



TOWN OF
Carbonear

Town of Carbonear **Municipal Plan 2024**

MARCH 15, 2024 DRAFT

Town of Carbonear Municipal Plan 2024
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This Report was original prepared by UPLAND Planning
+ Design Studio for the Town of Carbonear.

Effective date: yyyy.yy.yy
With amendments to: yyyy.yy.yy

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Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Carbonear Municipal Plan 2024

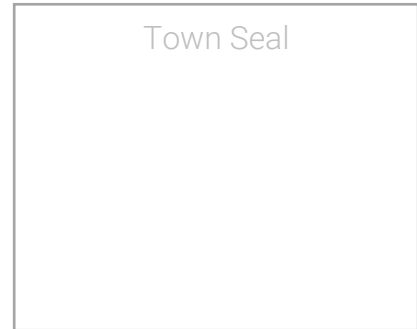
Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Carbonear adopts the Town of Carbonear Municipal Plan 2024.

Adopted by the Town Council of Carbonear on the [x] day of [x], 2024.

Signed and sealed this _____ day of _____, 2024.

Mayor: _____

Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached Town of Carbonear Municipal Plan 2024, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



I. Watson, M.C.I.P.

Urban and Rural Planning Act, 2000

Resolution to Approve

Town of Carbonear Municipal Plan 2024

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

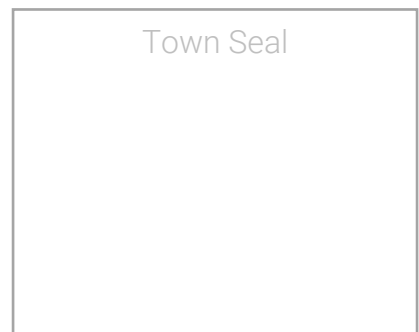
- a) adopted the Town of Carbonear Municipal Plan 2024 on the [x] day of [x], 2024.
- b) gave notice of the adoption of the Town of Carbonear Municipal Plan 2024 by advertisement, inserted on the [x] day of [x] 2024 in [x].
- c) set the [x] day of [x] at [x]. as the deadline for [x].

Now under the authority of section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Carbonear approves the Town of Carbonear Municipal Plan 2024 as adopted.

SIGNED AND SEALED this day of, _____, 2024.

Mayor: _____

Clerk: _____



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1 INTRODUCTION



1. Introduction

1.1. Purpose of the Municipal Plan

The Town of Carbonear Municipal Plan is Council’s comprehensive policy document for the management of growth within Carbonear over the 10-year planning period from the 2024 to 2034. Prepared under the authority of the *Urban and Rural Planning Act, 2000*, the Plan repeals and replaces the Town of Carbonear Municipal Plan 2004.

This Municipal Plan sets out a vision and goals for the community and includes written policies, proposals for implementation, and the Future Land Use Map. Development Regulations implement the Town’s policies through specific standards and requirements that ensure land is controlled and managed in accordance with this Plan.

1.2. Planning Area

The area covered by this Plan is larger than the Town’s geographic size, to allow the Town to control land use around its drinking water supply. The map below is a graphic representation of the Municipal Planning Area for the Town of Carbonear. The Planning Area is governed by Town Council, which exercises control over development within the Town. A detailed boundary of the Planning Area is included on Schedule ‘A’, the Future Land Use Map.

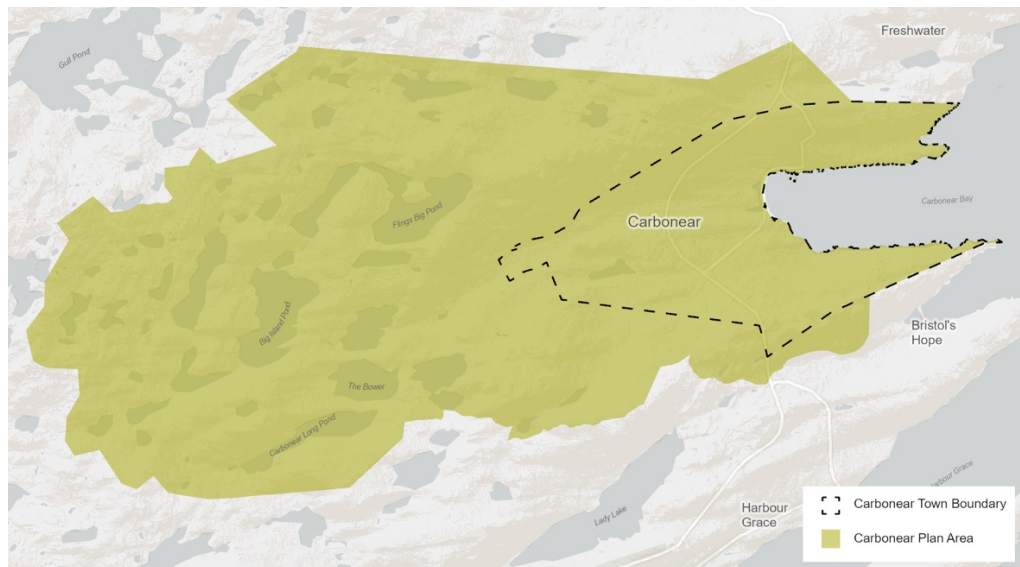


Figure 1: Carbonear Town and Plan Area boundaries

1.3. Plan Preparation and Public Engagement Process

The Town of Carbonear’s previous Municipal Plan and Development Regulations were adopted in 2004. The current planning processing started with a review of the 2004 Municipal Plan and Development Regulations, and the production of a “Background Analysis” document to explore current demographic, economic, and environmental conditions and trends.

This was followed up by an initial engagement process, including:

- > a project website;
- > two community workshops held in May of 2023;
- > a public survey with 118 responses;
- > a business survey with 16 responses;
- > stakeholder calls and drop-in sessions with 7 participants; and,
- > workshops with staff and Council.

As part of the initial engagement phase of this Municipal Plan review, an engagement summary report was released to the public in July of 2023.

[description of draft engagement once complete]

1.4. Approval Process

The Municipal Plan is formally adopted by resolution of Council. Under Section 17(1) Notice of Adoption of the *Urban and Rural Planning Act, 2000*, Council gives notice of adoption and public hearing and makes the documents available for public review. If no objections are received Council may cancel the public hearing. Otherwise, at the public hearing the Commissioner appointed by the Council hears objections and representations and writes a report to Council that includes recommendations and copies of submissions taken at the hearing.

After the Commissioner's report has been submitted, Council considers the recommendations and may pass a resolution to approve the Plan, or approve it with changes recommended by the Commissioner. Council then submits the Municipal Plan and accompanying Development Regulations to the Local Governance and Land Use Planning Division for registration. The Plan comes into effect on the date that notice of its registration is published in the *Newfoundland & Labrador Gazette* (Section 24 [3]).

When the Municipal Plan comes into effect it is legally binding upon Council and upon all other persons, corporations, and organizations proposing to develop or use land within the Carbonear Planning Area. Higher levels of government are not, however, bound by municipal planning rules but often do take them into consideration in their decision making.

1.5. Implementing the Plan

Council is required to prepare regulations for the control of the use of land, in strict conformity with the Municipal Plan. This takes the form of Land Use Zoning, Subdivision and Signage Regulations. These "Development Regulations" are prepared at the same time as the Municipal Plan and, like the Plan, may be amended to include new land uses and specific regulations.

This Plan establishes a series of policies, identified by the text "Policy X-YY", where "X" is the Chapter number and "YY" is the sequential policy number. These policies guide implementation of the Plan. The policies are typically carried out through the land use Designations of this Plan and through various aspects of the Development Regulations enabled by the Plan, such as zoning. However, policies may also be implemented through actions of Council, such as the establishment of municipal programs or the implementation of public works projects.

Day-to-day administration of the Municipal Plan and Development Regulations will be conducted by staff members authorized by Council to issue permits for developments approved by Council. Staff also make recommendations to Council on matters relating to development in accordance with the Municipal Plan and Development Regulations.

1.6. Reviewing and Amending the Plan

Under Section 28 (1) the *Urban and Rural Planning Act, 2000*, Council must review the Plan every five years from the date on which it comes into effect and, if necessary, revise it to reflect changes in the community that can be foreseen during the next 10-year period. The Plan may be amended as necessary prior to the five-year review in response to new development proposals, changed policies, or community priorities.

1.7. Interpretation

In this Municipal Plan:

- > “Council” means the Council of the Town of Carbonear.
- > “Development Regulations” means the Carbonear Development Regulations, approved Xth, 2024, as amended.
- > “Municipal Planning Area” means the Town of Carbonear Municipal Planning Area.
- > “Plan” means this Town of Carbonear Municipal Plan.
- > “Act”, unless otherwise specified, means the *Urban and Rural Planning Act, 2000*.

In this Plan; where:

- > “may” is used in policies, the Town may, but is not obligated to, undertake future action.
- > “shall” is used in policies it indicates a duty to act and is typically carried out through the Development Regulations.



2 PLANNING CONTEXT

2. Planning Context

2.1. Historical Context

What is now known as the Town of Carbonear was the traditional territory of the Beothuk. As hunter gathers, the Beothuks' activities were largely seasonal, as they lived off resources in coastal areas during warmer months and moved inland in colder months to hunt fur-bearing animals. With the arrival of Europeans in the 16th century and the establishment of settlements along the coast, the Beothuk withdrew inland.

The Town of Carbonear has a rich history and is among the first successful European settlements in North America. While the exact history of the town's name is not definitively resolved, it is known that it was named by migratory fisherman prior to permanent European settlement. Its origins may be French or Spanish. The site was a haven to a group of explorers who found food and refuge there following the overturning of a small boat carrying men on their way back to Cupids.

The Carbonear lands were part of a land grant from the English crown to Sir Percival Willoughby, who made several settlement attempts in Newfoundland during the early 1600s. Nicholas Guy, an early settler, wrote that his family had successfully set up a homestead in Carbonear and requested additional men to help with the effort, including work with the fishery. By the time of Sir John Berry's 1675 census Carbonear had become a full-fledged community with families, unlike many other early settlements in Newfoundland that were largely made up of men.

Salt cod developed into an important food source and resource for Europe. Vital to the supply of salt cod, Newfoundland became important to both England and France. By the late 17th century into the early 18th century conflict came to the region spurred by the French and English. The founding of a French capital in Newfoundland, Placentia, directly threatened Carbonear and other English settlements, leading to the fortification of Carbonear Island. During several conflicts Carbonear Island would become a place of refuge. Direct conflict between the French and English would temporarily end with the Treaty of Utrecht in 1713. Conflict resumed between the two powers and during the Seven Years War, and in 1762 the fort at Carbonear Island was invaded and burned.

For many years Carbonear was able to maintain its important role as a center of the fishery. The town developed amenities and services including a volunteer fire department in 1841, a telegraph line in 1852, and rail service in 1898. The town was incorporated with an elected government in 1948. During its recent history Carbonear has become a regional center, growing from its ties to the fishing and shipbuilding industries. The rich history of Carbonear is evident today displayed in the form of historic properties, including the Old Post Office Building, Railway Station, and the Rorke premises.

2.2. Population

According to the Statistics Canada 2021 Census, the population of Carbonear is 4,696 people, down from 4,858 people in 2016, a decline of 3.3%. During this same period (2016-2021), there was a slight increase of 0.6% in the overall population of Census Division No. 1, the overlying Census Division of which Carbonear is a part. The Census Division also includes the St. John’s metropolitan area where most growth occurred. Newfoundland and Labrador as a whole experienced a 1.8% decline in population over the same period. From 1986 to 2021 Carbonear saw a 12% decrease in population.

Contrary to this declining trend, the COVID-19 pandemic led to a reversal of net interprovincial migration, with populations moving from western areas of Canada to Atlantic Canada, the bulk of which had not likely occurred by the 2021 Census date. Many communities throughout Atlantic Canada saw an increase in population, and there is evidence of this in Carbonear, both from anecdotal information and from Statistics Canada interim population estimates. Whether this will prove to be a brief anomaly or a true reversal of longer-term trends is still to be seen.

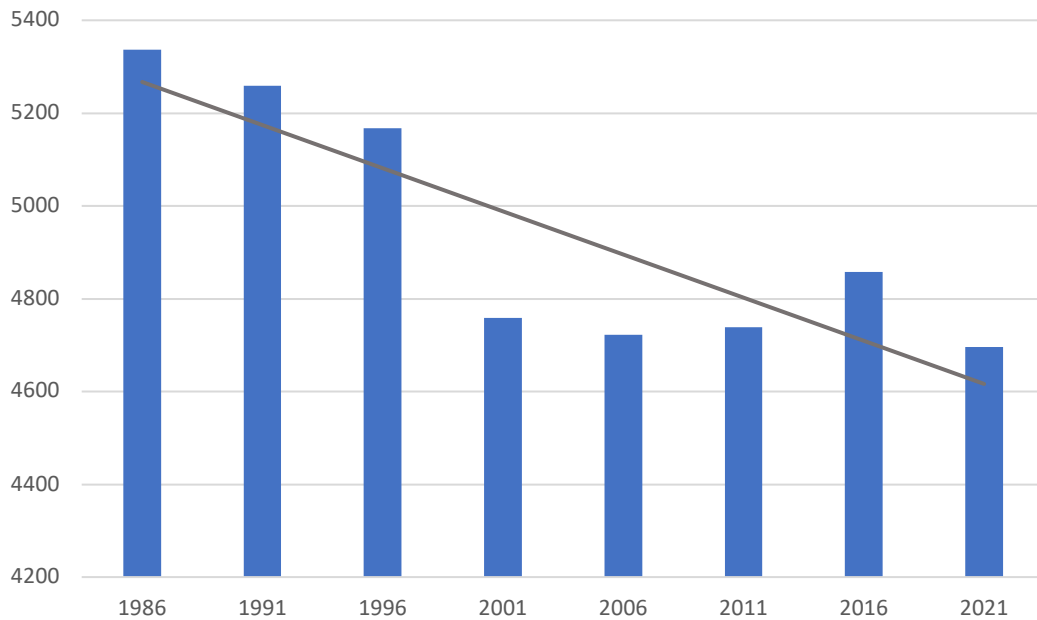


Figure 2: Town of Carbonear Population, 1986 to 2021 (Source: Statistics Canada)

Out migration has long been a reality in many areas of Newfoundland and Labrador. It was intensified in Carbonear due to the collapse of the cod fishery in 1990s, coinciding with the steady decline in population exhibited in Figure 2 from 1986 to 1996 followed by the large and sudden drop between 1996 and 2001. As a community heavily involved in the fishery, this collapse greatly affected the Carbonear economy. Carbonear has since been able to develop as a regional hub with many residents employed in construction, retail trade, accommodation and food services, and healthcare, leading to a relatively stable population since 2001.

