

**Municipal Plan for 2014-2024, Town of Glenburnie-Birchy Head-Shoal Brook**  
Approved by Council 11 January 2016

# **Town of Glenburnie-Birchy Head-Shoal Brook MUNICIPAL PLAN**

**2014-2024**



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Future Land Use Map

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**1.0 ADOPTION AND APPROVAL**

**1.1 COUNCIL RESOLUTION TO ADOPT; CLERK'S CERTIFICATE.**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Glenburnie-Birchy Head-Shoal Brook adopts the Municipal Plan for 2014 to 2024.

Resolved by the Council of the Town of Glenburnie-Birchy Head-Shoal Brook on the 19th day of October, 2015.

Signed and sealed this 5<sup>th</sup> day of February, 2016

Mayor: [Signature]

(Council Seal)

Clerk: Myrna Gossney

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2014 to 2024, adopted by the Council of the Town of Glenburnie-Birchy Head-Shoal Brook, on the 19<sup>th</sup> day of October, 2015.

Clerk Myrna Gossney

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**1.2 COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE**

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Glenburnie-Birchy Head-Shoal Brook approves the Municipal Plan for 2014 to 2024.

Resolved by the Council of the Town of Glenburnie-Birchy Head-Shoal Brook on the 11<sup>th</sup> day of January, 2016.

Signed and sealed this 5<sup>th</sup> day of February, 2016.

Mayor: Dalean Kinnear

(Council Seal)

Clerk: Myrna Goosney

1845-2016-002  
April 21, 2016  
[Signature]

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2014 to 2024, approved by the Council of the Town of Glenburnie-Birchy Head-Shoal Brook, on the 11<sup>th</sup> day of January, 2016.

Clerk Myrna Goosney

**1.3 PLANNER'S SEAL AND SIGNATURE**

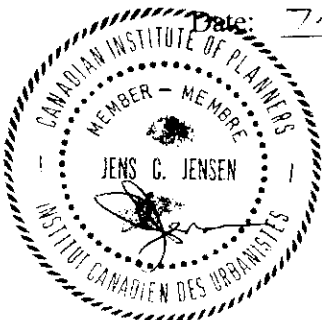
CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

Member of the Canadian Institute of Planners

[Signature]  
Jens Jensen, P.Eng., MCIP

Date: 7 March 2016 seal



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## **2.0 FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION**

### **2.1 The Municipal Plan**

This document, including the Future Land Use Map, form the Municipal Plan for the Town of Glenburnie-Birchy Head-Shoal Brook (GBS). It has been prepared in accordance with the *Urban and Rural Planning Act*, 2000. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the community's Municipal Plan for 1996-2006, including all amendments thereto. As the former Municipal Plan and Development Regulations came into effect circa 1996, they will be referred to as the 1996 planning documents.

The document presents statements regarding the Town's intentions with respect to the location and manner in which development within its community shall take place. The Future Land Use Map shows the land use designation(s) applicable to the Glenburnie-Birchy Head-Shoal Brook Planning Area. Within each designation only specified kinds of development may take place.

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

This Municipal Plan has been prepared following the preparation of a special purpose document, an Integrated Community Sustainability Plan (ICSP). The ICSP is a document prepared in accordance with a requirement that municipalities prepare an Integrated Community Sustainability Plan in order to qualify for revenue from the Gas Tax Fund, pursuant to the Gas Tax Agreement signed between the Province and Local Governments.

The research and public consultation processes involved in preparing the ICSP were somewhat useful in revising the former Municipal Plan, as many topics and interests are common to both. The process of preparing the ICSP has enhanced the depth of the Municipal Plan as it touches on matters not directly related to land use, such as social conditions, cultural matters and governance. However, the Integrated Community Sustainability Plan is not part of this Municipal Plan, nor is it subject to the statutory status and procedures affecting Municipal Plans.

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### **2.2 Ministerial Approval**

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

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

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

The Public Hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the Act (two days before the hearing). If no objections are received by the deadline, Council may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts the meeting and subsequently prepares a report including recommendations. Council then considers the report and either approves the Plan (with or without changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

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

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

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

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

### **2.3 The Effect and Amendment of the Municipal Plan**

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

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2014 through 2024.

The Municipal Plan may be amended at any other time, in whole or in part, for legitimate reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment must be consistent with the Municipal Plan as the amendment will be read together with and become part of the Municipal Plan.

### **2.4 Municipal Plan Administration; Role of Development Regulations**

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with the Development Regulations. The Development Regulations are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement regulations. After adoption by the Council, these regulations must be submitted to the Minister for approval in like manner to the process for Municipal Plans.

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Development Regulations must comply with the requirements of the *Urban and Rural Planning Act*, 2000, and standard Provincial Regulations have been developed to form the basis of these regulations. The standard regulations currently are Newfoundland Regulation 3/01 made by the Minister of Municipal and Intergovernmental Affairs and which came into force on January 1, 2001. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

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

### **3.0 INTRODUCTION**

#### **3.1 Title and Components**

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Glenburnie-Birchy Head-Shoal Brook, 2014 - 2024*. The following text and Future Land Use Map contained herein constitute the Municipal Plan for the Glenburnie-Birchy Head-Shoal Brook Planning Area.

