

TOWN OF EASTPORT

MUNICIPAL PLAN

2011 – 2021

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1 INTRODUCTION

1.1 Foreword

The Eastport Municipal Plan establishes land use designations and policies for the future development of the Municipality by setting out a 10-year land use strategy. The Municipal Plan incorporates lands included within the Eastport Municipal Boundary and Planning Area Boundary. The intent of the Municipal Plan is to provide for a safe, healthy, and prosperous community while conserving the financial and material resources of the Town Council and residents of the town. The Eastport Municipal Area is the same as the designated Planning Area.

The Municipal Plan was prepared according to Section 13 of the Urban and Rural Planning Act. It guides the physical improvement and future growth of the Town by identifying locations for, and issues and opportunities associated with, various types of land use and development. The Municipal Plan provides the basis for the Development Regulations (land use, zoning, subdivision and advertisement regulations), which Council will administer through development and subdivision permits.

1.1.1 Contents of the Eastport Municipal Plan

The Eastport Municipal Plan, comprising this report and its accompanying maps, is a legal document when adopted by Council and registered under the Urban and Rural Planning Act. It contains:

- The aims of Council (goals, objectives, and land use policies).
- The land use plan for future development.
- The timing and cost of recommended capital works over the next five years.

The Background Review, presented in Section 1.2 of this report, describes the conditions existing when the Eastport Municipal Plan was prepared (2007/08) and provides the

rationale for the land use policies of the Plan. The Background Review does not form part of the legal document.

1.1.2 Bringing the Municipal Plan into Effect

The Urban and Rural Planning Act sets out the process for bringing the Eastport Municipal Plan into effect. Upon completion of the Municipal Plan, Council submits all relevant documents and maps to the Department of Municipal Affairs to review the document for conformity to the Act and as it pertains to Provincial interests. Council may then adopt the Municipal Plan and provide public notice for a Public Hearing to hear representations and objections. The hearing is chaired by a commissioner appointed by the Town who records the proceedings and submits a report with recommendations to Council. At this time, Council may choose to approve the plan, amended or otherwise, and submit it to the Minister of Municipal Affairs along with the commissioner's report. When a satisfactory review has been completed by the Minister, the plan is registered with the Department of Municipal Affairs and Council is notified. Notice of registration of the Municipal Plan is then published in the Newfoundland Gazette. This date is considered the date of the coming into force of the plan and regulations that are the subject of the notice.

1.1.3 Administering the Municipal Plan

When notice of Ministerial approval of the Eastport Municipal Plan is published in the Newfoundland Gazette, the plan becomes legally binding on the Town Council and on all persons, corporations and organizations.

The Eastport Town Council administers the Eastport Municipal Plan by implementing its policies. This is done in several ways:

- By preparing land use zoning, subdivision and Development Regulations.
- By issuing development permits to people who wish to build, to change the use of a building or to subdivide land.

- By undertaking the capital works and development schemes outlined in the Eastport Municipal Plan when the financial resources are available.

Five years after the Eastport Municipal Plan is approved, Council will review it and make any necessary revisions to provide for the next 10-year planning period in accordance with Section 28 of the Urban and Rural Planning Act. Amendments to the Municipal Plan may be made by Council at any time and brought into effect by the same process described above.

1.2 Background Review

This section presents the analysis carried out to prepare the Eastport Municipal Plan.

1.2.1 Eastport Planning Area and Municipal Area

The Eastport Planning Area is shown on **Maps 1 and 2**. It shares borders with the Towns of Sandy Cove and Happy Adventure in the south and Sandringham in the west while extending northward around Eastport Bay to Eastport North, Watch Point and a border with the Town of St Chad's. Much of the Planning Area is bordered by the Atlantic Ocean in the eastern and northern sections.

1.2.2 Economy and Population

This section presents an overview of the community and population forecast, based upon data from the 2006 Census of Canada.

The population profile of the Town is presented in Exhibit 1. Over the period from 1996 to 2006, the population of the Town declined by 8.6% from 557 to 509. Over the same five-year period, the population of Newfoundland and Labrador also declined by 7.0%. While the drop in population has been relatively the same for the Town and the Province, there are important differences that are acknowledged in the Municipal Plan. In 2001, the average age of the provincial population was 38.4 years while the average for the Town's

residents was 48.8 years. The result is a population profile with fewer children and more residents above 55 years and senior citizens than the provincial average. Of the population 15 years and over, 60% are married while 22% are single and 12% are widowed.

There were 150 families in the Town in 2001. Of this total, 120 or 80% were married and the remainder was common law. The average family size ranged from 2.5 (common law) to 2.9 (married). Of the total, there were 10 lone parent (female) families. The median income of all families was \$32,735.

A more complete indicator of residential development activity in the Town is household characteristics. In 2001, there were 220 private households in the Town with the distribution being:

- Couple with Children: 25%
- Couple without Children: 43%
- One Person: 25%
- Other Types: 7%.

Of the total private dwellings, almost 90% are owner occupied and 10% are rented dwellings. The average gross monthly rent was \$402 and monthly payments for owner occupied dwellings was \$328. The average value of a private dwelling was \$51,562 with 10 new dwellings constructed between 1996 and 2001.

Another planning-related feature of the population is mobility. Over the period from 1996 to 2001, over 75% of the population did not move while 20% lived at a different address in Newfoundland and Labrador. Only four percent of the population moved to the Town from another province or country. This mobility profile is similar to provincial averages.

Looking to the future, population change will result from births (fertility rates), deaths (mortality rates), in-migration and out-migration. Throughout Newfoundland and Labrador, out-migration to other regions of Canada and lower female fertility rates has

resulted in a decline in the overall population. Within the Province, there has also been intra-regional migration from smaller communities to the St. John's Census Metropolitan Area and other cities. Looking to the future, fertility and mortality rates will continue to follow longer-term patterns of fewer births and longer life expectancy. Migration is a result of actual or perceived economic opportunities and this factor is more difficult to predict beyond the short-term.

The Town of Eastport has experienced retirement in-migration during the recent past, and this has helped to maintain the population at a fairly stable level in comparison with the regional population (i.e. Kittiwake Economic Zone) The Town's population declined by 10.2% (from 557 to 499) from 1996 to 2006, while the regional population declined by 14.2%.

The Municipal Plan assumes that that the permanent population will decline over the next ten years, but at a slower rate than the surrounding region. The population of the Kittiwake Economic Zone is projected to decline at a rate of between 5.6% and 8.9% between 2006 and 2016 (<http://www.economics.gov.nl.ca/population/default.asp>). If Eastport's future population changes in the same proportion to the region as occurred from 1996-2006, it can expect a decline of 4.0% to 6.4% from 2006 to 2016, and by 5.4%- to 9.2% by 2021. Assuming a medium range, the year-round population can be expected to decline to about 475 people by 2016 and to about 460 by 2021.

From a land use needs perspective, this gradual decline in permanent population is likely to be negated by a continuing trend to smaller households, which for Eastport is expected to change from an average of 2.3 persons per household to 2.1 by 2016. As a result, new household formation is expected to create a demand for 21 new units by 2016 as presented in Exhibit 2.