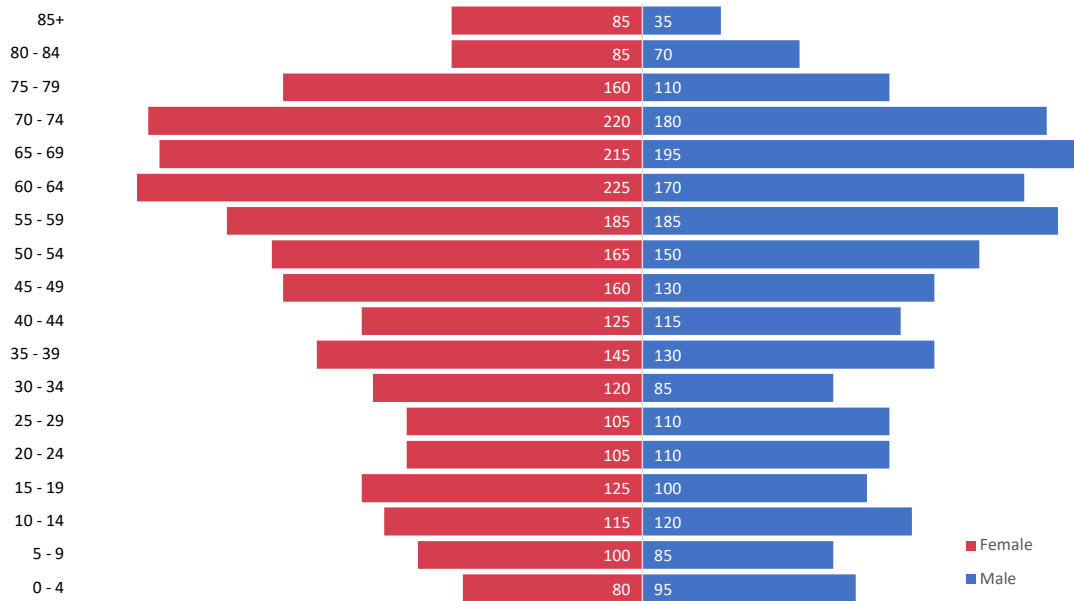


Figure 3: Town of Carbonear Population Pyramid 2021 (Source: Statistics Canada)

The population of Carbonear is also aging. Ideally a population pyramid will be shaped like a pyramid, with strong working age population at the base to support the services and economy on which others depend, and a large base of youth and young people to renew the population. The population pyramid above does not meet that template with many cohorts over the age of 55. This pattern suggests the town is attracting older residents, while youth and young families are not staying in Carbonear.

2.3. Regional Context

Carbonear is located on the eastern shore of the Bay of Verde Peninsula, a part of the larger Avalon Peninsula. The town encompasses an area of approximately 12 square kilometres. Carbonear is situated on the eastern side of Highway 70 and is approximately 40 kilometres north of the Trans Canada Highway. The towns of Victoria and Salmon Cove are to the north, Harbour Grace is located to the south.

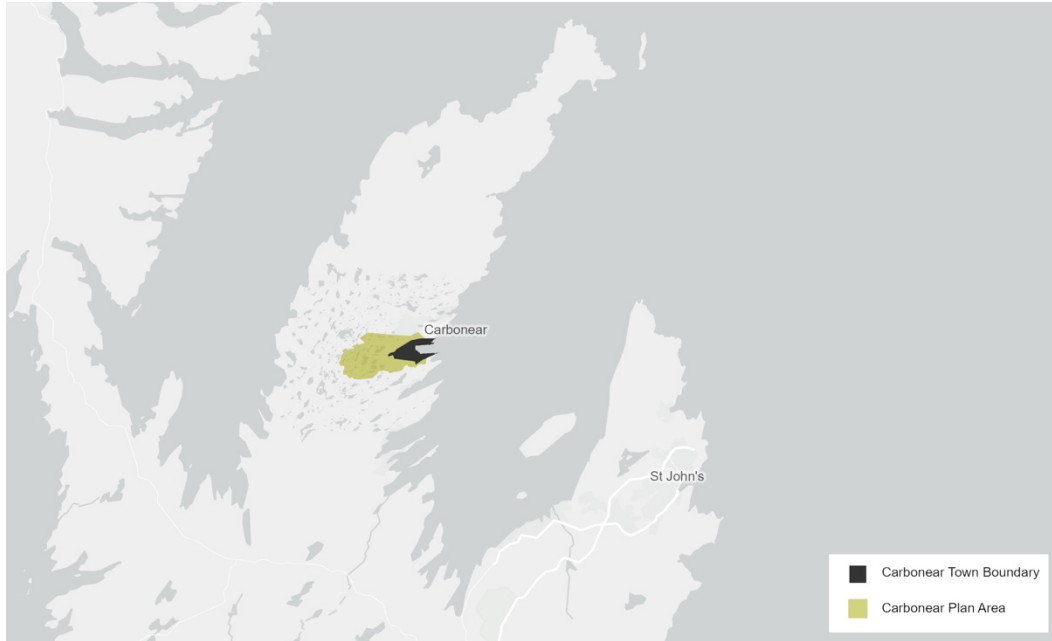


Figure 4: Carbonear in the regional context

Carbonear continues to develop as the regional center of commercial and social services for the Bay de Verde community. Carbonear General Hospital acts as a centre of care for the Bay de Verde Peninsula – Conception Bay North and Southern Shore of Trinity Bay.

2.4. The Natural Environment

Carbonear, like many Newfoundland communities, is heavily influenced by its relationship with the coast. As a peninsular community the history, economy, and identity of Carbonear have been oriented to the ocean and coastline.

The climate in Carbonear is highly influenced by the ocean, which has a moderating effect. The Labrador Current is a cold oceanic current in the North Atlantic and has a cooling effect on the region's climate. This current also carries sea ice from the North.

Newfoundland and Labrador is divided into 9 ecoregions and 21 subregions. Ecoregions are areas that have distinctive, recurring patterns of vegetation and soil, which are determined by local climate and geography. Carbonear is part of the Maritime Barrens ecoregion and the Northeastern Barrens subregion. The Maritime Barrens ecoregion is generally characterized by cold summers, strong winds, and intermittent snow cover near the coastline during winter. The Northeastern Barrens subregion has less fog and slightly warmer summers and is well forested when compared to other areas within the ecoregion.

The landscape is topographically rugged with a rocky irregular coastline, a result of glaciation. Carbonear Island, a small rocky island with steep dramatic cliffs, sits in the harbour. In addition to being culturally and historically significant, the Island is a nesting ground for numerous sea birds. The lands the town is situated on are characterized by a low valley extending west from the harbour, and slopes extending upward from the harbour and valley to hilly areas. Substantial forested lands are present within the Planning Area, supported by the water shed.

The Island Pond Brook river system provides habitat for several freshwater fish species. Crockers Cove, just beyond the Carbonear Bay, is home to a rocky beach. The waters of Crockers Cove, along with waters on the south side of Carbonear Bay are environmentally sensitive as habitat for lobster and caplin spawning areas.

2.5. The Built Environment

2.5.1. Development Pattern

As on older settlement, original development in Carbonear happened organically, clustering adjacent to the north side of the harbour on the lower slopes. Development then generally spread westward within the valley basin formed by two brooks, Island Pond Brook and Powell's Brook.

The traditional shopping area, and historic centre of the town, developed along Water Street with a variety of uses and business types, typical of a town main street. The built form of this area consists of two and three storey commercial buildings mixed with residential and some civic and cultural organizations. Water Street is a relatively narrow, pedestrian oriented street with several significant historic buildings, including the Rorke Store, former John Rorke & Sons Premises, Railway Station, and Old Post Office.

A highway commercial area has developed along Highway 70 / Columbus Drive, most notably the Trinity-Conception Square complex, a multi-tenant shopping centre. Several other services and businesses, ranging from larger chains and franchises to local businesses have also located in this area occupying strip malls and individual commercial buildings.

2.5.2. Trail Network

The rugged setting of Carbonear, characterized by dramatic coastline, hilly topography, and central valley, provides ample opportunity for trails both within town and nearby. The George W. Earle Promenade provides a nearly 1 kilometre boardwalk loop around Carbonear and Rossiters Ponds. Nells Walking Trail, approximately 2 kilometres in length, runs alongside Island Pond Brook. The southside Rail Bed Trail utilizes a portion of former railway and is about five kilometres in length and is multi use, meaning pedestrians, cyclists, and some motorized vehicles are present. The Dr. Davis Earle walking trail is a three-kilometre natural walking trail. All-Terrain Vehicles (ATVs) can also access routes from town.

2.6. Economy

Historically, Carbonear has always been a fishing community. In the early 1700s it was one of the top five centres of the Newfoundland fishery. The town also has a long history as the commercial centre for Conception Bay hosting ships from all over to participate in trade and commerce.

Like all Newfoundland communities that participated extensively in the Fishery, the 1990s saw hard times as overfishing contributed to the collapse of the cod fishery. During this time population in the town declined as it did broadly across Newfoundland. While commercial fishing still provides a livelihood for many in Carbonear, it is no longer a top sector of employment. As of the 2021 Census the sector, which is combined with agriculture, forestry, and hunting, accounted for 2.6% of the labour force.

Carbonear's 2021 labour force was made up of 1,930 residents. Of this total the largest employer is retail trade at 22%. Following are healthcare & social services (15.3%), construction (11.9%), accommodation & food services and transportation & warehousing (both 6.7%) and manufacturing (5.4%). These sectors generally align with the role of Carbonear as a hub for the surrounding communities.

Compared with provincial trends Carbonear is overrepresented in construction, retail trade, and transportation and warehousing. The town appears to be underrepresented in areas like public administration; professional, scientific, and technical services; educational services; and arts entertainment and recreation.

2.7. Heritage Preservation

2.7.1. Heritage Structures and Archaeology

The town is home to numerous heritage structures and buildings of historical significance. Efforts like the Downtown Revitalization Project recognize the importance of retaining built heritage and fostering an environment where built heritage is accessible and celebrated. In Newfoundland and Labrador, the provincial protection of heritage properties is undertaken by the Heritage Foundation of Newfoundland and Labrador. The *Historic Resources Act* is responsible for ensuring heritage preservation and empowers the Foundation to designate and protect provincially significant buildings.

Municipalities may also recognize heritage properties under the *Municipalities Act, 1999*. Such properties may not be demolished or have their exterior modified in any way without permission from Council.

Currently there are 11 protected heritage buildings spread throughout Carbonear, 10 of which are registered by the Heritage Foundation of Newfoundland and Labrador.

In addition, there are 23 known archeological sites located within the Town's Planning Area. The specific locations of these sites are not made publicly available, to avoid risks to the archaeological resources in these areas. These sites are protected under the *Historic Resources Act*.

2.8. Municipal Services

2.8.1. Water and Sewer

The Town owns and operates a central water supply system that provides a large portion of the community's clean drinking water except for development located above 80 metres of elevation. Some areas with higher elevations are supplied with pumped water via narrow pipes. In these cases, available water volume and pressures are less than ideal. Drinking water in Carbonear is derived from the protected water supply area, Little Island Pond, located to the west of the town. A municipal sewer system also services developed areas of town.

2.8.2. Fire Protection and Policing

Fire protection within the Planning Area is provided by a team of 40 volunteer firefighters. Fire hydrants connected to municipal water are located throughout Carbonear in case of emergency. By special agreement, Carbonear provides firefighting services to specific communities beyond the municipal boundary. When required, additional firefighting capacity can be provided from Harbour Grace and Victoria.

Policing in Carbonear is provided by the Royal Canadian Mounted Police (RCMP). The RCMP have a detachment, which serves Carbonear and the surrounding area, in Harbour Grace which is approximately 5 kilometres away.

2.8.3. Streets and Sidewalks

There are approximately 110 kilometres of paved streets (those that provide direct access to public and private properties) in Carbonear. Carbonear has established a hierarchy of streets and roads according to their function to improve the overall transportation system.

Arterial roads are roads with the primary purpose of providing safe, efficient traffic flow for vehicles. The frequency of accesses from private property to the arterial is limited to preserve their efficiency and safety. Generally, access is intended to be limited to public road intersections. Arterial roads include Highway Route 70 and Route 75, which are also provincial highways under the management of the Newfoundland and Labrador Department of Transportation and Infrastructure.

