

The Town of Torbay

Municipal Plan 2007–2017



PLAN-TECH



ENVIRONMENT

TABLE OF CONTENTS

	Page
1.0 INTRODUCTION	
1.1 Municipal Plan Preparation	1
1.2 Plan Approval	2
1.3 Plan Review and Amendment	2
1.4 Plan Administration	3
1.5 Torbay Municipal Plan Review.....	4
1.6 St. John's Urban Region Regional Plan.....	9
1.7 Interpretation.....	11
2.0 GOALS AND OBJECTIVES	12
2.1 Physical Structure	12
2.2 Economic Opportunities.....	13
2.3 Housing.....	14
2.4 Municipal Services	15
2.5 Transportation.....	15
2.6 Community and Social Services	16
2.7 Environment.....	17
2.8 Municipal Finance	18
2.9 Recreation and Tourism.....	19
2.10 Agriculture.....	20
3.0 THE LAND USE PLAN	21
3.1 General Land Use Policies	21
3.1.1 General Policies.....	21
3.1.2 Servicing Policies.....	30
3.1.3 Environmental Policies	31
3.2 Specific Policies - Land Use Designations	37
3.2.1 Residential	38
3.2.2 Special Residential	42
3.2.3 Commercial.....	43
3.2.4 Mixed Use.....	44
3.2.5 Industrial/Commercial	45
3.2.6 Industrial/Hazardous	47
3.2.7 Industrial/Commercial Comprehensive Development Area	47
3.2.8 Agricultural Development Area	48
3.2.9 Public Use.....	50
3.2.10 Open Space - Recreational	51

TABLE OF CONTENTS (cont'd)

	Page
3.2.11 Conservation.....	52
3.2.12 Watershed	53
3.2.13 Transportation.....	55
3.2.14 Rural	57
4.0 IMPLEMENTATION	59
4.1 Plan Administration	59
4.2 Plan Implementation	60
4.3 Development Regulations.....	61
4.4 Development Control	61
4.5 Public Works and Municipal Services	62

1.0 INTRODUCTION

1.1 MUNICIPAL PLAN PREPARATION

The Torbay Municipal Plan is Council's comprehensive policy document for the management of growth within the municipal planning area over the ten-year planning period 2007-2017. The Plan repeals and replaces the Torbay Municipal Plan 1994-2004.

The Torbay Municipal Plan has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various land use categories. Its aim is to promote the well-being of the community and efficiently utilize land, water, and other resources. The Torbay Municipal Plan consists of written text and Future Land Use Maps.

1.2 PLAN APPROVAL

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation, Council must adopt the draft Plan and allow for further input from the general public through a Public Hearing.

Council shall appoint a qualified Commissioner to conduct a formal hearing to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner will formally report his findings to Council as a result of the public hearing. Council may adopt the report in whole, in part or reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to the Engineering and Land Use Planning Division, Department of Municipal Affairs for registration. A notice will then appear in the Newfoundland Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Newfoundland Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Planning Area.

1.3 PLAN REVIEW AND AMENDMENT

Every five years from the date on which the Municipal Plan first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with, and become part of the Municipal Plan and so must not conflict with any other of its policies. If

circumstance do not permit a Plan review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan review is completed and fully approved.

When the Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement Regulations*. These are also known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

1.4 PLAN ADMINISTRATION

The day-to-day administration of the Municipal Plan and Development Regulations is administered by staff members authorized by Council. Council staff issue all necessary permits approved by Council, make recommendations to Council in accordance with the Municipal Plan, and enforce the regulations. The Department of Municipal Affairs may be consulted on any development matters.

1.5 TORBAY MUNICIPAL PLAN REVIEW

The previous Torbay Municipal Plan was drafted in 1994 and came into effect on July 7, 1995. The Plan was reviewed and consolidated in 2001 and came into effect on August 17, 2001. This 2007 Municipal Plan updates all preceding Plans and accommodates various amendments made to the original documents.

Regional Context

Torbay is located on the east coast of the Avalon Peninsula in the St. John's Urban Region. It is bounded to the north by the Town of Flatrock, to the south by the City of St. John's, to the south east by the Atlantic Ocean and the Town of Logy Bay-Middle Cove-Outer Cove, and to the west by the Town of Portugal Cove-St. Philip's. Torbay's north western boundary also borders the Towns of Bauline and Pouch Cove. Torbay developed initially around fishing and sustainable farming. In recent years it has increased in size as a residential community for commuters to St. John's but strives to retain its rural character.

Municipal Planning Area

The municipal planning area of the Town of Torbay covers approximately 36 square kilometres (14 square miles). The Town grew up on the hills around Torbay Bight. Torbay Road has evolved mainly as an area for residential development and limited commercial and industrial land development. Other residential development has spread out in ribbon fashion along Indian Meal Line, Bauline Line, Marine Drive, and other local roads.

Torbay has three watersheds designated for municipal water supply: North Pond, South Pond, and Great Pond. At present, only North Pond is in use. The central area, containing approximately 60% of the dwellings, is serviced with municipal water and sewerage. Studies are presently ongoing to further evaluate the potential of South Pond and Great Pond as a future water supply. Sewage drains into an outfall in Torbay Bight.

Population Characteristics 1996-2006

The 2006 census population of Torbay is 6281, which represents a 14.7% increase from 2001 population which was 5474, a slight increase of 4.7% from its 1996 population of 5230 and 11.1% increase from its 1991 population of 4707. This figure reflects a positive growth rate contrary to the provincial population decrease of -1.5% during the 2001-2006 census period. The Province experienced an out migration of population, while the Town has increase in population.

The population of Torbay increased by 523 persons between the years 1991 and 1996. This figure represents an increase in the population of 11.1%. Between 1996 and 2001, the population had further increased by 244 persons, or by 4.7%, and further increased again by 807 persons, or by 14.7% (See Table 1).

Table 1: Population Change

Year	Population	Change	% Change
1986	4520		
1991	4707	198	4.2%
1996	5230	523	11.1%
2001	5474	244	4.7%
2006	6281	807	14.7%

Housing

The 2001 census recorded 1,937 dwellings; the Town records approximately 2,200 dwellings as of 2006. Council has been issuing an average of 72 building permits per year during the past 5 years.