#### **3.2 Review and Amendments**

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

#### **3.3 Purpose of Plan**

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

#### **3.4 Municipal Planning Area**

The territory subject to this Municipal Plan is that which is included within the boundaries of the Glenburnie-Birchy Head-Shoal Brook Planning Area. The Planning Area is larger than just the area defined by the Town boundary, as it extends to the west of the Town boundary, as illustrated on the Future Land Use Map.

### **3.5 History**

The recently completed Planning Background Report includes a succinct history, which is quoted below:

*In common with most of the coastal communities of Newfoundland, the European settlement of Glenburnie-Birchy Head-Shoal Brook relates to the evolution of the fishing industry beginning in the 1700s. Initially, the French had rights to the fisheries off the western shores of Newfoundland, hence the name "French Shore". The South Arm became an important harbour on the west coast due to its strategic location and favourable harbouring assets including deep drafts. During the first many years, shore settlement was essentially discouraged and those who wintered over related exclusively to the fishing activities. Eventually, the French presence was superseded by the British.*

*By the mid 1800s, permanent shore settlement was established, and the economy diversified. The herring fishery was the dominant economic sector for many years, though Woody Point also featured a role in public administration. The courthouse was established there and the community became the principal commercial centre for the region. GBS' proximity to Woody Point provided some of the benefits of that town's role as a central place on the west coast. The fishery diversified toward the end of the Nineteenth Century with the development of a lucrative lobster fishery.*

*However, a disastrous fire in 1922 destroyed the commercial section in Woody Point, a blow from which the local economy never recovered. Businesses were relocated elsewhere, and the development of the forestry industry focused on Corner Brook and of power generation in Deer Lake. In later years, the near collapse of the cod fishery had a severely adverse effect on the provincial economy, and few communities were spared the downturn. The population never recovered to the numbers of the early Twentieth Century, and an economic dormancy continued until the establishment of Gros Morne National Park in 1973.*

*The creation of the National Park has had a greatly beneficial influence on the viability of the enclave communities, and recent developments affecting tourism have brought a new sense of confidence in the future.*

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**3.6 Public Consultation**

In the first step in the planning process, the Town's consulting planner came to the community in September, 2013. He carried out much of the basic background information gathering and consultation with staff and local public agency representatives as well, to build the initial information needed for the assignment.

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

During the fall of 2013, the Town's consulting planner, Council and staff developed a first draft of the Municipal Plan and Development Regulations for 2014-2024. Those drafts were presented at an advertised public meeting held in the community on 26 November, 2013. The proposed planning documents were discussed, and notes taken on suggestions for consideration. Following the meeting, an advertised call for comments from the public was made, but no comments resulted.

## **4.0 FACTORS AFFECTING THE MUNICIPAL PLAN**

The key points affecting the Municipal Plan arising from the information and consultative processes described above are as follows:

### **4.1 Geographic Setting and Settlement**

Glenburnie-Birchy Head-Shoal Brook is a coastal community located on the Northern Peninsula on the west coast of the island of Newfoundland, and lies embedded in Gros Morne National Park. The nearest principal towns are Corner Brook and Deer Lake, about 120 km and 71 km distance, less than an hour's drive to the latter.

The community is located on the South Arm of Bonne Bay, which is a fjord connecting to the Gulf of St. Lawrence. The 1976 report (*Woody Point – Glenburnie Community Development Plan*) describes the geophysical setting of the communities of Woody Point and GBS as lying along a narrow coastal shoreline backing onto a steep, large escarpment. The escarpment limits development from extending very far from the shoreline in GBS but the area capable of development in Woody Point widens considerably. Woody Point and GBS are located opposite the community of Norris Point.

The access highway leading out to the Viking Trail (Highway 431) runs through the three communities, and there are only a few side roads, mostly in Glenburnie. On the opposite shore from GBS lies the community of Norris Point. It is easy to appreciate how the motor vehicle ferry which at one time ran between Woody Point and Norris Point was very convenient, in comparison to the lengthy drive around the Bay (about 70 km) to get to the same point. It is also easy to appreciate the outstanding natural beauty of the area.

The community has developed in a linear fashion along Highway 431, with some development on side roads. Within the community, there is a mixture of residential and other types of development such as small businesses, schools and churches. The steep topography of the escarpment has prevented construction of buildings up its slopes.

The land uses developed in the community have been adequately accommodated as there has been sufficient land to do so to date. However, increasing demand for land for development is creating some new pressures to identify suitable lands for expansion and a plan for implementation. The economic and demographic factors which lie behind the demand will be discussed in the next section.



## **4.2 Demographics and Economic Development**

It is important to understand the relationship between the state of the local economy and demographics, as these are the fundamental matters affecting the future of the community. It is well known that the populations of most small communities on Newfoundland island outside the capital region are significantly declining in numbers and generally aging. The Town of Glenburnie-Birchy Head-Shoal Brook is no exception: the latest available data is from the 2011 Canadian Census, wherein the population for the town was determined to be 258, down from 355 in 2006, continuing a long, generally steady decline over the decades back to the 1920s.