Collector roads are streets with the primary purpose of distributing traffic within different parts of the town and onto major arterial roads. Access to properties on collector roads is less restrictive and needs to be properly planned and considered.

Local roads generally serve the properties that directly abut them or connections to other local roads. Local roads generally do not handle large traffic volumes.

Sidewalks are present along much of Water Street, connecting to the board walk along Beach Street. While the Town has made efforts to expand the sidewalk network in recent years, many areas of Carbonear are not served by sidewalks and pedestrians use the shoulder.

2.9. Community Engagement Themes

Initial community engagement for the development of this Municipal Plan was conducted between March and June of 2023. Residents, business owners, and stakeholders were invited to share their perspectives and insights on land use and their vision for the future of the Town of Carbonear. Engagement covered a variety of methods, including a project website, public survey and business survey, stakeholder sessions, and public open houses.

Key themes that came up during initial engagement included:

- > Providing available, affordable, appropriate housing options
- > Supporting economic development and opportunities for youth
- > Responding to climate change
- > Preserving and enhancing community character
- > Celebrating heritage assets
- > Expanding transportation options to include more active transportation
- > Supporting urban agriculture
- > Enhancing recreational spaces

[add results of draft engagement once it happens]

3 COMMUNITY VISION AND GOALS



3. Community Vision and Goals

3.1. Vision

A Vision establishes the long-term aspirations and ambitions of the Town. The Vision helps to answer the question “What do we want to be and why?” As an aspirational statement that is founded upon the input of the community, as well as the opportunities and challenges facing Carbonear, the Vision provides a framework and benchmark for all decisions made in the town, irrespective of changes in the Town’s leadership, management, or plans. The following Vision has been drafted for the 2024-2034 Municipal Plan:

The Town of Carbonear is a vibrant, welcoming, inclusive, and connected community. As a service centre for communities on the western side of Conception Bay, Carbonear continues to provide an abundance of business opportunities, health services, education facilities, and recreation opportunities.

Thoughtful planning and sustainable investments in infrastructure provide a welcoming environment for housing development that meets the needs of all residents. Carbonear’s culture, built heritage, and long history are cherished, while at the same time recognizing that welcoming a diversity of cultures and perspectives creates strength and opportunity in an increasingly globalized world.

The Town and its residents build on a long history of resilience to prepare for, adapt to, and thrive in the face of modern challenges, including climate change and economic shifts.

3.2. Community Goals

1. Develop a diverse and unique economy that offers meaningful employment opportunities.
2. Provide accessible and safe transportation options that allow residents and visitors to get where they need to go.
3. Ensure all residents have equitable access to high quality goods and services.
4. Increase housing stock and diversify options to meet the diverse needs of current and future residents.
5. Protect, conserve, and enhance natural spaces, while ensuring development that is sustainable, mitigates climate change, and minimizes the town's environmental impact.
6. Consider the long-term environmental and economic sustainability of Carbonear and support the development of resilient infrastructure.
7. Protect the culture and heritage of Carbonear while still embracing change and development.
8. Celebrate diversity and promote an environment that is inclusive, contributes to a high quality of life, and where citizens feel a strong sense of belonging.
9. Support the physical, social, and mental wellbeing of all through improved access to recreational programs and an interconnected network of publicly available trails and open spaces.
10. Establish clear and transparent land use policy, regulations, and processes, while promoting a diversity of land uses.

4 COMMUNITY WIDE POLICIES



4. Community Wide Policies

4.1. Introduction

The Town of Carbonear Plan Area encompasses approximately 63 square kilometres made up of unique communities, varying development, and history. With such characteristics many planning issues are unique to specific areas of town and neighbourhoods. However, there are many planning issues that apply broadly across the community such as municipal servicing, environmental protection, and access to amenities. These issues have the potential to impact each and every resident of Carbonear. Establishing cohesive planning policies for issues that apply broadly enables the community to progress together and leverage strengths to create future opportunities. This chapter contains the policies that guide the shared issues in Carbonear.

4.2. Directing Growth

The intent of this planning document is to direct and manage how land is developed over the course of the next decade in the Town of Carbonear. The supply of land capable of being serviced economically is limited, and the cost of infrastructure is high. This makes the efficient use of services extremely important as extending services to outlying or fringe areas is generally undesirable and expensive. More economical opportunities exist in the gradual intensification of areas that are already serviced, with extensions made in areas adjacent to places that are currently serviced.

The overarching development philosophy of this Plan is to maximize existing investments and lower the overall burden on users by spreading upkeep costs among more users. This goal can be achieved through directing the majority of new development to areas that are already serviced or that can be relatively easily serviced. Necessary service extensions should be limited to lands immediately adjacent to areas that are currently serviced and managed to limit the immediate and ongoing costs of service extensions. In seeking to concentrate and manage development this way, the capital cost of providing services such as piped water and sewer, road paving and upgrading, and street lighting is minimized. Management costs related to service provision including garbage collection and snow clearing are also reduced. Smart, compact development preserves open spaces for recreation and resource uses and facilitates convenient development patterns with residential areas serviced by nearby shops, schools, and other amenities. When development does occur in more rural, unserviced areas of town, it should take place so as not to prevent the efficient future extension of municipal services.

Policy 4-1: Council shall, through the policies of this Plan and through the Development Regulations, prioritize and encourage new development to locate in areas where development and infrastructure exist in the Town.

Policy 4-2: Council shall, through the Development Regulations, regulate the size, location, and number of buildings on a lot, including accessory buildings and uses, to carry out the intent of each specific land use zone and to support the overall growth and development of Carbonear.

Policy 4-3: Council shall, through the Development Regulations, establish requirements for the excavation, filling in, or reclamation of land.

Policy 4-4: Council shall work to ensure development does not disturb survey control monuments in the Planning Area and shall contact the Province's GIS and Mapping Division if works within the town's Municipal Planning Area have the potential of disturbing an existing Control Survey Marker.

Policy 4-5: Council shall, through the Development Regulations, allow for the establishment of building lines and setbacks, including establishing building lines as a component of subdivision developments.

Policy 4-6: Council shall, through the Development Regulations, allow for the consideration of comprehensive development of a specified parcel(s) of land where development requires a level of oversight that cannot be achieved through the standard development and permitting process.

Policy 4-7: Council shall, through the Development Regulations, establish requirements for the erection of fences in all zones.

Policy 4-8: Council shall adhere to the issuance of orders pursuant to Section 102 of the *Urban and Rural Planning Act, 2000*.

Policy 4-9: Council shall, where designating employees to whom a power is to be delegated under subsections 109(3) of the Act, make that designation in writing.

Policy 4-10: Council shall prohibit general development, with the exclusion of development, of or in support of, utilities as defined by the *Public Utilities Act, 1990*, within transmission or distribution line right of ways or easements.

Policy 4-11: Council shall inform NL Hydro of any green field or serviced infill development prior to development permit issuance.

Policy 4-12: Council shall inform NL Hydro and obtain approval from NL Hydro prior to the approval from NL Hydro prior to the approval and development of a public or private road underneath transmission lines.

4.3. Subdivision

Strong flexible planning policies related to the subdivision of land can ensure the town functions and operates as efficiently and effectively as possible. Care must also be taken to ensure Carbonear retains its character as it develops. Poor subdivision standards can leave the town with high servicing costs and can lead to the creation of disconnected areas that are not integrated with the community.

Policy 4-13: Council shall, through the Development Regulations, control, regulate, and establish provisions for the subdivision of land within the Planning Area and shall require any subdivider of land to obtain a permit before proceeding. Council shall only permit the subdivision of land in accordance with the requirements of the Development Regulations, including but not limited to the need for a development agreement, the provision of services, payment of service levies and other charges, and the satisfaction of permit considerations as laid out in the Development Regulations.

Policy 4-14: Council shall, through the Development Regulations, regulate the size of lots that are created in each land use zone through subdivision, and shall ensure that any subdivision conforms with the lot requirements contained in the Development Regulations.

Policy 4-15: Council shall, through the Development Regulations, require all applications of subdivision to be accompanied by a signed land survey from a member of the Association of Newfoundland Land Surveyors, at the cost of the applicant.

Policy 4-16: Council shall, through the Development Regulations, establish locations and standards for the development of public and private roads, central services, and other publicly owned infrastructure for subdivision development.

Policy 4-17: Council shall, through the Development Regulations, establish provisions intended to ensure that lots created through subdivision are suitable for on-site sewage disposal where there is no central sewer system.

Policy 4-18: Council shall, through the Development Regulations, require a maximum of 10% of land proposed for subdivision development be dedicated to the Town as usable open space. Where it is determined by the Town that the land is of insufficient size, inappropriate location, unusable, or for any other reason unacceptable, the Town may accept in lieu of land a sum of money equal to the value of the land that would otherwise be required, and such monies shall be dedicated to the purchase of land in other locations or to the improvement of existing public recreation facilities.

4.4. Infrastructure and Transportation

4.4.1. Central Services

Carbonear is serviced by a municipal water and sewer system. However, not every property within the Plan Area has access to services. Properties that are not serviced by municipal water and sanitary sewer typically have on-site wells and septic systems.

Municipal water is derived from the Island Pond / Flings Pond. The area has been designated by the Department of Environment and Climate Change as a Protected Public Water Supply Area. Any development in this area must comply with provincial legislation and policies. Water is treated and distributed through Carbonear via municipal water mains. While the municipal water system has provided safe, high quality drinking water, some issues are present. Currently, the system is limited in its ability to service properties at higher elevations. In some situations, water is pumped through narrow diameter pipes resulting in less than ideal water pressures and volumes.

Policy 4-19: Council shall, through the Development Regulations, encourage the efficient use of central services by permitting smaller lot sizes and lot frontages in areas where central sewer, water, or both are present.

Policy 4-20: Council shall, through the Development Regulations, require new development to connect to central sewer, water, or both, where such services are available. Where services are not available, proposed development must show, to the satisfaction of the appropriate provincial departments and at the applicant's expense, the site has the capacity to bear such services over the long term without adverse or off-site impacts.

Policy 4-21: Council shall, through the Development Regulations, require any new residential development or treatment system connecting to the municipal water and sewer system obtain approval under Section 36 and 37 of the *Water Resources Act, 2002*.

Policy 4-22: Council shall, through the Development Regulations, set out options for application of service levies where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.

Policy 4-23: It shall be the policy of Council to not permit the extension of serviced development outside the Town boundary; any such extensions shall require an amendment of the Town boundary to include the lands to be serviced.

Policy 4-24: Council may, through the Development Regulations, establish a provision for the dedication of land for public use for a development not involving a subdivision where public works are required to accommodate the proposed development.

Policy 4-25: Council shall monitor the water supply catchment area to determine its water supply capacity and methods to maximize its productive yield.

Policy 4-26: Council may undertake a Municipal Water and Sewer Capacity study to understand how the Town can best use its current municipal servicing infrastructure, and to prioritize maintenance and upgrades.

4.4.2. Public and Private Roads

The public road network is the primary mechanism for connecting people to their communities. It connects Carbonear to the wider region, allowing visitors to access and experience the town and enables the flow of goods and services. Carbonear's connection to the wider region is significantly important as it has enabled the town's development as a hub. Public streets are essential to the forms of development that make up the town, including its more rural areas.

Public roads are those that are owned and operated by a government entity such as the Province or the Town. In Carbonear, a hierarchy of public roads has been established based on function. These are:

- > Arterial roads function as major distribution links. Their primary purpose is to carry traffic safely and efficiently through town. These roads include Highway Route 70 and Route 75
- > Collector roads function primarily as intermediaries, distributing traffic between highly developed parts of town and access arterials.
- > Local roads provide direct access to public and private properties.

Private roads, unlike public roads, are those that are owned and managed by private entities. The Town has limited authority over how private roads are used and they often do not need to meet provincial or municipal standards. Private roads can make it difficult for emergency and municipal services to access a property if they are inadequately built or maintained.

Private roads can also be at the centre of conflict and disputes between property owners if standards of maintenance, including snow clearance and grading, differ among users. Despite the numerous limitations, private roads can still be beneficial in certain instances such as providing access to resource areas or areas that are not available to the public such as logging roads, or roads that access utilities.

Policy 4-27: Council shall, through the Development Regulations, require all development to have proper road access accommodating access for emergency vehicles; expected traffic capacity or flow; and pedestrian and vehicular safety.

Policy 4-28: Council may establish minimum standards for roadways, including, but not limited to, roadway width and roadway grade.

Policy 4-29: Council shall, through the Development Regulations, prohibit development on new private roads except on lands in the Mineral Workings Use Zone, Watershed Use Zone, and Residential Seasonal Use Zone.

Policy 4-30: It shall be the policy of Council to only take over the ownership and maintenance of private roads if the private road has been upgraded, at no cost to the Town, to the Town's public road standards and the Town Engineer has confirmed the road can be efficiently and sustainably maintained, without detrimental effect to the Town.

4.4.3. Sidewalks, Pedestrian Connections, and Active Transportation

Most trips begin and end as a pedestrian and most people share the experience of being a pedestrian, wheelchair users included. In Carbonear, main streets such as Water Street provide sidewalk facilities that connect with other trails, boardwalks, and pedestrian networks, a valuable community asset. Sidewalks and other active transportation infrastructure indicate to pedestrians that they have been designated a safe space on the street. In addition to increased safety, separated spaces for pedestrians have demonstrated health, environmental, and economic benefits. Safe, comfortable spaces for pedestrians can increase the number of trips on foot, or by wheel, contributing to an overall increase in the physical and environmental health the town. Encouraging human powered transportation can help people to get and stay fit while simultaneously cutting down on the trips by automobile. Sidewalks also contribute to the economic viability of an area, walkable commercial districts and those accessible by active transportation are attractive to customers. While sidewalks and other active transportation infrastructure can be costly, and may not work in every situation, opportunities for inclusion should be taken advantage of.

