

Port Rexton Municipal Plan 2020



March, 2021

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Urban and Rural Planning Act Resolution to Adopt

Town of Port Rexton Municipal Plan 2020

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Port Rexton adopts the Port Rexton Municipal Plan 2020.

Adopted by the Town Council of Port Rexton on the _____ day of 2021.

Signed and sealed this _____ day of _____, 2021.

Mayor: _____

Clerk: _____

Canadian Institute of Planners Certification

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

M. Bishop, F.C.I.P.

Urban and Rural Planning Act Resolution to Approve

Town of Port Rexton Municipal Plan 2020

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

- a) adopted the Port Rexton Municipal Plan 2020 on the _____ day of _____, 2021.
- b) gave notice of the adoption of the Port Rexton Municipal Plan by advertisement, inserted on the day and the _____ day of _____, 2021 in the **Gander Beacon**.
- c) set the *** day of ***** at 7:00 p.m. at the ***** , Port Rexton, for the holding of a public hearing to consider objections and submissions.

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

SIGNED AND SEALED this _____ day of _____, 2021.

Mayor: _____

Clerk: _____

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CHAPTER 1 INTRODUCTION

1.1 Purpose

The Port Rexton Municipal Plan is Council's comprehensive policy document for the sustainable management of development in the Town.

The Plan sets out policies for the management of development in the community. It incorporates plans to address the environmental, social, cultural and economic needs of the community over the next decade and identifies infrastructure, and research priorities that will help the community achieve its goals and objectives.

The Plan contains Council's goals, objectives and policies regarding development in the Municipal Planning Area. It is Council's aim, through the Plan, to promote the health, safety, and economic well-being of the community and to protect the environment through the efficient utilization of land, water and other resources. The Municipal Plan consists of written text and a Future Land Use Map.

1.2 Plan Preparation

This Plan is the result of a review of the Municipal Plan that came into effect in 2005, subsequent amendments to it, and other relevant documents and information. The Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*. Relevant planning issues have been reviewed including an evaluation of current land use and land use trends, community demographics, and social, economic and environmental considerations.

1.3 Community Consultation

On May 9, 2017, a public open house was held at the Town Hall. Following the meeting, residents had the opportunity to provide further input by email and telephone. Input was

received from provincial agencies and input was incorporated into this Plan and the accompanying Development Regulations.

The public was invited to review and comment on the Draft Plan in the spring of 2021. Due to the COVID-19 Public Health Emergency, no public meeting or Open House was held. The document was posted on the Town's social media platforms and residents were asked for comments. Comments were considered by Council and taken into consideration in the final Draft of the Plan prior to its adoption.

1.4 Approval

When the Municipal Plan is formally adopted by resolution of Council under Section 16 (1) of the *Urban and Rural Planning Act, 2002* Council gives notice of a public hearing. At the public hearing a Commissioner, appointed by the Council, will hear objections and representations regarding the Municipal Plan, and will then write a report to Council together with copies of all submissions taken at the hearing.

After the Commissioner's report has been submitted, Council considers the recommendations and may approve the Plan, or approve it with changes that may be recommended by the Commissioner. Council then submits the Municipal Plan and accompanying Development Regulations to the Minister of Municipal Affairs and Environment to be registered. The Plan comes into effect when notice of its registration is published in the *Newfoundland and Labrador Gazette*.

1.5 The Effect and Variation of the Municipal Plan

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 Port Rexton.

1.6 Plan Implementation

When a Municipal Plan comes into effect, Council is required to prepare regulations (Development Regulations) for the control of the use of land, in strict conformity with the Municipal Plan. These are prepared and approved at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations and standards for development.

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

1.7 Review and Amendment

Under 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. Such amendments must follow the process outlined in Sections 14 to 24 of the *Urban and Rural Planning Act, 2000*.

1.8 Interpretation

In this Municipal Plan:

“Council” shall mean the Council of the Town of Port Rexton.

“Development Regulations” shall mean the Town of Port Rexton Development Regulations.

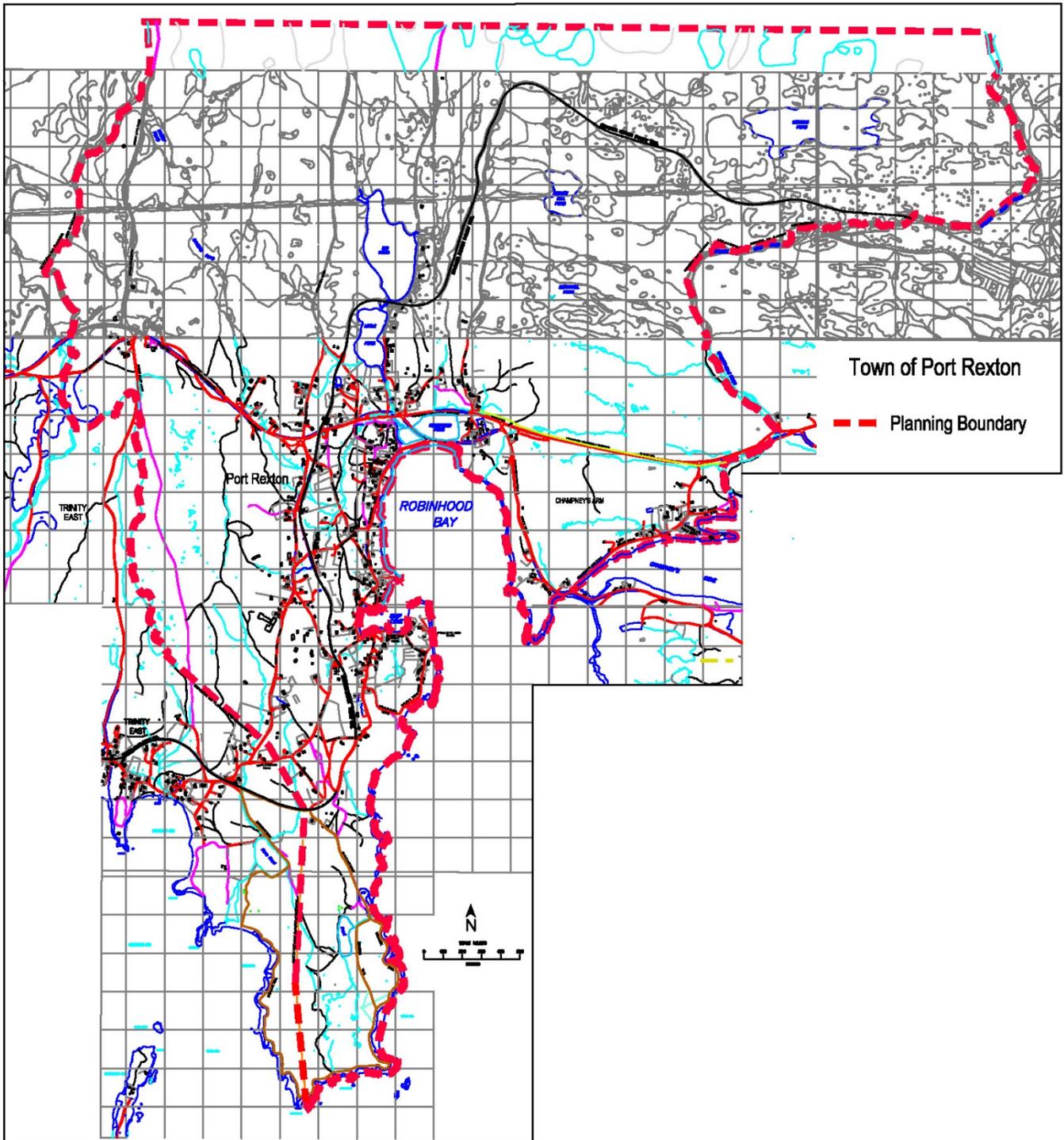
“Municipal Planning Area” shall mean the Port Rexton Municipal Planning Area.

In accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, nothing in the Plan shall affect the continuance of land uses, which are lawfully established on the date that this Plan comes into effect.

1.9 Municipal Planning Area

Figure 1 shows the Municipal Planning Area for the Town of Port Rexton. The Planning Area is governed by Town Council, which exercises control over all development within the Planning Area.

Figure 1: Port Rexton Municipal Planning Area



CHAPTER 2 **PLANNING CONTEXT**

2.1 Introduction

Located on Robinhood Bay on the northwestern side of Trinity Bay, Port Rexton (originally the two communities of Ship Cove and Robinhood) was first settled *circa* 1790s by two Dorset-born fishermen, likely employed by the Lester Garland Premises in nearby Trinity. In the century and a half prior to settlement, the area's waters were harvested by migratory fishermen, most especially the English West Country cod fishing fleets. By the 1830s, the year-round population of what is now Port Rexton was approximately 142 (1836 Census) and fishing activity soon branched out to include sealing, and – of prime importance – the Labrador Fishery. Each season, the majority of Port Rexton fisher families, in total numbering nearly 500 people by the 1880s, made the voyage “down north” to cod and salmon stations located along the Labrador coast. This tradition continued into the first two decades of the 20th century and, to a far lesser degree, beyond. Commerce stemming from the salt fish trade and shipping was another important driver of community growth. When the Bonavista Branch Railway extended into the area in 1911, Ship Cove and Robinhood amalgamated and became Port Rexton. The railway elevated the new community's status and led to the construction of a bigger school and the re-location of the Anglican Church. The previous year, a branch of the Fishermen's Protective Union was established and the Union Trading Company store began operation. However, the facility was eventually eclipsed by the more successful venture in Port Union. Beginning in the 1930s and continuing for nearly 40 years, local firefighting was based in Port Rexton. Local road construction and highway maintenance served as another source of seasonal employment and continues to this day.

2.2 Local Economy

2.2.1 Traditional and Contemporary Economic Drivers

The fishery and offshoot industries, shipping, railroad and road works, small-scale service industries and retail, coupled with small-scale employment generated by the presence of church and school, were Port Rexton's traditional economic drivers. Neither forestry nor

agriculture (apart from livestock grazing) played (or plays) a significant role in the local economy.

Today, limited opportunities relating to the fishery, trades, retail, construction, equipment operation and transportation, all provide employment and generate spending within the Port Rexton area.

Increasingly and going forward, tourism and recreation are at the forefront of local economic activity.

The area's tremendous scenic beauty and its cultural and heritage resources are making impressive inroads into the experiential tourism (including cultural and culinary tourism), adventure tourism and ecotourism sectors. The challenge lies in ensuring the sustainability of the tourism opportunities without compromising the integrity of largely pristine natural assets or the integrity and authenticity of Port Rexton's cultural and heritage resources.

For 15 years, the domestic and international film industry has drawn upon the evocative landscape of the Trinity Bight area as locations for feature film and other productions. The CBC mini-series *Random Passage* (2002) was primarily shot in New Bonaventure. Most recently, the feature film *Maudie* (2016) was partially shot in Port Rexton.

Going forward, direct and spin-off economic benefits of the film industry (including direct employment, provision of shoot services, increased visitation to the community, heightened awareness of the province's unique brand, as well as heightened local community pride and community buy-ins), are likely to continue.

2.2.2 Land-based Eco-Tourism and Recreational Resources

The tourism assets of Port Rexton contribute significantly to the growing tourism industry of the Bonavista Peninsula. Today, visitors to the region find quality accommodations and food services, local theatre and cultural events, and have numerous opportunities for exploring the natural heritage resources of the region. In Port Rexton, some of these include

- **Skerwink Coastal Trail**
A 5.3 km. highly scenic loop, the trail skirts Skerwink Head, the rugged peninsula that separates Port Rexton from Trinity Harbour. Providing spectacular views of sea stacks, as well as seasonal whale, iceberg and bird watching vantage points, the trail is ranked by TripAdvisor as Port Rexton's Number One attraction.
- **Former Bonavista Branch Line Railway**
The old railway bed is a well-used, easy-walking trail.

Historic, Cultural and Tourism Resources in Port Rexton

Tapping into the heritage preservation movement that emerged in the northern Trinity Bay area beginning in the late 1970s, numerous residents of Port Rexton have undertaken to conserve and promote local heritage/cultural resources along with the area's natural assets and to leverage them as tourism generators.