Census based population data for Eastport, on its own, is insufficient for assessing future residential land use needs. This is because the Census does not attempt to capture seasonal population numbers. While the precise number is unknown, Eastport has a

significant number of seasonal residents. According to Council, approximately one hundred dwellings have their water supply turned off each winter. A more reliable indicator is the Census figure on total private dwellings compared to the number occupied by usual residents. In the 2006 Census, Eastport had a total of 307 private dwellings. However only 227, or 73.9%, were occupied by what the census defines as “usual” residents. It must be assumed therefore that the remaining 80 dwellings are inhabited by seasonal residents. If it is assumed that the average number of occupants in seasonal dwellings is the same as in year-round dwellings, then the combined total of both permanent and seasonal residents is estimated to be about one-third higher than the Census population of 510. Therefore, in terms of estimating future land needs for housing growth, it can be argued that the base population of the Town is more likely to be in the vicinity of 680 residents.

Exhibit 1				
Population Profile and Comparisons				
Age Characteristic	Town of Eastport		Province of Newfoundland and Labrador	
	Total	%	Total	%
0-4 Years	15	2.9%	22,865	4.5%
5-9	15	2.9%	25,905	5.1%
10-14 Years	35	6.9%	29,455	5.8%
15-19 Years	30	5.9%	34,105	6.7%
20-24 Years	15	2.9%	31,190	6.2%
25-34	35	6.9%	58,365	11.5%
35-44 Years	60	11.8%	78,205	15.5%
45-54 Years	75	14.7%	85,575	16.9%
55-64 Years	90	17.6%	69,530	13.8%
65-74 Years	80	15.7%	39,560	7.9%
75-84 Years	35	6.9%	22,930	4.5%
85 And Over	25	4.9%	7650	1.7%
Total	510	100.0%		100.0%
Median Age	52.2		41.7	
Pop'n aged 15+	91.9%		84.9%	
Source: Statistics Canada, 2006 Community Profiles				

Exhibit 2			
10 Year Population Forecasts			
	2006	2011	2016
Population	522	500	500
Average Size Per Household	2.3	2.2	2.1
Cumulative New Dwelling Units		10	21
Source: Hatch Mott MacDonald estimates based upon Statistics Canada, 2006 Community Profiles.			

Another indicator of current and expected future economic activity is education attainment. The percentage of the Town's primary working age population (i.e. 25-64) with less than a high school graduation certificate is 34.5% compared to 25.7% for the province as a whole. The percentage of this population segment with at least some post-secondary education is 53.5%, which mirrors the provincial average of 54.7%.

Exhibit 3 shows the 2006 industry and occupation profile of the Town. As these data show, the dominant activities are manufacturing and construction, and sales and services occupations.

Exhibit 3		
Economic Base Profile – 2006		
Labour Force by Industry	Number	Percent of Total
Agricultural & Other Resource Industries	20	11.4
Manufacturing & Construction Industries	10	5.7
Wholesale & Retail Trade	0	0.0
Finance & Real Estate	0	0.0
Health, Education & Social Services	10	5.7
Business Services	0	0.0
Other Services	50	28.6
Total	195	100.0

Exhibit 3 (continued)		
Economic Base Profile – 2006		
Labour Force by Occupation		
	Number	Percent of Total
Managerial	20	11.4
Business, Finance & Administration	10	5.7
Natural & Applied Sciences & Related	0	0.0
Health	0	0.0
Social Sciences, Education, Government Services & Religion	10	5.7
Art, Culture, Recreation & Sport	0	0.0
Sales & Services	50	28.6
Trade, Transport and Equipment	35	20.0
Primary Industries	20	11.4
Processing, Manufacturing & Utilities	30	17.1
Total	175	100.0
Source: Statistics Canada, 2006 Community Profile		

1.2.3 Land Use Issues

Residential

Despite the projected decline in the number of permanent residents for the next decade or more, Eastport can expect to experience continued housing growth. While the population will decline, structural demographic change (i.e. to smaller average households) will have an upward influence on housing demand. The popularity of the Eastport Peninsula as a summer destination will have an even stronger influence on demand for residential lots if historic patterns continue. Recent enquiries to the Town by developers indicate that there is strong market interest in waterfront land around Eastport Bay for seasonal residential development.

The Eastport Municipal Plan recognizes the potential development pressures for residential land emanating from both permanent and seasonal residents. This demand is expected to be concentrated mostly in waterfront and near-waterfront areas. Council has taken a position that new development will be welcomed as long as it is environmentally sustainable, does not unduly increase costs for municipal infrastructure and services, and

protects adequate coastal open space for public access and use. The Town will not be receptive to development proposals that would result in an unbroken ribbon pattern of waterfront building lots around Eastport Bay.

Overall, the residential development pattern is mixed with commercial, civic and service areas on Main Street and Church Street and with occasional small agricultural uses running the length of Beach and Bank Streets. A number of home-based businesses are found throughout the Town. While most of the Town adheres to its original form, some of the more recent subdivisions, such as Penney's Road, have been laid out as straight, dead-end roads. It is Council's intention to encourage a more compact development form which minimizes municipal infrastructure and servicing costs and avoids these types of land extensive developments in the future.

Longer term expansion should focus on existing serviced areas to reduce operation and maintenance costs to the Town. This will also facilitate a more compact and walkable community that reduces dependence on automobiles and lowers future pressure for new roads. Suitable areas for new expansion include tracts of land off of Main Street in close proximity to the intersection with Church Street and areas along Babstock's Road.

Commercial/Industrial

Retail and service businesses in Eastport are spread out along Main Street and Church Street mixed with residential housing. The Town wishes to provide flexibility in the Municipal Plan to allow this traditional mixed use pattern of development to continue along its main streets.

Industrial developments are limited within the Town although some exist on Main Street, particularly on the outskirts of the Town leading to Sandringham.

Other Land Uses

Public uses of land for schools, places of worship, assembly and civic functions are located at various sites in the Town but mostly border Church Street. Recreational

facilities such as playing fields, a playground and outdoor skating arena are also all located on Church Street, as is the community's cultural focus, The Beaches Heritage Centre.

The Town has a long history of agriculture and small farming operations producing both vegetables and livestock. These uses are located on Bank Road, Beach Road, Burdens Road, Main Street, and Church Street. A small greenhouse business producing mostly bedding plants is located on Sampson's Road.

The Town has a designated Wellhead Protected Water Supply Area in the vicinity of Church Street, Lanes Road, Beach Road, Sandy Cove Road, and Sampson's Road near the historical centre of the community.

The Town has embarked on initiatives to protect the banks and beaches around Eastport Bay from erosion and misuse. These sensitive coastal sites are considered vital to the environmental health, recreational appeal and economic well-being of the community. With an influx of older residents also considering Eastport a viable option as a retirement community, there is a need for recreational facilities that promote healthy living. A partial pedestrian boardwalk over the rocky shoreline between Eastport's Southwest Beach (also known as Eastport Beach) and Northwest Beach was completed by Council in 2007. A further extension of the boardwalk is planned bordering Clay Cove and Carmen's Cove.

Transportation

The Town of Eastport consists predominantly of three types of roads that permit vehicular traffic usage within the Town's boundaries. Major Collector roads consist of roads that permit access to sections of the Town served by less traveled or smaller roads. Main Street is only Major Collector road, connecting the Town's local roads with Route 310 leading to the Trans Canada Highway. Minor Collector roads provide access to different sections of Town and connect to the Major Collector. Minor Collectors include Sandy Cove Road, Church Street, North Side Road, Beach Road, Bank Road, Burdens

Road, Legion Road, and Lanes Road. Major and Minor Collector roads within the boundaries of the Town are also used to access the neighboring communities of Salvage, St. Chad's, Burnside, St. Brendan's, Happy Adventure and Sandy Cove.

Local Roads include all other public roadways within Town boundaries. These roads form an important part of the Town's transportation network as they allow residents to gain access to residential areas and provide a connection between various collector roads.

