Ferry Service which operates a year-round passenger and cargo ferry service between Channel-Port Aux Basques and Sydney, Nova Scotia.

The coming of the railway in 1898 established Channel-Port aux Basques. The location was chosen by the Reid Company, who had been contracted by the Newfoundland government to build a railway across the province, partly because of its proximity to Cape Breton, but also because the area was usually ice-free through the winter. The link between the passenger steamship “Bruce” and the railroad in 1898 connected Newfoundland to mainland Canada, and cemented Channel-Port aux Basques as the Gateway to the island. The community had become the service hub for passengers and freight entering and leaving Newfoundland.

From 1898 to 1988 Channel-Port aux Basques thrived with a bustling, diverse economy stapled with the passenger and freight ferry service, railway and fishery. Growth in the community during these ninety (90) years was a sign of the prosperity that the three major industries provided.

In 1988 the Newfoundland Railway scheduled the last train departure for the province. The railroad, with its narrow gauge, was deemed inefficient in comparison to commercial road transportation. Channel-Port aux Basques was dealt a major economic setback with the loss of hundreds of jobs. With a small population, these job losses were a setback on the economy of the community.

Four (4) years later the community was dealt another devastating loss to the local economy. On July 2nd, 1992, the Government of Canada announced a moratorium on the cod fishery of Eastern Canada. This announcement severely reduced the local workforce within the fishing industry, although the local fish processing facility remained in operation on a limited capacity. For the second time in less than five (5) years, another large employer of Channel-Port aux Basques was lost. The economy of the community had been greatly affected and these events presented a great challenge.

For the next fifteen (15) years Channel-Port aux Basques relied on two major employers- Marine Atlantic and Seafreez Foods- as the economic drivers of the town. While operating a limited schedule with only seasonal employment, Seafreez Foods employed approximately 150 people until July 2007 when the processing facility finally closed its doors. A second major industry had come to an end for the town, joining the Newfoundland Railway.

Although Marine Atlantic and Seafreez Foods remained two large employers for the community until 2007, these companies had established a steady workforce with very little growth during those fifteen (15) years. The economy during that time was stagnant.

In recent years, the population has steadied at approximately 4067 residents, down from approximately 6000 in 1986. The economy has also settled, becoming self sustaining, but with little growth or diversification locally. Currently, Marine Atlantic is the major economic driver of Channel-Port aux Basques.

The Alberta tele-employment trend has provided another source of economic expansion for the community. With a workforce surplus locally and great demand in Alberta for labour, a migratory workforce from the community had emerged. Local residents have increasingly been traveling to Alberta for shift work, only to remain settled within the Town. Channel-Port aux Basques has benefitted from the earnings of Alberta wages that are infused into the local economy. This new employment opportunity provided a slight growth in the community's economy.

While a migratory workforce is popular, Channel-Port aux Basques continues to strive to expand local employment opportunities through industry diversification, thus stabilizing the economy and allowing for sustainable growth.

(3) Social and Economic Context

Population

The Town of Channel-Port Aux Basques currently has a population of approximately 4067 persons (2016 Census), up slightly from the 2011 population of 3794, but slightly less than the 2006 population of 4113 persons and much less (-12%) than the 2001 population of 4637 persons.

The catchment area of the Town extends from the Codroy Valley to Rose Blanche and contains approximately 9000 people, up slightly from 8940 in 2010 but down noticeably from 9670 persons in 2006.

The closest major communities are the Town of Stephenville (2016 population – 6,623; 2011 population – 6,719; 2006 population -6,588) located 166 kilometres away and the City of Corner Brook (2016 population – 19,806; 2011 population – 19,886; 2006 population – 20,083), located 218 kilometres away. The closest airports are at Stephenville and Deer Lake (approximately 270 kilometres away), The Deer Lake airport provides daily air service to St. John's and other communities. In 1990, the Stephenville Airport was designated for alternate use – fueling only – by international scheduled air transport and for international general aviation regular use. In recent years, Stephenville Airport has become a favourite technical stop for international flights *en route* to Europe.

Like many communities in the Province, the population of Channel-Port Aux Basques has declined since 2001; but unlike many, its population has started to rebound. The rate of decline for the 15 years period from 2001 to 2016 has been 0.8%, with the loss seeming to be halted by the time of the 2011 Census. Since 2011 the population of the community has increased by 7.2 % (273 persons). The size of the local population appears to have stabilized.

POPULATION CHANGE 2001-2016
CHANNEL-PORT AUX BASQUES AND NEWFOUNDLAND

	POPULATION CPAB	CHANGE (N/%)	POPULATION NL	CHANGE NL
2001	4637	-549/10.5%	512,930	-7.0%
2006	4113	-524/11%	505,469	-1.5%
2011	3794	-319/7.7%	514,536	+1.8%
2016	4067	+273/7.2%	519,716	+1.0

Over the same period the population of the Province declined, but at a lesser rate, and stabilized and rebounded at a lesser rate than the population of the Town of Channel-Port Aux Basques.

POPULATION CHANGE BY AGE COHORT, 2001-2016
CHANNEL-PORT AUX BASQUES AND NEWFOUNDLAND

AGE GROUP	2011 CPAB	2016 CPAB	CHANGE CPAB	2011 NL	2016 NL	CHANGE NL
0-19	690 18.1%	705 17.3%	+2.2%	77,135 15%	101,165 19.5%	+31.8
20-54	1600 42.2%	1545 38%	-3.4%	243,430 47.3%	231,880 44.6%	-4.7%
55-64	700 18.4%	790 19.4%	+12.9%	81,780 15.9%	85,105 16.4%	+4.1%
65 & Older	810 21.3%	1040 25.6%	+28.4%	82,110 16%	101,025 19.4%	+23.1
Total	3794 100%	4067 100%	+7%	514,536 100%	519,716 100%	+1%
Median Age	49.4	51.7	+2.3	44.0	46	+2.0

.

As the size of the Town's population has changed over time, so has the age composition.

- Presently, the number of people 19 years of age and younger is 705 – up 2.2% from 2011.
- The number of people aged 20 to 54 in the Town has decreased by 3.4% to 1,545 from 1,600 in 2011.
- The population between the ages of 55 and 64 has increased by 12.9% to 790 persons from 700 persons in 2011,
- The population aged 65 years and older has increased by 28.4% to 10040 persons from 810 in 2011.

In other words, the portion of the Town's population aged 55 years and older increased from 39.7% in 2011 to 45% in 2016: this is an increase of roughly 1% per year and is likely to continue for the foreseeable future. Over this period, the median age of Town residents has risen from 49.4 years to 51.7 years.

In comparison, the age composition of the Province's population has changed as well since 2011:

- Presently, the number of people 19 years of age and younger is 24,030 – up 31.8% from 2011.
- The number of people aged 20 to 54 in the Province has declined by 4.7% (11,550 persons) since 2011.
- The population between the ages of 55 and 64 has increased by 4.1% (5180 persons) 2011.
- The population aged 65 years and older has increased by 23.1% (18,915 persons) since 2011.

Over this time, the median age of the Province's residents has increased from 44 years to 46 years. The total population of the Province is getting older and the population 55 years of age and older has increased from 32% of the total population to 36% of the population, an increase of a slightly lesser annual rate than that of the Town.

Births and Deaths - In 2015 there were 60 deaths in Channel-Port aux Basques- this is a 9.1% increase since 2014 when there were 55 deaths. In 2016 there were 25 births in Channel-Port aux Basques - this is a 16.7% decrease since 2015 when there were 30 births.

These numbers indicate that the people are aging and dying at a faster rate than newborn children can replace them. This means that employers in the Town will become increasingly dependent on in-migration from elsewhere in the Province or further afield to maintain satisfactory staffing and service levels.

The reasons for the overall demographic trends are well known and include: declining birth rate, outmigration to other areas in search of employment in one's skill, young people leaving for education and not returning, and limited job growth in emerging businesses and institutions. These factors operate throughout the rural areas of the province and vary only in degree. The general trend is that employment and population are concentrating in the larger urban centres.

In the short run, future population numbers are likely not going to be much different. Strengthening the local economic base depends very much on the expansion of employment opportunities in existing industries and services, including the tourism and hospitality sectors. A recent example of this happening is the decision by Marine Atlantic to establish a corporate centre in the Town; the centre will house 1858 square metres (20,000 square feet) of office space.

Another is the commitment by the Town to support the development of a commercial business park on a highly visible and easily accessible 25 hectares (62 acres) block of vacant commercial land located in the area of the Trans Canada Highway Route 1 and Grand Bay West Road/Barhaven Street with marine frontage on Grand Bay.