The fishery and forest resources represented the economic base of the community for many years. Although the fishery continues in a diminished form and is focused on different species and processing methods, its future strength and structure are evolving on an uncertain path. Offsetting that trend is the positive influence of the National Park, which has provided for a certain level of sustained employment. Also, the community of GBS and similar nearby places are within commuting distance of the commercial and industrial centres of Corner Brook and Deer Lake, as well as the remaining fish processing plants in the area.

Those established local employment opportunities, plus a certain number of public administration jobs in schools and other institutions, plus the incomes brought home by itinerant workers employed far away, provide for a fairly stable economic base. However, the ICSP and much of the other documentation make it abundantly clear that that the growth and stability of the community are very much tied to the growth of tourism.

The 2010 ICSP, quoted as follows at page 17, seems to capture the spirit of the community's vision:

*Glenburnie-Birchy Head-Shoal Brook is a naturally beautiful, safe, and historic town located along the shore of Bonne Bay and nestled within the Gros Morne National Park. Glenburnie-Birchy Head-Shoal Brook respects its rich history with the fishery and embraces the growth and development of an already vibrant tourism economy. With an ideal natural setting, and a variety of attractions, we look to remain an authentic community as we further market and develop the town for residents and visitors alike.*

The Municipal Plan will endeavour to facilitate initiatives of the Town, advocate for investments and improvements requiring "outside" involvement, and regulate development in the spirit

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reflected in the vision statements. More specifically, the Municipal Plan will respond to the strategy that economic development and community sustainability will relate directly to successful exploitation of the tourism potential of the area, particularly in ecotourism, arts and culture.

The significance of the Municipal Plan and associated Development Regulations in supporting the community's pursuit of those economic development opportunities is obvious: the regulations which will govern new development need to be sensitive to the objective of encouraging and facilitating new development while at the same time protecting the assets of the community, particularly the amenities of the residential development already established and the natural beauty of the area.

Also, the administrative mechanisms by which development applications are processed, considered, and approved need to be efficient and clear. The approval process needs to be timely, so that desirable development is not held up more than necessary for review of requirements and prompt decision making.

### **4.3 Factors Affecting Future Land Development**

The fundamental structure of streets, major highways, and use of land in GBS has not changed much in the developed areas of the community, since 1996. The land considered suitable for development to date is confined to a narrow coastal strip along South Arm, bounded by the shore of the South Arm and a steep escarpment. Essentially, the form of development to date is that of a linear arrangement of structures along Highway 431, except where there is some widening of the intervals at Glenburnie, where a road loop and some cul de sacs depart from the Highway.

Physical factors affecting further development are challenging. The lands on the escarpment in many locations are unstable, and certain shoreline areas in Shoal Brook and Glenburnie are subject to flooding from rising sea levels associated with climate change. Valuable information was derived from a project carried out in 2010 by the Canadian Institute of Planners in partnership with Natural Resources Canada and the Atlantic Planners Institute, reported in *Climate Change Adaptation Plan for Glenburnie-Birchy Head-Shoal Brook, Newfoundland and Labrador, 2010*. The report is richly detailed with top quality analysis and important information which can place GBS in the forefront of even the most proactive communities in this regard.

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Although there are significant areas where development should not be allowed, there are locations in the planning area where there are only moderate or minor constraints to development. The areas of lesser constraints are primarily defined by absence of valued environments (such as wetlands), sensitive environments (such as unstable slopes), and hazard-prone areas (such as coastal floodplains).

Those potentially developable areas have been approximately identified in the report, whose authors warn the user that their locations and boundaries are only approximate and further study is needed of any sites of interest to support specific project designs. The prospective sites are scattered throughout the escarpment and coastal areas, in such a manner as to defy neatly allocating large blocks of land to future development. However, there are numerous opportunities to explore and study potential moderately sized areas for development, on a site specific basis. Therein lies the prospect of successfully searching out and verifying the suitability of development sites.

The above cited fundamental physical factors will continue to shape the future development of the community. The development pattern already established and the operation of government policies will also influence the development potential of lands in GBS.

There is some demand for new building, primarily of single dwellings but also for small scale commercial use. The Town itself has a recreation centre and is endeavouring to develop a new one to better suit its needs. These needs are modest, as the area is not likely to grow very much in the short run. There is some capacity for further subdivision along existing streets and highways, and development of existing lots that could support new development, but the number of such opportunities is small. Where there appears to be an opportunity, the effect of having to develop on on-site water and sewer services is to require quite large lot sizes and suitable soil conditions, and that will prevent some lands from being developed.

As just said, development will be required to be serviced by on-site water and sewer services as there is no central municipal service of either type, and none are planned by the Town. However, owners of a small number of properties in Glenburnie years ago privately developed a shared water service based on damming Crouchers Brook and running a small diameter pipe down to properties involved. That system has very limited capacity to serve further development. The watershed is designated as a Protected Water Supply Area under the *Environment Act*. Throughout the history of that waterworks, the management and operation of that system has been carried out by a local non-municipal committee, notwithstanding the Town's regulatory duties and legal status as owner.