Policy 4-31: Council may, through the Development Regulations, require sidewalks on new public streets within residential subdivisions.

Policy 4-32: Council shall, through the Development Regulations, enable developers to provide bicycle parking spaces in lieu of some of the required automobile parking spaces and shall establish standards of acceptability for any such provided bicycle parking spaces.

Policy 4-33: Council may, through the Development Regulations, establish requirements for the minimum number of bicycle parking spaces to be provided for different use classes of development.

Policy 4-34: Council shall, through the Development Regulations, widely permit trails and trail development by considering them as part of the recreational open space use class.

Policy 4-35: Council may, through the Development Regulations, require new development to provide a separation buffer between a proposed development and an existing trail or pathway.

Policy 4-36: Council may work with local residents, businesses, the Province, and other stakeholders to implement traffic calming measures and crosswalks within the Planning Area.

Policy 4-37: Council may work with residents to identify and map traditional footpaths and public rights of way through the community and to develop policies to ensure that such routes are taken into consideration when reviewing development applications.

Policy 4-38: Council may, when major roadworks are undertaken, leverage any potential funding to implement pedestrian or active transportation infrastructure including, but not limited to, sidewalks, boardwalks, mixed-use pathways, or paved shoulders.

4.4.4. Automobile Parking

The development pattern in Carbonear, including the town's layout and lack of sidewalks and other active transportation infrastructure in some areas, means that most trips do require a private automobile. Except for a few neighbourhoods, residential uses and commercial uses are somewhat spread out and not connected via active transportation links. This results in the need for private automobile parking at point of destination for many different uses.

To supply adequate parking, minimum parking requirements are often implemented, which require developers to supply a minimum number of parking spaces to supply the parking needs created by that development. As a minimum standard, developers can exceed the requirement if their business needs to. However, parking spaces can also act as a barrier to businesses and development because they are costly to build and maintain. Parking may also take away space that could be utilized in other ways. This Municipal Plan strives to find balance between the space necessary for parking provision with the need to reduce parking demand overall.

Policy 4-39: Council shall, through the Development Regulations, establish minimum automobile parking requirements aimed at reducing parking overflow into adjacent neighbourhoods, but not necessarily accommodating peak parking demand at all times.

Policy 4-40: Council may, through the Development Regulations, exempt developments in the Heritage Area Use Zone from requiring parking.

Policy 4-41: Council shall, through the Development Regulations, establish design requirements for required automobile parking spaces and areas.

Policy 4-42: Council shall, through the Development Regulations, permit electric vehicle charging stations in all land use zones.

Policy 4-43: Council may develop a parking plan or strategy to ensure there is an adequate balance of parking supply throughout the year, and to develop creative and innovative solutions to any existing automobile parking challenges.

4.4.5. Institutional Uses

Communities are built upon the foundations provided by people and institutions that provide a wide range of invaluable services and amenities. Often serving the general public and contributing to the common good, institutions include government offices, police service, fire service, hospitals, educational services, places of worship, and recreation facilities.

Carbonear has a diversity of institutions vital to the community's social and cultural framework. The town has two schools: Carbonear Academy for grades kindergarten through eight, and Carbonear Collegiate for grades nine through twelve. The College of the North Atlantic has a campus at Carbonear, as does Keyin College, a private post-secondary college. Carbonear Public Library shares a building with the Princess Sheila Nageira Theatre and Town Hall. Carbonear Recreation Complex is home to an indoor swimming pool, two softball fields, track and field facilities, a soccer field, four tennis courts, and an outdoor concert venue. Carbonear General Hospital is a major employer, is where many health services are provided, and serves the broader region.

Policy 4-44: Council shall, through the Development Regulations, establish the Public Buildings Use Zone to permit a wide variety of institutional uses including collective residential, community gardens, cultural and civic, educational, general assembly, places of worship, recreational open space, and special care institutional. Other uses such as conservation, mineral exploration, catering, childcare, convenience stores, general services, medical and professional, offices, and personal services shall also be permitted with any necessary conditions to ensure they support the institutional nature of this zone. Antennas, communications, funeral homes, penal and correctional, and theatres may be considered as discretionary uses.

4.4.6. Utilities

Utilities, including power, phone, and internet are vital components of daily life and community function. These types of utilities generally consist of two parts: liner infrastructure (power lines, *etc.*) and supportive infrastructure (transformer stations, switching boxes, *etc.*). While the linear components are usually located within a street right-of-way, the supportive infrastructure is typically located on a property, and is subject to zoning requirements. These uses do not have typical requirements in terms of lot area (as there is no need for wastewater disposal) or frontage. Council, therefore, intends to exempt them from planning requirements.

Policy 4-45: Council shall, through the Development Regulations, provide for the relaxation of zone standards to enable the efficient and effective development of utility infrastructure.

Policy 4-46: Council may, through the Development Regulations, require the provision of buffering in the form of a suitably landscaped area between a utility and an adjacent residential use where Council is of the opinion that the size and appearance of such a utility is not in keeping with the area.

4.4.7. Solid Waste

Residential and commercial solid waste is collected by Eastern Regional Service Board, formerly Eastern Waste Management. Eastern Regional Service Board was created by the province to deliver regional municipal services, including waste management and recycling services. The town of Carbonear has partnered with Multi-Materials Stewardship Board (MMSB) to establish a backyard composting program.

Policy 4-47: Council may continue to participate in provincial waste management strategies.

4.4.8. Communication Antennas

The town of Carbonear recognizes the sole authority for issuing licenses for radiocommunication facilities lies with the Federal Government under the *Radio Communications Act*. The Act encourages co-location of equipment (installing equipment on existing towers) before new towers are developed.

The *Radio Communications Act* includes a requirement for public consultation before the development of new telecommunications towers. Municipalities may elect to implement their own consultation protocol. In areas where there is no municipal protocol, consultation occurs under the Innovation, Science and Economic Development (ISED) Default Public Consultation Process.

Policy 4-48: Council shall, through the Development Regulations, utilize the discretionary use process as the Town's consultation protocol for antennas in all use zones except the Heritage Area Use Zone or Conservation Use Zone. Council's decision on such discretionary considerations shall be forwarded to Industry Canada to serve as the Town's input on the issuance of any such antenna licensing. Council shall not support antenna applications in the Heritage Area Use Zone or Conservation Use Zone.

4.5. Housing

As a basic necessity of life, every person who lives in Carbonear needs to access housing that is affordable, in good condition, and appropriate for their stage of life. To meet demand, diverse housing options are needed that can accommodate people with different incomes, abilities, ages, and household size requirements.

Nationally there has been a trend towards smaller, simpler housing forms driven by household economic realities and shifting preferences. Carbonear is a community with an aging population providing an additional factor to consider. The median age of residents in Carbonear increased from 44 years in 2006 to 52 years in 2021. As communities age, housing needs change; barrier-free housing is becoming more important and the demand for such housing is expected to grow.

4.5.1. Housing Diversity

As people in Carbonear move through different life stages, their housing needs and choices change. A key component of any community is to provide a range of housing types available to residents. The primary housing option in Carbonear is currently single-detached dwellings, representing 85% of the total housing market according to the 2021 Statistics Canada Census. The housing market is also skewed towards home-ownership, where 73.3% of the town population own their residence.

Policy 4-49: Council shall, through the policies of this Plan and through the Development Regulations, enable diversity in the form, scale, and location of housing that is permitted in the town.

4.5.2. Accessory Dwellings

Accessory dwellings typically take the form of an independent dwelling unit within a home (also referred to as subsidiary apartments, secondary suites, accessory suites, in-law suites or granny flats) and free-standing accessory dwellings (often referred to as backyard suites, carriage houses, or laneway houses). Infill development of this type is often called “hidden density” as it provides increased density and additional housing options without greatly altering the fabric of a neighbourhood and while utilizing existing services.

Policy 4-50: Council shall, through the Development Regulations, permit accessory dwellings in all residential use zones except the Residential Seasonal Use Zone, with standards for size, location, and number on a lot to limit the impact on existing neighbourhoods.

4.5.3. Residential Facilities

As the population of Carbonear ages the provision of opportunities to 'age in place' will become more important. Demand for supportive housing will increase. Long-time residents of a community typically want to stay in that community as they have developed social circles and support networks over time. Carbonear is no different; during the engagement for this Plan's development residents spoke to this desire, but an adequate supply of supportive housing and other housing options serving the demographic was a concern.

Council believes residential facilities are an important component of the community and should be accommodated in any neighbourhood, provided they are similar in scale to other permitted residential uses in the area.

Policy 4-51: Council shall, through the Development Regulations, treat residential facilities, except those licensed by Corrections Canada or Newfoundland and Labrador Justice and Public Safety, in the same manner as dwellings of similar scale.

4.6. Economic Development

Carbonear initially developed as a centre of the fishing industry in Newfoundland. While the number of people employed in this sector has significantly declined, it remains culturally and economically important. The town's economic base has diversified over time, particularly in the provision of services. The town's growing role as a regional service provider has led to strong employment in sectors such as retail trade, healthcare, construction, and accommodation and food services.

The natural beauty, rich history and built heritage of the town present opportunities to capitalize on tourism. Council has recently completed phase one of a Downtown Revitalization Project focusing on the Carbonear Row Cultural Quarter, stretching from Adelaide Street to P.J. Finn Street along Water Street. Subsequent phases will include Beach Road to the Ponds, P.J. Finn Street to Church Street and a separate waterfront development area.

Policy 4-52: Council may continue to develop and implement a Downtown Revitalization Project to concentrate on showcasing heritage properties and incorporating heritage assets into downtown revitalization, façade improvement, placemaking, site development, traffic calming, pedestrian improvement, and building design guidelines.

Policy 4-53: Council may, over the life of this plan, develop a business and tourism marketing strategy intended to recruit businesses to Carbonear and to draw visitors to the area.

Policy 4-54: Council may, over the life of this Plan, examine and consider the application of taxation, financial, and zoning incentives, as well as capital projects as viable methods of facilitating new economic development in Carbonear consistent with the provisions of the *Municipalities Act, 1999*.

4.6.1. Home Occupations

Council recognizes the benefits of small business within the community. Small businesses often act as the backbone on a local economy, they attract visitors and provide employment opportunities for residents. Small businesses also provide day-to-day services for residents, including childcare and haircare. Often, small businesses begin as a home occupation and expand to brick and mortar locations outside of the home, or they can continue to operate out of a residence. Home occupations that do not detract from the character of a neighbourhood or generate a nuisance are valued by Council. Permitting the operation of home occupations is one way to support small business and encourage their growth.

Policy 4-55: Council shall, through the Development Regulations, permit home occupations in all zones that permit residential uses.

Policy 4-56: Council shall, through the Development Regulations, establish criteria for businesses eligible to operate as a home occupation, and establish regulations that the business must meet, including, but not limited to, maximum floor area.

4.6.2. Accommodations

Carbonear is a regional service centre and is also home to an attractive landscape and heritage area. As a result, there is need for accommodations to house visitors to the town, whether for tourism purposes or to access services such as the hospital. Currently, Carbonear lacks larger scale accommodations options. Council is supportive of establishing such uses in commercial areas.

Additionally, small-scale options such as bed and breakfasts and other short-term rentals can help fill the accommodations gap. However, these uses must be limited to some degree to avoid impacting housing availability. As such, short-term rentals will only be permitted as home occupations, which require the principal operator to have their primary residence on-site.

Policy 4-57: Council shall, through the Development Regulations, permit accommodations uses in commercially oriented zones.

Policy 4-58: Council shall, through the Development Regulations, permit short-term rentals as a home occupation.

4.6.3. Signs

Advertising and signage provide information to the travelling public about services and amenities available in an area and where they can be accessed. Signage regulations need to balance a business' need to advertise with the aesthetics of a community. Poorly regulated signage can lead to an overabundance of advertisements known as 'sign pollution.' A balanced approach clearly outlines and protects a business' opportunity to advertise their services while maintaining the character of a place.

Policy 4-59: Council shall, through the Development Regulations, regulate the type, size, and location of signs in a manner that balances the aesthetics of neighbourhoods with the need to advertise businesses and provide information about a community. Development Regulations shall also provide for the removal, maintenance, exemption, standards for non-conforming uses, and prohibition of signs.

Policy 4-60: Council shall, through the Development Regulations, regulate the size, location, and form of off-site business signs to provide an organized and cohesive approach to off-site signs.

Policy 4-61: Council shall, through the Development Regulations, require applications for signage along Provincial Route 70 or any other provincially maintained road be referred to Service NL for approval.

4.7. Environment

The character and identity of Carbonear has largely been formed by the town's relationship with its natural environment. Historically a major centre of the Newfoundland Fishery, Carbonear has always had a strong connection to environmental resources. The town and region are home to a variety of plants and animals that contribute to the regional ecosystem. Development within Carbonear should take care to ensure harm to the environment is limited. Preserving the natural environment is vital to Carbonear's identity, character, and economy. Priority should be given to environmental preservation and enhancement because of its importance to current and future residents, Council, and the further development of tourism sector.

Policy 4-62: Council shall prioritize the preservation of the natural environment and natural systems including natural drainage systems, wildlife, and fish habitats when considering new developments.