The future is naturally difficult to forecast, but there is reason to be optimistic. There are opportunities which can be pursued, as was noted in the *Strategic Economic Development Plan 2009,* and the municipal governments on the South West Coast have important roles to play in that regard.

Income

The 2016 Census reports that average employment income for full-time workers in the Town is reported to be $55,419 ($67,716 for the Province) and the median total income of households is $54,583 ($67,272 for the Province).

Employment

As was observed in 2010, the economy of Channel-Port Aux Basques is in large measure tied to the Marine Atlantic Ferry service. In addition to the direct employment with Marine Atlantic and business generated by private passenger and commercial vehicles and travelers (vehicle fuel and servicing, transient accommodations, meals, retail purchases, etc.), the Marine Atlantic service creates a need for enhanced medical services, marine safety and surveillance (i.e.: Coast Guard) services, highway maintenance, and other public and private services that would be significantly curtailed if the Gulf Ferry service was sharply cutback.

The major employers in Channel-Port Aux Basques remain Marine Atlantic, followed by professional, administrative and service employers in the Federal and Provincial Governments who deliver services to the public at the Dr. Charles L. LeGrow Regional Health Centre (with satellite clinics), the College of the North Atlantic (CNA) Port Aux Basques campus, St. James Elementary School (Grades 1–6), and the St. James Regional High School (Grades 7–12).

EMPLOYMENT BY INDUSTRIAL CLASSIFICATION, 2016
CHANNEL-PORT AUX BASQUES AND NEWFOUNDLAND

INDUSTRIAL CLASSIFICATION	NUMBER OF PERSONS	%
TOTAL	**1735**	**100**
Transportation/Warehousing	385	23%
Health Care/Social Services	245	14%
Retail Trade	215	12.4%
Public Administration	145	8.4%
Accommodations & Food Service	125	7.2%
Education	110	6.3%
Construction	100	5.8%
Administrative Support	75	4%
Natural Resources	65	3.7%
Manufacturing	50	2.9%
Professional & Technical Services	45	2.6%

Most (90%) people commute from home to work by driving in their personal vehicle (85%) or accompanying the driver as a passenger (5%), a minority of workers (5%) regularly walk to work.

Most workers (75%) fortunately enjoy a commuting time from home to workplace of less than 15 minutes; 17% of workers in the Town have a commuting time between 15 to 29 minutes and only 8% of workers have to spend 30 minutes or more to get to their regular place of work.

Housing

Since the 2011 Census, the total number of dwelling units in the Town has increased by 10% from 1,680 to 1,850. The majority (97%) of housing stock in Channel-Port Aux Basques is in good condition. The bulk of the housing stock (72%) was constructed before 1980 and is more than 35 years old. With energy costs abruptly increasing significantly in the coming years, renovation and upgrading of much of the housing inventory through improved insulation, doors, windows and building envelopes, and more energy-efficient heating systems will be necessary to keep homes habitable year-round.

DWELLINGS BY PERIOD OF CONSTRUCTION, 2016
CHANNEL-PORT AUX BASQUES

PERIOD OF CONSTRUCTION	#	%
1960 or Before	580	31%
1961-1980	760	41%
1981 - 2000	355	19%
2001 - 2016	155	8%
TOTAL	1850	100%

The most common form of housing in the Town remains the single detached house (82% of total stock in 2016 and 2011) and the least common is the rowhouse dwelling (1.3% of total stock in 2016 and 2011).

DWELLINGS BY TYPE, 2011-2016
CHANNEL-PORT AUX BASQUES

DWELLING TYPE	2011	2016	CHANGE
Single-Detached	1400	1525	+9%
Semi-Detached	50	65	+30%
Rowhouse	20	25	+25%
Apartment in Building < 5 Stys	165	175	+6%
Other (Apt/Duplex)	45	65	+44%
TOTAL	1680	1850	+10%

The 2016 Census recorded that 76% of the dwellings in Channel-Port Aux Basques are owner-occupied and that about one-quarter (24%) are rented. Condominium dwelling units in the Town total 25 and constitute 1% of the total housing stock. The average price of a dwelling in Channel-Port Aux Basques in 2016 was $177,018 and the average household size was 2.2 persons.

Newfoundland and Labrador Housing (formerly NLHC) records in its inventory of assets a total of 65 dwelling units in Channel-Port Aux Basques. 24 units are identified as “NLHC Units”, 16 units are identified as “Panther Managed” and 20 units are identified as “Federal Portfolio”.

In addition to the above, adjacent to the Dr. Charles L. LeGrow Health Centre there is a Senior Complex adjacent to the site that consists of 21 cottages ("The Gateway Cottages") and a 21-unit apartment building ("The Gateways Apartments"). This is Affordable Housing for Seniors intended for older persons with modest/limited income that are capable of independent living. It is anticipated that the need for more housing geared towards seniors (55+) will continue to grow during the period of the 2019-2019 municipal plan and beyond.

(4) Physical Development

The Town of Channel-Port Aux Basques is accessed directly via the Trans Canada Highway Route 1. Most of the built-up areas (excepting the Industrial Park) are located south of the causeway that carries the highway across Grand Bay.

Much of the developable land in the traditional communities around the Peninsula and Mouse Island has been built up, though opportunities remain for infill development and residential intensification. Since 2011, most of the new housing development has been occurring in Grand Bay West and Grand Bay East where a total of 76 residential building permits have been issued; these sub-areas remain the growth areas of Channel-Port Aux Basques.

(5) Municipal Services

Water

The Town has a municipal water supply system that serves the entire community. The system is supplied from the Gulf and Wilcox Ponds Protected Water Supply Area. The distribution system extends from the Water Supply Area, southwards along the Trans Canada Highway Route 1 to the Town boundary, to the developed areas of the Peninsula, Mouse Island, Grand Bay East and Grand Bay West. Water quality is regularly tested by the Province and found to be acceptable.

Sanitary Sewer

The Town is served by a municipal sanitary sewer system. With the permission of the Provincial Government, sewage is collected and pumped into the surrounding ocean waters. In the older areas of the Town, many homes and business premises have private outfalls into the sea. Over the past decade, principally due to imposition of more stringent environmental standards for the disposal of human waste into the ocean, the Town has undertaken preliminary engineering work into development of a waste treatment facility which is ongoing.

Storm Sewer

The Town maintains a storm sewer system that covers 90% of the Town. Overall, stormwater runoff has not been a concern for Town residents and Council has not felt the need to develop and implement a stormwater detention/zero net runoff policy for new development.

DRAFT

Roads

The Town maintains 44 kilometres of roads, 99 % of which are paved. 40 kilometres (90%) are public roads and 4 kilometres (10%) are private roads. With the expansion a residential subdivision in 2017, the amount of public roads maintained by the Town was increased by 400 metres.

Waste Management

The Town provides a weekly residential garbage pickup service. Garbage is brought to a new regional waste management site for the area located on the Trans Canada Highway at the former Town incinerator and landfill site, about 9 kilometres from the Grand Bay Bridge. This site is the main collection and redistribution centre for the residents of the region. In addition to the waste collection services of the Town of Channel-Port aux Basques, the site accepts waste from individual residents. The Regional Waste Facility operates 6 days a week.

In addition to the above the Town provides a Spring Cleanup Service that allows residents to discard normally unaccepted refuge. For two select weeks, the Town will accept and transport additional waste that is taken to the regional waste management site free of charge.

Recreation and Leisure Services

The Town provides a myriad of recreation and leisure services and facilities, with the Bruce II Sports Centre the flagship, to community residents. These are also availed of by non—residents who live in other communities in the catchment area and are:

- The Bruce II Sports Centre which houses an ice rink, a fitness centre, a 6-lane bowling alley, a swimming pool, and two conference/meeting rooms.
- A baseball/softball field, soccer pitch, skateboard park, a basketball court park, and a harbourside park- Scott's Cove Park.
- Six (6) community playgrounds/neighbourhood parks placed throughout the town for easy access by all families. All parks are equipped with child-friendly infrastructure that promotes active living for the youth of the community. Typical playgrounds have swings, jungle gyms, slides, seesaws and a host of other activities for children. With an abundance of parks, families and youth in the region have close access to recreation.
- The Grand Bay West Beach T'railway, which is located at the end of Kyle Lane in the Grand Bay West region of the community. Completed in 2010, the trail has a total length of approximately six (6) kilometers. The trail begins with an elevated boardwalk along the Grand Bay West Beach, with a gravel walking path to follow and ending with a picturesque stroll along a sandy beach. The trail is located within the Town of Channel – Port aux Basques Municipal Wetland Stewardship Zone.