The existing network of roads adequately serves the needs of the Town. Expansions, additions, and upgrading will be undertaken as required and financially feasible.

1.2.4 Municipal Services

Ditching and culverts located throughout the Town are the only provisions for existing storm water control. This system has proved to be quite adequate. To ensure that the storm water control system remains functional, continuous monitoring and assessment of the components (ditches and culverts) within the Town's storm water system is critical to ensure that it is free of debris and obstructions. This is essential during the spring season as high spring run-off can cause further damage to other infrastructure such as road asphalt.

The Town of Eastport maintains a municipal water system through the utilization of a ground water source. A shallow well was constructed by the Town in the mid-1980s to a depth of 3.5 metres and lined around the sides with concrete to 0.5 metres above the existing ground surface, providing a natural reservoir of approximately 45,000 litres capacity. This well is recharged by two main springs that occur along the east face of the well structure. Situated near this well is a pump house that delivers energy to the water supply allowing it to be pumped throughout the Town's distribution system. In addition, this pump house also houses equipment that disinfects the Town's raw water supply.

Up until 2003, the extent of the upgrades of the water mains ended along Main Street near the intersection of Burry's Lane and Main Street. A regional water study completed

in 2002 investigated a proposed regional water system to include other nearby communities. This study suggested extending the water main upgrades throughout key areas of the Town so that ample water will be pumped to a proposed storage tank and to provide fire flows to other communities (Sandy Cove in particular).

2 GOALS AND OBJECTIVES

This section outlines the goals and objectives of the Eastport Municipal Plan for the period between 2006 and 2016. Each goal is a desired state which reflects the long-range intent of Council. Each objective is a short-range step towards achieving a specific goal. It is concrete, realistic, action-oriented and attainable within a period of three to five years.

2.1 Community Structure and Character

Goals: Promote orderly development, the economical use of municipal services, compatibility between adjacent land uses and environmental conservation.

Maintain a strong rural character and sense of community by balancing development with the maintenance of a healthy ecosystem and traditional public use of publicly owned lands and natural resources.

Objectives:

- Encourage continued infilling along existing public roads, thus making better use of municipal infrastructure.
- Encourage new development in areas that can be economically connected to the Town's municipal water and sewer systems.
- Restrict the types of development that will be permitted in areas that cannot be economically provided with municipal services.
- Maintain important publicly owned lands and natural resources that have historically been used by the public for subsistence harvesting activities, recreation, and shoreline access.

- Accommodate unserviced development only in designated areas and only insofar as it meets environmental standards and will not interfere with the optimal future use of adjacent lands.
- Guide new development in a fashion that is compatible with surrounding land uses.
- Encourage the conservation and enhancement of historical assets and significant aspects of the Town's built heritage.
- Protect environmentally important and sensitive areas such as coastal shorelines, beaches, ponds, rivers, streams, and wetlands, by designating them as conservation areas as deemed necessary.

2.2 Economy

Goal: Encourage diversified economic growth in order to increase the commercial tax base, generate more local employment and build up a favourable base for municipal assessment.

Objectives:

- Diversify the local economy by encouraging local entrepreneurs and attracting new businesses and industries.
- Encourage the development of additional commercial uses to serve local and new residents.
- Support the development of facilities and attractions that will enhance tourism, e.g., parks, water recreation, and hiking trails.

- Encourage the continuance of existing agricultural uses and encourage new agricultural development where it is compatible with existing and planned residential areas.

2.3 Commercial and Industrial Development

Goal: Support an appropriate mix of commercial and industrial facilities to serve residents and visitors to the Town and surrounding region.

Objectives:

- Encourage appropriate commercial/industrial development on Main Street.
- Ensure maximum utilization of existing serviced commercial and industrial land.
- Prevent development in inappropriate locations of offensive trades and nuisances that may be detrimental to the Town as an attractive place to live and visit.

2.4 Housing

Goal: Encourage and support an adequate quantity and mix of housing to serve the needs of the changing population, including seasonal residents.

Objectives:

- Maintain a high standard of housing.
- Encourage new housing in areas fully serviced by municipal water and sewer.

- Encourage an adequate supply of housing for all socio-economic groups.

2.5 Culture, Recreation and Open Space

Goal: Meet the needs of the community for cultural and recreational opportunities.

Objectives:

- Preserve areas and features of natural, scenic, environmental and historical significance.
- Support the provision of cultural and recreational facilities and services which are accessible to people of different abilities and ages.
- Continue to develop an adequate trail system for a variety of recreational users and to protect these trails from incompatible development.
- Ensure a high proportion of coastal areas are maintained for public access and enjoyment.

2.6 Transportation

Goal: Provide a safe and efficient transportation network to serve the Town of Eastport.

Objectives:

- Maintain the existing hierarchy of public roads through a regular program of maintenance and improvement.

- Provide ready access to commercial and industrial areas.
- Encourage efficient means of access to public areas and buildings for disabled and elderly persons.
- Encourage and support the establishment of trail networks in and adjacent to the Town.

2.7 Environment

Goals: Provide for the health, safety, welfare and enjoyment of the general public.

Preserve and protect important aspects of the heritage, cultural and natural environment.

Objectives:

- Protect the existing natural and heritage/cultural constraints to development, and to protect in its natural state land which is unsuitable for development.
- Provide municipal services at environmentally acceptable standards.
- Protect environmentally sensitive areas such as rivers, streams, wetlands, ponds, steep slopes, shorelines, and beaches.

2.8 Municipal Finances

Goal: Achieve long-term financial stability by managing expenditures on municipal services while broadening the assessment base for municipal revenues.

Objectives:

- Manage the expenditures on municipal services and achieve the most efficient use of existing services.
- Manage municipal debt, considering the Town's ability to meet its expenditures in the long term.
- Promote and encourage the diversification of the local economy through the growth of existing businesses and the establishment of new ones, so as to generate more municipal revenues.

3 LAND USE POLICIES

3.1 GENERAL POLICIES

The following policies can be categorized as general in scope in that they can be applied to all areas of Eastport. All land use development must conform to the general land use policies.

3.1.1 General Land Use Policies

Policies

1. General Layout of the Town

- (1) New development will be encouraged to locate in areas that can be serviced economically by water and sewer services.
- (2) Council will endeavour to phase development so that areas readily accessible to existing water and sewer trunks are largely developed before significant new infrastructure investments in are considered.
- (3) At Council's discretion, proposals for unserviced development may be considered in areas where municipal services are not likely to be available for the foreseeable future.
- (4) All unserviced development will be subject to efficient use of land, high environmental standards and Provincial approval of on-site water and sewage services.

2. Subdivision Development

(1) Subdivision Proposal Evaluations

All proposed subdivisions of land will be subject to an evaluation by Council. The comprehensiveness of each evaluation will depend on the

scale of the proposed development, the environmental sensitivity of the area, and the nature of any public or neighbourhood concerns that are identified. Evaluations will address:

- The opportunities and constraints represented by the physical features of the site,
- How the proposed development will integrate with existing developments, roads, and municipal services,
- The potential effects of the development on environmentally sensitive resources,
- How the proposed development will affect future access to undeveloped lands in the area,
- The degree of compatibility or conflict the subdivision is likely to have with nearby land uses, both existing and future, and
- The developer's proposal for roads and water and sewer servicing, and the costs to Council of providing and maintaining this infrastructure.

(2) Serviced Areas

In areas that require full municipal services, subdivision applications shall provide information on road location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space, water and sewer servicing, connections to existing roads and infrastructures, and other information that Council may request. The subdivision plan shall conform to the development standards of the applicable zone as identified in the Eastport Development Regulations.