Two Port Rexton properties are formally recognized by the Heritage Foundation of Newfoundland and Labrador due to their particular historic, architectural or cultural significance. They are:

- **Randell House** (private residence designated a registered heritage structure)
Built for a descendant of one of the two founders of Port Rexton (John Randell) *circa* 1852, Rendell House is one of a handful of surviving saltbox houses on the northern Bonavista Peninsula. It is the town's oldest dwelling. Altered significantly by the son of the original owner, the 2.5 storey house was the birthplace of Arctic ice captain and Newfoundland politician, Isaac Robert Randell, (1871-1942). The building housed the community post office and telegraph station for a sustained period following the Great War. Unoccupied from 1943 until the mid-1990s, Rendell House was thereafter restored to its near original state by its current owner, whose efforts were acknowledged by a Southcott Award from the Newfoundland Historic Trust.
- **Goldsworthy Stage and Wharf** (privately owned fishing premises - undesignated)
Originally constructed by Thomas Goldsworthy in nearby Champney's West *circa* 1900, the stage was towed 6 km to Port Rexton in 1968. A new wharf and auxiliary stages were constructed and attached to the main stage. Some of the latter day features were subsequently demolished. Today, the original main stage (1900) and the 1968 wharf are protected by means of the Heritage Foundation of Newfoundland and Labrador's Fisheries Heritage Preservation Program (FHHP).

Properties in Port Rexton earmarked by the Heritage Foundation of Newfoundland and Labrador in its *Heritage Inventory of the Bonavista Peninsula* (1995) include:

- Butler House (*circa* 1887-1888)
- Church Lads Brigade Building (date of construction unknown)
- Loyal Orange Lodge Association #113 (*circa* 1878)
- Randell House (*circa* 1852)
- St. Georges Society of United Fishermen Lodge # 36 (*circa* 1910)

Another award-winning heritage-style property in Port Rexton:

- **Fishers' Loft Inn** (14 acre facility with accommodations, fine dining restaurant, conference facility, kitchen and flower gardens and scenic walking areas)

The site's original saltbox began operation as a B&B in 1997. The inn now consists of 7 buildings, 6 of which were designed predominantly in the style of the second generation saltbox by Port Rexton native Frank Lapointe between 1997 and 2011. With 33 rooms and suites, dining room and bar, library, craft shop and greenhouse, Fishers' Loft Inn is heralded by *National Geographic Traveler* as one of 15 top destinations in Canada.

Heritage and Heritage-Style Vacation Rental Homes in Port Rexton:

- **Trinity Bight Vacation Homes** consists of three traditional dwellings available for rental: Doran House, Erin House and Skerwink House.

Additional Accommodations:

- **Sherwood Suites and Motel** is located within Port Rexton and is short walk from the area's renowned trails. Featuring rooms with private decks overlooking Trinity Bay as well as a playground, the facility is within easy reach of all local attractions.

Culinary and Beverage Experiences

- **Fishers' Loft Inn**
Drawing upon the expertise of a Montreal-based chef who trains the Inn's kitchen staff in the preparation of innovative, higher end fare using locally-sourced and site-grown ingredients, the Inn is renowned for its dining. Open to guests and the general public, the restaurant is top-rated by *Where to Eat in Canada*.
- **Two Whales Coffee Shop**
Housed in a saltbox and featuring its own kitchen garden, the licensed café offers premium coffee, farm fresh fare and home baked goods, including vegetarian and gluten free options.
- **The Galley** (formerly Coopers Meat Market and Restaurant)
One of three eateries in Port Rexton, this all-day restaurant specializes in hearty home cooking.
- **Port Rexton Brewery**
Located on Ship Cove Road and housed in the old school building (in later years, the Port Rexton Community Centre), the brewery is located within walking distance to nearby accommodations and trail areas. Founded in 2016, and the first microbrewery on the Bonavista Peninsula, the facility currently crafts micro beers, hosts tastings and themed nights and market brewery-related merchandise. The success of this enterprise has led to construction of new production facility constructed off the main highway.

2.3 Landscape and Environment

Ecologically, Port Rexton and its environs are part of the Maritime Barrens Ecoregion, characterized by: elevations under 220 m; coastal headlands; flat to rolling landscape; coastal cliffs; stands of fir located within sheltered areas; grassy, arable stretches; vast expanses of exposed barrens dominated by heath vegetation and an abundance of ponds. The ecoregion is home to moose, black bear, beaver and mink. Land and shore birds, as well as marine mammal species such as whales and porpoises, are important natural assets. Salmon Cove River runs through Port Rexton and is a DFO-scheduled salmon river.

2.4 Environmental Considerations

2.4.1 Climate Change Risks

Potential impacts of climate change on coastal communities in Newfoundland and Labrador are the subject of ongoing scientific study. Effects range from climatic events, such as the likely increase in frequency and magnitude of storms and hurricanes, to sea level rise, coastal erosion, fluctuations in land and water temperature norms, snowfall changes, increased frost intrusion as well as drought and the frequency of forest fires. Coupled with already increased use of land for tourism and recreation, particularly in coastal areas, it is vital that appropriate and effective preventative and adaptive measures are, as elsewhere, implemented in the Port Rexton area.



In coastal areas, sea levels are predicted to rise between 0.8 and 1.0 meters by the end of the century. As sea level rises, there is greater risk and vulnerability to low lying areas and as well as areas where soils are susceptible to erosion.

2.4.2 Stormwater Management

In 2010, Hurricane Igor struck the island of Newfoundland, causing significant damage in many communities. Major flooding occurred with washouts on the Bonavista Peninsula Highway, including in Port Rexton as can be seen in photos provided by the Water Resources Management Division, Department of Environment, Climate Change and Municipalities.



Numerous small streams and drainage channels flow through the built-up area of the community. Wetlands and bogs associated with these waterways provide extra storage areas for stormwater runoff. With the frequency and intensity of storms expected to increase, it is important for the community to recognize the role these systems play in managing stormwater, and ensure that new development does not locate within or reduce/restrict the area of these natural floodplains.