Statistics pertaining to households in Torbay are shown in Table 2.

Table 2: Households and Occupancy Rates for Specified Years

Year	No. of Households	Change	% Change
1986	1520		
1991	1560	+40	1.03%
1996	1740	+180	1.13%
2001	1937	+197	8.90%

NOTE: Only selected 2006 population statistics were available at time of printing.

New dwelling construction has proceeded at an average of 30 units per year over the past 15 years, but appears to have increased during the past 5 years. A substantial proportion of new dwelling construction has occurred in all areas of the town.

Economy and Labour Force

In 1996, the employable workforce of Torbay numbered 1555 people. This figure increased to 3060 in 2001 (2001 census), of which the majority work in St. John's. In Torbay, there is work in service-sector businesses, the commercial fishery, and some commercial farming. The forests are used for domestic woodcutting and recreation. There is potential in the tourism sector such as

attracting tourists to the hiking trails such as the East Coast Trail and the Killick Coast Trail.

Table 3 shows the types of occupations in which these people worked.

TABLE 3: EMPLOYMENT BY INDUSTRY, TORBAY 2001

Industry	No. of Employees	Percent of Total
Agriculture and other Resource Based Industries	175	5.7%
Manufacturing and Construction	370	12.1%
Wholesale and Retail	510	16.7%
Finance and Real Estate	100	3.2%
Health and Education	540	17.6%
Business Services	700	22.9%
Other Services	665	21.7%
TOTAL	3060	99.9

NOTE: Only selected 2006 population statistics were available at time of printing.

Land Use

While Torbay was once considered a low-density rural community, it is now undergoing growth and urbanization and density has increased substantially in the past decade. Its convenient location near St. John's makes it a growth centre within the St. John's Urban Region. The predominant housing form is the single-family detached house, mostly located on larger lots.

Lands in the northern part of town are designated for protection as part of the St. John's Urban Region Agricultural Development Area. Commercial and community-service uses are concentrated along Torbay Road. A large industrial-

fabrication facility is located along Torbay Road immediately entering the Town. Several small-scale industrial uses are located at scattered sites throughout the Town.

Planning Issues

With the growing population, Torbay still has ample land designated for future residential growth. However, development in the outlying areas has been constrained by the cost of extending municipal services. The Town is experiencing growth along Indian Meal Line, Marine Drive and Bauline Line with the development of large residential lots.

It is Council's intent to encourage economic development by providing appropriate policies for home-based businesses. Council has also reserved land near the airport for a future industrial park. The Torbay Bypass Highway has been re-defined with a 60 metre reserve to direct traffic away from Torbay Road.

Indications are that this is the next major highway project of the provincial government. This highway will place heavy demands on the land base for residential development.

1.6 ST. JOHN'S URBAN REGION REGIONAL PLAN

The St. John's Urban Region (SJUR) Regional Plan designates Torbay as a local centre where municipal water and sewerage services must be provided. The SJUR Regional Plan seeks to confine the major population growth to the urban core - the City of St. John's and its immediate environs - in order to make the best use of existing roads, water and sewerage, and other services.

The SJUR Regional Plan establishes the following policies which are applicable to Torbay:

- The local centres shall develop to the fullest extent possible within the areas shown on the Regional Plan Map, with the following constraints:
 - existing and future municipal services;
 - financing for capital works;
 - the need to protect regional resources, including agricultural and forest lands, watersheds and scenic resources;
 - the need to limit capital expenditures on the regional road network to handle commuting and other traffic;
 - the amount of infilling possible within developed areas;
 - the capacity of existing local roads; and
 - capacity of school facilities.
- Within the local centres, residential uses shall generally be low density, mostly single-family dwellings.

- Commercial uses shall be of a local nature but may include retail and highway commercial functions. Industrial activities shall generally be of a local nature such as the fishing industry. Other small-scale industries may be appropriate.

- The local centres shall encourage the infilling and consolidation of partly developed areas once the existing developments are serviced and shall improve the local road system to provide better circulation of traffic.
- The Municipal Plan of a local centre shall recognize and define, where applicable, a core area for higher density development and development in depth.
- Two levels of service may be provided in the local centres: full municipal services, including water and sewerage, in the higher density core; and a lower standard of services in the lower density area outside the core. The Regional Plan Map indicates the wider limit as the 'local centre' boundary.
- The Municipal Plan should prevent development that will require disproportionately costly public services and should preserve land that should not be developed due to its physical characteristics.
- The Municipal Plan should prevent further ribbon development' along the main roads and highways.

1.7 INTERPRETATION

The following sections and the Future Land Use Maps constitute the legally effective parts of the Torbay Municipal Plan. In this Municipal Plan:

- “Council” shall mean the Council of the Town of Torbay.
- “Development Regulations” shall mean the Torbay Land Use Zoning, Subdivision and Advertisement Regulations.
- “Municipal Planning Area” shall mean the Torbay Municipal Planning Area.
- “Town” shall mean the Town of Torbay.

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

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

2.0 GOALS AND OBJECTIVES

It is the intention of the Municipal Plan to establish a number of goals and objectives. A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Torbay Planning Area, the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten year planning period.

2.1 PHYSICAL STRUCTURE

Goals:

- To encourage future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal services.
- To control future growth of the town in such a manner as to develop a balanced and attractive community.
- To preserve the rural character of the Town, allowing residents to maintain their small-scale traditional agricultural uses without hindering other development or creating problems to neighbouring residents.
- To identify hazardous areas prone to landslide and coastal erosion.

Objectives:

- To encourage infilling in areas served by municipal water and sewer pipes.
- To allocate land for future development on the basis of its best use considering its physical characteristics and location.
- To ensure that natural areas such as drainage courses, shorelines, and steep slopes are protected from development to preserve environmental resources and the rural character of the Town.
- To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism.
- To prohibit development in areas along the coastline of Torbay Bight which is prone to coastal erosion.

2.2 ECONOMIC OPPORTUNITIES**Goal:**

- To encourage the continued operation of existing businesses through appropriate land use policies.
- To encourage the development of additional employment opportunities to serve the present and future population.

Objectives:

- To allocate land so that new businesses will be attracted to Torbay.
- To support the development of facilities and attractions in promoting the tourism industry within Torbay, particularly the East Coast Trail and scenic lookouts.
- To encourage home-based businesses.