Policy 4-63: Council may develop a watershed management plan for water supply areas.

Policy 4-64: Council may develop Hazard Maps for the Planning Area to identify natural hazard areas.

4.7.1. Wetlands and Watercourse Buffers

Carbonear's varied topography supports several lakes and ponds connected by streams and wetlands. These watercourses are a vital component of the Carbonear landscape and ecosystem, providing important natural habitat. The interface between land and water, the riparian area, is a sensitive and productive habitat. Riparian areas act as filters, absorbing runoff from land before it reaches a watercourse. However, these areas are also extremely sensitive to disturbance and require protection from human development.

Policy 4-65: Council shall, through the Development Regulations, establish buffers that limit development adjacent to watercourses and wetlands. These buffers are intended to protect terrestrial and aquatic species and their habitat from destruction and fragmentation while also limiting development in areas that could be hazardous to humans and their property.

Policy 4-66: Council shall, through the Development Regulations, enable exceptions to watercourse buffers where the use is required to be located adjacent to the water, or where the risks presented to and by the development can be shown to be low.

Policy 4-67: Council shall, through the Development Regulations, establish requirements for development in any body of water, including wetlands, apply for and obtain a permit from the Provinces Water Resource Management Division, under section 48 of the *Water Resources Act, 2002*.

Policy 4-68: Council shall work to ensure any developments commencing pursuant to a Permit issued under Section 48 of the *Water Resources Act, 2002*, conform to the requirements of the Environmental Control Water and Sewage Regulations, 2003.

4.7.2. Coastal Areas

As an island, many Newfoundland communities are located near the coast as the sea historically provided key resources and transportation links important to commerce. A substantial portion of the town's population is located within 500 metres of the shore. Access to the coast remains of particular importance to the residents of Carbonear for both work and recreation.

All coastal communities are vulnerable to climate change. Rising sea levels and increased storm frequency will inevitably impact the coastline. By the year 2100, sea levels in southeastern Newfoundland are expected to rise in excess of 100 cm above current levels. Topographic conditions in Carbonear demonstrate a steady elevation gain moving away from the coast. However, areas immediately adjacent to the coast are at risk particularly along Beach Road and Water Street where future sea level rise and storm surge could flood roads and cut off access to portions of town.

The coastline is also a desirable location for new development. Development related to tourism, ocean related industry, and residential uses are all attracted to the waterfront. Such development must be made only with careful consideration and planning to address issues associated with sea level rise.

Policy 4-69: Council shall, through the Development Regulations, enable the protection of traditional coastal access points and the provision of access to beaches or navigable waters to be considered as part of the lands required for dedicated open space.

Policy 4-70: Council shall, through the Development Regulations, encourage public access and recreational usage of the coastline by permitting a range of coastal uses.

Policy 4-71: Council shall, through the Development Regulations, restrict development within 30 metres of the coast.

Policy 4-72: Council shall, through the Development Regulations, prohibit coastal development below a 2.7-metre elevation relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), with the exception of low-value development and development that is required to be at the water.

Policy 4-73: Council shall, through the Development Regulations, enable a reduction of the 30-metre coastal setback where the applicant provides a study, prepared by a qualified person, confirming that the proposed development is located at an elevation higher than required by Policy 4-73 and that the nature of the shoreline material is such that the risk of an erosion hazard over the useful life of the development is not increased by the reduction in coastal setback.

Policy 4-74: Council shall, through the Development Regulations, enable a reduction of front, rear, and/or side yard setbacks where the 30-metre coastal setback would otherwise prevent development of an existing lot.

4.7.3. Landscape and Coastal Alteration

With much of Carbonear located near the coastline, landscape alteration practices such as filling in low lying areas or areas with steep slopes or excavating into a hillside to expand usable land may become more common. These activities can have a significant impact on wetlands, natural drainage, and slope stability, resulting in erosion and creating visual impacts in the community. Another common concern is clearing lots of all trees and vegetation to accommodate development. Lot clearing results in reduced sediment stability and can cause overland flow issues contributing to erosion.

Infilling coastal waters to create land is another alteration practice occurring with increased frequency in coastal communities.

Typically, the area of land around water bodies is a “Crown Land Reserve” for a distance of at least 15 metres. Development within this Crown Land Reserve requires permission of the Minister responsible for the *Lands Act*. Additionally, the area between the high- and low-water marks of a water body is known as the “Shore Water Zone”, a provincially designated land use area. Any development, including any disturbance of the land or vegetation, in this Shore Water Zone must require provincial permission prior to the start of development and must comply with the Policy for Development in Shore Water Zones. Finally, any alteration of a watercourse, such as infilling or dredging associated with a wharf or stage, requires a permit under Section 48 of the *Water Resources Act*.

Policy 4-75: Council may, through the Development Regulations, require an applicant applying to alter the landscape for development purposes to assess the geotechnical, visual, and environmental impacts of development, as well as impacts on adjoining properties and land uses, and implement mitigating measures as necessary. Such assessments shall be prepared by a qualified professional and be conducted at the cost of an applicant.

Policy 4-76: Council may, through the Development Regulations, require financial guarantees from a developer where landscape alterations are approved to ensure adequate site rehabilitation and/or landscaping.

Policy 4-77: Council shall work with Government to ensure any infilling, dredging, or other developments along the coastline is conducted in accordance with the appropriate legislation and policies, including Section 48 of the *Water Resources Act, 2002*.

Policy 4-78: Council shall, through the Development Regulations, interpret the boundaries of zones along the coast as following the mean high-water mark, including any changes to the mean high-water mark through infilling or through natural change.

4.7.4. Designated Flood Plain

Island Pond Brook and Powell's brook have been 'designated floodway' (1:20 year flood zone), as lands within the Planning Area subject to the most frequent flooding. A 'designated floodway fringe' (1:100 year flood zone) constitutes the remainder of the flood risk area. The 'designated floodway fringe' typically receives less damage from flooding, however protective regulations are still necessary. These two designations have been instituted to identify areas at risk of flooding and to minimize future damage as result of flooding as much as possible.

Policy 4-79: Council shall, in the Development Regulations, establish the Floodway Overlay, intended to limit development within the 1:20 year flood zone to mitigate flood risks.

Policy 4-80: Council shall, in the Development Regulations, limit development within the Floodway Overlay to non-building uses that will not be damaged by flooding.

Policy 4-81: Council shall refer all applications for new development within the Designated Floodway Overlay to the Water Resources Division of the Department of Environment and Climate Change.

4.7.5. Designated Floodway Fringe

Policy 4-82: Council shall, in the Development Regulations, establish the Floodway Fringe Overlay, intended to reduce damage to structures associated with intermittent flooding by requiring flood proofing standards be met.

Policy 4-83: Council shall, in the Development Regulations, allow for public works and public uses, marine related uses, industrial uses, commercial uses, and residential uses in the Floodway Fringe Overlay provided that such developments take flood risk into account.

Policy 4-84: Council shall refer all applications in the Floodway Fringe Overlay to the Water Resources Division of the Department of Environment and Climate Change for its recommendation prior to Council's consideration.

4.8. Renewable Energy

Globally, there is growing utilization of renewable energy sources to offset climate change impacts and to shield individuals, households, and businesses from rising energy costs. Two of the most common types of renewables being deployed at a local scale are wind turbines and solar collectors. Generally, the community is in support of the implementation of such technologies, supporting policies and regulations can help balance the utilization of renewable technologies with the maintenance of the town's aesthetics, environment and quality of life. All renewable energy sources must comply with provincial legislation and the standards of the provincial electricity authority, Newfoundland Power.

4.8.1. Wind Energy

Policy 4-85: Council shall, through the Development Regulations, enable wind turbines in the Rural Use Zone and Mineral Workings Use Zone.

Policy 4-86: Council shall, through the Development Regulations, establish appropriate setbacks and standards for the siting of wind turbines.

4.8.2. Solar Energy

Policy 4-87: Council shall, through the Development Regulations, permit solar collectors as an accessory use in all zones.

Policy 4-88: Council shall, through the Development Regulations, establish requirements for the siting and design of accessory solar collectors.

Policy 4-89: Council shall, through the Development Regulations, enable solar collectors as a main use in the Commercial General Use Zone, Rural Use Zone, and the Mineral Workings Use Zone.

4.9. Recreation

The town of Carbonear has an array of outdoor and indoor recreation and leisure facilities for residents of the community to use. The Carbonear Recreation Complex is an integral asset in the community, providing swimming, racquet sports, basketball, hockey, skating, baseball, general fitness opportunities and more. The town is home to several playgrounds, trails and other semi and unstructured recreation opportunities. Protecting these assets is vital to the future of the community. This Plan also recognizes the importance of building upon existing facilities and programming to serve diverse recreation needs.

4.9.1. Parks and Open Spaces

Policy 4-90: Council shall, through the Development Regulations, permit or consider low-impact parks and recreation uses in all use zones except the Mineral Working Use Zone and the Industrial Ocean Related Use Zone.

4.9.2. Recreation Centres

Policy 4-91: Council may, in cooperation with the Newfoundland and Labrador English School District, establish a Joint Use Agreement to share recreation assets and facilities between the Town and local schools.

Policy 4-92: Council shall encourage all recreation facilities to be designed to accommodate residents of all ages and physical abilities.

4.10. Arts, Culture, and Heritage

The cultural heritage of Carbonear is demonstrated in the built form of the town, particularly Water Street. Carbonear's prominent role as a centre of the fishery in Newfoundland can be observed in the remaining historic commercial buildings and several designated heritage properties. Notably, Carbonear is home to two rare examples of merchant's premises, the Rorke Store and Rorke Premises. Together these buildings demonstrate the legacy of commerce in the region. Residential heritage properties also demonstrate the success of Carbonear's commercial past as several were built for prominent and successful merchants. These structures help tell the story of Carbonear's past. The Town supports the preservation of these structures. Cultural heritage is also influenced by significant places and practices that are important to the community. Places dedicated to artistic expression, significant landmarks, and cemeteries all contribute to a place and help give it meaning. Planning needs to take all these factors into account as development proceeds in Carbonear.

4.10.1. Heritage Properties

Policy 4-93: Council may, in cooperation with the Heritage Foundation of Newfoundland and Labrador, work to identify and document all significant heritage buildings, structures, landmarks, and landscapes of the town.

Policy 4-94: Council shall, through the Development Regulations, require any development proposals in areas where archeological resources are known to exist, or where they are likely to exist, to be forward to the Provincial Archaeology Office for review to determine if an historic Resources Impact Assessment is required prior to development.

Policy 4-95: Council may adopt the Standards and Guidelines for the Conservation of Historic Places in Canada in evaluating substantial alterations to registered heritage properties.

Policy 4-96: Council shall require that prior to the moving, demolition, or alteration of a provincially registered heritage property any such alteration be referred to the minister responsible for the *Historic Resources Act* prior to undertaking any work.

Policy 4-97: Council may adopt a Heritage Bylaw, intended to designate and protect heritage structures, landmarks, and landscapes within the Planning Area.

Policy 4-98: Council may, through the Development Regulations, reduce development requirements on registered heritage properties as incentive to register and invest in these properties.

4.10.2. Arts and Cultural Uses

Policy 4-99: Council shall, through the Development Regulations, permit cultural uses such as, but not limited to, theatres and museums, in a wide variety of zones that prioritize commercial or public uses.

Policy 4-100: Council may, in coordination with the community, develop an Arts and Cultural Action Plan aimed at leveraging and promoting the town's artistic, cultural, and heritage assets.

4.10.3. Cemeteries

Policy 4-101: Council shall, through the Development Regulations, consider new cemeteries only as a discretionary use in the Rural Use Zone.

4.10.4. Local Food Sources

Policy 4-102: Council shall, through the Development Regulation, permit community gardens and fish and farmers' markets in appropriate land use zones intended to encourage access to sustainable, local foods.

Policy 4-103: Council may work with local food vendors, artists, and other community partners to develop a farmers' market intended for the sale of locally produced goods and products.

4.11. Local Governance

Local governments are typically the level of government with which people in a community interact the most. Often direct and open dialogue occurs between residents, staff, and elected members of Council. Local government is also the level of government making decisions that directly impact the day-to-day lives of residents. To empower the community and ensure opportunities to interact with Town Council are plentiful, Council seeks to adopt policies and practices that improve accountability and interaction with residents. Daily town operation can also be improved by developing data and procedures that support efficient and meaningful decision making. The following policies relate to the function of municipal government in the Town of Carbonear.

Policy 4-104: Council shall keep a public register of all applications for development and Council decisions on these applications for development.

Policy 4-105: Council shall maintain a public source for Council agendas and meeting minutes, intended to ensure transparency between town Council and the community.

Policy 4-106: Council may adopt live stream technologies to ensure Town Council meetings are open to the public.

Policy 4-107: Council may develop a Public Participation Policy, aimed at clearly articulating how the town and its residents will interact when it comes to municipal projects.

Policy 4-108: Council may work with the neighbouring communities and the Province of Newfoundland and Labrador to consider shared servicing and administration where appropriate.

Policy 4-109: Council may develop an asset management plan to determine current assets, current and future service goals, and future upkeep and replacement costs.

Policy 4-110: Council may develop a public digital mapping and data repository for data including, but not limited to, property lines, municipal servicing, and land use zoning and mapping.