(3) Unserviced Areas

In areas remote from existing municipal services, residential development applications shall provide information on road location, lot layout, property ownership, nearby watercourses and wetlands, provision for open space, on-site well and septic services, and other information that Council

may request. The subdivision plan shall conform to the development standards of the applicable zone as outlined in the Eastport Development Regulations.

(4) Public Input

At its discretion, Council may seek input from neighbouring landowners when reviewing subdivision development proposals, especially when four or more lots are proposed.

(5) Council Decision

Council will review each subdivision application on a case by case basis and may:

- Approve the development as proposed,
- Approve the development subject to certain terms or conditions,
- Defer a decision subject to more detailed information, or
- Not approve the development if it finds that the development is unsuitable for the location or will create problems that cannot be sufficiently corrected or mitigated.

(6) Open Space Dedications

For each subdivision approval, the developer will be required to provide to the Town land for open space equal to 10% of the gross area of the land to be developed. Alternatively, in lieu of land dedication, Council may decide to accept a sum of money equal to 10 percent of the fair market value of the land to be developed.

3. Onsite Services

In areas without municipal water and sewer services, no residential lot will be approved that does not have on the same lot a private well water supply and a sewage treatment system that have received the necessary provincial approvals.

Private wells and sewage treatment systems serving two or more homes located on separate lots will not be permitted.

4. Municipal and Public Works and Easements

- (1) Municipal and public utility works will be permitted in all land use designations provided that no adverse effects on adjacent land uses or the environment will result. Buffering may be required in the form of a suitably landscaped area between any such works and adjacent land uses.
- (2) Where land is required for utility easements or emergency access, such land may be obtained for the appropriate utility or agency in the course of approving a subdivision or other development applications.

5. Conveyance to Council of Privately Developed Streets

- (1) All privately developed roadways intended for subdivision development and public access to adjoining properties will be designated as public streets to be owned and maintained by the Town
- (2) All privately developed streets must be constructed to a standard satisfactory to the Town before Council will assume ownership and responsibility for their maintenance. Each new street shall have a legal land survey and a Deed of Conveyance approved by the Town's solicitor before Council assumes ownership.

6. Soils and Drainage

- (1) Development shall only be permitted on lands with soil and drainage conditions that are suitable for the proposed uses.

7. Building Setbacks from Roads

- (1) Building setbacks from roads will be sufficient to preserve the road right-of-way allowances specified in this Municipal Plan, and allow for appropriate landscaping and vehicle parking space clear of the road allowance.

8. Access to a Public Road

- (1) All development must have access to a publicly maintained road unless otherwise authorized by Council.

9. Backlot Development

- (1) At its discretion, Council may permit the creation of backland lots insofar as the development uses land efficiently, is economical for the delivery of municipal services, preserves the Town's natural and historic character, and does not isolate nearby parcels of land in a way that would preclude them from being developed in the future.
- (2) Landowners in backland areas will be encouraged to cooperate with each other to prepare subdivision plans that facilitates orderly and efficient use of land and municipal services, and adheres to the policies outlined in this Municipal Plan for the protection of environmental resources.
- (3) Subdivision proposals for backland areas must show the relationship of the proposed lot(s) with existing streets and adjacent parcels of land.
- (4) Proposed backland lot(s) will not be approved if the development would isolate nearby properties from potential street access, or would otherwise preclude these properties from future development.
- (5) A subdivision application for one or more backland lots must address all needs pertinent to orderly development of the area, including:

- (a) A description of the proposed lot(s) and surrounding properties,
 - (b) A description of how the lot(s) will be connected to the existing street network,
 - (c) A description of how the lot(s) will be connected with existing municipal water and sewer services, and
 - (d) Consideration of Council's aim to prevent the isolation of other developable backlands.
- (6) When considering a backland development proposal, Council may suggest alternative development configurations that it considers more appropriate for the area.

10. Archaeological Resources

- (1) Any proposed development to be located near a known archeological site will be subject to the approval and conditions of the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation.
- (2) Council will report any proposed developments that will involve major land use or ground disturbance to the Provincial Archaeology Office during the planning stages so that necessary measures can be taken to ensure that potential historic resources are not disturbed or destroyed.
- (3) Council will report the discovery of archaeological sites or artifacts to the Provincial Archaeology Office as soon as it becomes aware of the discovery.

11. Provincial and Federal Acts and Regulations

- (1) All development approvals under this Municipal Plan will take into consideration applicable Provincial and Federal acts and regulations, in particular those administered by the Departments of Health and

Community Services, Environment and Conservation, Government Services, Transportation and Works, and Fisheries and Oceans Canada.

- (2) Council will not approve a proposed development if it is aware that the development would contravene a Provincial or Federal act or regulation.

12. Development Criteria for Non-Residential Sites

- (1) All non-residential development will conform to the following criteria:
 - (a) Each site will have direct access to a public road.
 - (b) Development will be located and designed in a manner that ensures traffic, noise, lighting, odour, signage, and aesthetic impacts on adjacent residential areas will be kept at reasonable levels.
 - (c) Where Council deems necessary, screening deemed may be required through the provision of banks, landscaping or fencing.
 - (d) Properties will be designed to a high standard with regard to safety, design and appearance, and suitability within the community.
 - (e) Access points to a public road will be limited in number and designed for maximum safety of pedestrians and vehicles.
 - (f) Each lot will contain adequate space to meet the needs of the proposed development for off-road parking and loading.
 - (g) Each proposed development must have adequate municipal services for its needs unless suitable alternative arrangements are approved by Council.

13. Camping Tents, Trailers and Recreational Vehicles

- (1) The use of tents, camping trailers, and recreational vehicles for overnight camping will be permitted only in designated campgrounds or as a temporary activity on private residential properties.

14. Mineral and Petroleum Exploration

- (1) Mineral and petroleum exploration may be permitted at the discretion of Council.
- (2) Mineral and petroleum exploration will be only undertaken in a manner that will have minimal impact on surrounding land uses and sensitive environmental resources and habitat.

15. Compatibility between Livestock Facilities and Residential Uses

- (1) Council will minimize the potential for land use conflicts arising as a result of livestock or poultry facilities being developed close to existing non-farm land uses, and conversely, as a result of non-farm land uses being developed close to existing livestock or poultry facilities.
- (2) The keeping of livestock near residential properties will be subject to specific limitations set out in the Development Regulations such as the maximum number of animal units, minimum lot sizes, and minimum setbacks of livestock facilities from lot boundaries.
- (3) A non-conforming livestock or poultry facility located near an existing residential area will be permitted to continue, but will not be permitted to expand unless it can be determined that this will not adversely affect the residential area. Council will consult with neighbours prior to taking a decision on a proposed expansion.

3.1.2 General Environmental Policies

Policies

1. General Environment

- (1) Land and natural resources that are environmentally sensitive, including streams, riparian areas, wetlands, steep slopes, and geologically unstable areas, will be protected from potentially damaging forms of development.
- (2) The potential environmental effects of proposed land uses will be considered when reviewing development applications.
- (3) At the discretion of Council, or in accordance with other statutory requirements, proposals may be referred to the Departments of Environment and Conservation, Government Services, Fisheries and Oceans Canada, or other relevant agencies for advice and/or regulatory approval.

2. Development Contingent on Provincial and Federal Approvals

- (1) Council will not approve a proposed development if it is aware that the development would contravene a Provincial or Federal act or regulation.