2.4.3 Groundwater

Residents and businesses of the town rely on groundwater as their source of potable water, and are either connected to several community wells, or individual private wells. The protection of groundwater resources is thus a critical consideration for the community as the costs for identifying and connecting to a surface water source would add considerable financial burden on taxpayers.

Six of the community wells in Port Rexton are listed on the provincial government's public water supply list but none are designated with a protected public wellhead area under the Water Resources Act. A community well in Champney's Arm is also included on the public water supply list.

As tourism continues to grow in the region and in Port Rexton, the quality and availability of safe drinking water is an important consideration. Land uses that could impact water quality should be prohibited within the wellhead area of community wells, and new development should be reviewed to ensure that the use does not result in impacts on wells on adjacent properties. Where new development would require significant volumes of water, groundwater assessments should be required to ensure sufficient supply is available.

2.5 Population

Port Rexton is one of a cluster of ten Bonavista Peninsula communities collectively known as Trinity Bight. The number of people inhabiting Port Rexton and its environs increases during the summer months with tourists and seasonal summer home owners from outside the Port Rexton area.

The town's permanent population in 2001 was 432 people (2001 Statistics Canada census figures). A decade later, the population had declined by almost 22% (94) to 338 and the town's median age was 51.

In the period between 2011 and 2016, the population remained essentially the same with a slight increase to 340 people. However, by 2016, the median age of the population had increased to 52.8. Of the 155 private households, 29% are single person households. As the population continues to age, an increase in the number of single person households can also be expected to increase, as well as the need for housing for seniors who are no longer able to remain in their own homes.

2.6 Built Environment

2.6.1 Form and Pattern

Port Rexton has an interesting pattern of development. Wrapped around Robinhood Bay the community includes Champney's Arm and part of Trinity East. The Bonavista Highway connects the town with communities in the region. Spread along the highway are a number of tourist accommodations, restaurants, the local food/convenience store, Town Office and Fire Hall. Additional commercial development can be accommodated along the highway, between Stock Cove Road and Rocky Hill Road, on new sites, or through redevelopment of existing sites. A good example of a site that could accommodate additional commercial development is the highly visible corner of the main highway and Rocky Hill Road, currently occupied by the Foodex supermarket/convenience store and gas bar. This large property, with excellent views of Port Rexton could accommodate additional commercial development.

Development along the highway is controlled by the Province under a Protected Road Zoning Plan to a depth of 100metres on both sides of the highway from the eastern boundary to the end of Robinhood Pond.

The older, original parts of the community are located to the south of the Bonavista Highway. Here, interconnected streets along the valleys and ridges provide for a walkable

environment with pleasant views of the community and the coastline. Walking trails such as the SKerwink Trail provide additional pedestrian connectivity within the town and opportunity for recreation. Here, the built form consists of a variety of original house styles, mixed with more modern dwellings in a low density pattern of development along the street network. Unlike many other communities where new homes are much larger and more modern in style, new development in the older part of Port Rexton is largely in character with the original housing styles in both form and scale. Renovation of older homes has retained the original character of dwellings and lots.

In this area of the community, there are churches, older commercial and public buildings. Some of these have been renovated and re-purposed. With the opening and success of the Port Rexton Brewing Company, the area around the intersection of Station Road and Lower Cove Road has become a focus for various commercial activities. The Town is re-purposing the former post office to a public space, a seasonal commercial food truck operates here and the Brewery continues to grow, expanding to include outdoor seating.

The coastline of Port Rexton is dotted with fishing wharves and stages, particularly at Ship Cove and to a lesser extent in Champney's Cove. The Town is considering the development of a marina at Ship Cove to encourage recreational boating.

More recent development is located to the north of the Bonavista Peninsula Highway. Here, more modern, and typically larger homes are to be found on the local sideroads of Berry Hill, World Pond, Batson's, King Hill and Yellow Marsh Roads. Most lots are large with homes sited to capture views of Robinhood Bay.

The scenic landscape and authentic built form of the community attracts tourists, visitors and residents. The challenge, as the tourism industry continues to grow, is to find the right balance between preserving this traditional built form and landscape which attracts people, and the desire to have more residential and business development in the community.

Of the total of 157 occupied private dwellings in Port Rexton, only 63% (99) are occupied by permanent residents. With increasing demand for tourist and seasonal accommodations in the region and the rise in online vacation rental platforms such as Air BnB, the Town may experience further decline in the number of permanent residents over time.

2.6.2 Rural Land Uses

Outside the built-up area of the community land is used for various purposes. These include a regional pasture, an area identified by the provincial Department of Fisheries, Forestry

and Agriculture for domestic cutting of firewood. Lands are also used for rural recreation such as berry picking, fishing and hunting.

The Department of Industry, Energy and Technology - Mineral Lands Division has identified the valley running into the harbour and the western side of the harbour as an area of recognized continuous aggregate resources such as sand and gravel deposits. In addition, Port Rexton and surrounding area also contain a number of recognized copper occurrences which were explored in the early 2000s, and which could be explored further in the future. As such, the Plan should contain policies to enable the extraction of aggregates and continued exploration.

2.6.3 Demand for Development

Over the past decade, the level of development activity in Port Rexton has been low. A few homes have been constructed, and new business development has largely involved re-use of existing buildings. Examples of these include the Two Whales Café and Port Rexton Brewing Company. As the tourism sector continues to expand throughout the Bonavista Peninsula, it is expected that there will be some demand for new sites for tourism accommodations and services, and for the expansion of existing business establishments such as the Port Rexton Brewing Company for example. It is also expected that investment will continue in the restoration and renovation of existing homes for tourist accommodations and seasonal residences.

Implementation of a new Strategic Plan for the Town should also lead to improvements in trails, tourism infrastructure and other public amenities that will increase the attractiveness of Port Rexton to visitors, as well as enhancing quality of life that will help to attract and retain permanent residents to the community. Initiatives in the Strategic Plan include a community facility located off Ship Cove Road that may include accommodations, a restaurant, wharf, community arts, culture and market space.

2.7 Regional Co-operation

The Town of Port Rexton participates in a number of regional organizations aimed at enhancing municipal governance, managing waste materials and fostering regional economic development including:

- Regional Joint Councils from Trinity to Bonavista;
- Regional Waste Management; and
- Regional Tourism Association.