5 LAND USE POLICIES



5. Land Use Policies

5.1. General Policies

5.1.1. Buildings

Much of the character of Carbonear can be attributed to the buildings that make up the town. While there is no single style or building vernacular that dominates the town, the mixture is rich and a wide range of styles are present, from more modest contemporary homes to grand heritage styles. The dominant form of residential buildings are detached dwellings on individual lots. There are some low-rise apartment style buildings and a few row house, semi-detached homes, and duplex dwellings. Generally, buildings along Water Street are close together with minimal front and side setbacks. Residential neighbourhoods are typically made up of well-spaced houses with generous setbacks. This Municipal Plan strives to recognize the traditional character of Carbonear while allowing a gentle evolution to the approaches for building form and placement to respond to changing demographics, economics, and preferences.

Policy 5-1: Council shall, through the Development Regulations, regulate the size, location, and number of buildings on a lot in order to carry out the intent of each specific land use zone.

Policy 5-2: Council may develop architectural design guidelines for the Water Street corridor to help protect the style and form of buildings and structures.

5.1.2. Lots and Lot Sizes

Regulating the size of new lots is a key element in how a community is experienced. Urban areas typically consist of smaller lots resulting in a greater frequency of structures. In rural areas that are less dense, large lots create a setting where structures are farther away from one another. Carbonear consists of a combination of these development patterns. Trade-offs must be made when determining minimum lot size. Smaller lots yield greater density of people and businesses, while larger lots lead to lower densities of people and businesses. Smaller lots tend to be more economically serviced whereas larger lots tend to be more costly as the services are spread out among fewer users over a greater distance.

Backlot development, also known as “flag lot development”, occurs when an existing large lot, which is only developed on the front portion, is subdivided to enable development behind the existing structure or vice versa.

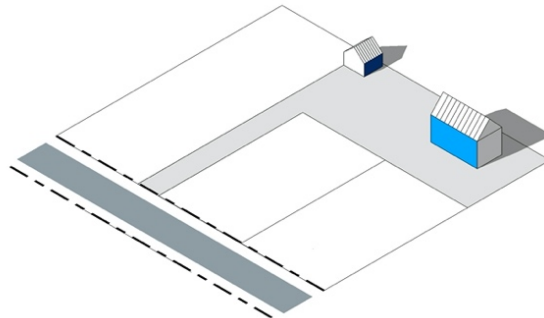


Figure 5: Example of a flag lot

Backlot development comes with positive and negative aspects. Increased density and flexibility could be seen as benefits. However, there are many drawbacks that make backlot development challenging, including privacy issues, emergency access, and challenges with servicing. As a result, Council intends to accommodate development on existing back lots but not enable the creation of new ones.

Policy 5-3: Council shall, through the Development Regulations, regulate the size of new lots in keeping with the intent of each specific zone, and consistent with the availability of central services.

Policy 5-4: Council shall, through the Development Regulations, only permit backlot development on back lots that existed prior to the previous Municipal Plan (December 24, 2004).

Policy 5-5: Council shall, through the Development Regulations, establish development standards for backlot development on existing back lots within the Planning Area.

5.1.3. Existing Undersized Lots

Policy 5-6: Council shall, through the Development Regulations, relax lot requirements or provide alternative development options for existing undersized lots if wastewater treatment can be adequately provided, the development will not have undue impact on sensitive land uses, and legal access to the lot can be assured.

5.2. Land Use Designations

Development is primarily guided by land use designations. Land use designations are the tool that establishes the foundation for where and how various uses fit together to make up the town. They are formed by a combination of history, the present situation, and anticipated future needs. Represented on the Future Land Use Map, the land use designations broadly map out how development is going to occur in specific areas. For example, an area within the Residential Land Use Designation is intended to be primarily residential in nature; however, the designation can allow for other use zones that complement and are compatible with residential uses.

Land use designations form the high-level approach to community building, they are then supported by accompanying land use zones within the Development Regulations. Land use zones form the fine-grained component of community development; they list specific types of uses that are permitted within each land use zone, and layout standards for development such as lot sizes, public road frontage requirements, and setbacks for new construction. Each area within the Planning Area is covered by a land use designation under this Plan and is also covered by a land use zone under the Development Regulations. The two documents work together to regulate development in Carbonear.

Policy 5-7: Council shall, within this Plan and on the Future Land Use Map, establish a series of land use designations to guide future growth in Carbonear. Each land use designation shall permit a wide range of uses and land use zones that are similar to or complement one another.

Policy 5-8: Council shall, through the Development Regulations, establish provisions for the interpretation of use zone boundaries.

5.3. Residential Designation

5.3.1. Residential Designation

Residentially designated areas are intended to primarily accommodate the short- and long-term housing needs of a community. In Carbonear, development is approaching the limits of servicing availability in the north and south ends of town. This Plan expanded the Residential Designation in comparison to the 2004 Plan in order to enable the growth of serviced areas; however, the cost to extend services will be borne by developers and will not be at the Town's expense.

Additionally, this Plan seeks to encourage "infill" development in existing serviceable areas. Permitted uses will include a variety of housing forms and types to allow for greater choice and accessibility for residents.

Policy 5-9: Council shall, on schedule 'A', the Future Land Use Map, designate as Residential lands in serviced and unserviced communities intended to give priority to residential development.

Policy 5-10: Council shall, through the Development Regulations permit the following zones within the Residential Designation:

- a) Residential Low Density Zone
- b) Residential Large Lot Zone
- c) Residential Medium Density Zone
- d) Residential Higher Density Zone
- e) Residential Rural Use Zone
- f) Residential Seasonal Use Zone
- g) Recreational Open Space Zone

5.3.2. Residential Low Density Zone

Residential Development in Carbonear is primarily dominated by single detached dwellings. While housing needs have been changing with shifting demographics, the Residential Low Density Zone intends to generally protect this form of development while providing for the consideration of gentle increases in density through double dwellings, accessory dwellings, and residential boarding houses. The Residential Low Density Zone will also provide for the consideration of low impact uses that generally support the provision of services directly benefiting a neighbourhood.

Policy 5-11: Council shall, in the Development Regulations, establish the Residential Low Density Zone, intended to permit lower density residential development capable of being serviced by municipal water and sewer services.

Policy 5-12: Council shall, in the Development Regulations, consider antennas, residential boarding houses, childcare services, and level 2 home occupations as discretionary uses in the Residential Low Density Zone.

5.3.3. Residential Large Lot Zone

Development in the Residential Large Lot Zone enables residential development on larger lots that may not be eligible for municipal water and sewer services at the current time, but could see such services in the future. While single detached dwellings are generally given priority, limited increases to density in the form of double dwellings and residential boarding houses may be considered. Other uses that generally provide services to a neighbourhood may also be considered.

Policy 5-13: Council shall, in the Development Regulations, establish the Residential Large Lot Zone, intended to permit lower density residential development capable of being serviced via well and on-site septic systems.

Policy 5-14: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses that include double dwellings, residential boarding houses, antennas, level 2 home occupations, and childcare services in the Residential Large Lot Zone.

Policy 5-15: Council shall, in the Development Regulations, establish requirements for development in the Residential Large Lot Zone to account for the potential for intensification of development if central services are ever extended to these areas.

5.3.4. Residential Medium Density Zone

The Residential Medium Density Use encompasses the majority of residential areas in Carbonear. This zone gives priority to a mixture of single dwellings, double dwellings, and three-unit dwellings within areas serviced by municipal water and sewer. More intense residential development, in the form of multi-unit dwellings and residential boarding houses, may be considered within the Residential Medium Density Zone. Additional uses that are generally compatible with residential uses and that supply services to a neighbourhood may also be considered.

Policy 5-16: Council shall, in the Development Regulations, establish the Residential Medium Density Zone, intended to permit residential development that falls into a middle range of density including single detached dwellings on smaller lots, double dwellings, and three-unit dwellings. Supportive uses such as community gardens and recreational open space shall also be permitted.

Policy 5-17: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Residential Medium Density Use Zone that include dwellings with more than three units, residential boarding houses, collective residential, public schools, places of worship, childcare, level 2 home occupations, and antennas.

5.3.5. Residential Higher Density Zone

One of the key issues heard during engagement for this Plan was the need for a higher range of housing options and housing availability. In response, this Plan introduces the Residential Higher Density Use Zone to make it easier to develop residential uses at a somewhat higher density, such as mid-sized apartment buildings, grouped dwellings, or condominiums. Larger multi-unit development can also be considered but will require a discretionary process.

This zone has initially been applied to a few key opportunity sites, and could be considered by Council for additional areas in the future through amendments to the Zoning Map.

Policy 5-18: Council shall, in the Development Regulations, establish the Residential Higher Density Use Zone, intended to permit residential development that falls into a middle range of density as well as mid-sized multi-unit development up to 20 units on a lot. Supportive uses such as community gardens, childcare, personal services, and recreational open space shall also be permitted.

Policy 5-19: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Residential Higher Density Use Zone that include dwellings with more than 20 units on a lot, residential boarding houses, places of worship, public schools, level 2 home occupations, and antennas.

5.3.6. Residential Rural Zone

Residential density in the rural areas of Carbonear is generally low, reflecting both the rural setting and the need for adequate lot sizes to accommodate on-site services. Lands within this area may be unserviced or partially serviced. Development in these areas shall require the approval of the appropriate provincial department. Additional uses that support rural residential neighbourhoods may also be considered.

Policy 5-20: Council shall, in the Development Regulations, establish the Residential Rural Zone, intended to permit low density residential development that is rural in character and capable of being serviced via on-site services.

Policy 5-21: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Residential Rural Zone that include boarding house residential, antennas, and level 2 home occupations.

5.3.7. Residential Seasonal Zone

The Residential Seasonal Zone is intended to provide areas of land for seasonal cottages, particularly on attractive natural features such as lakes. However, these areas are typically remote and on-site wells and septic systems approved by the appropriate provincial department shall be a requirement for development. People developing in these areas must also understand that Town services, such as snow clearing and general road maintenance, may also be limited within these areas.

Policy 5-22: Council shall, in the Development Regulations, establish the Residential Seasonal Zone, intended to permit low density, cottage type development that is capable of being serviced via on-site services. Other services may be limited or unavailable in these areas. Antennas shall be considered as a discretionary use in this zone.

5.3.8. Rezoning

Policy 5-23: Council shall consider proposals to rezone lands in the Residential Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- a) the proposed change is not prohibited by any other policy in this Plan;
- b) the purpose of the proposed zone, as described in the respective policy creating the zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands; and,
- c) the proposal meets the general criteria for amending the Development Regulations, set out in Policy 6-26.

5.4. Commercial Designation

5.4.1. Commercial Designation

Carbonear has a long history of commercial activity. The Water Street area historically acted as the primary commercial centre for the town and continues to provide a “main street” type of commercial district with a wide range of smaller scale businesses and services. Larger scale commercial uses have located in the area along Highway 70 / Columbus Drive, including a multi-tenant shopping centre, some large format chain stores, car dealerships, and local businesses that occupy individual commercial buildings and strip malls. This commercial area serves the town but is also of regional importance. Easy access from the highway coupled with the quantity and types of services available have helped establish Carbonear as a hub for the area.

Policy 5-24: Council shall, on Schedule ‘A’, the Future Land Use Map, designate as Commercial lands in serviced areas intended to give priority to a wide range of commercial uses.

Policy 5-25: Council shall, through the Development Regulations, permit the following zones within the Commercial Designation:

- a) Commercial General Zone
- b) Commercial Highway Zone
- c) Recreation Open Space Zone
- d) Conservation Zone

5.4.2. General Commercial Zone

The General Commercial Zone recognizes key commercial nodes within the town of Carbonear. General commercial is intended to facilitate the use and development of lands for a wide variety of commercial activities including retail stores, commercial businesses, office space, and public entertainment uses with adequate parking supplies and safe access. Larger scale uses such as shopping centres, light industrial, and general industrial uses may be considered by Council as discretionary uses. Residential uses may also be permitted, but will be prohibited on the ground floor in order to maintain the commercial character of these areas.

Policy 5-26: Council shall, in the Development Regulations, establish the General Commercial Zone, intended to permit a very wide range of commercial uses. Multi-unit residential uses shall also be permitted but shall be prohibited on the ground floor, except for supportive facilities such as lobbies and amenity space.

Policy 5-27: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Commercial General Zone, including antennas, light and general industry, indoor and outdoor assembly, and kennels.

5.4.3. Commercial Highway Zone

Lands zoned Commercial Highway are intended to be safely and directly accessible from a highway and support businesses that serve the travelling public. These uses include restaurants, hotel / motels, service stations, convenience stores, and bus services. Other commercial uses such as office, personal service, general service, taxi stands, and take-out restaurants may be permitted at Council's discretion.

Policy 5-28: Council shall, in the Development Regulations, establish the Commercial Highway Use Zone, intended to permit a range of commercial and recreational uses focused on the travelling public.

Policy 5-29: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Commercial Highway Use Zone that antennas, general services, offices, outdoor assembly, and outdoor markets.

5.4.4. Rezoning

Policy 5-30: Council shall consider proposals to rezone lands in the Commercial Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- a) the proposed change is not prohibited by any other policy in this Plan;
- b) the purpose of the proposed zone, as described in the respective policy creating the zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands; and,
- c) the proposal meets the general criteria for amending the Development Regulations, set out in Policy 6-26.

5.5. Downtown Heritage Area Designation

5.5.1. Downtown Heritage Area Designation

The historic centre of Carbonear is located on the west side of the Bay, primarily along Water Street. The western end of this district is primarily two- and three-story commercial buildings located close to the street. Further to the east, past Musgrave Street, residential buildings begin to enter the mix. Side streets, such as Bannerman, Musgrave, and Bond, contain a mix of historic homes and community uses, such as the fire hall. There are also marine industrial uses located between Water Street and the Bay.