2.3 HOUSING

Goals:

- To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- To provide good quality residential site design and a high standard of municipal services.

Objectives:

- To provide an adequate amount of serviced land to accommodate residential development within the municipality.
- To encourage improvement of sub-standard dwellings.
- To provide for a mixture of housing types within the municipality.
- To encourage the development of residential infilling lots within built up neighbourhoods.
- To prevent residential development within areas of excessive aircraft noise, as determined by Transport Canada's Noise Exposure Forecast (NEF).

2.4 MUNICIPAL SERVICES

Goal:

- To provide, where possible, a full range of municipal services to Torbay in the most economical fashion.

Objectives:

- To ensure that on site services meet the standards of the Government Service Centre.
- To permit new subdivision development in areas which are or can easily be connected to municipal services.
- To provide fire protection to all residents.

2.5 TRANSPORTATION

Goal:

- Ensure that the local transportation system adequately and safely provides access throughout the Planning Area.

OBJECTIVES:

- To undertake continued improvements to the municipal roads through a regular maintenance program.
- To aim for a proper road system by connecting streets which require a second access, such as existing cul de sacs which exceed the maximum length requirement.
- To ensure that development in Torbay does not interfere with the safety and operations of St. John's Airport.
- To reserve land for the right-of-way of the proposed Torbay Bypass Highway.
- To reserve land for future access to backlands.

2.6 COMMUNITY AND SOCIAL SERVICES**Goal:**

- To provide a full range of community and social services to Torbay.

Objectives:

- To ensure that land is reserved throughout the town for recreational open space.
- To ensure public access to the major natural features of the planning area such as the ponds, streams, and ocean shoreline.

- To encourage the multi-functional use of existing community buildings (schools, churches, etc.).

2.7 Environment

Goals:

- To provide a pleasant and safe living and working environment in Torbay.
- To provide for the health, safety and welfare of the general public.
- To protect and enhance the natural environment for its aesthetic, recreational, and resource values as reflected in the Habitat Management Plan.

Objectives:

- To provide municipal services at environmentally acceptable standards.
- To promote a regular community “clean-up” program.
- To discourage development in areas with slopes greater than 15 percent, recognizing that development in such areas can result in environmental damage and higher costs for servicing and maintenance.
- To prevent development within the municipal watersheds.
- To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development.
- To protect natural resources from degradation including water, air, soils, agricultural land, forests and scenic areas.

- To govern activities that threaten wetlands within the Stewardship Zone to ensure that negative impacts to the wetlands are minimized.

2.8 MUNICIPAL FINANCE

Goal:

- To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

Objectives:

- To manage municipal expenditures with restraint, aiming for maximum return on investment.
- To manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
- To encourage a more diversified economic base to generate more revenues through business taxes.

2.9 RECREATION AND TOURISM

Goal:

- To provide recreation facilities and develop new facilities to accommodate recreational and social needs for all age groups in the Town.

Objectives:

- Encourage public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.
- Encourage public participation in the planning and development of the Town's new ice arena, soccer and sports fields.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town.
- Promote the Town as a tourist attraction and encourage travelers to visit Torbay.

2.10 AGRICULTURE

Goal:

- Encourage the agricultural use of lands designated as agriculture and protect agricultural lands from non-compatible development.

Objectives:

- Ensure that new development does not encroach on existing agriculture operations, limiting them in their operation.
- Protect Agriculture uses from other non-compatible uses.

3.0 THE LAND USE PLAN

The following policies with accompanying Future Land Use Maps constitute the land use component of the Torbay Municipal Plan, 2007 - 2017. Included are all policies which are seen as necessary by Council to ensure that the physical development of Torbay is undertaken in an efficient and economic manner during the ten-year (2007 - 2017) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.

3.1 GENERAL LAND USE POLICIES

The following policies can be categorized as general in scope in that they can be applied to more than one land use and to different sections of the Town of Torbay. They are therefore presented as a separate section of this Land Use Plan.

3.1.1 GENERAL POLICIES

i) Subdivision Policies:

Land which borders developed residential areas may be suitable for large-scale residential development in the future. All proposed subdivision developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Torbay Development Regulations and will include:

- An investigation of physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- an outline of how the proposed subdivision will integrate with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;
- ensure compatibility between the subdivision and surrounding land uses, both existing and future; and
- review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.

ii) Subdivision Development Agreement

As a condition of approval, Council shall require the developer to sign a subdivision development agreement with the municipality.

iii) Conveyance to Council of Private Roads

New subdivision streets shall be constructed and upgraded to the Town's road standards before Council shall assume ownership and responsibility for future maintenance. All new streets shall have a legal land survey and a Deed of Conveyance, approved by the Town's solicitor, before Council assumes ownership.

iv) Access and Public Street

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

v) Easements and Emergency Access

Where land is required for utility easements or emergency access, the land may be obtained for the appropriate agency (such as Newfoundland Power) in the course of approving subdivision or other development applications.

vi) Building Setback

Building setbacks from roads shall be provided in accordance with the Torbay Development Regulations to preserve the right-of-way widths specified in this Plan. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

vii) Backlot Development

Backlot development may be permitted at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. In such cases, the following requirements shall be met:

- The site is located in an area designated for Residential Medium Density development in the Torbay Development Regulations.
- The site can be serviced with municipal water and sewer.
- The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. In such cases, access to the public street must be of sufficient width to accommodate future public use.
- Where there is no potential for additional development, the access road shall be treated as a private driveway.
- Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands.
- To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be no further than 32 metres from a public street.
- Standards for backlot development shall be established in the Torbay Development Regulations.

viii) Soil and Drainage

Development shall only be permitted on lands having soil and drainage conditions which are suitable for the proposed uses.

ix) Open Space/Recreation

A minimum of 10% of the gross area of land developed for subdivision purposes shall be dedicated to the Town as public open space. This land would be suitable for walking trails, tot lots, green belts etc. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the fair market value of the land which would otherwise be required to be dedicated.

Council shall ensure the preservation of scenic viewpoints and ensure long-term stewardship. Public access to natural areas and open spaces shall be maintained.