In 2011, the Town participated in the development of a Regional Integrated Community Sustainability Plan with the towns of Trinity, Trinity Bay North, Little Catalina (now part of Trinity Bay North) and Elliston. This Plan recommended improvements to the Town water system to protect community wells and ensure a safe and reliable supply to homes that are connected to it; and efforts to upgrade many of the sideroads throughout the community that are in need of repair.

Within the area of Trinity Bight, communities work together to pool resources for recreation, social and cultural events and activities. Port Rexton as the largest town in this area, continues to function as a local service centre for residents and visitors to the area.

CHAPTER 3 COMMUNITY GOALS AND OBJECTIVES

3.1 Community Vision

Within the unique scenic and natural environment that defines Port Rexton, our desired future is one of a renewed, and revitalized community within the region, where our population increases to include people of all ages living, working and socializing together; where quality municipal services and opportunities for recreation continue to attract new residents, visitors, and business investment.

3.2 Community Goals

The following community-wide goals are consistent with the Vision and will guide development in Port Rexton over the next decade:

Sensitive Development - To ensure that development is integrated into the natural setting of the community in a manner that respects the historical pattern of development and occurs in a manner that preserves the community's striking scenic landscape and natural environment.

Community Health and Well-being - To continuously improve quality of life for all residents, foster community pride, well-being and active lifestyles through improved municipal services and amenities.

Sustainable Economy - To facilitate business investment in sectors such as natural resources, tourism and knowledge industries that creates employment and enlivens the community with goods and services.

Sound Fiscal Management - To manage growth, development and provision of services in a manner that is in keeping with the financial resources of the community.

3.3 Community-wide Land Use Objectives

The Town will pursue the following land use objectives in order to achieve the community wide goals:

- Ensure the safety of residents by restricting development in flood-prone areas.
- Ensure community resilience against the impacts of climate change by establishing buffers along the coastline, having due regard for activities that must be located with direct access to the tidal waters, protecting wetlands from development, and establishing buffers along all well-defined freshwater wetlands and waterways.
- Protect the natural and scenic assets of the community by ensuring that development occurs in an environmentally safe and responsible manner, is of high quality, sensitive to scale and appropriately sited.
- Facilitate healthy and active living by providing for lands for community open space, trails and recreation facilities.
- Allowing the expansion of commercial development along the Bonavista Peninsula Highway and residential development north of the highway;
- Establishing standards for development that will ensure the long-term viability of groundwater resources to support the community.

3.4 General Land Use Policies

The Municipal Plan designates land within the Planning Area Boundary for general land uses that are deemed most appropriate for future development. The Future Land Use Map identifies the major land use categories for the Town of Port Rexton.

The following policies shall apply throughout the municipal planning area:

Policy G-1 Uses Permitted in all Land Use Designations – the following land uses shall be permitted throughout the community provided they have a access to a public street, are not located in an environmentally sensitive area, and are compatible with surrounding land uses:

- Telecommunications
- Public Utilities
- Recreational Open Space (including trails and associated infrastructure)
- Conservation uses
- Home Offices

Policy G-2 Mineral Exploration and Extraction

1. Exploration of valuable minerals and hydrocarbons can offer economic opportunities to a community. Mineral and hydrocarbon exploration may be permitted throughout the community subject to a permit or licence from the Mineral Lands Division of the Department of Industry, Energy and Technology Industry, Energy and Technology.
2. Mineral workings (where permitted), will be required to obtain a permit or licence from the Mineral Lands Division of the Department of Industry, Energy and Technology and comply with all conditions for development, operation, decommissioning and rehabilitation.

Policy G-3 Home Occupations - It is Council's intention to permit a range of small businesses as home occupations in the community. Businesses in the form of home occupations may be considered in any residential dwelling in any land use designation within the community. Businesses operating as home occupations shall not be highly visible, generate traffic, noise, odours or other nuisance to surrounding properties.

Policy G-4 Non-Conforming Uses and Development - In accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, Council shall recognize that any development or land use that legally exists on the day in which the Plan came into effect, may continue. Where a building or use exists that does not comply with the intent of the Plan and the designated use, it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment. A change from one non-conforming use to another more acceptable use may be permitted.

Policy G-5 Conversion of Existing Buildings

The use of a building that legally exists at the time of the coming into effect of this Plan may be converted to a use that, notwithstanding the permitted and discretionary uses set out in the applicable land use zone in the Development Regulations, where, in the opinion of Council, the use:

1. Is consistent with the intent of the Municipal Plan;
2. Will result in the restoration or preservation of a building that is of heritage value to the community;
3. Is acceptable in the context of the street and surrounding uses and will not create undo traffic, noise, dust or other nuisance in the general area;
4. The use does not involve an expansion greater than 50% of the building foot print;

Policy G-6 Frontage on Publicly Maintained Street - Except for accessory buildings, new buildings shall have appropriate frontage on and access to, a publicly maintained road.

Policy G-7 Servicing Cost Policies – Where development for one or more building lots is proposed that is located beyond the end of the publicly maintained portion of a public street or public right of way, it is the policy of Council to require the developer (at the developer’s expense) to extend the street or right of way, constructed to the highest level of town standards to provide adequate street frontage for the development. Where a development is proposed that requires a new street, the street shall be constructed to the Town’s requirements and be conveyed to the Town in accordance with the Town’s subdivision regulations.

Policy G-8 Protecting Built Heritage, Scenic Views and Historic Townscape - It shall be the intention of Council to ensure that new development is consistent with current style, size, scale and form of development in the town. New buildings shall be designed and planned to fit into the natural and built landscape of Port Rexton in a manner that preserves scenic views and character of the community. Council may refuse a development, notwithstanding its conformity with the standards set out in the Development Regulations, if, in the opinion of Council, such development is not compatible with the natural or built landscape of the community.

Policy G-9 Environmental Considerations – In assessing applications for development, Council shall ensure that development is located outside the 1:100 year floodplain of streams, natural drainage channels and wetland areas. Along the coastline, development of docks, marinas, fishing stages and associated buildings or infrastructure that require a shoreline location, shall be designed to withstand changes in sea level rise, storm surge and other predicted impacts arising from climate change.