Fire Protection Services

Fire protection services for the community are provided by the Channel-Port aux Basques Volunteer Fire Department. With approximately 33 members, the Fire Department has modern equipment and current training to protect the residents of the community from fire. There are two (2) stations throughout the community located on Grand Bay Road and Marine Drive.

Port Aux Basques Industrial Facility

Formerly a fish plant that was shuttered when the Fisheries Moratorium was imposed in 1991 and acquired and refurbished by the Town at a cost of $1.5 million, the Port aux Basques Industrial Facility lends itself to many different operations, including office space, storage, production/maintenance or manufacturing. The entire facility has in excess of 43,000 square feet (3995 square metres) of production space over two floors and 440 feet (134 metres) of docking space Due to the investment of previous operators, the facility is extremely versatile and can be divided into five areas of varying sizes with different capabilities or utilized together.

(6) Services Provided by the Province

Education

The Town is home to St. James Elementary School (grades 1-6). The school was constructed in 1990 and has a design capacity of approximately 330 students, with 23 teachers and 15 classrooms. The Town is also home to St. James Regional High School (grades 7-12). This school was built in in 1984, extended in 1990 and 1994, and renovated in 2005. It has a design capacity of approximately 300 students.

A 2017 review of the St. James Regional High School System projects that the enrolment at the St. James Elementary School will peak at 280 students in 2019 and decline to 262 students by 2026. This 2017 review also projects that the enrolment at the St. James Regional High School will peak at 311 students in 2017, decrease to a low of 222 in 2024 and level-off at 236 in 2026.

The College of the North Atlantic is Newfoundland and Labrador's public college system and is one of the largest post-secondary institutions in the Atlantic Provinces. The college campus in Channel-Port aux Basques offers full time credit course registration with approximately 140 students per semester, with an additional 25 registered part-time. The college also has upwards of 200 students participating in the Continuing Education evening courses.

Health Care

The health care system of Channel-Port aux Basques consists of services between a patient and a health professional, including physicians, nurse practitioners, public health officials, social workers, occupational therapists, and physiotherapists.

The main source of healthcare is given to individuals at the Dr. Charles L. LeGrow Health Centre, which serves approximately 9,000 people of the Southwest Coast of Newfoundland and Labrador. This facility has 44 beds, with 26 of those being designated for Long Term Care, 2 slow paced Rehab beds, 2 Respite, 12 Acute Care, 21 ICU beds and 1 Palliative Care Room.

Under the auspices of the Centre, there is a Senior Housing Complex adjacent to the site that consists of 21 cottages and a 21-unit apartment building.

Ambulance Services

The ambulance services of Channel-Port aux Basques are funded by the Provincial Government and provided by MacKenzie Ambulance. Located at 19A Grand Bay Road, the company is staffed with certified and experienced personnel that are available 24 hours a day.

Public Library

The Channel-Port aux Basques Public Library contains a large collection of books and provides public internet access. The library is a member of the provincial public system and has access to thousands of publications throughout Newfoundland and Labrador.

(7) Commercial Amenities

As a regional centre, Channel-Port aux Basques also hosts a wide range of services from the private sector. Grand Bay Mall and larger retailers like Coleman's, Shoppers Drug Mart, and Canadian Tire, along with the Port aux Basques Industrial Facility and multiple banking institutions offer resources and services that are not found in the surrounding communities.

In addition to the local and regional markets for goods and services the Town has to offer, traffic generated at the Marine Atlantic Ferry Terminal also provides significant year-round economic opportunity to local businesses for a range of goods and services, particularly during the peak summer travel months.

(8) Environment

Flooding and Storm Surges

Weather patterns are changing in this Province and severe weather occurrences — abnormally high winds, storm surges, heavy precipitation and so forth — are now more frequent and severe than they were previously. The forecast gradual rise in the mean sea level increases the impacts of storms. Coastal flooding is likely near the shoreline and nearby low-lying areas. Sustained high winds combined with storm surges have the potential to cause damage along the coast, adversely impacting municipal infrastructure and infrastructure used to deliver electricity and communications services to the public.

In January 2000 a major storm surge caused significant damage to the southeasterly facing portions of the community – Mouse Island and Channel. It seems that most of the damage occurred up to the 8 metres above sea level elevation, with some damage occurring up to the 12 metres elevation.

To adapt to changing weather conditions, the Town has found it prudent to recognize and identify areas in the community that may be susceptible to flooding and to curtail development of emergency services and structures housing large numbers of people or vulnerable populations in low-lying areas below the 4 metres elevation contour.

Environmentally Sensitive Areas – Municipal Stewardship Area

On August 20, 2003 the Government of Newfoundland and Labrador signed a Municipal Stewardship Agreement with the Town of Channel-Port Aux Basques. The Agreement covers the wetlands of the Grand Bay West Area which are used by ducks and geese for staging, wintering, nesting and brood rearing. The purpose of the Agreement is to ensure that the two levels of government work cooperatively to ensure that the wetlands remain healthy and biodiverse.

An endangered species, the piping plover, nests in the Grand Bay West Beach area within the boundaries of Chanel-Port Aux Basques. This beach also hosts some of the best remaining examples of sand dunes on the island portion of the Province. The area also contains an excellent habitat for a number of bird and waterfowl species as well as significant salt marshes.

Through the Agreement, the Town receives from the Eastern Habitat Joint Venture (http://www.flr.gov.nl.ca/wildlife/stewardship/eastern_habitat.html) consultation on wetland habitat enhancement; wetland interpretation; impact assessment and mitigation of wetland development; and alternatives to wetland development. The Town also receives a habitat inventory and management plan for the stewardship area.

(9) Special Studies and Policy Documents

Revision of the Municipal Plan has been guided by several studies undertaken by or on behalf of the Town. These studies or policy documents include:

- *Channel-Port Aux Basques Downtown Design Study*, CBCL, December 2012
- *Strategic Economic Development Plan 2009–Striving Towards Growth and Diversification,* Town of Channel-Port Aux Basques
- *Town of Channel-Port Aux Basques Integrated Community Sustainability Plan 2010 – Building a Sustainable Future*, Arvo McMillan, March 31, 2010

The Downtown Design Study was commissioned by the Town of Channel-Port Aux Basques in recognition of the fact that the historic downtown had lost much of its vitality over the years due to movement of business and residents to newer areas in the community. The study was the

beginning of a process of downtown revitalization to restore the visual appeal and economic diversity of the area. Amongst the recommendations contained in the study report were:

- streetscape design improvements (sidewalk improvement, line painting on streets, formalized offstreet parking and landscaping),
- urban design projects (Townhall Plaza and a Downtown Commons. Astrolabe Park, Harbourfront Beautification), and
- building facade improvement guidelines.

The Strategic Economic Development Plan had two purposes: to identify potential economic development opportunities that will provide stability; and to promote growth and diversification within the economy. The 2009 Strategic Economic Plan provided a background on the economy of the community, opportunities for economic development that have been identified and recommendations to successfully achieve economic growth and diversification. The Plan identified the following areas of economic development and recommended specific initiatives under each section:

- Harbour Development
- Natural Resources
- Health Services
- Tourism
- Social Development
- Education
- Business Development

Actions recommended in the Strategic Economic Plan included the Town's acquisition of the former Seafreez Fish Plant (now the Port aux Basques Industrial Facility); development of significant tourist attractions (Downtown Rejuvenation Plan); and supporting residential housing development in the Grand Bay West area.

The Channel-Port Aux Basques Integrated Community Sustainability Plan (ICSP) 2010 was prepared concurrently with and under the same process as the Town of Channel-Port Aux Basques Municipal Plan 2010. The Integrated Community Sustainability Plan was designed to emphasize the sustainability aspects of physical, social and economic development. The 2010 Municipal Plan and the Development Regulations under the Municipal Plan, through the policies and regulations pertaining to sustainability related matters, are a vital element in ensuring the success of the Channel-Port Aux Basques ICSP.

3.6 Public Consultation

This document, the April 2019 Draft, is the first draft of the Municipal Plan to be considered by the public. It is to be reviewed by Town residents, Council and staff to endeavor to identify revisions needed to make the document reflect the community's and Council's thoughts on the new Municipal Plan. It is specifically intended to be revised as needed as Council may determine.

In the first step in the planning process, the Town's consulting planner came to the community in the summer of 2018. He carried out basic background information gathering and consulted with members of Council, staff and local residents and business owners/operators, as well, to aid in building the initial information base needed for the assignment.