It is the intent of this Plan to designate open space areas within the Town such as the East Coast Trail, for active, outdoor community recreation and passive, outdoor recreational needs. Council shall maintain and wherever, improve the integrity of natural recreational systems such as walking and hiking trails.

x) Trail Development and the East Coast Trail

Proposals for trail development along streams in close proximity to residential areas may be permitted subject to submission of a detailed plan which includes a statement of public support for the development.

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Torbay along the coastline of Atlantic Ocean as part of a coastal trail system and its route is delineated on Land Use Zoning Maps 1 and 2.

Council shall ensure that:

- a buffer be maintained along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail;
- landowners/developers take into consideration the effects of development on the preservation of the East Coast Trail and the scenic beauty of the landscape along the coastline;
- natural topography and vegetation will be maintained where possible;
- a buffer free of development will be maintained between the East Coast Trail and shoreline recreational uses or wharves; and
- Council shall support further work on the East Coast Trail as a hiking/walking trail with minimal disturbance to the surrounding land.

xi) Access and Public Street

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

xii) Archaeological Sites and Artifacts

There is only one archaeological site recorded with the provincial archaeological office. The site is a European site located in this area. No development shall be permitted in this area subject to approval of the Provincial Archaeology Office, Department of Tourism, Culture and Recreation.

xiii) Noise Exposure Forecast

In accordance with the Airport Environs Policy of the St. John's Urban Region Regional Plan, development shall take account of Transport Canada's Noise Exposure Forecast (NEF). As a result, measures shall be taken to ensure that incompatible development not be permitted in potentially high noise areas and whenever possible, proper acoustical measures shall be included in buildings to reduce noise from Airport activities.

The most current Noise Exposure Forecast zones for the St. John's Airport, as provided by Transport Canada, are identified on the Future Land Use Plan Map. The following policies apply to lands identified within each zone.

Policies

- That noise sensitive uses such as residential, daycare, senior homes, etc) shall be prohibited in existing and future high noise impact areas.
- New residential development in noise impact areas between the 30 NEF contour and the 35 NEF contour shall include sufficient sound insulation as recommended by the Canada Mortgage and Housing Corporation.
- That structures and landscaping on land in high noise areas be designed to act as noise barriers or absorbers.
- That the change of use from noise-sensitive uses to noise-tolerant uses (office, light industrial, etc.) be encouraged in high noise impact areas.
- That noise levels, noise level forecasts and airport development be monitored and the land use policies of this plan be reviewed on the basis of forecasts variations.

xiv) Development Near Livestock Structures

Existing livestock buildings are surrounded by a 610 metre buffer. New development shall only be permitted within the buffer in accordance with the conditions specified in the Torbay Development Regulations; the Soil and Land Resource Stewardship Division, Department of Natural Resources, and by the Government Service Centre.

xv) Mineral Exploration

The Torbay Planning Area has the potential for mineral deposits. Regulated mineral exploration shall be permitted in the planning area as set out in the policies of this Plan and conditions of the Torbay Development Regulations. Aggregate mining and extraction shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Natural Resources and approval of the Town of Torbay.

xvi) Forestry/Wildlife Uses

Forestry uses such as domestic cutting may be permitted and shall require a permit from the Regional Ecosystem Management Division, Department of Natural Resources. Three areas are designated for domestic wood cutting and are located in the general area of Patrick's Path, Bauline Line and Western Island Pond.

Hunting and trapping are recognized uses in forested areas. The Forestry/Wildlife Regional Office at Paddy's Pond regulates such activity and should be consulted for appropriate hunting permits. It is unlawful to discharge a firearm within 1,000 metres of a school, playground or athletic field or within 300 metres of a dwelling.

xvii) Coastal Reservation

Steep cliffs and a rugged coastline exists along shoreline of Torbay Bight. There is potential for numerous rockfalls and landslides in these areas. The Town shall prohibit development so that it does not encroach to close to the steep coastlines or rock cliffs. To ensure that development is setback sufficiently to protect both the developer/user of the land and the environment, no building development shall be permitted within 30 metres from the top of the steep coastlines along the shorelines of the Town.

3.1.2 SERVICING POLICIES**i) Municipal Services**

Within and near serviced areas, new development shall only be permitted in areas which can be provided with full municipal water and sewage services. In areas where water and/or sewage must be pumped, Council will evaluate the cost of installing and maintaining pumping stations before permitting development to proceed.

ii) On-Site Sewerage Disposal

No on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse.

3.1.3 ENVIRONMENTAL POLICIES

i) Preservation of Trees

Mature trees shall be preserved and replaced where necessary. Such trees shall be removed only if they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy, or if they will unduly inhibit construction.

ii) Protection of Watercourses, Wetlands Fish and Waterfowl Habitat

Rivers, streams, ponds, and shorelines shall be protected from pollution. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within a minimum of 15 metres of a watercourse without approval from the Department of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans Canada.

iii) Waste Disposal

Protective measures shall be taken to prevent or minimize pollution when disposing of sewage and solid waste.

iv) Alterations to the Natural Environment

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property or watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

v) Environmentally Sensitive Areas

Development shall be prohibited in environmentally sensitive areas such as steep slopes and bogs. Development shall also be prohibited in areas prone to landslides and rockfall. Development shall be prohibited in conservation areas within 30 metres of the rock cliff along the sea wall. These areas are known for coastal erosion. The Future Land Use Maps 1 and 2 show Conservation areas: this policy applies to environmentally sensitive areas in other land use designations.

vi) Mining and Quarrying

The adverse effects of mining and quarrying such as dust, noise, and visual impact shall be minimized through adequate separation from adjacent land uses. Derelict lands are to be rehabilitated by the operator prior to abandonment.

vii) Upkeep of Properties

Council shall promote the upkeep of residential properties, businesses, and institutions; encourage the repair or removal of dilapidated buildings and structures; and prohibit indiscriminate dumping. Council shall encourage businesses and contractors to store their materials and heavy equipment at the rear of their property or screen it from view.

viii) Habitat Management Plan

The Town of Torbay signed a Municipal Wetland Stewardship Agreement in 1997 and is now an important link in wetland conservation. Through this agreement, the town agrees to manage wetlands within its jurisdiction with technical advice from the partners of the Eastern Habitat Joint Venture.