Policy G-10 Sensitive Area Overlay - The Future Land Use Map identifies sensitive areas within the built-up area of the community. These areas represent low lying wet areas, drainage channels or small streams that are part of the natural stormwater drainage system of the community. It shall be a policy of the Town to ensure that development in the community preserves these natural drainage channels. Where a development is proposed in or adjacent to an area identified as Sensitive, a technical study may be required to accurately delineate the wetland or drainage area and assess how the development may impact stormwater at the site and in downstream areas. Council may refuse a development that will alter natural drainage channels and stormwater flows.

Policy G-11 Land Suitability for Development – Within areas designated for development, Council may require detailed engineering studies to evaluate the suitability of a site proposed for development, where significant land excavation or backfilling is proposed, or where there may be potential for flooding, erosion or other hazard to occur.

Policy G-12 Signs - Signs and advertisements erected in the community shall be of high quality, and located and constructed in a safe manner in accordance with standards set out in the Development Regulations.

Policy G-13 Protection of Archaeological Resources – Council shall consult with the Provincial Archaeology Office, Department of Tourism, Culture, Arts and Recreation, before undertaking municipal works, or considering applications for development that are proposed to occur on land within the community that has not been disturbed by previous development.

Policy G-14 Wellhead Protection

Land use within the seven wellhead protection areas indicated on the Future Land use map and zoning maps will be limited as a means of protecting the water quality of the wells. New development, except repairs and renovation of an existing building, shall be referred to the Water Resources Division, Department of Environment, Climate Change and Municipalities for review and approval in the case of wells designated under the *Water Resources Act*.

The Town shall pursue the establishment of provincially designated Wellhead Protected Water Supply Areas for all public water supply wells in the community and will work with the Province to establish wellhead protection plans for each well.

Policy G - 15 Trail Buffers

Walking and hiking trails in the community are identified on the Future Land Use Map. It shall be a policy of Council to:

1. Protect these trails from physical damage from development;
2. Preserve trail user’s experience on the trails; and
3. Minimize conflicts between properties abutting the trail and trail users

by requiring a separation distance in the form of a buffer that retains natural vegetation and features of the trail corridor, or appropriate landscaping between trails and new development.

Policy G-16 Lands of Provincial Interest

The Town shall consult with agencies of the Provincial Government responsible for managing the Regional Pasture and Domestic Cutting areas identified on the Future Land Use Map, where a development is proposed within or adjacent to these areas.

Policy G-17 Bonavista Highway (Route 230) Protected Road Zoning Plan

Development within 100m of the centre-line of the Bonavista Highway is subject to review by the Department of Digital Government and Service NL.

CHAPTER 4 **LAND USE DESIGNATIONS**

4.1 Introduction

This plan sets out four land use designations that reflect both current land use and potential future use of land. These include:

Village
Commercial and Community Service
Rural
Conservation

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

4.2 Village Land Use Designation

Residential development in Port Rexton consists primarily of single detached dwellings. In recent years, the Town has experienced some new dwellings being constructed. Over the next decade, it can be expected that small, older dwellings will be renovated or replaced, or properties consolidated and lots combined to create opportunities for infill development. In cases where this is proposed, the intent of this plan is to ensure that development remains compatible with the traditional size and scale of existing development so that the built form and traditional character of Port Rexton remains intact.

The Village designation is applied to the older areas of the community south of the Bonavista Highway where the historic character of the community is evident in older, traditional homes, churches, fishing stages and former commercial uses along a pleasant and interconnected network of streets and pathways. Interspersed among the traditional fabric of Port Rexton are newer homes, the school, tourist accommodations (some in restored heritage homes) and other commercial buildings that contribute to Port Rexton's character as an active and engaged community.

4.2.1 Village Objectives

The Town will pursue the following objectives to guide development in the Village Land Use designation:

- Maintain the quality of residential areas by ensuring new development is managed so that it is consistent with existing density and forms of housing.
- Provide opportunities for a range of home-based occupations, and traditional marine uses around the coastline.
- Encourage the restoration and re-use of existing buildings in a manner that preserves the built heritage while supporting new business investment in the town.
- To encourage business enterprises and tourist establishments in the area of Station Road, Lower Road and Ship Cover Road consistent with the Town's Strategic Plan.

4.2.2 Village Land Use Policies

Policy V-1 Primary Uses - Within the Village land use designation the predominant use of land will continue to be for housing. A variety of housing forms are to be encouraged, including single and double dwellings, and other small multi-unit housing forms as well as supportive housing. Single dwellings will be permitted to have a subsidiary apartment, such as a basement apartment or an addition to, or conversion of a portion of a dwelling to create a small residential suite. Larger residential buildings of greater than four units may also be considered.

Policy V-2 Non-Residential Uses – Within the Village designation, a mix of non-residential uses shall also be permitted. These include tourist accommodations such as Bed and Breakfast establishments and vacation homes. Other permitted uses can occur as Home Occupations such as general service, personal and professional services, child/elder/group care, home offices, artists, dance and fitness studios (including sales). Docks and marinas shall also be permitted. Home occupations are to be encouraged in accordance with the conditions set out in the Development Regulations.

Where not part of a home occupation, business and personal service uses and small shops may be considered. Food service uses in the form of small restaurants, brewpubs/microbreweries may also be permitted. Other uses that may be considered include hotels, motels, inns, office uses, clubs and lodges, cultural, civic and educational uses, churches, general assembly, indoor and outdoor markets and theatres.

Policy V-3 Residential Accessory Uses - Uses that are accessory to the primary residential use of a property will be permitted. Sheds for vehicles, storage of materials related to the residential use of the property, small greenhouses, gardens, gazebos, and swimming pools are considered accessory uses in this land use designation. The size and placement of an accessory building or structure on a lot must be complementary in appearance to the dwelling with which it is associated, and in compliance with standards set out in the Development Regulations.

Policy V-4 Agriculture Uses - Small-scale agricultural production in the form of community and market gardens will be encouraged within the built-up area of the community. The keeping of livestock will be limited in the built up area, but where sufficient land is available and wastes handled within the property so as not to cause any nuisance or environmental impacts to adjoining properties, larger livestock holdings may be permitted.