Despite the eclectic mix of uses in this area, the built form is cohesive and provides an attractive, walkable “main street” for the town. Council wishes to continue supporting a mix of uses in the downtown heritage area while ensuring new development is in keeping with, and contributes to, the main street character of the area.

Policy 5-31: Council shall, on Schedule ‘A’, the Future Land Use Map, designate as Downtown Heritage lands encompassing the traditional downtown of Carbonear.

Policy 5-32: Council shall, through the Development Regulations, permit the following zones within the Commercial Designation:

- a) Heritage Area Use Zone
- b) Recreation Open Space Use Zone
- c) Conservation Use Zone

5.5.2. Heritage Area Use Zone

Policy 5-33: Council shall, in the Development Regulations, establish the Heritage Area Use Zone, intended to permit a mix of commercial and residential uses compatible with a pedestrian-focused downtown. Automobile-oriented uses, such as service stations, shall not be permitted in this zone.

Policy 5-34: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Heritage Area Use Zone, including educational, recreational open space, and transportation uses. Marine industrial uses may also be considered between Water Street and the waterfront.

5.5.3. Design Controls

Policy 5-35: Council shall, in the Development Regulations, establish design controls for development in the Heritage Area Use Zone, intended to ensure development is supportive of the historic design of buildings in this area. Controls may include, but are not limited to, limitations on window and door types and sizes, building proportions, and cladding materials.

5.6. Industrial Designation

5.6.1. Industrial Designation

Carbonear has historically maintained a significant role in the fishing industry, which is recognizable in the industrial uses located around the harbour. The town also features an industrial area along Powells Brook. More recently, the Town established the “Industrial Park” along Powell Drive; however, there was limited industrial interest and much of the land has been developed for office and limited retail. Council continues to promote the industrial base by encouraging new industrial development to locate in this area.

Policy 5-36: Council shall, on Schedule ‘A’, the Future Land Use Map, designate as Industrial lands in serviced areas intended to give priority to a wide range of industrial uses.

Policy 5-37: Council shall, through the Development Regulations, permit the following zones within the Commercial Designation:

- d) Industrial Light Zone
- e) Industrial General Zone
- f) Industrial Ocean Related Zone
- g) Conservation Zone

5.6.2. Industrial Light Zone

Policy 5-38: Council shall, in the Development Regulations, establish the Industrial Light Use Zone, intended to permit a range of warehousing, workshops, and other industrial uses contained primarily within buildings wherein the scale and type of storage or work activity will not be intrusive or otherwise objectionable to neighbouring residential areas.

Policy 5-39: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Industrial Light Use Zone, including antennas, childcare, educational, general and hazardous industry, general services, medical and professional, offices, passenger assembly, personal services, police stations, and shops.

5.6.3. Industrial General Zone

Policy 5-40: Council shall, in the Development Regulations, establish the Industrial General Use Zone, intended to permit a wide variety of type and scale of industrial uses, including light industry, transportation, open storage, and operations requiring the limited use of hazardous substances, but excluding the bulk storage or extensive use of hazardous substances.

Policy 5-41: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Industrial General Use Zone, including animal care, antennas, hazardous industry, indoor markets, kennels, passenger assembly, scrap yards, shops, and solid waste.

5.6.4. Industrial Ocean Related Zone

Policy 5-42: Council shall, in the Development Regulations, establish the Industrial Ocean Related Use Zone, intended to permit all types of industrial and transportation uses requiring ocean frontage for their operation.

Policy 5-43: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Industrial Light Use Zone, including antennas, catering, and indoor and outdoor markets.

5.6.5. Rezoning

Policy 5-44: Council shall consider proposals to rezone lands in the Industrial Designation to any other zone permitted in that designation. Council shall not approve such a rezoning unless Council is satisfied:

- a) the proposed change is not prohibited by any other policy in this Plan;
- b) the purpose of the proposed zone, as described in the respective policy creating the zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands; and,
- c) the proposal meets the general criteria for amending the Development Regulations, set out in Policy 6-26.

5.7. Recreation Designation

5.7.1. Recreation Designation

Recreation and open space uses are widely permitted in various of Carbonear's use zones. However, Council often wishes to specifically identify lands for recreational purposes. Land is designated Recreation to provide for the active and passive recreational needs of Carbonear residents and visitors.

Policy 5-45: Council shall, on Schedule 'A', the Future Land Use Map, designate as Recreation lands intended to be specifically identified for recreation and open space purposes.

Policy 5-46: Council shall, through the Development Regulations, permit the following zones within the Recreation Designation:

- a) Conservation Use Zone
- b) Recreation Open Space Use Zone

5.7.2. Recreation Open Space Zone

Policy 5-47: Council shall, in the Development Regulations, establish the Recreation Open Space Use Zone, intended to permit a range of low intensity recreational uses.

Policy 5-48: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Recreation Open Space Use Zone, including antennas, childcare, cultural and civic, indoor assembly, outdoor market, and take-out food service.

5.8. Conservation Designation

5.8.1. Conservation Designation

Substantial areas of land exist where conservation measures are required. These areas include natural drainage routes, areas of precipitous terrain, wetlands and exposed bedrock, historic sites, cemeteries, spawning beaches, and shoreline frontage unsuited to fisheries related uses. Council intends to protect and preserve these areas from development in the interest of environmental protection, public enjoyment, safety, and to enable continued public access to ponds and watercourses.

Policy 5-49: Council shall, on Schedule 'A', the Future Land Use Map, designate as Conservation lands intended to be maintained for conservation purposes.

Policy 5-50: Council shall, through the Development Regulations, permit the following zones within the Conservation Designation:

- c) Conservation Zone

5.8.2. Conservation Zone

Policy 5-51: Council shall, in the Development Regulations, establish the Conservation Use Zone, intended to limit development in areas of high conservation value. Permitted uses shall be limited to conservation uses, while mineral exploration and recreation open space uses may be considered by Council as discretionary uses.

5.8.3. Rezoning

Policy 5-52: Council shall not amend the boundaries of the Conservation Zone within the Conservation Designation without an amendment to this Plan.

5.9. Watershed Designation

5.9.1. Watershed Designation

Policy 5-53: Council shall, on Schedule 'A', the Future Land Use Map, designate as Watershed lands within the Little Island Pond Protected Public Water Supply Area.

Policy 5-54: Council shall, through the Development Regulations, permit the following zones within the Watershed Designation:

- a) Watershed Zone

5.9.2. Watershed Zone

Policy 5-55: Council shall, through the Development Regulations, establish the Watershed Zone, intended to safeguard the Town's public drinking water supply.

Policy 5-56: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Watershed Zone, including antennas, forestry, agriculture, and recreational open space.

Policy 5-57: Notwithstanding other policies of this Plan that limit the land use zones that are permitted within each land use designation, Council may amend the boundaries of the Watershed Zone on the zoning map of the Development Regulations to increase the total amount of land protected under this land use zone or to adjust the boundaries to be consistent with updated or new source water protection plans.

Policy 5-58: Council shall, through the Development Regulations, require applications for development adjacent to or within the Little Island Pond Protected Public Water Supply Area to be referred to the Provinces Water Resource Management Division regarding approval and permitting under Section 39 of the *Water Resources Act, 2002*.

Policy 5-59: Council shall, through the Development Regulations, require that work adjacent to or within the Little Island Pond Protected Public Water Supply Area is in accordance and compliance with the Provinces Water Resource Management Division's (WRMD) policy for Land and Water Related Developments in Protected Public Water Supply Areas. Any development in the Municipal Planning Area that overlaps the Protected Public Water Supply Area cannot be less restrictive than the Provinces WRMD Policy Directive for Land and Water Developments in Protected Public Water Supply Areas.

5.10. Rural

5.10.1. Rural Designation

The remaining lands within the Planning Area are designated Rural. These areas are characterized by natural landscapes, resource uses, and very little infrastructure. Development in these areas will be limited.

Policy 5-60: Council shall, on Schedule 'A', the Future Land Use Map, designate as Rural lands intended to be maintained for conservation purposes.

Policy 5-61: Council shall, through the Development Regulations, permit the following zones within the Rural Designation:

- a) Conservation Use Zone
- b) Mineral Workings Use Zone
- c) Rural Use Zone

5.10.2. Rural Zone

Policy 5-62: Council shall, through the Development Regulations, establish the Rural Zone. This zone is intended support resource-based activities and preserve the rural landscape.

Policy 5-63: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Rural Zone that include antennas, cemeteries, mineral working, mining, outdoor assembly, outdoor markets, scrap yards, and solid waste uses.

5.10.3. Mineral Workings Zone

Mineral aggregate deposits have been identified within the Planning Area to be preserved for future economic benefit. Some of these deposits have already been utilized to a significant extent, as in the Saddle Hill rock quarry and at the junction of Highway 70 and Freshwater Road and along the north side of Line Road.

It is Council's intention to ensure that aggregate extraction is carried out in a strictly controlled manner.

Policy 5-64: Council shall, through the Development Regulations, establish the Mineral Workings Zone. This zone is intended to accommodate mineral working and associated uses.

Policy 5-65: Council shall, in the Development Regulations, establish criteria for the consideration of discretionary uses in the Mineral Workings Zone that include agriculture-related uses, antennas, forestry, and recreational open space.

Policy 5-66: Council shall, through the Development Regulations, require mineral working uses to be constructed, operated, and rehabilitated in a manner that will minimize impacts on surrounding land uses, the environment, and the overall amenity in Carbonear.

Policy 5-67: Council shall, through the Development Regulations, establish requirements for mineral workings and development, including the referral of approved developments where the extraction of quarry material is occurring or may be expected to occur to the Quarry Materials Section; Mineral Lands Division; Department of Industry, Energy and Technology.

6 IMPLEMENTATION AND MONITORING



6. Implementation and Monitoring

6.1. Context

This Municipal Plan is a policy document that sets out the vision, goals, and policies for development and land use in the Town of Carbonear. This Plan and its associated Regulations are enabled by and are consistent with the *Urban and Regional Planning Act, 2000*.

Policy 6-1: Policy statements of Council shall be denoted in this Plan with the text “**Policy #-#**”, with the number signs (hash) replaced by the appropriate chapter and policy number.

Policy 6-2: Written content of this Municipal Plan not contained within a Policy statement of Council or within one of the Schedules shall be considered preamble. Preamble may be considered to interpret the intent of Policy statements of Council, but do not form a part of the Policy statements.

6.2. Document Administration

This document and Development Regulations are structured for easy reference and to easily track changes over time. The text below outlines the structure for referencing differing elements of this Plan:

1 – Chapter

1.1 – Section

1.1.1 – Subsection

6.3. Development Control

The Development Regulations is the principal document to implement this Municipal Plan. A member of staff, appointed by Council, will be the person to administer the regulations and day-to-day processing of development applications.

Policy 6-3: Council shall adopt Land Use Zoning, Subdivision, & Advertising Regulations (“Development Regulations”) consistent with the intent of this Plan.

Policy 6-4: Council shall, through the Development Regulations, implement Land Use Zoning consistent with the Land Use Designations and Policies established under the Municipal Plan.

Policy 6-5: Council shall appoint a member or members of staff who will be responsible for day-to-day administration of the Development Regulations, including issuing, refusing, and revoking development permits.

Policy 6-6: Council shall, through the Development Regulations, establish 'Permitted' and 'Discretionary' uses for land use zones.

Policy 6-7: Council may, through the Development Regulations, establish conditions, including performance standards, to be met by a development before a development permit may be issued.

Policy 6-8: Council shall, through the Development Regulations, establish provisions for the consideration of variances where a proposed development does not strictly comply with development standards set out in the Development Regulations.

Policy 6-9: Council shall, through the Development Regulations, establish a requirement for Public Notice of Applications prior to rendering a decision on an application for a permit when considering a change in non-conforming use, a permit when the development proposed is listed as a discretionary use in the use zones, a variance, or when Council feels such notification is necessary.

Policy 6-10: Council shall, when considering an application to carry out development, take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of the Development Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in the Development Regulations, conditionally approve or refuse the application.

Policy 6-11: In matters of enforcement Council shall make and adhere to orders pursuant to Section 102 of the *Urban and Rural Planning Act, 2000*.

Policy 6-12: Council shall through the Development Regulations provide for the restoration of any building or structure to a safe condition.

Policy 6-13: Council shall, through the Development Regulations, establish rules and procedures for development appeals.

6.4. Development Permits

To ensure new development meets the intent of this Plan and the regulations within the Development Regulations, the Town issues development permits. Unless specified within the Development Regulations, all development requires a development permit.

Policy 6-14: Council shall, as permitted under Section 35 (1) (e) of the *Urban and Rural Planning Act, 2000*, require a development permit to be acquired for all development in the Planning Area, except those specified in the Development Regulations as not requiring a development permit.

Policy 6-15: Council shall, through the Development Regulations, establish application requirements for development permits.

Policy 6-16: Council may, through the Development Regulations, issue development permits for temporary uses, subject to specific requirements.

6.5. Non-conforming Uses

Inevitably, a change in policy and regulations when a new Municipal Plan and Development Regulations come into effect will create a situation where some legally existing uses or structures are no longer permitted in the new planning documents. Under the Act, there are provisions that protect these “non-conforming” uses to ensure they can continue to operate.

Policy 6-17: Council shall, through the Development Regulations, regulate non-conforming uses in accordance with Section 108 the *Urban and Rural Planning Act, 2000*.

Policy 6-18: Council shall, through the Development Regulations, establish criteria with respect to existing structures and uses and non-conformity.