The Habitat Management Plan aims to:

- restore, enhance and/or protect the important wetlands in Torbay;
- promote a greater appreciation of wetlands and wetland values;
- and
- have wetland values included in the municipal plan.

The Management Plan benefits are the maintenance of healthy wetlands and populations of waterfowl, other species and water quality. The Plan presents opportunities for canoeing, hiking, photography, bird watching, and an opportunity to learn more about nature, especially wetlands and waterfowl conservation.

x) Stewardship Zone

A Stewardship Zone has been established within the Town of Torbay Planning Area Boundary for the protection of wetlands and waterfowl habitats. The rural lands located to the west of the existing developed area of the Town have been designated as Stewardship Zone.

Applications for development located within the Stewardship Zone and within wetland areas shall be reviewed by Council to ensure that sensitive waterfowl habitats are preserved and protected. Council shall refer development proposals within sensitive wetland habitat to Wildlife Division, Department of Environment and Conservation, for review and comment. Council may use mitigating measures to reduce any habitat degradation that may result from development within the Zone.

The Gully portion of the Stewardship Zone is a small wetland situated within the developed area of Torbay. It is used by waterfowl for feeding and brood rearing and Osprey have been observed taking fish here. It's proximity to local schools and residences make it an ideal candidate for a wetlands interpretation site.

xi) Management Units

The Western Island Pond Management Unit is a large pond located in the southwestern part of the town. In the vicinity of the shore the mud substrate supports an abundance of aquatic vegetation. The Upper Three Corner Pond section of the Gosse's (Goose) Pond Management Unit is at

least one metre or more in depth with a mud substrate with an abundant growth of aquatic plants. Gosse's (Goose) Pond is a long, narrow, shallow wetland with a mud substrate. Very little of this wetland has any open water by mid-summer due to the abundance of aquatic plants. Most of the waterfowl activity is concentrated in the marsh habitats of these three ponds.

No development shall be permitted within a 30 metre buffer around Western Island Pond and Gosse's Pond. Passive recreation uses shall be permitted provided they do not disturb or destroy wetlands or waterfowl habitat.

No development shall be permitted around Western Island Pond within the designated buffer zone (30 meters near residential development, 75 meters along northeastern shore, 150 meters in remaining areas) and within the 50 meter buffer zone accompanying the Gosse's (Goose) Pond Management Unit. Passive recreation uses shall be permitted provided they do not disturb or destroy wetlands or waterfowl habitat.

xii) Review Process

Stewardship Zone Development Proposal Process:

- Where a development is proposed within the Stewardship Zone, and the Town is unsure of the impacts to the conservation of the area, the Town shall refer the proposal to the Wildlife Division for a 30 day review. The Wildlife Division shall provide advice to the

Town on the possible impacts of the proposal and mitigative measures that can be implemented. The Town's decision shall be consistent with the spirit of the Stewardship Agreement.

- Where a proposed Municipal Plan amendment, regulation or bylaw may affect land within the Management Units, that proposal shall be referred to the Wildlife Division for a 30 day review to ensure that it is consistent with the purpose of the Management Plan. Any proposed amendment to this Municipal Plan that may have an impact on a Management Unit must be approved by both partners.
- Proposed development within the Management Unit that may potentially threaten or negatively impact the habitat of the Unit, shall require the approval of the Wildlife Division.

3.2 SPECIFIC POLICIES - LAND USE DESIGNATIONS

The land within the Torbay municipal planning area shall be managed according to the designations shown on Future Land Use Maps 1 and 2 and the policies of this Municipal Plan.

Future Land Use Maps 1 and 2 divide the Planning Area into the following designations:

- Residential
- Special Residential
- Commercial
- Mixed Use
- Industrial/Commercial
- Industrial/Hazardous
- Industrial/Commercial Comprehensive Development Area (CDA)
- Agricultural Development Area
- Public Use
- Open Space - Recreational
- Conservation
- Watershed
- Rural
- Transportation

3.2.1 Residential

The purpose of the Residential designation, which is the major land use in Torbay, is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use throughout the Planning Area. The Residential designation covers most of the built-up portion of Torbay. The demand for development will be primarily for residential use. There are minor small tracts of land remaining for serviced residential infilling use in the developed area of Town. The Town has initiated a study to determine the actual amount of land capable of residential development. Small-scale agricultural uses are traditional in the Residential areas of the Town and policies are included for such uses.

Residential Policies:

- Single dwellings shall be permitted within areas designated Residential and as further set out in the Torbay Development Regulations.
- Double dwellings, row dwellings, apartment buildings and other residential uses shall only be permitted at Council's discretion and such uses shall be defined in the Torbay Development Regulations.
- Convenience stores and other local commercial uses which serve neighbourhood needs may be permitted within Residential areas provided that the Commercial use is limited in size and clearly

subsidiary to the Residential use (contained within the residence or within an accessory building).

- Office, medical and professional service, personal service, and light industry uses and similar home based businesses may be carried out within a residential dwelling, or in a building subsidiary to the dwelling on the same lot, by the occupants of the dwelling, provided the use is small scale and subsidiary to the main residential use and shall not disturb the amenity of surrounding residential area, or cause an increase in traffic, noise, dust or fumes.
- Council shall encourage business uses such as: bed and breakfast, retail speciality shops producing and selling hand crafted goods, child care, personal services, professional services and home office uses.
- Residential development shall only be permitted in areas which have direct access to a public street.
- The minimum lot size and frontage for residential uses shall be specified in the Torbay Development Regulations.

Residential Subdivision Areas:

Residential Subdivision Areas are tracts of undeveloped land which borders developed residential areas. They may be suitable for large-scale residential development in the future.

Policy Statements:

- Residential Subdivision Uses

Backlands designated as Residential shall be developed for residential uses. It is the intention of Council to have these backlands developed in a comprehensive manner, in line with the subdivision policies in section 3.1, to ensure that the land is used wisely and an efficient, safe road network is developed in the area. No development shall take place in these areas until the land has been appropriately zoned in the Torbay Development Regulations.

- Serviced and Unserviced Residential Development

In areas near municipal services, Council shall require the installation of municipal water and sewer for new development. In areas which are sufficiently remote from existing municipal services, Council may consider unserviced development.