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An extensive area lying in the slopes above the interval is designated as a Potential Surfacewater Natural Drainage Area under the *Environment Act*. The designation was applied to identify the area as a potential future water supply area, should there be a future need to use it for that purpose.

Further, the rolling topography along Highway 431 creates numerous locations where a desired driveway access cannot be approved because of limited sight distances on the Highway. There is a regulatory relationship between the speed limit on the Highway and the required sight distance for new accesses, related to motor vehicle safety. The higher the speed limit the greater the required sight distance. Striking a balance between these conflicting objectives that fully satisfies both will not be achieved. The regulation is made by the provincial government, over which the municipal government cannot prevail. The effect of this factor is to limit the development potential of some lands along the Highway, which could be solved by building of parallel service roads leading to selected intersections. The prospects of that happening are not encouraging, as much of the frontage is already developed in locations where the service road would need to be located, and the expense likely would be prohibitive.

Notwithstanding the discouraging factors cited above, there are opportunities to develop new streets in some limited locations, which would provide additional capacity for building. The good information set out in the climate change adaptation report points the way to the opportunities. Exploitation of the potential of those areas of interest will not be simple and will require advance investment in detailed engineering study of geophysical and topographical conditions.

## **5.0 GOALS AND OBJECTIVES**

### **5.1 Goals, Objectives and Policies**

Goals are frequently employed as the essential foundation for any planning endeavour whether it is a personal career, a community plan, or a corporation's growth and facility strategy. The formulation of goals, toward which efforts and resources are directed, and objectives, the more precise and measurable steps needed to achieve the goals, can make the difference between wasted effort and success. Policies are the courses of action that a government takes to achieve its objectives.

By way of example in the Glenburnie-Birchy Head-Shoal Brook case, one goal concerning housing would be to protect and enhance the amenities of the residential uses already there, within which an objective (amongst others) to follow from this goal would be to prevent the development of incompatible land uses such as scrap yards in close proximity. The obvious related policy would be to introduce stringent requirements in the Development Regulations with that objective in mind, such as robust buffering by separation distances and visual barriers in the form of trees or fencing.

### **5.2 Goals for the Town of Glenburnie-Birchy Head-Shoal Brook**

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

#### **A) Growth and Urban Structure**

- Goal:** To provide for orderly growth and development within the community.
- Objectives:**
- a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the regulation of land uses, and the general development of the community.
  - b) New development will be controlled so as to encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of the community.

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- while also recognizing natural constraints and limitations, in order to improve quality of life in the community and protect life and property, and to minimize effects on the natural environment.
- c) Development along existing highways will be encouraged, so as to make the best use of their potential to accommodate new development.
  - d) Development will be serviced by on-site sewer and water services, other than for the central water system in Glenburnie which has to date been managed and operated by the private Glenburnie Water Committee. Council now is of the view that its objective will be, in the public interest of the community, to become directly engaged in the management and operation of the system.
  - e) The Town of GBS will not pursue extension of the central water system from Woody Point into all or part of GBS, as has been studied in detail, as the costs far exceed the perceived benefits. Similarly, the Town will not act to utilize or protect the Potential Surface Water Natural Drainage Area lying above the intervale, as the Town has no plans to develop any form of new central water system requiring it.
  - f) New streets may be developed at the expense of private investors. The Town of GBS may facilitate and cooperate with investors in matters such as supporting Crown land applications and coordinated use of Town owned lands to provide access, where it appears in the interests of the community to do so.

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**B) Housing**

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

- Objectives:**
- a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the community and to facilitate the greatest development of available land resources through a wide variety of housing forms.
  - b) To encourage development of new building lots by way of further subdivision within the already developed area and by way of new subdivisions on new streets designed so as to present a pleasant appearance and an effective use of on-site water and sewer services.
  - c) To recognize that the quality of life associated with housing is largely dependent not only on the tranquillity and natural beauty of the area, but also the absence of close proximity to incompatible land uses, and thus to include stringent requirements concerning development of non-residential uses in close proximity to existing residential uses.

**C) Employment and Economic Development**

**Goal:** To encourage institutional, commercial and industrial activities that will help meet the community's employment needs and provide needed goods and services, and in particular to press for strengthening the economic base and employment opportunities in the Town and surrounding communities, recognizing that the best prospects in this respect lie in the tourism sector.

- Objective:**
- a) To monitor developments concerning tourism, the National Park, forestry, fishing and other economic sectors, with a view to representing the community promptly and responsibly on points affecting investment, government regulation, environmental impact and community development.

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- b) To provide for flexibility and rapid response to development proposals, particularly those related to small business startups and expansions, so as to facilitate business development.

**D) Environment and Natural Resources**

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

- Objectives:**
- a) To control development in order to minimize its detrimental effect on the environment and to be good stewards of the natural resources within the community, in particular the extraction of minerals and aggregates, use of forest resources, and use of the shorelines of Bonne Bay for berthing.
  - b) To severely limit development on lands prone to flooding or featuring unstable slopes, wetlands, or watercourses. The 2010 climate change adaptation plan prepared with support of Dalhousie University provides guidance which will be carefully considered.
  - c) To work in conjunction with the new regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by establishing efficient and effective means of minimizing the amount of waste from the Town directed to final disposal, by recognizing the resource values of recyclable and compostable materials and establishing local programs related to them.
  - d) To respect and support the designation under the *Environment Act* of the Crouchers Brook Water Supply Area as a protected water supply area for the benefit of a number of consumers in Glenburnie.