In addition, the usual step of contacting the Department of Municipal Affairs and Environment to arrange for the circulation of a letter to all affected government departments and agencies requesting that they identify any plans or policies which could have a bearing on the review was followed. This is a routine procedure which the Department organizes to assist municipalities when planning revisions to these documents. As those results came in, they have been considered in the work on the Municipal Plan.

On the conclusion of the first steps above, a Planning Background Report was prepared and, as a resource document, is found in Part III of this Municipal Plan. The first draft of the Municipal Plan (including the Background Report) and associated Development Regulations were provided to Council for its consideration and review on November 4, 2018. Through the Town Manager, feedback and direction was provided to the planning consultant on both draft documents and their accompanying maps though the winter months.

Once a satisfactory draft for discussion was prepared, the next step was an opportunity for consultation in which residents were invited to meet with Town officials and the consultant for an advertised public meeting held on May 6, 2019. Following that, revisions were made as needed, and Council proceeded to consider adoption and approval, following the steps set out earlier.

DRAFT

PART IV VISION STATEMENT, GOALS, OBJECTIVES AND POLICIES

4.1 Introduction

A Vison Statement encapsulates and emblemizes the collective values and aspirations of the municipality; it is an aspirational description of where the community wants to be in the future. It is intended to serve as a guide for internal decision making.

Goals are frequently employed as the essential foundation for a community plan. Objectives are the more precise and measurable steps needed to achieve the goals. Policies are the courses of action that a government takes to achieve its objectives.

4.2 Vision Statement

The Town's Integrated Community Sustainability Plan (ICSP) and the Strategic Economic Development Plan each includes a "Vision Statement" which could serve as a suitable Vision Statement for this Plan:

> *The Town of Channel-Port aux Basques strives to provide an exceptional quality of living in an environment based on opportunity, prosperity and safety. The Town fosters positive support for a diversified economy through business investment and upholds the commitment to being the Gateway to the Island of Newfoundland for Industry, Transportation and Tourism.*

4.3 General Goals and Objectives

This Municipal Plan endeavours to deal with development concerns following these more specific goals and objectives related to land use:

(1) Growth and Urban Structure

Goal: To provide for orderly growth and development within the community.

Objectives: (a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the community.

(b) In order to improve quality of life in the community and protect life and property, and to minimize effects on the natural environment, land uses will be allocated to encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of the community, while also recognizing natural constraints and limitations.

(c) Compact development of the community will be promoted, in order to provide municipal services to properties as efficiently as possible.

(2) Environment and Natural Resources

Goal: To protect and enhance the environment and natural resources of the community.

Objectives: (a) To limit development and use of lands outside of the community's built-up area and areas designated for future servicing and development, to those of a rural nature and those which cannot be reasonably carried on within the built-up area.

(b) To provide and protect a safe and sustained drinking water supply by restricting non-compatible development in the Town's present protected water supply area lying in the Channel-Port Aux Basques Municipal Planning Area.

(c) To control development in order to minimize its detrimental effect on the environment and to preserve the natural resources within the community.

(d) To severely limit development on wetlands, beaches, lands prone to flooding, unstable slopes and sensitive inland waters fish habitat. Unless required for port improvement or other public purposes, natural features such as beaches, barrier islands and shoreline vegetation that can mitigate the impacts of storms shall be maintained and protected.

(e) To continue, through the 2003 Municipal Stewardship Habitat Agreement, the commitment to protect designated wetlands and beaches for the conservation of waterfowl and other wildlife within designated areas of the municipality.

(f) To continue to work in conjunction with the regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by establishing efficient and effective means of minimizing the amount of waste from the Town directed to final disposal, by recognizing the resource values of recyclable and organic materials and establishing local programs related to them.

(3) Housing

Goal: To provide for the long-term housing needs of the community.

Objectives: (a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the community; to facilitate the greatest development of available land resources; to accommodate a wide variety of housing forms compatible with the currently appealing character of residential neighbourhoods; and to be affordable [The Canada Mortgage and Housing

Corporation defines affordable housing as housing that meets the needs of a variety of households in the low to moderate income range. Housing that is affordable, typically costs less than 30% of before-tax household income with shelter costs including the following:

- For renters: rent and any payments for electricity, fuel, water and other municipal services; and
- For owners: mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services.].

(b) To provide for a small number of new building lots each year, by way of infill and in new subdivisions designed to present a pleasant appearance and an efficient arrangement of street, water and sewer services.

(4) Employment and Economic Development

Goal: To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and to press for bolstering the economic base and employment opportunities in the Town and surrounding communities.

Objectives: (a) To monitor developments concerning the transportation, tourism and other economic sectors with a view to representing the community promptly and responsibly on points affecting investment, government regulation, environmental impact and community development.

b) To provide for flexibility and rapid response to development proposals so as to facilitate business development and growth.

(c) To designate sufficient lands suitably located and serviced for a range of commercial and industrial developments in order to achieve an adequate land base for economic development and a more efficient land use pattern.

(d) To support the development of a commercial business park on approximately 25 hectares (62 acres) of land located in the area of the Trans Canada Highway Route 1 and Grand Bay West Road/Barhaven Street with marine frontage on Grand Bay.

(5) Recreational Open Space and Public Facilities

Goal: To establish, preserve and improve natural and public uses and spaces, and recreational facilities to meet local needs.

Objectives: (a) To continually adjust and improve recreational opportunities in the community for all age and ability groups.

(b) To designate areas now established as open space areas for outdoor recreational purposes, public buildings and uses; to guide improvement projects; and to endeavour to preserve these assets from encroachment by buildings and other activities.

(6) Transportation and Highway Safety

Goal: To provide a safe and efficient transportation network to move people and goods into, out of and throughout the community.

Objectives: (a) To develop a list of priorities for road improvements and work toward maintaining the public streets in good condition.

(b) To work constructively with the provincial government to secure adequate funding to maintain roads in good condition.

(7) Municipal Services and Finance

Goal: To effectively manage municipal services and the financial resources and commitments of the community.

Objectives: (a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the community.

(b) To improve the cost effectiveness of municipal servicing by fostering compact, carefully planned development and to carefully assess the feasibility of extension of central water and sewer services and the opening of new areas for urban development.

(8) Transparency and Accountability

Goal: To provide good government for community residents and stakeholders in an accountable and transparent manner.

Objectives: (a) To encourage public access and engagement in land use planning and decision-making processes at the Town, neighbourhood and site planning level to ensure that decision-making is responsive to the needs of constituents and receptive to their opinions.

(b) To deliver high quality services to our constituents.

DRAFT

(c) To promote the efficient use of public resources.

4.3.1 General Development Policies

(1) Growth Management and Municipal Services

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

(a) Council will ensure that new development or redevelopment for high density residential or other purposes will not incur upon the Town unreasonable servicing demands or costs for roads, water and/or sewer services.

(b) It shall be a policy of Council that the cost of providing services which open new land for development shall be borne by the developer, and that the cost of extending services by the Town, such as water mains or sewer lines, to partially serviced areas shall be charged against the land which benefits. To this end, Council will ensure that contractual agreements are entered into between the developer and the municipality regarding the provision of such additional services by the developer, at no cost to the municipality.

(c) 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 an area.

(d) New development shall have frontage on a public road and be connected to municipal water and sewer services by the time of occupancy, if services are available, unless determined otherwise by the Town.

(e) 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 or where in its opinion such development could create an environmental hazard or cause damage to persons and property.

(2) Services and Access – Notwithstanding

Notwithstanding Section 4.3.1(1) above:

(a) Where circumstances may allow development lacking municipal water and/or municipal sewer services, approval must be first approved in writing from the Services NL and where necessary, the Department of Municipal Affairs and Environment, before a Permit can be issued by the Town.

(b) Properties within a Comprehensive Development and uses such as wharves, docks, remote cottages, barns and so forth which do not front on a public road may not necessarily be required to have frontage on a publicly owned and maintained road

(3) Premature Development – Services Required

No permit shall be issued for Development in the Town when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts in writing to pay the full cost of construction of the services deemed necessary by Council, and such cost shall attach to an upon the property in respect of which it is imposed.

(4) Compatibility of Development

The Town shall ensure as much as possible that existing and 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 and to ensure a clean and tidy town.

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.

(5) Site Development

(1) 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 (see Sections 4.3.1(15) and (16)). Furthermore, the Town shall review all development proposals for properties near the marine coast in accordance with Section 4.3.1(13) of this Municipal Plan.

(2) 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.

(3) 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.