- Subdivision Design

In areas which require full municipal services, the developer shall submit a subdivision design for the proposed area, showing road layout, proposed lots, open space, and servicing plan. The developer shall identify how the proposed development will connect to adjacent development.

In areas more than 1 kilometre from existing municipal services, Council may permit unserviced development. The developer shall submit a subdivision design, showing road layout, proposed lots, open space, storm water drainage, property ownership, and phasing. The developer shall identify how the proposed development will connect to adjacent development.

- Access Points and Road Links

The Future Land Use maps indicate proposed or suggested future access points and future road links into Residential areas. The access points and road links shall be reserved until a subdivision design is approved by Council.

Agricultural Policies in Residential Areas:

Traditional small-scale hobby agricultural uses such as vegetable gardens or a small barn with a small number of animals may be permitted in Residential areas. No new livestock buildings (barns) shall be permitted in a Residential area. Existing livestock buildings are surrounded by a 610 buffer. Within the buffer, new development shall be referred to the Land Resource Stewardship Division, Department of Natural resources, and by the Department of Environment and Conservation.

The minimum lot size shall depend on topography, tree cover, soils, drainage, and other factors. The lot size required for each development proposal shall be determined in consultation with the Land Resource Stewardship Division, Department of Natural resources, and by the Department of Environment and Conservation.

Council shall ensure that agricultural uses are not enlarged beyond the intent of this Plan, but remain strictly for hobby and subsistence purposes. Upgrading to commercial agricultural operations in a Residential area shall not be permitted.

Existing commercial farms in a Residential area shall be considered as legal non-conforming uses.

Watershed Policies in Residential Areas:

A portion of the North Pond Watershed is encroaching into the residential area of Bullocks Town Road, McFayden Street and McGory Place as outlined on the Future Land Use Map. New residential development in the area shall be referred to the Water Resources Division, Department of Environment and Conservation.

3.2.2 Special Residential

This designation applies to the mobile home park in North Pond Heights. It allows the replacement of the mobile homes with single-family detached houses.

Policy Statements:

- The area designated Special Residential is identified on the Future Land Use Map, and is that portion of a mobile home park where a number of mobile homes still remain.
- Land not used for mobile homes or from which mobile homes have been removed may be used for conventional housing as outlined in the

- Residential Policies in this Plan, provided the lot sizes are adequate as defined in the Torbay Development Regulations.

3.2.3 Commercial

The Commercial designation is applied to local commercial uses. The intent is to allow the continuation of these uses, most of which are long-standing.

Small-scale local and personal-service commercial uses may be permitted within residential areas (see the Residential policies). Commercial may also be permitted within the Mixed Use designation. Retail and service commercial uses which serve residents beyond the neighbourhood are intended to be located primarily along Torbay Road within the Mixed Use designation.

Policy Statements:

- Small-scale, local commercial uses are designated as Commercial and shall be permitted. Local and personal-service commercial uses and home-based businesses are also provided for under certain conditions in Residential areas (see Residential policies).
- Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any commercial development on adjacent residential uses.
- Access points to a public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.

- Adequate off-street parking and loading facilities shall be provided.

3.2.4 Mixed Use

A mixture of different kinds of development may be found along Torbay Road and consists predominantly of residential uses interspersed with businesses, light industry and public buildings. Such areas are placed under the Mixed Use designation. This designation shall ensure that a viable combination of compatible uses can co-exist with the predominantly residential development. Areas designated Mixed Use are intended for the continuation of a traditional mix of land uses.

The Mixed Use area designated on the Future Land Use map applies to both sides of Torbay Road.

Policy Statements:

- Mixed Use areas are suitable for residential uses and small-to-medium-scale retail, service and other uses, including tourism-related business.
- Service stations and light industrial uses may be permitted on a discretionary basis. New Commercial uses shall not be permitted if they will have a detrimental effect on adjacent residential uses.

- Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.
- Access points onto to a public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.
- Adequate off-street parking and loading facilities shall be provided.
- Where several commercial uses are clustered together along Torbay Road, Council shall consider improving the area by landscaping, planting trees, and adding benches and garbage containers. Road widening and sidewalks shall be a consideration of Council.
- Residential uses shall be permitted in the Mixed Use area and may include single-family detached houses, duplexes, or other dwellings which may be constructed in connection with a business, such as a second-floor apartment for the owner's use.

3.2.5 Industrial/Commercial

Tapper's Cove, the lands surrounding the Metal World plant at the south entrance to the Town, and smaller individual sites are designated as Industrial/Commercial.

The Tapper's Cove site has been designated Industrial/Commercial for the continuation of the fishing operation. The area is highly visible from Marine Drive across the harbour. Further development at Tapper's Cove is limited due to the natural topography and should not detract from the scenic quality of the area.

Policy Statements:

- The intent of the Industrial/Commercial designation is to permit light industrial and commercial uses. General industrial uses may be permitted at the discretion of Council where they shall not have a detrimental effect on adjacent uses.
- Screening and buffering using fences or trees may be required in order to preserve an attractive appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.
- Permitted industrial/commercial uses shall be compatible with neighbouring residential uses in terms of noise, dust, glare, vibration, smell, traffic, and related factors.
- Building setbacks shall be established in the Torbay Development Regulations to lessen the visual impact of buildings and provide space for off-street parking.
- Access points to a public street shall be limited in number and designed to keep the street safe and efficient for vehicles and pedestrians.

- Adequate off-street parking and loading facilities shall be provided.

3.2.6 Industrial/Hazardous

The proposed Regional Fire Fighting Training Centre is considered to be an Industrial/Hazardous use. The site is located off Three Island pond Road in the rural area of Torbay.

Policy Statement:

- The intent of the Industrial/Hazardous designation is to permit the development of a Regional Fire Training Centre only. Other uses may be permitted at the discretion of Council where the use is associated directly with the permitted use. No other Industrial/Hazardous uses shall be permitted in the Town of Torbay.

3.2.7 Industrial/Commercial Comprehensive Development Area

Lands on the west side of Torbay Road are conveniently located near the airport and major transportation routes and are reserved for future industrial development.