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**E) Recreational Open Space and Cultural Facilities**

- Goal:** To establish, preserve and improve natural spaces, recreational facilities, and cultural expression to meet local needs.
- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
  - b) To endeavour to improve facilities now established as open space areas for outdoor recreational purposes and cemeteries, in and through the town, to guide improvement projects and to endeavour to preserve these assets from encroachment by buildings and other activities.
  - c) To ensure ready public access to, and accord protective status to, valued trails when considering development applications.

**F) Transportation and Highway Safety**

- Goal:** To provide a safe and efficient transportation network to move people and goods into, out of and throughout the community.
- Objective:**
- a) To develop a list of priorities for road improvements and work toward maintaining the public streets in good condition.
  - b) To work constructively with the provincial government to secure adequate funding to maintain roads in good condition.
  - d) To consider the options involved in speed limits on Highway 431 as related to sight distances required for motor vehicle access to the Highway, as this factor can greatly influence the development potential of lands along the Highway.

**G) Municipal Finance**

- Goal:** To effectively manage the financial resources and commitments of the community.

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**Objectives:**

- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the Town of GBS.
  
- b) To maintain strict financial control of municipal services and new projects, so as to maximize the amount of local funding which can be matched with grants in aid from senior government for the development of amenities and services of value to the community.

## **6.0 DEVELOPMENT CONCEPT AND POLICIES**

This section presents a general view of the development concept intended for the community, followed by policies specific to the regulation of development in the planning area.

### **6.1 Development Concept**

This Municipal Plan recognizes that future development will need to be fitted in where it can, and that carefully studied and prepared engineering design solutions for building on the steep escarpment may be possible in some cases where development constraints are not too severe. In any case, environmentally sensitive areas such as wetlands and shorelines of streams and the ocean are not to be impacted. Also, this Municipal Plan will respect the need to adapt to the effects of climate change, by avoiding development of substantial structures on coastal areas prone to flooding from sea level rise and storm surges.

Analysis of relevant factors shows that the areas which could be developed lie either along existing highways or by way of accessing more remote suitable land. The potential development sites off the existing highways are scattered and of moderate sizes, such that there are candidate sites everywhere in the planning area. It is not feasible to designate specific areas for future development, because the degree of detail in the information available is not sufficiently accurate to enable setting boundaries.

The absence of any municipally operated central water and sewer services, and a policy of not becoming involved in the small system in Glenburnie noted above nor in further consideration of a central water system to serve the whole community, suggest that servicing of new development would be entirely financed, built and operated by the owners. The Town of GBS thus has no reason to direct development with the objective of making best use of its infrastructure, as it effectively has none.

Although the Town has to date not currently involved itself directly in the management and operation of the central water system serving some properties in Glenburnie, the Town is the legal owner of the system. It is appropriate for the Town to ensure the protection of the part of the Crouchers Brook watershed which feeds it, in a manner complementing its designation as a protected water supply area under the *Environment Act*. The Town will include a designation in the Municipal Plan of “Water Supply” applied to the area designated under the *Environment Act*.

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Further, Council is of the view that the Town should begin to directly involve itself in management and operation of the dam and the water distribution system, as the Town is the legal holder of the Permit to Operate the system and is responsible for doing so. The Town will begin the process of defining the ways and means of doing so, and will do so in collaboration with the private committee which to date has exercised that responsibility, as well as the consumers.

These factors suggest that the entire planning area, other than the Water Supply area, will be designated as a Mixed Development area. Criteria for new development should relate to the physical characteristics of the sites involved and the potential for conflict with land uses in close proximity.

In that the bulk of development in the community is residential, and that high value is placed on protecting those uses against overly intrusive new non-residential development, the general approach will be to permit residential development (except in the Water Supply area) but deal with all other proposals by way of discretionary approval. Developments of all types will be considered for location throughout the entire planning area, except in the Water Supply area.

The criteria for approvals are discussed in more detail below, followed by policies concerning trails and temporary uses, topics which are not specifically developments in the usual sense.

## **6.2 Policies to Guide Development Decisions**

The following policies reflect the intended overall development pattern, goals and objectives described earlier.

### **6.2.1 Mixed Development Area**

Policies concerning the Mixed Development area:

1. The entire planning area except for the Water Supply area shall be designated Mixed Development, as indicated on the Future Land Use Map.
2. Development of single and double dwelling residential uses as well as recreational open space will be permitted. All other uses will be permitted as discretionary uses provided the amenity of established residential uses are protected and other criteria in this Municipal Plan and the Development Regulations are satisfied.
3. Small scale business uses may be permitted to occupy up to a half part of a residence.