3. Protected Drinking Water Supply

- (1) Proposed developments within the Eastport protected drinking water supply area will not be permitted except in accordance with a permit issued by the Department of Environment and Conservation under Section 61 of the *Water Resources Act*. This area is indicated on the **Future Land Use Map** as a *Wellhead Protected Water Supply Area*

4. Watercourses and Wetlands

- (1) Conservation buffers will be maintained to protect streams, ponds, riparian areas, and wetlands from stormwater discharges, erosion, sedimentation, and other adverse effects of development.

5. Unstable Soils and Geology

- (1) Development in areas that are environmentally sensitive or hazardous for development due to unstable soils or geology may be restricted or subjected to terms and conditions to minimize potential impacts.

6. Coastal Lands

- (1) Conservation and other preventative measures will be required to protect environmentally sensitive coastal features from the impacts of development.
- (2) Preventative measures will be required to protect housing and infrastructure in coastal areas from potential damage due to bank and shore erosion, rising ocean levels, and storm surges.

7. Storm Drainage

- (1) All development, including buildings, driveways, parking areas, grading of land, and excavation of drainage ditches, will be carried out in a manner that does not cause an excessive increase of stormwater runoff onto adjacent properties or into nearby watercourses.
- (2) Development will not be permitted on any site where it would otherwise be permitted when in the opinion of Council, the development will create or aggravate significant stormwater impacts, for example, excessive runoff onto adjacent properties, flooding, soil erosion, or siltation or scouring of streams.

- (3) In order to minimize stormwater impacts, Council, at its discretion, may require land development to adhere to the following guidelines:
- Minimize runoff increases from natural levels as existed prior to development.
 - Maintain a vegetated buffer between stormwater drainage outlets and watercourses to minimize direct discharges into the watercourses.
 - Plant additional trees and vegetation if existing vegetation is not adequate to promote soil infiltration and capture sediments.
 - Minimize impervious surfaces by reducing pavement, using porous paving materials, etc.
 - Contain rainwater through measures such capturing roof drainage in rain barrels and channeling surface runoff to gardens and other vegetated areas.
 - Take advantage of the topography to maintain natural drainage. For example, natural depressions should be retained to accumulate runoff and promote soil infiltration.
 - Re-establish vegetative cover as rapidly as possible in drainage ditches and other areas disturbed by construction activity to reduce erosion.

3.2 ENVIRONMENTAL PROTECTION

The following policies apply to areas designated as **Environmental Protection** on the **Future Land Use Maps**. All development in this designation must conform to the policies of this section, to the general land use policies in Section 3.1, and to all applicable government regulations.

Policies

1. General Intent

- (1) This Municipal Plan assigns high priority to the protection of sensitive areas from the potential adverse impacts of development. The following policies apply to areas designated as Environmental Protection on the Future Land Use Map.

- (2) The Environmental Protection designation is intended to protect and conserve environmentally sensitive lands and natural resources from the adverse effects of development.

2. Location

- (1) The Environmental Protection designation includes areas identified as environmentally sensitive, including wetlands, watercourses, riparian areas, coastal shorelines and beaches, steep slopes, and areas of unstable soils or geology.

3. Land Use

- (1) Developments associated with conservation will be permitted.

- (2) At Council's discretion, proposed developments affecting watercourses and coastal areas, for example, road crossings, culverts, wharves, and fisheries infrastructure, may be permitted in limited circumstances if it is clearly shown that impacts will be minimized. Any such proposed development will be referred for review and approval to the Department of Environment and Conservation, the Department of Fisheries and Oceans Canada, and other relevant agencies.

- (3) At Council's discretion, passive recreation uses such as walking trails and boardwalks may be permitted. Before approving such developments, it

must be clearly demonstrated to Council that any adverse effects on the site or adjacent waterways will be minimal.

3.3 RESIDENTIAL

The following policies apply to areas designated as **Residential** on the **Future Land Use Maps**. All development must conform to these policies, to the general land use policies in Section 3.1, and to all applicable government regulations.

Policies

1. Intent

- (1) Areas are designated Residential to accommodate short to medium term housing needs (i.e. ten years) and preserve the amenity and character of existing residential areas.
- (2) It is envisioned that the accommodation of short to medium-term housing needs in these areas can occur through infilling along serviced roads as well as small subdivision developments on adjacent lands.
- (3) It is Council's intention to create a more compact development form within serviced areas in order to optimize the utilization of existing services, provide easy access to amenities, and limit the spread of low density, unserviced, development.

2. Location

- (1) The Residential designation includes most of the built-up areas of Eastport, as well as adjacent undeveloped land that can be readily connected to existing water and sewer mains. It may also include certain areas separate from the main built-up community, which are specifically designated for unserviced development.

3. Residential Uses

(1) Single Detached Housing

The predominant use of land in areas designated Residential shall be single detached housing although other forms may be allowed.

(2) Multiple Unit Dwellings

Multiple unit dwellings such as semi-detached houses and townhouses may be permitted at Council's discretion,.

Where they are permitted, multiple unit dwellings will be integrated with single detached housing in a way that ensures compatibility with the surrounding residential area.

A development permit will not be issued for a multiple unit dwelling until its design, scale, site layout and overall appearance have been approved by Council.

(3) Apartment Buildings

Apartment buildings will not be permitted.

(4) Mobile Homes

Mobile homes will not be permitted.

4. Priority Areas for Residential Development

(1) Infill Development

A priority for new residential development will be infill of vacant land fronting onto existing roads. Council will take into account the utilization levels of existing serviced land in an area when considering proposals for new residential roads or subdivisions.

Site plans and building designs for infill development must meet the approval of Council. It must be compatible with existing neighbourhood character and in accordance with the development standards of the zone.

(2) Extension of Existing Roads

At Council's discretion, extensions of existing local roads to create additional residential lots may be permitted as long as it does not generate significant increases in municipal servicing costs.

5. Serviced and Unserviced Residential Development

(1) Serviced Areas

In areas near existing municipal services, new residential development will be required to be fully connected to water and sewer services.

Each dwelling must be connected directly to water and sewer mains running along the street on which the dwelling fronts. Council will not permit water and sewer connections via pipes installed across adjoining private properties.

(2) Unserviced Areas

In areas remote from existing municipal services, Council will consider proposals for unserviced residential development on a case by case basis.

6. Non-Residential Uses

(1) Conservation and Open Space

Conservation and open space land uses are considered compatible in Residential areas.

(2) Home-Based Businesses

Home-based businesses will be permitted only if they are contained inside the residence or an accessory building on the same lot, are clearly

subsidiary to the residential use, and do not adversely affect the residential quality of the area through excessive traffic, noise, lighting, odour, signage, unsightly premises or similar considerations.

Auto repair, autobody repair, and kennels will not be permitted as home-based businesses.

(3) Bed-and-Breakfast Operations

Bed-and-breakfast operations must not adversely affect the residential quality of the neighbourhood as a result of excessive traffic, noise, parking, lighting, odour, or signage.

7. Agricultural Uses

(1) Commercial Crop Farming and Horticultural Operations

At the discretion of Council, commercial crop farming and horticultural operations, including greenhouses, may be permitted in the Residential designation.

In considering applications for crop farming and horticultural operations in the Residential designation, Council will take into consideration potential impacts on existing residential uses or future residential development.

No crop farming and horticultural operations will be approved that would be dependent on municipally supplied water.

Council will consult with neighbours prior to taking a decision on an application for a new crop farming or horticultural operation in the Residential designation.

(2) **Commercial Livestock and Poultry Facilities**

New commercial livestock and poultry facilities will not be permitted in the Residential designation.

Expansions of existing commercial livestock and poultry facilities will not be permitted in the Residential designation.