(4) When a subdivision or any major development is being approved a portion of the development site may be set aside for drainage control and this may include retention ponds, swales and similar facilities. These drainage control facilities shall not be included in the calculation of open space as set out under Section 37 of *the Urban and Rural Planning Act 2000*.

(5) The Town may require that a plan of an entire area be approved before a subdivision or development occupying a portion of the area is approved.

(6) Comprehensive Development

A Comprehensive Development is designed to achieve a higher quality of development than would otherwise be obtained under the standard requirements of the Town's Development Regulations and/or that would allow for the development of a property which has unusual site constraints — such as steep slopes, rock outcrops and wetlands. This provision can be used to protect heritage sites and culturally significant landscapes while still accommodating development.

The Town may 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 zone in which a property is located as set out under the Development Regulations, provided that:

(a) The Comprehensive Development should provide a higher quality and quantity of open space and environmental protection than would otherwise be achievable under the standard development requirements.

(b) The Comprehensive Development must be compatible with adjacent development and have frontage on a publicly owned and maintained road.

(c) The Town shall require that a Comprehensive Development be connected to municipal water and sewer services.

(7) Coordination of Development/Comprehensive Plan/Comprehensive Development Area Plan

(1) 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.

(2) The Town may require that a Comprehensive Plan or Comprehensive Development Area Plan be prepared and adopted before any development applications are considered for approval.

(3) The Comprehensive Plan or Comprehensive Development Area Plan shall be prepared by the applicant and/or by the Town, and approved by the Town, after consultation with other agencies and the public. Once the Comprehensive Plan or Comprehensive Development Area Plan has been approved by the Town, the developer can apply for the necessary approvals (including Approval-in-Principle) and permits in accordance with the provisions of the Development Regulations.

(4) Prepared by a competent professional and in a format acceptable to the Town, the Comprehensive Plan or Comprehensive Development Area Plan shall include at the minimum:

a. Roads and Services
b. Land Use
c. General Lot Layout
d. Historic Resources and Trails
e. Waterways and Wetlands
f. Public consultation and consultation with affected property owners
g. And other matters deemed necessary by the Town.

(8) Non-Conforming Uses

In accordance with the *Urban and Rural Planning Act 2000*, a use of land that legally existed at the time of the registration of this Municipal Plan will be allowed to continue irrespective of its conformity to the Plan or Development Regulations. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.

(9) Uses Generally Allowed in All Land Use Designations

Accessory buildings and uses, conservation, public services and public utilities, recreational open space including recreational trails and roads, and certain uses requiring access to a body of water (wharves and docks – classed "Transportation Uses") can be allowed in all Designations subject to the other provisions of this Municipal Plan and the Town's Development Regulations.

(10) Archaeological and Heritage Resources

(1) 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.

(2) 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.

(3) It shall be a policy of the Town that 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.

(11) Building Near Highways Regulation and Protected Road Zoning Plan

Development along certain Provincial highways and roads is subject to the Building Near Highways Regulation 1997 under the Works, Services and Transportation Act and the Protected Road Zoning Regulations under the *Urban and Rural Planning Act 2000*.

Development along the Trans-Canada Highway up to the Grand Bay Bridge is regulated under the Protected Road Zoning Regulations pursuant to the *Urban and Rural Planning Act 2000.* However, the Municipal Plan designations and policies override the *Protected Road Zoning Regulations*, even though a permit is required from the Government Service Centre.

(12) 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.

(13) Flooding and Storm Surges

A major storm surge in January 2000 caused significant damage to the south easterly facing portions of the community - Channel and Mouse Island. This storm surge is part of an ongoing pattern of sea level rise and increased storm frequencies in the south west region of Newfoundland.

Most of the damage occurred up to the 8 metre elevation, with some damage occurring as high as the 12 metre elevation above mean sea level.

Not all areas of the Town and Planning Area are equally affected by storm surges. Areas that are well protected by extended beaches and islands such as off Grand Bay are less likely to be affected.

While the general trends in terms of the impacts of climate change are fairly well known, the likelihood of specific events occurring is still relatively unknown. Despite this uncertainty, prudent planning dictates that measures must be taken to locate emergency services and structures housing large numbers of people or structures housing vulnerable populations away from areas that are likely to be affected by flooding and/or storm surges.

(1) The Town of Channel-Port Aux Basques will seek the assistance of the Province in developing a plan that will provide better quality data about sea level rise and storm activity in the community, and which will lead to policies for public and private development in areas most vulnerable to storm activity.

(2) Unless required for port improvement or other public purpose, natural features, such as beaches, barrier islands, and shoreline vegetation that can mitigate the impacts of storms shall be maintained and protected.

(14) Municipal Stewardship Program

This section of the Municipal Plan treats the matter of the Municipal Stewardship Program which flows out of the Stewardship Agreement. It is to be noted that in the Agreement it refers to "a range of wetland types" which take in "bogs, ponds, streams, salt marshes, and barachois **....''**

The area covered under this program is designated Environmental Protection - Management Unit.

(1) Under the Stewardship Agreement of August 20, 2003, the Town and its residents became stewards of the wetlands (waterways and other environmentally sensitive areas) within the Stewardship Zone. When deciding whether or how to allow a new development or endeavour in the Stewardship Zone, the Town shall take into account the value and vulnerability of the potentially affected wetlands (waterways and other environmentally sensitive areas). The Town commits to eliminate or minimize the effects of human activity on wetlands within the Stewardship Zone.

(2) For areas within the Stewardship Zone the Eastern Habitat Joint Venture will provide consultation on wetland habitat enhancement, wetland interpretation, impact assessment and mitigation of wetland development, alternatives to wetland development.

(3) Management Units

(a) Management Units are those waterways and wetlands defined in consultation with the Eastern Habitat Joint Venture as critical to waterfowl.
(b) Since the Management Units are areas on which waterfowl depend for nesting, brood rearing or staging, they require more protection than the Stewardship Zone.

(c) Under the Municipal Plan and Development Regulations, these areas are designated and zoned Environmental Protection Management Unit; and development and access by motorized vehicles via trails is carefully controlled or in some instances prohibited.
(d) Lands designated Environmental Protection which are also Management Units are shown on the Future Land Use Maps as Environmental Protection Management Unit to signify that additional restrictions on access and development may be required in sensitive areas, including a restriction on the use of all terrain vehicles (ATVs) in particularly sensitive areas.
(e) Non-consumptive and non-destructive human activities, like hiking, canoeing and bird-watching are permitted within Management Units.

(15) 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 Channel-Port Aux Basques 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. Insofar possible the buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

(1) Trails and accessory uses; and uses including transportation and marine related industrial uses and certain other uses requiring direct access or proximity to a body of water, may be permitted in these buffer areas subject to the approval of the Department of Environment and Conservation and other relevant agencies. Where there are concentrations of such uses, as around the main port, then this is reflected in the designation and zone.

(2) Where there is existing development within the buffer area development shall be allowed to continue as a legal non-conforming use.

(3) 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.

(4) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.

(5) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1:100 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.

(6) If the toe of an embankment with an average slope of 30% or more lies within 15 or 30 metres of the highwater mark, or 1:100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.

(7) Minor waterways and wetlands which for example are used as drainage courses or are intermittent can be developed or relocated. 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.

(8) Where a waterway or wetland is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation.

(16) Recreational Trails and Walkways

The Town and Municipal Planning Area contain numerous well-known trails, including the T'Railway which are used for motorized and non-motorized recreational purposes. Most of these trails and the T'Railway 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.

(1) The Town may require that any development within a specified distance of a significant, well-established and clearly demarcated trail and the T'Railway 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) T'Railway Provincial Park – The T'Railway Provincial Park falls within the jurisdiction of the Parks and Natural Areas Division. Any development affecting the T'Railway, such as a culvert or an access must be approved by the Parks and Natural Areas Division of the Provincial Department of Fisheries and Land Resources before approval is granted by the Town.

(17) Agriculture and Forestry and Trees

(1) 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.

In general, all agricultural operations shall be approved by the Agrifoods Development Branch before a permit is issued by the Town.

(2) Forestry activities are regulated by the Department of Natural Resources, Forestry Services Branch, and the Town. The Town also has the authority under the *Urban and Rural Planning Act,2000* to protect existing trees and tree stands insofar as tree-cutting is technically "development" under the *Urban and Rural Planning Act, 2000*. Domestic and commercial forestry shall be approved by the Forestry and Agrifoods Agency before a permit is issued by the Town.

(3) 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, and provide wildlife habitat and opportunities for recreation. The Town shall encourage the retention, maintenance and enhancement of the existing urban forest within the Planning Area.