A comprehensive Development plan shall be prepared and approved by Council before any development is permitted within this area. This plan shall be supported by documentation which considers all factors relative to development of the site, including:

- proposed road reservations and the adequate vehicular access to the site;
- site drainage to avoid any wet areas;

- where appropriate, access to Torbay Road, including possible redevelopment of the properties along Torbay Road;
- buffering from existing residential development;
- the location of industrial uses which conflict with residential uses by reason of noise, odour, etc, shall maintain a safe distance from existing residential uses; and
- the St. John's Airport Authority shall be consulted to ensure that no part of a proposed development will interfere with the radar or general operations of the adjacent airport.

3.2.8 Agricultural Development Area

Lands within the municipal planning area which form part of the Agricultural Development Area (ADA) for the St. John's Urban Region are designated as Agricultural Development Area on Future Land Use Maps 1 and 2. There are three primary areas: west of Bauline Line (Connor's farm); west of Torbay Road surrounding Axes Pond; and east of Torbay Road around Ryan's dairy farm.

Policy Statements:

- The intent of this designation is to conform to the agricultural development objectives for the St. John's Urban Region (SJUR) as expressed in the SJUR Regional Plan and the policies and regulations of the Department of Natural Resources.
- Agriculture and agriculture-related uses shall be permitted within the Agricultural Development Area (ADA). Other uses which conform to the Rural policies of this Plan and which are determined by the Land Development Advisory Authority to have a minimal impact on agriculture shall also be permitted within the ADA. The extraction of peat may be permitted as a mineral-working activity. Council shall consult with the Land Development Advisory Authority and the Department of Natural Resources to review development proposals within the ADA.
- Existing farming operations in the ADA shall be supported by Council. Due to the demands on the dwindling land base of the municipal planning area, Council shall further review requests for additional large areas of land for agricultural use.
- Camp Carey, a Girl Guide and Boy Scout camp, located on Camp Carey Road, are within the ADA. Council shall consult with the Department of Natural resources and the Land Development Advisory Authority to ensure an adequate buffer between Camp Carey and the agricultural uses and to prevent negative impacts on Axes Pond by agricultural uses.

3.2.9 Public Use

Lands are designated Public Use to permit government, church, educational and other uses for general or limited public access. Facilities required to deliver municipal services to residents, such as the Town Hall, are also within the intent of this designation.

Policy Statements

- Permitted uses may include schools, churches, government offices, and senior citizens homes. The facilities of community service organizations such as the Kinsmen club, may also be permitted.
- An area including the Town Hall and extending east and south is designated Public Use with the intent that it be developed as a civic and recreation centre.
- An area north of the Pine Line and east off Torbay is designated Public Use with the intent that the site shall be developed for the proposed ice arena and recreational centre.

3.2.10 Open Space - Recreational

Lands designated as Open Space - Recreational are for non-building uses such as parks, playgrounds, outdoor swimming areas, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space - Recreational uses.

Policy Statements:

- In new subdivisions, Council shall require the dedication of a minimum amount of land for Open Space - Recreational or cash in lieu of land, to be determined in the Torbay Development Regulations.
- The Town shall promote and expand its main recreational site located off the Bauline Line. The area has an existing softball field soccer pitch and an area capable of being developed as a recreational camping park.
- The Town has a recreational and swimming area at Whiteway Pond. Council shall consult with the Department of Transportation and Works to maintain access to this recreational area when the Torbay by-pass Highway is completed.
- Council shall pursue the development of Camp Carey as a municipal recreational area within the Agricultural Development Area (See the ADA policy statements.)

3.2.11 Conservation

The Conservation designation applies to the open undeveloped lands around Torbay Bight, the shorelines of ponds and wetlands, and the banks of streams.

Lands are designated Conservation to protect important features of the natural environment, to ensure public access, and maintain the rural character of the Town. In most cases, these areas are located where municipal services cannot be feasibly extended.

Policy Statements:

- No permanent buildings or structures shall be permitted on lands designated for Conservation Uses, except those necessary for environmental protection (e.g., for erosion control).
- Passive recreational uses such as hiking trails or a small picnic park may be permitted at Council's discretion.
- Public access shall be preserved to Conservation areas.
- Extensive areas of land having slopes in excess of 15 percent are designated Conservation. Development is not considered feasible on such slopes because of excessive runoff and erosion and high costs to install and maintain services, and risk to public safety.
- The Father Troy hiking trail around the harbour and is designated Conservation. Street access to the Father Troy trail shall be from points

such as Spray, Motion Lane, The Battery, Dodd's Lane, Dunphy's Lane and Gallow's Cove Road.

- The coastal shoreline along Torbay Bight has very steep cliffs, high slopes, unstable soils, and is an important part of the scenic beauty of Torbay. To protect these sensitive lands and the general public, a conservation designation shall be established along the coastline of the Torbay Bight. In areas of rock face and cliffs, the shoreline shall be determined at the edge of the cliff. No development shall be permitted within this designation. Passive recreation uses like hiking shall be permitted. Uses associated with the fishery, or the provision of municipal services and utilities may be permitted.

3.2.12 Watershed

The purpose of the Watershed designation is to preserve the water quality of North Pond, South Pond, and Great Pond as municipal water supplies. The boundaries of the designation are intended to take in all lands which drain into the ponds.

Policy Statements:

- Uses permitted in the Watershed areas may include passive recreational uses (eg, hiking, picnicking). Structures required for erosion control or other environmental conservation purposes may be permitted. No form of urban development shall be permitted. All proposals for development are

subject to approval by the Department of Environment and Conservation, Water Resources Management Division.

- No development or activities shall be carried out in the Watershed area which would adversely affect the water quality.
- Existing residential uses in the Great Pond Watershed may be required to be removed if Great Pond is developed as a municipal water supply, in order to comply with Department of Environment and Conservation standards.
- Council shall cooperate with the Town of Portugal Cove-St. Philip's to ensure that no development takes place within the Great Pond Watershed which could adversely affect water quality.
- Council shall consult with the Department of Transportation and Works to ensure that the Bypass Highway does not have an adverse effect on water quality. The highway is proposed to cross the South Pond, North Pond, and Great Pond Watershed areas.
- Selective wood harvesting may be permitted within Watershed areas, subject to approval of the Department of Environment and Conservation. Maintaining water quality is the overriding priority.