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4. Recreational open space uses such as public parks and playgrounds are permitted, provided that the amenity and privacy of nearby residential dwellings will be taken into consideration.
5. All new development and all new lots created shall have direct frontage onto a publicly—maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. Further, all new development shall be serviced by on-site water and sewer services. The Town of GBS will consider acceptance of new streets. All streets which are intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of developing streets in any new subdivision development shall be the responsibility of the developer.
6. Any proposal for erection of a structure on a site having a slope in excess of 20 percent, or which is potentially subject to flooding or any other hazard, must be certified by an engineer to ensure that development of the site and access to it can take place without danger to health or safety.
7. Development will not be permitted within 15 metres of the highwater mark of the seashore or any permanent or semi—permanent watercourse. With regard to development on the shores of the South Arm, no permanent structures other than those which must be built to the water level, such as wharves, shall be located lower than an elevation of two (2) metres above mean sea level in 2014.
8. Any person or company conducting development activities will be made aware of the possibility of unearthing significant archaeology finds, by notation on the development permit. Any significant buried features or artifacts which are discovered must be reported to the Town and also Provincial Archaeology Office, Department of Tourism, Culture and Recreation.
9. All signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects, and must be approved by Council.
10. In evaluating applications for uses not permitted except by discretion of Council, Council shall consider the intended development concept described above and the specific

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policies set out above. Council shall call for and review information as may be needed to evaluate proposals, as listed in the Appendix to this Municipal Plan, the Site Plan Evaluation Criteria list.

11. Where appropriate, the Development Regulations will include more detailed requirements to fulfill the intention of the policies of this Municipal Plan.

### **6.2.2 Water Supply Area**

As said above, development in the public water supply area at Crouchers Brook shall be strictly controlled, and permitted uses restricted to public water supply purposes. Development of forestry uses and low impact recreational open space, including trails may be considered at Council's discretion, provided that the developments can be demonstrated to be fully compatible with the primary function of the area as the community's water supply. Forestry uses must be supported by a forestry management plan approved in advance by the Council.

### **6.3 Valued Trails**

A number of hiking and all terrain vehicle (ATV) trails have been developed throughout the Planning Area. These represent considerable effort and investment, and are a valued recreational resource. Measures will be included in the Development Regulations to prevent or mitigate encroachment on their alignments, which would reduce their amenity value or safety.

Trails that have been established at the time of preparation of this Municipal Plan are shown on mapping in the Development Regulations. Trails may be added or deleted by standalone amendments to the Development Regulations.

Concerning development of new public trails, Council's policy is to work with land owners and recreational interests with the objective of peaceful and respectful co-location and maintenance and improvement of the quality of outdoor experience which they render. Further, the Development Regulations will stipulate a minimum proximity from the corridors to structures and buildings and trees, and prohibit alterations to land elevations or creation of other obstructions in the corridors.

### **6.4 Temporary Uses**

Generally, the Municipal Plan and Development Regulations contemplate developments of a permanent nature. Council wishes to be able to consider, at their discretion, these situations

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involving the placement of a motor vehicle or travel trailer or equipment for short term events such as short visits or community festivals, together with their appurtenances, for a short duration. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases, applicable to locations anywhere in the planning area where residential uses are permissible or may be approved as discretionary uses.

## **7.0 MUNICIPAL PLAN IMPLEMENTATION**

### **7.1 Introduction**

In order to enforce and implement the policies of the Municipal Plan, **Land Use Zoning, Subdivision and Advertisement Regulations** (referred to as Development Regulations), and a capital works program, are required. The **Development Regulations** and the capital works program must conform to Municipal Plan policies.

### **7.2 Development Regulations**

Development Regulations ensure that development takes place in accordance with the goals and objectives and within the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the *Urban and Rural Planning Act*. Like the Municipal Plan, the Development Regulations are binding upon the Council and all other persons and organizations unless specifically exempted by superior legislation.

Development Regulations consist of five parts: General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones. The first four are similar for all communities in the province, though variations are found. However, the Land Use Zone section (Schedule C), will be extensively tailored to conform to this Municipal Plan.

#### **I. General Regulations**

Among other things, the General Regulations govern matters relating to the power and authority of a municipality to regulate development within its community and establish conditions relating to the issuing of permits and local appeal boards.

#### **II. General Development Standards**

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.



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**III. Advertisement Regulations**

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the community.

**IV. Subdivision of Land Regulations**

Subdivision regulations govern the development and division of parcels of land into two or more lots for the purpose of development. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes, acceptance of proposed engineering works and other necessary requirements as prescribed.

**V. Land Uses Zones**

Zoning is a means of implementing Municipal Plan policies. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use zone a list of Permitted and Discretionary uses are listed.

In addition, the Development Regulations will now include certain standard content required by virtue of regulations made by the then Minister of Municipal Affairs to apply to all municipalities. That text, being Newfoundland Regulation 3/01, made under the Urban and Rural Planning Act, 2000, came into force on January 1, 2001, and is included in all municipal Development Regulations, to bring them more effectively to the attention of the reader.

**7.3 Development Control**

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. If the approval is considered as a discretionary use, the proper process of advertisement and hearing as required by the *Urban and Rural Planning Act, 2000*, shall be carried out.

Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

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Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan through the Development Regulations, refer development applications to outside agencies and to issue all required permits when approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the site of the proposed development and include a plot plan, showing the location of existing and proposed buildings and structures on the proposed site.