(18) Mineral Exploration and Mineral Workings

(1) Mineral exploration and mineral workings may be allowed within the Planning Area under certain designations and zones. Higher intensity forms of mineral exploration are to be suitably buffered from other developments, and the sites remediated upon completion.

(2) 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, vibration, odour and appearance may be permitted anywhere in the Planning Area. This is provided a Permit for exploration is to be issued by the Department of Natural Resources and, in accordance with the *Urban and Rural Planning Act*, a permit for a mineral exploration must also be issued by the Town.

(3) 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. Such mineral workings shall be accommodated under designations and zones specifically designed to accommodate mineral workings and certain compatible uses, and/or they 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.

Permits and leases for mineral workings are to be issued by the Department of Natural Resources. However, in accordance with the *Urban and Rural Planning Act* a permit for a mineral working must also be issued by the Town.

(4) The renewal of licences and leases is subject to the relevant statutes and regulations administered by the Department of Natural Resources.

(5) Permits for mineral workings which were legally in operation at the time of the gazetting this Municipal Plan and the Town's Development Regulations may be renewed by the Town notwithstanding the designation and zone in which the mineral workings are located, provided that the Town is satisfied that such mineral workings will not have a deleterious effect on nearby land uses and environment. (See also Section 108 of the *Urban and Rural Planning Act 2000* – Non-Conforming Uses and Sections 15 and 16 of Newfoundland Regulations 3/01 – Development Regulations under the *Urban and Rural Planning Act 2000* – Notice and Hearings on Change of Use and Non-Conformance with standards).

(19) Municipal Water Supply and Watershed

The water supply area serving Channel-Port Aux Basques is entirely within the Planning Area. This is a protected public water supply area subject to provincial government regulations which severely restrict development in surface water catchments or groundwater recharge zones related to community water supplies. This area will be so designated in this Municipal Plan and complementary provisions made in the Development Regulations.
Development shall generally not be permitted within the watershed for the Town of Channel-Port Aux Basques Municipal Planning Area water supply. The Permitted Use shall be Conservation use. Discretionary uses will include only Public Utilities, Mineral Exploration, Recreational Open Space and Transportation.

(20) 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.

(1) Wind mills, wind turbines and other alternative sources such as solar panels which are not classed as public utilities can be approved by the Town in suitable locations provided that all necessary approvals are obtained from the appropriate Provincial and Federal agencies, and the Town is satisfied that such development will not create a hazard or nuisance to nearby land uses nor negatively affect the views of historic and/or culturally significant landscapes

(2) 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.

(3) Windmills utilities within the built-up areas are limited to single windmills or wind turbines designed to serve particular properties.

(4) 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.

(5) 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.

(21) Downtown Channel-Port Aux Basques

The Downtown is a significant commercial and residential area and a gateway to the community. In recognition of the historic character and unique characteristics of the Downtown area of the Town, the Town Council may undertake initiatives including streetscaping, placemaking and offstreet parking improvement projects, and the provision in the Development Regulations of appropriate development standards/requirements, to support the revitalization of this area and benefit residential and commercial stakeholders.

(22) Development Assessment Reports

The Development Assessment Report (DAR) is a tool that can be used to assist in the review of proposals for a development or proposed use that cannot be adequately evaluated by Town staff. A DAR is a report prepared by a suitably qualified person(s) to assess the impacts a use or development may have on the urban environment and/or surrounding lands or neighbourhood. The Town may require a DAR to be prepared to determine the significance of the impacts and include recommendations on measures to control and mitigate them.

The following policies apply to the requirements for a DAR:

(1) Where determined by Council, Development Assessment Report(s) may be required as part of the development application review process.

(2) Council shall prepare and approve a Terms of Reference setting out the matters that would require assessment in a DAR.

(3) The DAR and any supporting studies shall be prepared at the expense of the applicant. Notwithstanding this requirement, Council may deem that a Staff Report constitutes a Development Assessment Report where the scale or circumstances of a proposed change or development proposal do not merit extensive analysis.

(4) The Town shall provide adequate time for a public review of a DAR prior to its consideration for approval at a Public Meeting of Council.

DRAFT

PART V LAND USE DESIGNATIONS and POLICIES SPECIFIC TO LAND USE DESIGNATIONS

5.1 Introduction

The land resources of the Channel-Port Aux Basques Planning Area shall be managed in accordance with the proposed land uses shown on the Future Land Use Map and the land use policies of this Municipal Plan. Land use designations include:

- Residential (RES)
- Mixed Development (MD)
- Town Centre (TC)
- Public (PU)
- Open Space (OS)
- Commercial (COM)
- Industrial (IND)
- Rural (RUR)
- Environmental Protection (EP)
- Environmental Protection Management Unit (EPMU)
- Protected Public Water Supply (PPWS)
- Highway ((HWY)

The policies that follow apply only to development within the respective land use designations under which they appear, unless stated otherwise. Where classes of uses are described as "Permitted" or "Discretionary" classes of uses, the classification table in the Development Regulations is to be used to interpret the meaning of the use classes when referenced in the policies.

All policy sets include consideration of certain types of development as Discretionary Uses. In evaluating applications for such uses, Council shall consider the policies set out for the respective land use designation as well as more general policies expressed in this Municipal Plan, and shall call for and review information as may be needed to evaluate proposals

5.2 Interpretation Policy

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, when necessary Council may interpret the future land use map by considering the goals, objectives and policies of the Plan and make minor adjustments to these boundaries for the purpose of implementing the Plan.

5.3 Residential Designation

The Residential (RES) designation is designed to protect existing and future residential areas occurring within the municipal or town boundary while still accommodating certain residential compatible non-residential uses. It is applied to serviced and unserviced and semi-serviced areas that are suitable for residential development and where it is expected that the predominant land uses will remain or become residential in the future. Lands designated Residential are zoned Residential (RES) or Residential Medium Density (RMD).

(1) Permitted and Discretionary Uses

Permitted and Discretionary Uses include various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types. Non-residential uses that can be considered for approval include but are not limited to various types of businesses, medical and personal care facilities, places of worship, education and transportation.

Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts) are permitted, including accessory wharves and docks (transportation use class).

(2) Non-Residential Uses - Compatibility

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.

(3) Unserviced and Semi-Serviced Development

The Town may, in its sole discretion, refuse to issue a permit for an unserviced or semi-serviced development where, in its opinion, the development is capable of being serviced by municipal water and/or sewer; there are concerns about possible pollution or adequacy of the private water supply; and/or the Town is of the opinion that such development could necessitate the provision of any public service beyond what is already being provided in an area. In addition to an approval by the Town, any development on a private water and/or waste disposal system shall require the approval of the Department of Government Services.

5.4 Mixed Development Designation

The Mixed Development (MD) designation is intended to accommodate a mixture of commercial, related industrial, public, and residential uses that have a long tradition in Channel-Port Aux Basques. Lands designated Mixed Development take in largely built-up areas outside the core of Port Aux Basques and Channel which contain a mix of residential, retail and service as well as small marine oriented businesses and activities. Lands designated Mixed Development are zoned Mixed Development (MD).

(1) Permitted and Discretionary Uses

Permitted Uses under this designation are: Accessory Dwelling Unit (Apartment attached to a business), Apartment Building, Assisted Living Residential Home, Bed and Breakfast, Boarding House, Child Care, Conservation, Convenience Store, Double Dwelling, Family and Group Care Centre, Home Business Accessory Use, Personal Service, Recreational Open Space, Row Dwelling, Single Dwelling. Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts) are also permitted, including accessory wharves and docks.

Discretionary Uses under this designation are: Place of Amusement, Antenna, Commercial School, Club and Lodge, Communications, Cultural and Civic, Funeral Home, General Assembly, General Industry, General Service, Indoor Market, Light Industry, Medical and Professional, Medical Treatment and Special Care, Mini Home, Office, Outdoor Market, Passenger Assembly, Place of Worship, Seniors' Housing and Personal Care Facilities, Service Station, Shop, Take-out Food Service, Tavern (Lounge), Taxi Stand, Theatre, Tiny House Dwelling, Transportation, Veterinary Clinic

(2) Prohibited Uses

Hazardous Industry, Scrap Yard and Solid Waste are not permitted in this designation.