3.2.13 Transportation

To ensure an improved road system for the Town, it is necessary to establish a hierarchy of roads according to their functions. There are three classifications of roads as follows:

- Arterial roads - intended to function as the principal network for through traffic. The proposed Torbay bypass for the Town shall be considered as an Arterial Road.
- Collector Roads - link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access should be properly planned with limited on-street parking allowed. The collector roads are Torbay Road, Bauline Line, Marine Drive and Indian Meal Line.
- Local Roads – all other roads in the town are considered as local roads and serve adjacent properties and generally, are not used as through traffic. The width of pavement and the provisions of sidewalks should be related to the volume of traffic.

Policy Statements:

- Access from individual properties onto an arterial road such as the proposed Torbay By-pass road, is prohibited in order to preserve the efficiency of the roads. Access shall be limited to public road intersections as designated by the Department of Transportation and Works to ensure free flow of traffic. For new residential development, new individual

access will be prohibited. Pedestrian traffic may be accommodated along arterial roads with sidewalks and crossing controls.

- Collector roads link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access points should be properly planned. Limited on-street parking may be allowed. The collector roads are Torbay Road, Bauline Line, Marine Drive and Indian Meal Line.
- A sidewalk should be constructed on at least one side of Torbay Road, in the area from Holy Trinity Church and elementary school to Gosse's Bridge.
- The remainder of the roads shown on the Future Land Use maps are local roads. The speed and volume of traffic on local roads shall be kept at a safe level by means of traffic signs and proper design for streets and intersections. Cul de sacs or dead-end roads shall be provided with an adequate space where vehicles can turn around.
- Adequate off-street parking shall be required for all uses of land in the Planning Area. This will include parking for owners, residents, employees, visitors, and customers, as appropriate, with parking standards to be established in the Torbay Development Regulations. In developed areas such as Torbay Road, additional off-street parking may be provided gradually through redevelopment.

3.2.14 Rural

The remaining lands within the Torbay Planning Area are designated Rural. No development shall be permitted on land within this designation except those associated with agriculture, forestry, mineral workings, outdoor recreation, resource conservation, or other uses as may be outlined in this Municipal Plan.

Activity concerning electric power transmission, other public utilities or road construction and maintenance, consistent with the objective of retaining the qualities of the rural environment, may be permitted.

Policy Statements:

- Uses permitted within the Rural areas may include forest harvesting, silviculture, agriculture, aggregate extraction, fishing, and recreation. Activity concerning electric power transmission, other public utilities, or road construction and maintenance, consistent with retaining the qualities of the rural environment, may be permitted.
- Uses that may be allowed at the discretion of Council include industrial activity associated with the resource base. This will apply particularly to uses that need to be located close to raw material supplies or for some other reason cannot be located close to the built up Town.
- Residential uses in the Rural area will not be permitted except as accessory to the permitted uses, where residences may be allowed under limited circumstances at the discretion of Council.

- New cottage development shall not be permitted in the Rural area, in keeping with policies of the St. John's Urban Region Regional Plan. Conversion of existing cabins to permanent dwellings shall not be permitted unless the cabins are included within the Residential designation. This is to prevent premature urban expansion and demand for services in rural areas.

- The Rural area contains forests which provide a long-term domestic wood supply, recreational opportunities, and wildlife habitat. It is important that this resource be well managed. This Plan will support initiatives of the Department of Natural Resources to manage the forests for continued use by the public during and beyond the planning period.

- Aggregate extraction may be permitted in the Rural area. Proposed operations shall be evaluated in conjunction with the Department of Natural Resources and the Department of Environment and Conservation.

- Council shall ensure that aggregate mining will have minimal impact upon adjoining land uses, particularly the visibility of gravel pits. Buffering and screening may be required to minimize dust and noise. Open pits shall be rehabilitated by the operator prior to abandonment.

4.0 IMPLEMENTATION

The Municipal Plan will be implemented over the ten-year planning period through the decisions of Council and agencies such as the Department Transportation and Works, Department of Natural Resources, Department of Municipal Affairs and the Department of Environment and Conservation. Of particular importance to Council are the following:

- Effective administration of the Plan;
- The adoption of a five year capital works budget;
- adopting Land Use Zoning, Advertisement and Development Regulations
- adopting Development Schemes and plans of subdivision, and
- The procedure for considering future Amendments to the Plan.

4.1 Plan Administration

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

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

All persons wishing to develop land for any purpose within the Torbay Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without conditions. The appeal of all Council decisions to the Regional Appeal Board shall be permitted.

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

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

4.2 Plan Implementation

The preparation, adoption and approval of the Torbay Municipal Plan represent only a part of the planning process. The Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the Urban and Rural Planning Act 2000 outlined below:

- control future development by enforcing the Torbay Development Regulations and the policies of this Plan;
- undertake the capital works program on a progressive basis geared to the available resources of the community and financial assistance from the provincial government;

- make necessary amendments to the Plan if conditions of the community change, and
- undertake a review of the Plan every five years.

4.3 Development Regulations

To implement this Plan, Council shall prepare and adopt Development (Land Use Zoning, Subdivision and Advertisement) Regulations on the basis of this Plan. These regulations are intended for Council's control over future use of land and development within the Planning Area and they outline land use zoning, development standards and application procedures necessary to implement this Plan.

4.4 Development Control

The Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Council shall exercise proper control over development within the Planning Area in accordance with this Plan and the Development (Land Use Zoning, Subdivision and Advertisement) Regulations.

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed application form(s) and shall submit a detailed plot/sketch plan of the proposal indicating the location and dimensions of the land and of the development. Council shall examine the application on the basis of the Development Regulations, which reflect the policy of this Plan, may approve the application, approve it with conditions, or refuse it.

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Eastern Regional Appeal Board.

Development in areas under the control of Council as well as other government departments will be referred to the concerned departments for review.

4.5 Public Works and Municipal Services

In order to properly implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include the annual preparation of a "5 year Capital Works Budget" which outlines proposed capital works to be undertaken by Council over a five year period, subject to the availability of government funding.

The Town of Torbay provides the usual municipal services (water and sewer, road construction and maintenance, snow clearing, street lighting, garbage collection, volunteer fire brigade and recreational sites. The Town's major service expenditures are the water and sewer systems, followed by road construction and re-surfacing.