Council will consider the application to determine whether or not it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms, Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan and Development Regulations, the application must be refused. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board. The Appeal Board shall either confirm the decision or require that Council's decision be varied or reversed.

Council has discretionary authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or negatively impact on adjoining properties, by virtue of grant of a variance. Where Council deems it useful and necessary so as to better consider the details of a complex project, a Site Plan may be required of the applicant. Site Plan evaluation criteria are appended to the Municipal Plan.

Municipalities in the province are encouraged to adopt the National Building Code. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both, and the Town may integrate information requirements on a common application form. However, the approval of a building permit under the National Building Code does not signify an approval of a permit pursuant to the Development Regulations, and vice versa.

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**7.4 Public Works**

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The future capital works such as improvement of recreational facilities must conform with applicable policies and land use designations of the Municipal Plan.

**7.5 Development Schemes**

Sections 29 - 30 of the *Urban and Rural Planning Act, 2000* provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the community is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space.

Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan, and when approved, form part of the Municipal Plan.

**7.6 Non-conforming Uses**

Existing development which does not conform with the requirements of the Municipal Plan and Development Regulations may be continued as non conforming uses. Restrictions shall be designed to limit its potential for replacement and expansion (to be specified in the Development Regulations). Where a Non-Conforming Use is causing a nuisance or otherwise infringing on or preventing allowable development, Council will encourage its relocation or discontinuance.

**7.7 Policies Extra to Municipal Plan for Information**

The policies set out in this Municipal Plan are set out as enabled by the *Urban and Rural Planning Act, 2000*. The Town has adopted other policies as enabled by other legislation, some of which relate to certain aspects of development. The administration and enforcement of those other policies do not arise from the Municipal Plan nor the Development Regulations.

In order to minimize the risk of overlooking those other policies when dealing with permitting under this Municipal Plan and the Development Regulations, the other policies will be quoted in the part of the Development Regulations which indicate development requirements. Amendment

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or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

**8.0 INTERPRETATION**

**8.1 Figures and Quantities Approximate**

It is considered that all figures and quantities herein, other than those for development standards for which variances may be considered in accordance with the *Urban and Rural Planning Act, 2000*, shall be considered as approximate only and not absolute.

## **APPENDIX**

### **Site Plan Evaluation Criteria**

When Site Plan approval is required, the owner or proponent shall prepare site development plans, including landscaping, parking, lighting, roads and some or all of the additional items listed below, according to the nature of the proposed development and directions of Council:

- (a) the dimension of the site;
- (b) the area of the site;
- (c) dimensions to indicate the location of all buildings;
- (d) dimensions of buildings to provide comprehensive information of their plan form, including future buildings or expansions;
- (e) the distance between buildings and all yards;
- (f) other uses, a breakdown of floor area by proposed use;
- (g) gross floor area of buildings;
- (h) dimensions of all parking areas, access roads and driveways;
- (i) function and type of landscaped areas;
- (j) landscaping plan and specifications including;
  - ✗ surface treatment (asphalt, grass etc.)
  - ✗ tree and shrub types and sizes
    - ✗ location and number of trees to be retained or planted
    - ✗ dimensions of buffer zones, driveways, etc.
    - ✗ number and size of parking spaces and location
    - ✗ location and size of signage
    - ✗ location and width of all walkways, footpaths
    - ✗ location of loading zones
- (k) proposed contours and drainage of surface runoff ditching;
- (l) surrounding land uses;
- (m) site constraints, e.g. right-of-ways which exist on site or adjacent to it, easements, fire routes;
- (n) location and intensity specifications for lighting;
- (o) location and use of outside storage areas;
- (p) perspective drawings and plans showing 4 point building elevations and 2-way cross sections of all buildings shown on the Site Plan
- (q) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of Glenburnie-Birchy Head-Shoal Brook or its departments and agencies.