(3) **Hobby Farming**

Permitted hobby agricultural uses will be limited to vegetable plots, small livestock facilities, and small greenhouses that are clearly subsidiary to residential use.

8. Protection of Sensitive Areas

- (1) Where Council suspects that a proposed residential development has potential to create erosion, siltation, or contamination problems due to its proximity to a pond, stream, steep slope, or geologically unstable area, at its discretion, it may decline to approve the development or may enact special conditions and/or restrictions to prevent or minimize the problems.

3.4 COMMERCIAL/INDUSTRIAL

The following policies apply to areas designated as **Commercial/Industrial** on the **Future Land Use Maps**. All development must conform to these policies, the general land use policies in Section 3.1, and all applicable government regulations.

Policies

1. Location

- (1) The Commercial/Industrial designation includes the area encompassing both sides of Main Street, from the existing Municipal Shed to the western municipal border.

2. General Intent and Land Uses

- (1) The Commercial/Industrial designation is used to accommodate a mix of commercial uses and light industry that can locate together in a compatible fashion.
- (2) For the purposes of this designation, light industry is generally defined as industrial uses that can be carried out without hazard or intrusion to surrounding uses and are not detrimental because of noise, vibration, smell, fumes, smoke, dust or appearance.

3. Property Design and Character

- (1) A high standard of property design and maintenance will be required. Council will consider aesthetic impacts when considering site plans for approval within this designation.

3.5 MIXED USE

The following policies apply to areas designated as **Mixed Use** on the **Future Land Use Maps**. All development must conform to these policies, the general land use policies in Section 3.1, and all applicable government regulations.

Policies

1. General Intent and Land Use

- (1) Land is designated Mixed Use to allow for a continuation of the traditional mix of residential, commercial, public and agricultural uses.
- (2) Areas nearer to the shoreline and beaches are primarily valued for public access and conservation of sensitive resources. Areas bordering Church Street and Main Street are the most appropriate areas to continue public and commercial types of development. Continued residential use is also a key consideration throughout the mixed use designation.

2. Location

- (1) The Mixed Use designation includes traditional mixed land use areas bordering most of Church Street, the eastern end of Main Street, Burdens Road, and the landward side of Beach Road and Bank Road.

3. Residential Uses

- (1) Policies for residential development in the Mixed Use designation are the same as outlined in Section 3.2.

4. Agricultural Uses

(1) Commercial Crop Farming and Horticultural Operations

At the discretion of Council, commercial crop farming and horticultural operations, including greenhouses, may be permitted in the Mixed Use designation.

In considering applications for crop farming and horticultural operations in the Mixed Use designation, Council will take into consideration potential impacts on existing residential uses or future residential development.

No crop farming and horticultural operations will be approved that would be dependent on municipally supplied water.

Council will consult with neighbours prior to taking a decision on an application for a new crop farming or horticultural operation.

(2) Commercial Livestock and Poultry Facilities

New commercial livestock and poultry facilities will not be permitted in the Mixed Use designation.

Expansions of existing commercial livestock and poultry facilities will not be permitted in the Mixed Use designation.

(3) Hobby Farming

Permitted hobby agricultural uses will be limited to vegetable plots and small greenhouses. Expansions may be permitted at Council's discretion if it is determined that this will not create a nuisance for existing residential uses or interfere with future residential or commercial development.

5. Commercial Uses

(1) Compatibility with Residential Uses

Commercial development is encouraged throughout the Mixed Use designation to the extent that it is compatible and will not create significant nuisance for existing or future residential uses.

(2) The Commercial Centre

Areas surrounding Church Street and Main Street will be encouraged to develop as centres of commercial activity..

(3) Infilling of Core Areas

Council will encourage a greater concentration of commercial and civic developments on Church Street and Main Street through infilling of available land.

6. Site Plans Required

- (1) Before new commercial development is permitted in this designation, site plans must be submitted for the consideration of Council. Site plans will provide dimensional layouts indicating location, scale, and design of proposed facilities and landscaping.

- (2) In assessing proposals, Council will be primarily concerned with aesthetic factors, conformity with the desired character for the area, and compatibility with neighbouring land uses.

3.6 OPEN SPACE

The following policies apply to areas designated as **Open Space** on the **Future Land Use Maps**. All development must conform to these policies, the general land use policies in Section 3.1, and all applicable government regulations.

Policies

1. General Intent and Land Use

- (1) Council will conserve and protect natural and scenic areas that are important for public recreation, access to watercourses and coastal shorelines, maintenance and enhancement of visitor attractions, and development of parkland, trail systems, and outdoor recreational facilities.

2. Residential Development on Existing Lots

- (1) At the discretion of Council, a single dwelling may be permitted in the Open Space designation on a lot that was in existence on the registration date of this Municipal Plan, subject to any terms and conditions that may be set by Council.
- (2) Residential dwellings will not be permitted in the Open Space designation on any lots that were created after the registration date of this Municipal Plan.

3. Compatible Development

- (1) Public open spaces and recreational facilities will be developed to a high standard with regard to maintaining natural character, traditional public

viewscales, public access, safety, appearance, and compatibility with surrounding land uses, particularly residential properties,

4. Watercourses and Coastal Areas

- (1) Eastport’s ponds, streams, beaches, and coastal areas will be preserved and protected for recreational enjoyment by residents and visitors.

3.7 RURAL

The following policies apply to areas designated as **Rural** on the **Future Land Use Maps**. All development must conform to these policies, the general land use policies in Section 3.1, and all applicable government regulations.

Policies

1. General Intent

- (1) Designated Rural lands will be preserved and protected to ensure the viability and future development potential of important resource activities such as agriculture, forestry, aggregate extraction, hunting, fishing, and berry picking.
- (2) Natural resource lands will be preserved and protected to reduce the loss and fragmentation of fish and wildlife habitat.

2. Land Uses

- (1) The highest priority for development in the Rural designation will be the management and use of natural resources and land uses directly related to these activities.

- (2) Agriculture, forestry, and other renewable uses of land and natural resources will be permitted.
- (3) Land uses associated with the conservation of soil, water, wildlife and fish will be permitted.
- (3) At Council's discretion, certain non-renewable resource use activities such as gravel pits may be permitted, where such uses would not significantly affect the existing character and environmental integrity of the area.
- (4) At Council's discretion, limited types of commercial development may be permitted, where such uses are complementary to permitted uses and would not significantly affect the existing character and environmental integrity of the area.
- (5) At Council's discretion, residential dwellings may be permitted in the Rural designation only if they are subsidiary to a commercial farm operation.

3. Agriculture Lands

- (1) Development that has the potential to impede the viability of existing farms will be limited in the Rural designation.
- (2) Council will minimize land use conflicts arising from non-farm development occurring near existing livestock and poultry facilities, and, conversely, from the development of livestock and poultry facilities near existing non-farm uses.

4. Forestlands

- (1) It will be a priority of Council to preserve and protect productive forestland for the production and harvesting of trees as well as for

important non-timber values such as fish and wildlife habitat, water quality, biodiversity, and outdoor recreation and tourism.

- (2) It will be a priority of Council to reduce the loss and fragmentation of forestland.

5. Aggregate Resources and Extraction

- (1) At Council's discretion, pits and quarries may be developed in appropriate areas subject to standards and conditions to address:
 - potential environmental and aesthetic impacts,
 - operational impacts on adjacent areas such as public safety, noise, truck traffic, and dust, and
 - site rehabilitation.
- (2) Existing aggregate extraction areas, as well as undeveloped areas with high quality aggregate resources, will be protected from incompatible development that could potentially impede extraction activities.
- (3) Council will work with the Province to ensure a coordinated review of all new applications and renewal applications for quarry development.
- (4) Pit and quarry development permits will be subject to terms and conditions for the proper operation and progressive rehabilitation of the site. At its discretion, Council may require developers to post a performance bond with the Town, which will be forfeited if the conditions are not met.