Policy 6-19: Council shall, through the Development Regulations, extend to 12 months the period in which a use may cease to exist before it must conform to the requirements of the planning documents in effect.

Policy 6-20: Council shall, through the Development Regulations, establish requirements for non-conformance with standards relative to expansion.

6.6. Development Agreements

Development agreements are a tool available to municipal councils to ensure development standards are met, services are provided, and adequate financing is available to complete a project before it commences.

Policy 6-21: Council may, through the Development Regulations, enter into a development agreement involving the subdivision or consolidation of land to establish the financing and development of all services including, but not limited to, roads, water, and sewer which shall be provided at the cost of the developer.

Policy 6-22: Council may, when necessary, require permits for development to be released in a phased manner in compliance with applicable development agreements and/or performance standards applied to any approval.

6.7. Municipal Plan Amendments

Although this document is meant to be comprehensive in its outlook, from time-to-time amendments may be required. This Municipal Plan is the main document through which growth and development in Carbonear will occur, and therefore, any amendments must be considered within the context of the entirety of this Plan and its intent.

Policy 6-23: Council shall require an amendment to this Plan if:

- (a) any policy intent is to be changed;
- (b) an amendment to the Development Regulations would conflict with any portion of the Municipal Plan; or
- (c) the boundaries of a Planning Area or Designation are changed.

Policy 6-24: Council shall conduct a brief ‘housekeeping’ review of this Plan and accompanying Development Regulations one to two years after implementation to correct any drafting errors and to update any necessary terminology.

Policy 6-25: Council shall conduct a full review of this Plan and accompanying Development Regulations within five years of implementation to ensure the documents continue to reflect the trends and outlook for the future of Carbonear.

6.8. Amending the Development Regulations

Amending the Development Regulations may be required in conjunction with an amendment to the Municipal Plan or may be a stand-alone amendment to the Development Regulations. Amendments to the Development Regulations may come in the form of a text change or as a zoning map change. Regardless of the type of amendment, any changes must be considered within the context of this Plan.

Policy 6-26: Council shall not amend the Development Regulations unless Council is satisfied the proposal:

- (a) is consistent with the intent of this Municipal Plan;
- (b) does not conflict with any Municipal or Provincial programs or regulations in effect in Carbonear;
- (c) is not premature or inappropriate due to:
 - i. the ability of the Town to absorb public costs related to the proposal;
 - ii. impacts on existing drinking water supplies, both private and public;
 - iii. the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;
 - iv. the availability and adequacy of road access;
 - v. the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal;
 - vi. the adequacy of fire protection services and equipment;
 - vii. the adequacy and proximity of schools and other community facilities;

- viii. the creation of a new, or worsening of a known, pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses;
- ix. the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;
- x. impacts on sensitive environments;
- xi. impacts on archeological or heritage resources;
- xii. impacts on known habitat for species at risk; and
- xiii. the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility rights-of-way.

Policy 6-27: Council may, in addition to any other required information, require any or all of the following information, prepared by an appropriate professional at the applicant's cost, at a level sufficiently detailed to determine whether the criteria for amending the Development Regulations have been met:

- (a) a detailed site plan showing features such as, but not limited to:
 - i. topography;
 - ii. location and dimensions of existing and proposed property and/or unit lines;
 - iii. location of zoning boundaries;
 - iv. use, location, and dimensions of existing and proposed structures;
 - v. existing and proposed watercourses and wetlands;
 - vi. location and dimensions of existing and proposed road, bicycle, and pedestrian networks;
 - vii. location and dimensions of driveways, parking lots, and parking spaces;
 - viii. type and amount of site clearing required, if any;
 - ix. location of buffers;
 - x. location and dimensions of existing and proposed parks and recreation lands, whether public or private;
 - xi. location of utilities;
 - xii. development densities;
- (b) elevation drawings of existing and proposed structures including, but not limited to, dimensions and exterior materials;
- (c) a site grading plan;

- (d) a landscaping plan;
- (e) a drainage and stormwater management plan;
- (f) a hydrological assessment to determine groundwater resource volumes, availability, quality, and sustainability pre-and post-development;
- (g) a geotechnical study;
- (h) environmental studies; including, but not limited to, studies addressing Species at Risk and environmental contamination;
- (i) a wind study;
- (j) a vibration study; and
- (k) a noise study.

Policy 6-28: If Council denies a request to amend the Development Regulations Council shall not entertain applications for the same proposal until one year has passed or the proposal is substantially modified.

7. Schedules and Appendices

Schedule 'A'

Future Land Use Map

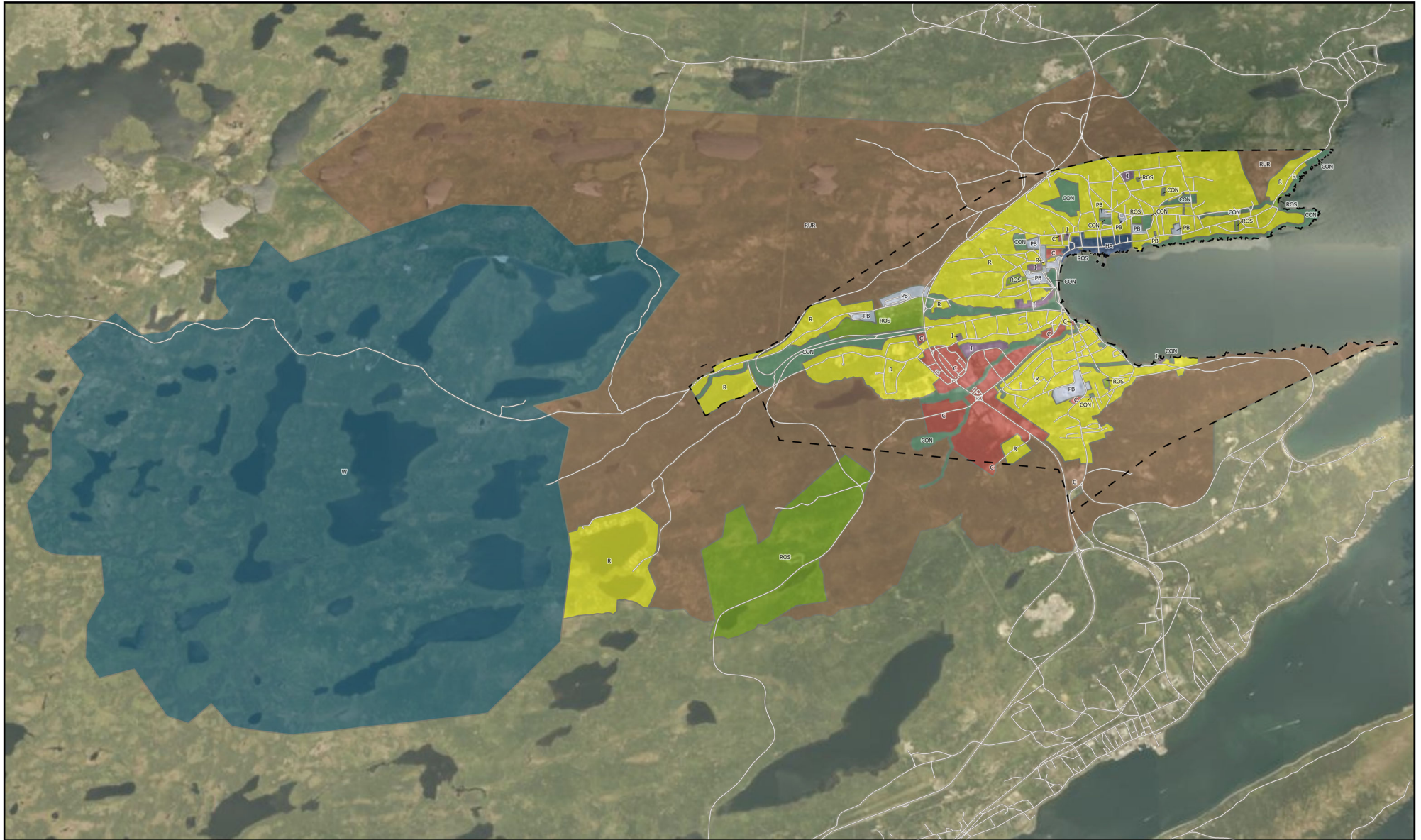
Appendix 'A'

Municipal Plan Review Engagement Report (July 2023) [to be attached]

2023.12.23 DRAFT

Schedule 'A' – Future Land Use Map

Carbonear Future Land Use - Plan Area



LEGEND

- | | |
|---------------------------|--------------------|
| C Commercial | R Residential |
| CON Conservation | ROS Recreation |
| HA Downtown Heritage Area | RUR Rural |
| I Industrial | W Watershed |
| PB Public Buildings | Municipal boundary |

MINISTER

Municipal Plan/Amendment
REGISTERED

Number _____
Date _____
Signature _____

TOWN AUTHORIZATION

Name _____, Mayor

Name _____, Town Manager

Day _____ Month _____ Year _____

PROFESSIONAL CERTIFICATION

I certify that this Municipal Plan for the Town of Cornerbrook has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

Ian Watson, MCIP, LPP

UPLAND
PLANNING • DESIGN STUDIO

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Carbonear Future Land Use - Municipality

SCHEDULE
A

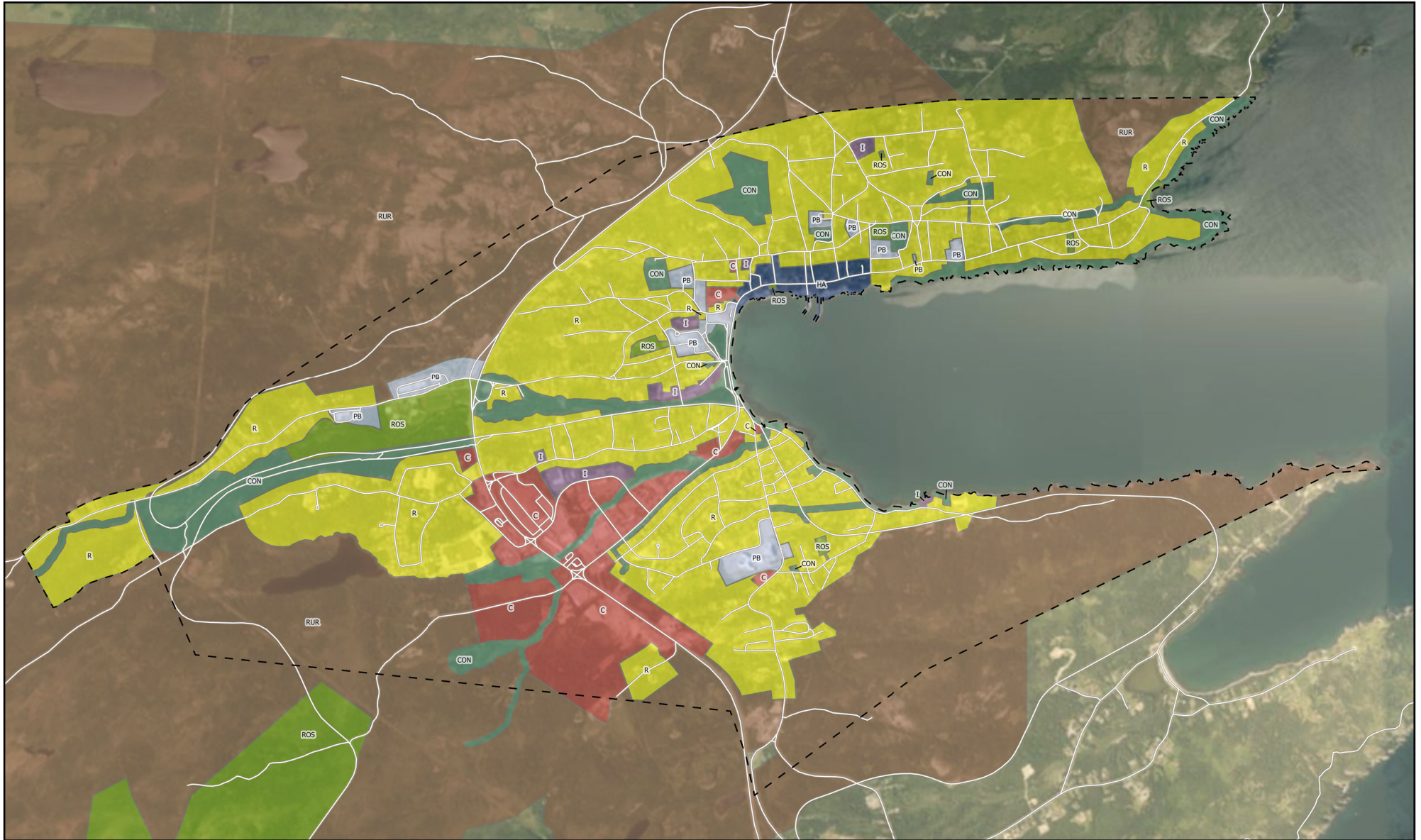
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2024-02-06

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NORTH


PROJ.
NAD83 CSRS
MTM 3

DATA SOURCE
CanVec, Gov't of Nfld,
Town of Carbonear



LEGEND

- | | | | |
|--|---------------------------|---|--------------------|
|  | C Commercial |  | R Residential |
|  | CON Conservation |  | ROS Recreation |
|  | HA Downtown Heritage Area |  | RUR Rural |
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MINISTER

**Municipal Plan/Amendment
REGISTERED**

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Name _____, Town Manager

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Appendix 'A' – Municipal Plan Review Engagement Report (July 2023)



UPLAND