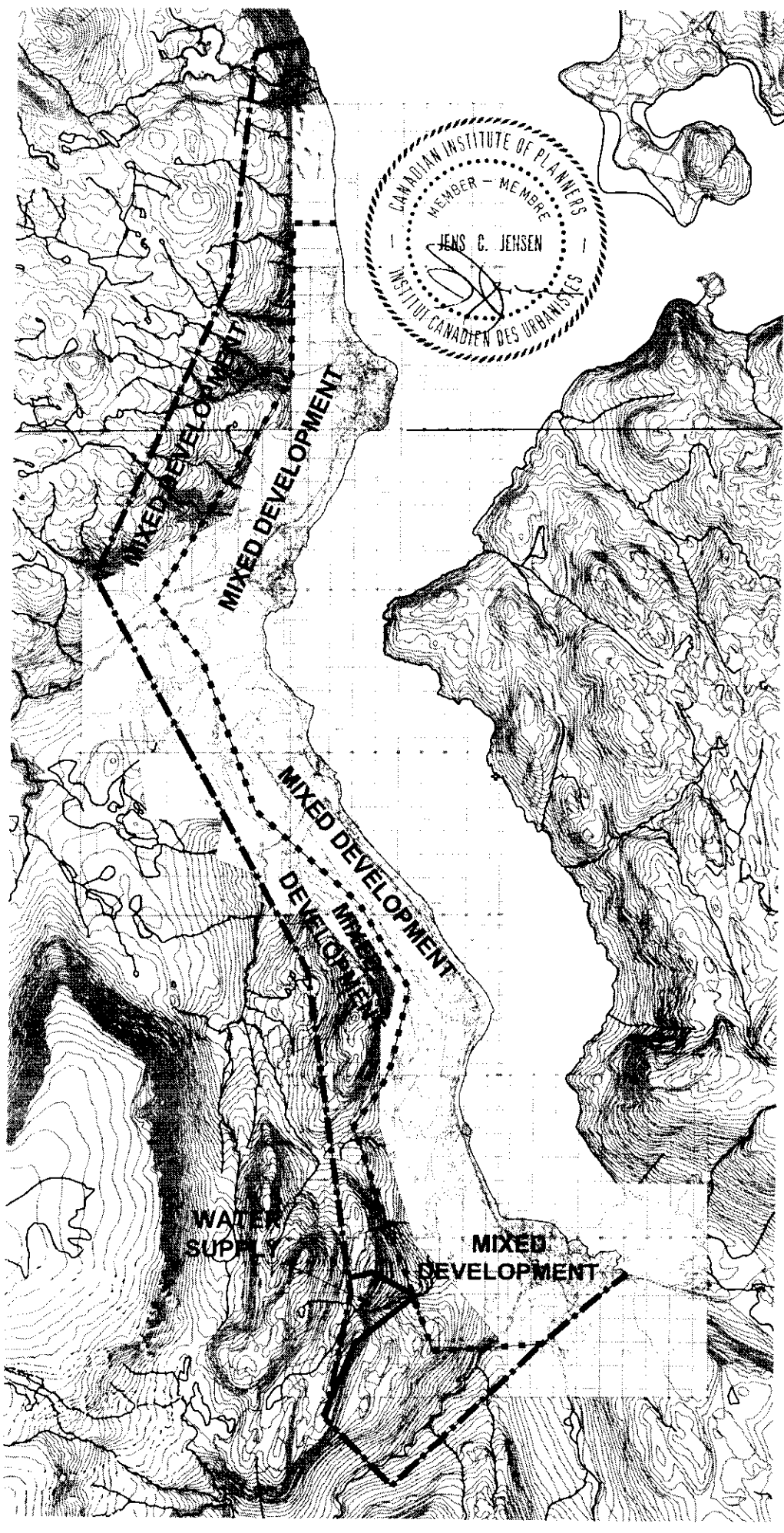
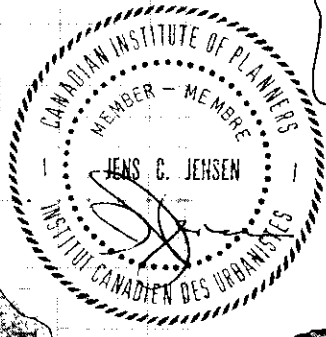
All site development plans shall be submitted to Council for approval.

TOWN OF GLENBURNIE-  
BIRCHY HEAD-SHOAL BROOK

Dated at *Birchy Head* this *5<sup>th</sup>*  
day of *February* A.D. 20 *16*

*John Jensen*  
Mayor, Town of Glenburnie-Birchy  
Head-Shoal Brook

*Mirna Gorsney*  
Clerk, Town of Glenburnie-Birchy  
Head-Shoal Brook



LEGEND:

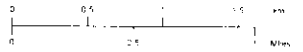
FUTURE LAND USE DESIGNATIONS AS SHOWN:

MIXED DEVELOPMENT

WATER SUPPLY

THE BOUNDARY OF THE WATER SUPPLY AREA IS TO BE INTERPRETED AS THE BOUNDARY OF THE CROUCHERS BROOK PROTECTED WATER SUPPLY AREA DESIGNATED AS A PROTECTED WATER SUPPLY AREA UNDER THE ENVIRONMENT ACT, BY O.C. 96-153.

----- PLANNING AREA BOUNDARY  
----- MUNICIPAL BOUNDARY



SCALE 1:50000 @ 8 1/2" X 11"

*1845-2016-002*  
*April 21, 2016*  
*John*

HMJ CONSULTING LIMITED PROJECT NO: 13-011	DRAWN BY: CB
CAD FILE NO:	CHECKED BY: JJ
CAD FILE DATE:	APPROVED BY: JJ

REV 7	APPROVED BY COUNCIL	11 JAN 201
REV 6	ADOPTED BY COUNCIL	19 OCT 201
REV 5	FOR ADOPTION	9 OCT 201
REV 4	FOR DMIA REVIEW	28 APR 201
REV 3	FOR TOWN REVIEW	16 APR 201
REV 2	FOR DMIA REVIEW & RELEASE	23 APR 201
REV 1	FOR TOWN REVIEW	16 SEP 201

TOWN OF  
GLENBURNIE-BIRCHY HEAD-  
SHOAL BROOK  
MUNICIPAL PLAN  
FUTURE LAND USE MAP  
2014 - 2024