(3) Non-Residential Uses - Compatibility

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

(4) Municipal Services

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

5.5 Town Centre Designation

The Town Centre (TC) designation is intended to accommodate and support a mixture of commercial, related industrial, public, and residential uses; it is meant to provide for the conservation and development of the historic core of Channel-Port Aux Basques - 'the Peninsula'. Lands designated Town Centre take in the historic commercial and residential centre of Channel-Port Aux Basques. The unique pattern of streets and streetscapes strongly defines the character of this area and land use policies for this core area reflect its historic character and wide variety of commercial, industrial, port-side, public and residential uses. Lands designated Town Centre are zoned Town Centre (TC).

(1) Permitted and Discretionary Uses

Permitted Uses under the TC Designation are: Accessory Dwelling Unit, Adult Day Care, Apartment Building, Boarding House Residential and Bed and Breakfast, Catering Uses, Child Care, Communications Use, Conservation, Convenience Store, Cultural and Civic Double Dwelling, Dwelling Unit on the Second floor or Higher of a Commercial Building, Eating Establishment, Family and Group Care Centre, Place of Assembly, General Service, Indoor

Market, Medical and Professional, Medical Treatment and Special Care, Office, Outdoor Market, Passenger Assembly, Personal Service, Place of Worship, Recreational Open Space, Retail Use (Store), Row Dwelling, Shop, Single Dwelling, Taxi Stand, Transportation; Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts), including accessory wharves and docks (transportation use class) are also permitted.

Discretionary Uses under the TC Designation are: Place of Amusement, Antenna, Assisted Living Residential Home, Catering Use, Club and Lodge, Commercial School, Funeral Home, General (Commercial) Garage, General Industry, Light Industry, Mini Home, Seniors' Housing and Personal Care Facilities, Service Station, Tavern (Lounge), Theatre, Tiny House Dwelling, Short-Term/Overnight RV and Trailer Campground , Veterinary Clinic

(2) Prohibited Uses

Hazardous industry, scrap yard and solid waste are Not Permitted in this designation.

(3) Non-Residential Uses - Compatibility

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

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a discretionary use provided that the use is appropriate for the area and the access and services available to the site.

(4) Municipal Services

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

(5) Town Initiatives

The Town shall encourage the restoration, renovation and adaptive re-use of existing buildings and encourage appropriate infill development; and, as part of this process, may pursue the preparation of a development scheme that includes an archaeological survey, an inventory of historic buildings, and streetscape design and improvements.

(6) Consideration of Development Impact

Before issuing a permit for any development, regardless of whether it is a permitted or a discretionary use, the Town shall consider relevant Municipal Plan policies and the impact of the proposed development on nearby uses and the character of the surrounding area, and issue a permit subject to conditions or refuse to issue the permit.

5.6 Public Designation

The Public (PU) designation is applied to lands where there are concentrations of public and institutional uses – buildings owned and used by the various levels of government and major institutions such as hospitals, schools, places of worship, cultural facilities and assembly uses; and some residential uses. The objective of this designation is to recognize the importance of public/institutional land holdings and the need for cooperation between the various public bodies and levels of government to ensure the best use and development of the properties. Lands designated Public are zoned Public (PU).

(1) Permitted and Discretionary Uses

Permitted Uses under this designation are: Adult Day Care, Conservation, Child Care, Cultural and Civic, General Assembly, Indoor Assembly, Medical Treatment and Special Care, Office, Outdoor Assembly, Place of Worship, Police Station, Recreational Open Space, Seniors' Housing, Personal Care Facilities; and uses similar to or compatible with the foregoing. Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations) are Permitted, including accessory wharves and docks (transportation use class).

Discretionary Uses under this designation are: Apartment Building, Catering, Cemetery, Club and Lodge, Collective Residential, Communications, Fire Station, Funeral Home, General Service, Medical and Professional, Personal Service, Semi-Detached Dwelling, Row Dwelling, Social Housing Initiative, Theatre, Transportation; and uses similar to or compatible with the foregoing.

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a Discretionary Use provided it is determined by Council that the use is appropriate for the area and the access and services available to the site is adequate.

(2) Municipal Services

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

5.7 Open Space Designation

The Open Space (OS) designation is applied to lands where there are major public recreational open spaces and cemeteries. This designation also takes in the Visitor Information Centre near Grand Bay. Lands designated Open Space are zoned Open Space (OS)

(1) Permitted and Discretionary Uses

Permitted Uses under this designation are: Cemetery, Recreational Open Space and Transportation; and Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts).

Discretionary Uses are: Antenna, Campground, Cultural and Civic Uses, Indoor Assembly, Outdoor Assembly, Small Scale Wind Turbine, and Theatre. A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a Discretionary Use provided the use is appropriate for the area and the road access and municipal services available to the site are adequate.

(2) Municipal Services

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

5.8 Commercial Designation

The Commercial (COM) Designation is applied to newer areas of Town, areas offering direct access to and/or visibility from a major road or highway; and where there are or could be developed to accommodate major commercial facilities. Lands designated Commercial are zoned Commercial (COM) or Commercial Business Park (CBP). [Commercial developments of a smaller scale are found scattered amongst other land uses in the Mixed Development Designation and the Town Centre Designation.]

(1) Permitted and Discretionary Uses

Permitted and Discretionary Uses under this designation are: Amusement, Antenna, Catering, Civic and Cultural, Drive-Thru Business, Dwelling Unit on the Second or Higher Floor of a Commercial Building, Eating Establishment, Fire Station, Funeral Home, General Assembly, General (Commercial) Garage, General Industry, General Service, Indoor Assembly, Light Industry, Office, Outdoor Assembly, Outdoor Market, Passenger Assembly, Personal Service, Police Station, Rental Storage Use, Service Station, Shop, Shopping Centre, Small-Scale Wind Turbine, and Taxi Stand; uses that are similar or compatible; and Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts).

A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be permitted as a Discretionary Use provided the use is appropriate for the area and the road access and municipal services available to the site are adequate.

(2) Municipal Services

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

5.9 Industrial Designation

The Industrial (IND) Designation is intended to accommodate existing and future industrial and other development in selected areas of the Town. It is applied to major industrial areas around the Port Aux Basques Harbour, including the Marine Atlantic facilities. Lands designated Industrial are zoned Industrial (IND)

(1) Permitted and Discretionary Uses

Permitted Uses under this designation are: Antenna, Catering, Communications, General Industry, General Service, Indoor Market, Light Industry, Office, Outdoor Market, Passenger Assembly, Service Station, Shop and Gas Bar, Transportation and other uses that form part of the Marine Atlantic Ferry service and other port related activities; uses that are similar or compatible; and similar uses. Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts) are Permitted except where they may interfere with the development of property for industrial development.

Discretionary Uses are: Hazardous Industry, Mineral Exploration, Mineral Working and Scrap (Salvage) Yard. Major transportation uses may be regulated as a Discretionary Use and approval may only be given after a review of the impact of the development on the environment and the Town's infrastructure.

(2) Municipal Services

Development in this designation may not necessarily be required to be connected to the Town's water and sewer systems.

5.10 Rural Designation

The Rural (RUR) designation is primarily designed to accommodate rural and other compatible types of development in the Planning Area. It is applied to rural areas, areas where the extension of municipal water and sewer services is not foreseen, which are suitable for resource-based uses and certain uses which are not desirable in the built-up urban areas of the community. Lands in the Rural Designation are zoned Rural (RUR).

(1) Permitted and Discretionary Uses

Permitted Uses under this designation are: Agriculture, Antenna, Conservation, Forestry, Mineral Exploration, Recreational Open Space; and Section 4.3.1 uses (Uses Generally Allowed in All Land Use Designations/Districts), including accessory wharves and docks (transportation use class).

Discretionary Uses under this designation are: Animal Kennel, Campground, Catering, Cemetery, Communications, Cultural and Civic, General Industry Related to a Resource Based Industry, Mineral Working, Outdoor Assembly, Rental Storage Use, Scrap (Salvage) Yard, Accessory Dwelling Unit, Solid Waste Disposal, Transportation Uses, and Veterinary Uses. A significant transportation use (such as a large marine structure, marina, marine service centre, etc.) may only be allowed as a Discretionary Use provided the use is appropriate for the area and the road access and municipal services available to the site are adequate.

(2) Municipal Services

Development in this designation may not necessarily be required to be connected to the Town's water and sewer systems.

(3) Buffers

Buffers are open space areas which shape and guide development, separate incompatible uses, reduce the impact of some land uses on the natural environment, and protect the scenic quality of the rural landscape. Buffers may take the form of landscaped open areas, screens for visual control and solid structures for noise control. As a Condition of Approval for any development of lands in the Rural Designation, Council may require development buffers to be provided.