6. Sustainable Resource Development

- (1) The development and utilization of natural resources, including forestry, agriculture, aggregate extraction, mining, mineral and petroleum

exploration, and associated land development, will be carried out in a way that is consistent with principles of sustainability.

- (2) Natural resource uses will conserve and protect the environmental integrity of soil, wildlife, fish, water resources, and other natural components of the ecosystem.

3.8 TRANSPORTATION

3.8.1 Roads

The municipal road system shown on the **Future Land Use Map** exists to facilitate the safe and efficient movement of people and goods. A hierarchy of roads is established in Eastport based on volume and speed of traffic. These include: Major Collectors, Minor Collectors, and Local Roads.

Policies

1. Major Collector

- (1) The only Major Collectors in Eastport are Main Street and Route 310, which extend from the Town boundary with Sandringham to the intersection with Church Street and then leads through the Town towards Salvage. This combined route distributes traffic to different parts of the town and carries regional traffic from the Eastport Peninsula to the Trans Canada Highway.
- (2) Access to side streets from Main Street will not be restricted but must conform to applicable Department of Transportation and Works standards.
- (3) Access to properties on Main Street will not be restricted but must conform to applicable Department of Transportation and Works standards.

2. Minor Collectors

- (1) Minor Collectors in Eastport distribute traffic between different parts of the town and carries traffic to roads leading to other communities on the Eastport Peninsula including Happy Adventure, Sandy Cove, St. Chads, and Burnside. Existing Minor Collector roads include Church Street, Sandy Cove Road, Legion Road, Lane’s Road, and Burden’s Road.

- (2) Access to side streets from Minor Collector roads will not be restricted but intersections must be located and designed to ensure efficient traffic flow and vehicular and pedestrian safety, and in the case of Provincial roads must conform to applicable Department of Transportation and Works standards.

- (3) Access to properties on Minor Collector roads will not be restricted unless they create a concern in terms of safety and efficient traffic flow and in the case of Provincial roads must conform to applicable Department of Transportation and Works standards

3. Local Roads

- (1) The primary purpose of Local Roads is to serve abutting properties. They are not used by traffic except to approach abutting properties or adjoining streets. Local Roads are owned and maintained by the Town of Eastport.

- (2) Accesses from Local Streets to adjoining streets will not be restricted but intersections must be located and designed to ensure efficient traffic flow and vehicular and pedestrian safety.

- (3) Accesses to adjoining streets from Local Roads will not be restricted.

4. Publicly Used Roads to be Owned by the Town

- (1) All new roads intended for public use will be owned and maintained by the Town of Eastport or the Province.

5. Public Road Design and Construction Standards

- (1) All new public roads must meet the design and construction specifications stipulated by Council. The Town will not assume ownership and maintenance responsibility of a privately developed road until it has been developed to these minimum standards.

3.8.2 Provision for the Disabled**Policies****1. Design Guidelines**

- (1) Roadways, sidewalks, public walkways, and accesses to public and commercial buildings will be designed to facilitate easy access and mobility by disabled persons.

2. Recreational Trails

- (1) Council will require a reasonable proportion of recreational trails to be constructed to facilitate mobility for the disabled. This may include paved sections, boardwalks and/or railings in specially designated areas.

3.9 MUNICIPAL SERVICES

Most buildings in the Eastport's built-up area are connected to piped water and sewer services. Piped services are not connected to some residences on the outskirts of the built-up area and a few businesses on Main Street. These areas are serviced by individual wells and on-site septic tanks/disposal fields.

The Eastport water supply comes from an aquifer and existing pump house near the centre of the Town's built-up area. The water supply area is designated as a protected wellhead under the Provincial *Water Resources Act*.

Policies

1. Municipal Sanitary Sewer Servicing

- (1) It is the intent of Council that all new streets and subdivisions in the vicinity of existing piped sewer services shall be connected to the Town's sewage collection system.
- (2) Responsibility for installation of sewer pipes will lie with private developers. Development standards must meet the specifications of the Town and the Department of Municipal Affairs.

2. Municipal Water Servicing

- (1) It is the intent of Council that all new streets and subdivisions in the vicinity of existing piped water services shall be connected to the Town's water supply system unless otherwise permitted by Council.
- (2) Responsibility for installation of water pipes will lie with private developers. Development standards must meet the specifications of the Town and the Department of Municipal Affairs.

3. Wellhead Protected Water Supply Area

- (1) Proposed developments within the Eastport protected drinking supply area will not be permitted except in accordance with a permit issued by the Department of Environment and Conservation under Section 61 of the *Water Resources Act*.

- (2) This area is indicated on the **Future Land Use Map** as the *Wellhead Protected Water Supply Area*

4. Stormwater Management

Stormwater runoff in Eastport is managed through a network of open ditches and culverts. This system has performed adequately, and no need is foreseen for underground storm sewer facilities.

(1) Protection of Watercourses and Fish Habitat

Stormwater drainage systems will be designed and managed in a manner that protects streams, ponds, and fish habitat from excessive direct discharges of stormwater.

(2) Maintenance of Storm Drainage System

Ditches and culverts within the Town's storm drainage system will be regularly monitored to ensure that it remains free of debris and obstructions. This is essential during the spring season as high spring run-off can cause further damage to other infrastructure such as road asphalt.

4. IMPLEMENTATION

The Eastport Municipal Plan will be implemented over a 10 year period through the decisions of Council. The following factors are of particular importance:

- Effective administration of the Eastport Municipal Plan;
- The annual adoption of five-year municipal capital works budgets;
- Land use zoning, subdivision, and advertisement regulations (referred to as Development Regulations);
- The basis of development control; and
- The procedure for considering amendments to the plan.

These points are dealt with in turn below.

4.1 MUNICIPAL PLAN ADMINISTRATION

The Eastport Municipal Plan is comprised of goals and objectives (Section 2 of this document), land use policies (Section 3), and a program of implementation (Section 4). The Background Summary, presented in Section 1 of this document, provides information but does not form part of the legally binding Eastport Municipal Plan.

1. Map Interpretation

- (1) For the purpose of administering the plan, the **Future Land Use Map (Maps 1 and 2)** shall be read only in conjunction with the goals, objectives and land use policies of the plan.
- (2) The boundaries of the land use designations shown on the **Future Land Use Map** are general only and, except where they coincide with roads, shorelines, or other prominent physical features, are not intended to define

exact limits. No amendment to the Eastport Municipal Plan shall be required to allow minor adjustments of the land use boundaries. Other than such minor boundary adjustments, no development shall be permitted that does not conform to the plan.

2. Development Applications

- (1) Every person or corporation wishing to develop land for any purpose within the Eastport Municipal Planning Area must apply to Council for permission through the established procedure. Council shall require that all development applications conform fully to the Eastport Municipal Plan before proceeding. Council may refuse or approve the application and may set conditions on approval. The decision of Council may be appealed to the appropriate appeal board.
- (2) Once conformity to the Municipal Plan has been established, Council shall ensure that each development proposal is given an evaluation.
- (3) If Council suspects that a Provincial or Federal policy or statute may come into effect, it will refer the development proposal to the relevant government department or agency for approval or comments before approving the application.
- (4) Council's final decision on an application will be based on the desire to guide the development of the Eastport in the best long-term interest of residents.