Policy V-5 Domestic Cutting Area – Proposals for Development on World Pond Road that are located within the identified Domestic Cutting Area shown on the Future Land Use Map shall be referred to the appropriate provincial agency for review and comment.

Policy V-6 Docks, Wharves and Marinas – In areas along the coastline or shores of ponds, small wharves and docks will be permitted provided they are designed in accordance with Policy G-9 – Environmental Considerations.

4.3 Commercial and Community Service Land Use Designation

The Commercial and Community Services designation is used to accommodate commercial and public buildings and uses located along the main highway. Route 340 serves both local needs, as well as through traffic to communities on the Bonavista Peninsula. As such, traffic along this route provides customers to businesses located along it.

4.3.1 Commercial and Community Service Objectives

The Town will pursue the following objectives to guide development in the Commercial and Community Services Land Use designation:

- Encourage further growth in the hospitality and tourism sectors by identifying areas for development of commercial uses.
- Identify locations where businesses that cater to the travelling public can be located.
- Ensure a high quality of development in commercial areas through good site design and signage control.

4.3.2 Commercial and Community Service Land Use Policies

Policy CCS-1 Primary Uses - This land use designation accommodates the following uses:

- 1) Commercial uses, including retail stores, small shopping centres, tourist accommodation, restaurant, and commercial services to persons and businesses, markets and childcare.
- 2) Private and public offices
- 3) Light industrial uses
- 4) Garages, carwashes and services stations
- 5) Public and institutional uses, such as churches, government facilities, schools, special care facilities, medical clinics
- 6) Major gathering places such as arenas, and community and civic centres and assembly uses

- 7) Transportation uses
- 8) Recreational open space
- 9) Residential uses such as single dwellings, hostels, seniors housing and small apartment buildings.

Policy CCS-2 Access - New commercial developments, or redevelopment of an existing commercial property, shall have well-designed access and egress points that will enable efficient and safe flow of vehicular and pedestrian traffic to and from the site. To reduce the number of accesses onto the highway, shared access for commercial developments will be encouraged.

Policy CCS-3 Parking and Landscaping – Commercial sites shall provide adequate parking for the use. Parking areas shall be separated from potentially conflicting land uses with appropriate landscaping.

4.4 Rural Land Use Designation

Lands within the Port Rexton Municipal Planning Area that are outside the built-up areas of the community are designated Rural on the Future Land Use Map. These lands are largely forested and are used by the community for recreational pursuits, as providing sources of wood for heating and construction, and for the grazing of domestic animals in the community pasture.

4.4.1 Rural Land Use Objectives

Objectives for lands within the Rural Land Use designation are:

- To set aside undeveloped lands to conserve resources and the natural environment.
- To provide suitable sites for resource and other uses that may be inappropriate near residential uses.

4.4.2 Rural Land Use Policies

Policy RUR-1 Land Use Mix – Within the Rural land use designation the following uses shall be permitted:

- 1) Agriculture and forestry
- 2) Cemeteries
- 3) Mineral and hydrocarbon exploration
- 4) Parks, open space and conservation
- 5) Utilities and telecommunications.

Other uses that may be considered include:

- 1) Resource based industrial uses – maintenance and repair of equipment, processing and storage related to agriculture, forestry and mineral extraction uses
- 2) Campgrounds
- 3) Mineral extraction such as gravel pits

- 4) Seasonal dwellings in the form of small cabins that are located inland, along ponds that are greater than 2 km from the end of a publicly maintained street.

Policy RUR-2 Resource Uses – Council shall consult with relevant departments of the Provincial government on applications for development in or near the Regional Pasture, and the designated Domestic Cutting area.

Policy RUR-3 Mineral Extraction - Extractive resource activities and land uses in this designation shall be screened from public roads, residential areas, parks, trails, and if appropriate, from other rural uses by leaving existing tree cover in place, where possible.

4.5 Conservation Land Use Designation

The Conservation designation is applied to areas along the coastline in undeveloped coastal areas and around waterways and wetlands within the built up areas of the community. It also includes lands along portions of the Skerwink Trail.

The intent of this designation is to protect coastal areas and major waterways from development and to provide spaces of natural and scenic beauty in the community. The Conservation designation, by limiting development, also protects people from the hazards associated with eroding coastlines and flooding along waterways.

4.5.1 Conservation Land Use Objectives

Land use objectives for areas designated Conservation on the Future Land Use map are:

- To retain in a natural state, lands along streams, the coastline and trails.
- To protect the community from the impacts of a changing climate by keeping development away from coastal shorelines and major waterways.
- To recognize that lands set aside for conservation can be used for passive recreational activities.

4.5.2 Conservation Land Use Policies

Policy CON-1 Acceptable Land Uses – Lands designated for Conservation shall be kept in their natural state, with only low levels of development permitted. Conservation uses such as nature parks, trails and associated infrastructure such as signage are permitted. Uses that require shoreline access may be considered subject to appropriate federal and provincial approval processes. Agricultural and Forestry uses that require land for pasture and forage crops, and domestic wood cutting may be permitted where there is no requirement for buildings.

Policy CON -2 Marine Uses – The Town recognizes that marine users require facilities and infrastructure that must be located in coastal areas. Where a marina, wharf or dock is proposed, Council shall ensure that it is designed and constructed to account for predicted climate change conditions.

CHAPTER 5 MUNICIPAL ASSET MANAGEMENT

The provision of municipal infrastructure such as streets, sidewalks, water treatment and distribution systems, sewers and sewage treatment facilities, waste collection and disposal and recreation are the primary responsibilities of municipal government. The planning, maintaining and renewal of these infrastructure assets support growth and development of the community and contributes to community safety, health and well being.

5.1 Municipal Asset Management Objectives

- To ensure continued safety, supply and distribution of potable water from community wells in the Town.
- To improve the condition of streets throughout the Town.
- Develop a long term plan for the management of municipal assets.

5.2 Municipal Asset Policies

Policy MS-1 Street Standards and Functions - Council shall adopt road design standards specified in the Development Regulations implementing this plan. All new road development shall conform to these standards.