5.11 Environmental Protection Designation

The Environmental Protection (EP) designation is intended to identify and protect environmentally sensitive areas, including sand dunes, major wetlands and waterways and areas that could be affected by storm surges and flooding; areas of unusual scenic and/or cultural value; and areas that are unsuitable and/or hazardous for development by virtue of steep slopes and other factors from inappropriate forms of development. Lands in this designation are zoned Environmental Protection (EP).

(1) Permitted and Discretionary Uses

Conservation is the only Permitted Use under this designation.

Discretionary Uses in the Environmental Protection designation are: Agriculture (low impact uses only), Mineral Working, Recreational Open Space and minor, water-access related Transportation Uses as fishing stages and wharves and slipways.

New Mineral Workings are *restricted* to sites for which mineral workings leases or permits had been granted and which had lapsed. This provision enables these leases and permits to be renewed, at the Discretion of Council.

(2) Provincial Government Approval Necessary

All development in the EP Designation is, where necessary, subject to the approval of the Department of Municipal Affairs and Environment and other departments and agencies before a Permit can be issued by the Town.

5.12 Environmental Protection Management Unit Designation

The Environmental Management Protected Unit (EPMU) Designation is applied to lands that are covered by the 2003 Municipal Stewardship Agreement between the Town of Channel-Port Aux Basques and the Government of Newfoundland and Labrador. The Agreement covers the wetlands of the Grand Bay West Area which are used by ducks and geese for staging, wintering, nesting and brood rearing – these are areas that are environmentally sensitive; or for other

reasons are not conducive to development for active recreational uses. The intent of the EPMU designation is to protect and conserve these lands. Lands in this designation are zoned Environmental Protection (EPMU).

(1) Permitted and Discretionary Uses

Permitted Uses of land shall be limited to Conservation Uses.

Discretionary Uses include the development of Recreational Open Space - unstructured recreation facilities such as walking or nature trails and boardwalks, in association with interpretation programs, provided they will not have an adverse impact on the environment of the site.

(2) Limitation of Certain Uses

Notwithstanding Section 4.3.1 (Uses Generally Allowed in All Land Use Designations), transportation is *Not Permitted* in the EPMU Designation. Public Services and Public Utilities, including roads, *may* only be permitted at the Discretion of the Town.

Where necessary to protect wild-fowl habitat, trails for motorized vehicles can be limited or even prohibited within the Environmental Protection - Management Unit as described under this Municipal Plan.

(3) Provincial Government Approval Necessary

All development in this Designation is, where necessary, subject to the approval of the Department of Municipal Affairs and Environment and other departments and agencies before a Permit can issued by the Town.

5.13 Protected Public Water Supply Designation

The Protected Public Water Supply Designation (PPWS) is applied to lands that constitute the watershed of Gulf and Wilcox Ponds. The Town of Channel-Port Aux Basques obtains its municipal water supply from the Gulf and Wilcox Ponds Protected Public Water Supply Area, which is entirely contained within the Municipal Planning Area. The objective of the designation is to protect the integrity of the water supply systems so that water quality and volumes can meet the Town's needs over the foreseeable future, and the quality of the water meets the provincial standards. Lands in this Designation are zoned Protected Public Water Supply (PPWS).

(1) Permitted and Discretionary Uses

Permitted Uses of land in the PPWS Designation shall be limited to Conservation Uses.
Discretionary Uses in the PPWS Designation are: Mineral Exploration, Recreational Open Space, Transportation and Utilities.

(2) Provincial Government Approval Necessary

The public water supplies are also designated and protected under *the Water Resources Act* administered by the Department of Municipal Affairs and Environment. All development within the Protected Public Water Supply must be approved by the Minister of Municipal Affairs and Environment before a Permit can be issued by the Town.

5.14 Highway Designation

The Highway (HWY) designation is applied to the Trans-Canada Highway 90-metre wide corridor extending from the Planning Area boundary to the Grand Bay causeway.

(1) Permitted and Discretionary Uses

Permitted Uses of land shall be limited to Conservation Uses.

Discretionary Uses shall be limited to Recreational Open Space.

(2) Provincial Government Approval Necessary

No development, including access, to the Trans-Canada Highway is permitted within this corridor unless first approved by the Department of Transportation and Works before a permit can be issued by the Town.

DRAFT

Part VI PLAN IMPLEMENTATION

6.1 Implementation

The Municipal Plan will be implemented over the next ten (10) years through decisions of Council and government agencies who have responsibility for various aspects of development that affect the Town. Of particular importance to Council are the following:

(a) effective administration of the Plan;
(b) the adoption of Land Use Zoning, Subdivision and Development Regulations;
(c) the adoption of development schemes;
(d) the procedure for considering amendments to the Plan;
(e) the procedure for considering rezonings;
(f) factors to be considered in assessing a rezoning application;
(g) factors to be considered in assessing a development regulations text amendment application;
(h) administrative processes;
(i) public consultation/ working in partnership with citizens, groups, and organizations to achieve the collective goals of the community.

6.2 Administration of the Plan

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

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

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

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

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

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

6.3 Land Use Zoning, Subdivision and Development Regulations

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

The regulations will serve to implement the Goals, Objectives and Land Use Policies of the Municipal Plan. The document will contain general land use and subdivision regulations designed to control all land subdivision and development within the Channel-Port Aux Basques Municipal Planning Area.

All land within the Planning Area will be covered by land use zones (residential, commercial, etc.) which will provide for such detailed requirements as lot size and coverage, building setbacks and parking regulations.

Council may refuse or approve applications, with or without conditions. Decisions of Council made according to the provisions of this Plan and the accompanying Development Regulations may be appealed to the appropriate Appeal Board established under Part VI of the *Urban and Rural Planning Act, 2000*.

6.4 Adoption of Development Schemes

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

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

6.5 Procedure for Amending the Municipal Plan

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

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

Any such amendment will be read with and form part of this Plan. After five (5) years from the date on which this Plan comes into effect, Council shall review the Plan and revise it if necessary. Any revision should take account of development which can be foreseen during the following ten (10) years. Amendment and review of the Plan shall be carried out in the same manner as this Plan was brought into effect.

6.6 Procedure for Considering Re-Zonings

Development Regulations can be changed through text amendments (the addition of a permitted use within a use zone, additions to or changes in a condition, or a change in definition) or through map amendments (a change to the zoning map). For consideration of any proposals to amend the Development Regulations, Council shall require a clear proposal to be submitted that shows:

1. The location of the subject property, to scale, showing lot dimensions, area, street frontages;
2. The proposed means by which the site is/will be serviced;
3. The proposed location of all driveways and parking areas;
4. Areas that are to be landscaped or left in a natural state;
5. The proposed location of all buildings on the site; and
6. Identification of adjoining land uses, natural hazards, or sensitive natural areas.

6.7 Considerations for Rezonings

This Plan provides flexibility for change within the framework for growth and development in the Town by enabling, under certain circumstances, amendments to the Development Regulations without amendment to the Municipal Plan. In considering requests for rezoning, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

1. The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
2. The adequacy and proximity of schools, recreation and community facilities;
3. The adequacy of the road network in, adjacent to, or leading to the development;

DRAFT

4. The fiscal impact of the development on the Town;
5. The potential for the contamination or sedimentation of watercourses or for erosion;
6. Environmental impacts such as air, water and soil pollution and noise impacts;
7. Previous uses of the site which may have caused soil or groundwater contamination;
8. Suitability of the site in terms of topography, geology, location of watercourses and wetlands;
9. Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;
10. Whether the proposed use will alter the intended mix of land uses in the area or neighbourhood;
11. Whether the proposal is in conformance with the intent of this Plan, any applicable Plan or policy in place, and with the requirements of other Town by-laws and regulations.

6.8 Considerations for Development Regulations Text Amendments

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

6.9 Administrative Processes

Effective Plan administration requires development review and approval processes that are straightforward, consistent, transparent and efficient. Over the planning period Council will work to improve administrative processes to ensure the Plan and Regulations are administered effectively and in accordance with the policies of the Municipal Plan.

6.10 Public Consultation

The Town is committed to communications with citizens and will seek public input on planning matters that:

- Require an exercise of Council discretion in arriving at a decision on a development application;
- Involve significant development proposals that are of interest to the community at large;
- Would require a change of Town policy and/or amendment to the Municipal Plan or the Development Regulations;
- Would result in significant expenditures of Town resources for implementation.

6.11 Development Appeals

Any person may appeal any decision of Council or authorized officer of Council made under the Town of Channel-Port Aux Basques Municipal Plan and Development Regulations in accordance with Section 42 of the *Urban and Rural Planning Act, 2000*.