3. Subdivision Proposals and Agreements

- (1) Evaluations of proposed subdivisions of land for development will include the following:
 - (a) An investigation of the physical conditions and features of the site and the opportunities for and constraints on development.

- (b) A demonstration of how the proposed subdivision will join with existing roads, how it will affect existing developments, and whether it will provide future access to undeveloped lands in the area.
 - (c) A demonstration that the proposed subdivision will be compatible with surrounding land uses, both existing and future.
 - (d) An examination of proposed municipal services and the long-term public costs of providing and maintaining these services.
- (2) Before major land developments are approved in the Eastport Municipal Planning Area, Council may require the developer to enter into a development agreement with the Town. The agreement shall establish the conditions under which development will proceed and shall be binding on both parties. Any conditions governing the development will be enforced by attaching them to the development permit.

4. Non-Conforming Uses

- (1) A building, structure, or other development that does not conform with the intent and permitted land uses of this Municipal Plan, but which legally existed before the registration date of the Plan, will be permitted to continue as a “non-conforming use” subject to the provisions of Section 108 of the *Urban and Rural Planning Act, 2000*.
- (2) Notwithstanding subsection (1), if a non-conforming use is discontinued for a consecutive period of six months, or such further period as Council considers fit, it shall not be recommenced and any further use of the land or building shall conform with the intent of this Plan and its Development Regulations.
- (3) A non-conforming use under this Municipal Plan:

- (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by Council;
- (b) shall not be structurally modified except as required for the safety of the building, structure or development;
- (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
- (d) may have the existing use for that building, structure or development varied by Council to a use that is, in Council's opinion more compatible with this Municipal Plan and its Development Regulations;
- (e) may have the existing building extended where, in Council's opinion, that extension is not more than 50% of the existing building;
- (f) where the non-conformance is with respect to the standards included in the Development Regulations, shall not be expanded if the expansion would increase the non-conformity; and
- (g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with this Municipal Plan and its Development Regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

4.2 PUBLIC WORKS PROGRAM

A municipal public works program shall be adopted annually and implemented by Council. This shall include a program of work to be undertaken, which outlines proposed capital works to be undertaken by Council over a five year period, subject to the availability of funds.

The public works program for the Town appears below. The scheduled completion of this work is dependent on the receipt of adequate capital works funding. It is council's objective to complete most of the items in Priority Groups 1 and 2 within five years. The remaining groups are regarded as desirable, but are not anticipated to be achievable within the next five years.

Priority Group 1

Priority	Location	Description
1	Main Street from Seniors Complex to intersection of Main & Church Streets	Replace existing water main (Cost shared with Sandy Cove)
2	Church Street from intersection of Main St to intersection of Samson's Rd.	Replace existing water main (cost shared with Sandy Cove)
3	From well to Lane's Road	Install water transmission line to replace existing line from well to Church St (cost shared with Sandy Cove)
4(a)	Lift Station near Eastport Beach	Retrofit existing water lift station
4(b)	Water treatment plant	Major upgrade
5	Church St. from Samson's Rd. To Sandy Cove Rd.	Replace existing water main (cost shared with Sandy Cove)
6	Clay Cove Road	Install water main from Northside Rd to top of the hill on Clay Cove Road (by Harry Clarke's) to eliminate risk of sewer contamination where line is presently located.

Priority Group 2

Priority	Location	Description
1	Main Street	Replace existing 2" water main and install sewer from Penny's Rd to North West Brook , incl. lift station
2	Main Street	Replace existing 2" water main and install sewer from Northwest Brook to intersection of Tulk's Rd
3	Main Street	Replace existing water main from Tulk's Rd. to Mitchie Dyke's driveway and install sewer from Tulk's Rd. to end of water line placement on Main St. (Harry Rose's)

Priority Group 3

Priority	Location	Description
1	Burden's Road	Install sewer from end of placement (Ches Powell's) to intersection of Legion Road including lift station
2	Legion Road	Install sewer from Harvey Penny's to intersection of Burden's Road/Northside Rd
3	Babstock's Road and Bank Road	Install water & sewer along Babstock's Road from Burden's Road as far as the existing placement of water on Bank Rd.
4	Northside Road	Replace existing 4" water main between Ralph Drive and Clay Cove Road
5	Baxter Drive	Replace water line and install sewer and storm sewer from Main Street to the end of the road.

Priority Group 4

Priority	Location	Description
1	Ralph Drive	Replace existing water main & install sewer
2	Northside Road	Replace water line and install sewer from Clay Cove Rd. intersection to end of existing water main by Lloyd Legge's
3	Northside Road	Replace water line and install sewer from Legion Road intersection to Ralph Drive intersection.
4 (a)	Mosses Road East	Install water line to replace section running across country from Babstock's Rd. Install sewer.
4(b)	Mosses Road West	Install water line to replace line presently running across country from Legion Road. Install sewer.
5	Leggetter's Lane	Replace existing water line and install sewer
6	Tulk's Road	Replace existing water line and install sewer
7	Burden's Road	Replace existing water main from Credit Union to Jim Wick's
8	Church Street	Replace existing water main from Main Street to Madeline Bull's
9	Clay Cove Road	Install water & sewer from Harry Clarke's property to end of residential area (currently un-serviced)

Priority Group 5

Priority	Location	Description
1	Beach Road	Install water and sewer from Clare Dyke's property to Seaview Cottages
2	Samson's Road	Replace existing ductile iron water main
3	Sandy Cove Road	Install water main from intersection of Lane's Road up the hill toward Sandy Cove to connect with existing line (to loop the system) To be cost shared with Sandy Cove
4	Beach Road	To extend water and sewer from Seaview Cottages to Dark Cove

4.3 DEVELOPMENT REGULATIONS

To implement this Municipal Plan, Council prepared and adopted the Eastport Land Use Zoning, Subdivision, and Advertisement Regulations (referred to as the Development Regulations). These Development Regulations set out the administrative procedures for dealing with applications and will provide municipal-wide standards and requirements for land use development and zoning. All land within the Planning Area is covered by land use zones which set out detailed standards such as lot size, lot coverage, building setbacks and parking standards.

4.4 DEVELOPMENT CONTROL

1. Municipal Plan is Binding

- (1) The Eastport Municipal Plan is a legal document which is binding upon all persons and organizations, including the Council.

2. Council Control

- (1) Council shall exercise appropriate control over development in the Eastport Planning Area in accordance with the Municipal Plan and the Development (Land Use Zoning, Subdivision, and Advertisement) Regulations.

3. Development Applications and Approvals

(1) Application Requirements

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed applications forms and shall submit a detailed drawing of the proposal indicating the location and dimensions of the land and the development.

(2) **Council Response**

Council will examine the application on the basis of the Development Regulations, which reflect the policy of this Municipal Plan. Council may approve the application, approve it with conditions, or refuse it.

(3) **Applicant's Right of Appeal**

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

(4) **Government Referrals**

If Council forms an opinion that a proposed development may be affected by the regulations of a Provincial or Federal department, the application will be referred to the concerned department for review and comments before an approval is granted.

4.5 PROCEDURE FOR AMENDING THE MUNICIPAL PLAN

This Municipal Plan has been prepared on the basis of existing and expected future conditions. The intention is that no amendment shall be required within the first five years of the Plan's registration, after which it will be reviewed. Conditions and policies may change in unforeseen ways during the planning period.

1. Amendment Procedure

- (1) If Council decides to proceed with an amendment to the Municipal Plan, the amendment shall be adopted, evaluated through a public hearing process, and approved in the same manner as the Municipal Plan. An evaluation of the proposed amendment will be compiled in a background report.