Policy MS-2 Street Right of Ways - All development, including but not limited to buildings, fences, sheds, and parking lots shall be set back from the right of way of a road far enough to provide an adequate level of public safety and space for snow clearing and maintenance. Setback requirements shall be set out in the Development Regulations.

Policy MS-3 Potable Water System - Over the planning period, Council will work with the Department of Environment, Climate Change and Municipalities to ensure the continued supply and protection of water quality in community wells by developing wellhead protection plans.

CHAPTER 6 **IMPLEMENTATION**

The Port Rexton Municipal Plan lays out a ten-year vision for efficient, safe, sustainable and well-designed development within the Town. Municipal Services, regulations and expenditures are a means to encourage the extent and form of new development.

Successful implementation of the Plan involves:

- Effective administration of the Plan;
- Adoption of Development Regulations;
- Adoption of annual budgets and five-year capital works budgets;
- Preparing and implementing recommended studies;
- A consistent procedure for considering amendments to the Plan and Development Regulations; and
- Working in partnership with citizens, groups and organizations to achieve the collective goals of the community.

6.1 Administration of the Municipal Plan

The Municipal Plan serves as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, and programs it contains.

Where possible, land use designations coincide with roads, fences or property lines or other prominent physical features, or as a specified offset from physical features. It is intended that no amendment of this Plan will be required to permit minor adjustments to these boundaries where it is reasonable to do so in response to a proposal for development.

All proposed development within the Planning Area must conform to the policies of the Plan and Development Regulations, and be approved by Council. Council will ensure that development proposals are given a comprehensive review, including circulation to appropriate public departments and agencies.

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

Council may require that a Development Agreement for major land developments within the Planning Area be agreed to and signed by the developer and the Town. This agreement shall establish the conditions under which development may proceed and shall be legally binding on both parties.

6.2 Public Consultation

Council is committed to consultation with citizens and will seek input from the public on planning and development matters that:

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

Council will develop a policy to guide its consultation processes that are consistent with the requirements of the *Urban and Rural Planning Act*.

6.3 Amendment and Review of the Municipal Plan

During the planning period, conditions in the Town may change, and where necessary, amendments to the Municipal Plan may be adopted by Council. Council may consider amendments to the Municipal Plan when:

- There is an apparent need to change policy due to changing circumstances;
- Studies have been undertaken which contain recommendations or policies that should be incorporated into the Municipal Plan;
- A Provincial Land Use Policy has been released that requires a change in policy by the Town;
- There is a development proposal that provides sufficient information and rationale to support a change in the Municipal Plan.

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

6.4 Development Regulations

After adoption of the Municipal Plan, Council will adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*. The Development Regulations will implement the goals, objectives and policies set out in the Municipal Plan.

All land within the municipal planning area is covered by land use zones which provide detailed requirements for such things as lot size, frontage, building setbacks and subdivision and parking standards.

6.5 Consideration for Re-Zonings

Development Regulations are amended in two ways: text and map amendments. Text amendments may include an addition of a permitted use within a use zone, addition to or changes in a condition, or a change in a definition. Map amendments usually mean a change to the zoning map, also called “re-zoning”.

In order for consideration of any proposals for an amendment to the Development Regulations, Council shall require a proposal to be submitted that clearly shows:

- The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- The proposed means by which the site is/will be serviced;
- The proposed location of all driveways and parking areas;
- Areas that are to be used landscaped or left in a natural state to provide necessary buffers;
- The proposed location of all buildings on the site; and
- Identification of adjoining land uses, natural hazards or sensitive natural areas both on site and on adjoining properties that may be affected by the development.

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

- Cost or revenue implications for the Municipality;
- Adequacy of municipal services, and the suitability of the physical site conditions to accommodate an on-site well and septic system;
- Adequacy of the road network and potential for generating traffic concerns adjacent to or leading to the development;
- Potential for causing negative impacts on the environment, including contamination or sedimentation of fresh or sea water, erosion, habitat disruption, water and soil pollution;
- Potential for causing negative impacts on surrounding land uses such as excessive noise or other nuisance;

- Previous uses of the site that may have caused contamination and render the site unsuitable until such time as proper site remediation can occur;
- Suitability of the site terms of grade, soil and bedrock conditions, proximity to watercourses and wetlands; and
- Compatibility of the proposed development with surrounding properties in terms of height, scale, lot coverage.

6.6 Municipal Land Assembly

Municipalities are empowered by the Municipalities Act, to acquire lands for municipal works or economic development purposes. Such projects generally entail the Town acquiring parcels of land from private landowners or other levels of government for a variety of reasons including:

- To facilitate new growth and development in an area which is actively being revitalized or redeveloped where such land assemblies cannot by virtue of time or money be assembled privately;
- To facilitate the development of municipal parks, recreation and conservation areas;
- To facilitate development of municipal parking lots;
- To encourage or make available lands which by virtue of ownership are not available for development but which are necessary for logical growth of the community; and
- To facilitate redevelopment of a major non-conforming use where the redevelopment is a conforming use or use consistent with the Municipal Plan.

During the planning period, the Town may undertake land assembly projects and transactions that are consistent with the objectives of this Plan.

6.7 Municipal Budget and Capital Works Program

The Town of Port Rexton has an annual operating budget of approximately \$830,000; through prudent fiscal management has a debt-servicing ratio of less than 30%. A number of capital works projects have been identified that need to be financed in order to achieve the goals and objectives of the community and implement this Plan. Over the planning period, the Town will:

1. Invest in capital works projects for upgrading of streets, water and recreation services, by utilizing cost-shared federal-provincial infrastructure programs;
2. Partner with and encourage the appropriate government agencies to undertake an analysis of the extent of the flood risk in the community;
3. Through management of town assets, investigate and implement the most cost effective means of renewing town administration, recreation, emergency preparedness and operations facilities and equipment to meet long term community needs.
4. Work with community groups to undertake community development projects consistent with community vision, goals and objectives, and the Town's Strategic Plan.

Implementation of capital works projects will be undertaken as funding is available. In an effort to ensure that adequate funds are available at the appropriate time to implement capital projects identified in this Plan, Council shall prepare, a five-year forecast of their anticipated capital expenditure requirements. This is required for compliance with Section 94 of the *Municipalities Act*.

APPENDIX A

Future Land Use Map