

SMALL POINT – BROAD COVE – BLACKHEAD – ADAMS COVE

MUNICIPAL PLAN

In effect: July 8, 2011

(date of publication in Newfoundland and Labrador Gazette)

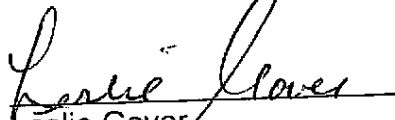
**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF SMALL POINT – BROAD COVE– BLACKHEAD – ADAM'S COVE
MUNICIPAL PLAN 2011**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Small Point - Broad Cove - Blackhead - Adam's Cove adopts the Town of Small Point - Broad Cove - Blackhead - Adam's Cove Municipal Plan 2011.

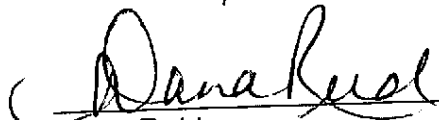
Adopted by the Town Council of Town of Small Point - Broad Cove - Blackhead - Adam's Cove on the 15th day of February, 2011.

Signed and sealed this 3rd day of May, 2011.

Mayor:


Leslie Gover

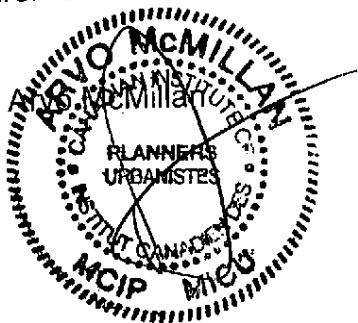
Clerk:


Dana Reid

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF SMALL POINT – BROAD COVE – BLACKHEAD – ADAM'S COVE
MUNICIPAL PLAN 2011**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Small Point – Adam's Cove – Black Head – Broad Cove:

- a) adopted the Town of Small Point - Broad Cove – Blackhead - Adam's Cove Municipal Plan 2011 on the 15th day of February, 2011.
- b) gave notice of the adoption of the Town of Small Point - Broad Cove – Blackhead - Adam's Cove Municipal Plan 2011 by advertisement inserted on the 22nd day of February, 2011 and the 1st day of March, 2011 in the Compass Newspaper.
- c) set the 16th day of March, 2011 at 7:00 p.m. at the Town Hall, Town of Small Point - Broad Cove – Blackhead -Adam's Cove for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Small Point - Broad Cove – Blackhead - Adam's Cove approves the Town of Small Point - Broad Cove – Blackhead - Adam's Cove Municipal Plan 2011 on the 12th day of April, 2011.

SIGNED AND SEALED this 3rd day of May, 2011

Mayor: Leslie Gover
Leslie Gover

Clerk: Dana Reid
Dana Reid

Municipal Plan/Amendment	
REGISTERED	
Number	<u>4755-2011-001</u>
Date	<u>May 28-2011</u>
Signature	<u>[Signature]</u>

TABLE OF CONTENTS

1	INTRODUCTION.....	1
1.1	The Plan.....	1
1.2	Background.....	2
2	GENERAL GOALS AND DEVELOPMENT POLICIES.....	7
2.1	Future Land Use Designations and Policies.....	7
2.2	General Development Policies.....	8
2.3	Conditions – All Development.....	8
2.4	Agriculture.....	9
2.5	Archaeological and Heritage Resources.....	9
2.6	Comprehensive Development.....	10
2.7	Coastline and Harbour Areas, Streams.....	10
2.8	Discretionary Uses.....	11
2.9	Environment.....	11
2.10	Forestry.....	11
2.11	Mineral Exploration.....	12
2.12	Mineral Workings.....	12
2.13	Subdivisions – Groundwater Supply Assessment.....	12
2.14	Trails.....	13
2.15	Travel Trailers.....	13
2.16	Unserviced Development.....	13
2.17	Waterways and Wetlands.....	13
2.18	Windmills, Wind Turbines and Other Alternative Energy Sources - Utilities.....	15
3	DESIGNATIONS.....	16
3.1	Town.....	16
3.2	Rural.....	16
3.3	Environmental Protection.....	18
3.4	Track.....	18
3.5	Well Head Protected Area Overlay.....	18

MAPS – Future Land Use Maps 1 and 2 and Municipal Plan 2011 Background Map

**TOWN OF
SMALL POINT - BROAD COVE – BLACKHEAD - ADAM'S COVE
MUNICIPAL PLAN 2011**

1 INTRODUCTION

1.1 *The Plan*

The Town of Small Point - Broad Cove – Blackhead - Adam's Cove Municipal Plan 2011 has been prepared in compliance with the Urban and Rural Planning Act 2000. The Municipal Plan contains goals, policy statements and maps approved by the Town and registered by the Minister of Municipal Affairs to guide community growth and development for the next ten years, with reviews every five years and periodic updates.

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations within the Municipal Planning Area

The Town of Small Point - Broad Cove - Blackhead - Adam's Cove Municipal Planning Area is the area set out under the Urban and Rural Planning Act for planning and regulatory purposes. This planning area boundary is the same as the town or municipal boundary.

The Land Use Zoning, Subdivision and Advertisement Regulations – known as the Development Regulations come into effect the same time as the Municipal Plan. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry and other matters.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more detailed designs, design strategies and policies for roads and other facilities and development.

The Town may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. The Town may also specify the manner in which any particular area of land is to be used subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

1.2 Background

Located on the Avalon Peninsula along the shores of Conception Bay the Town of Small Point - Broad Cove - Blackhead - Adam's Cove ('Small Point – Adam's Cove') is a community of 438 persons (2006), and 22.2 square kilometres in area which extends more than five kilometres north along the western side of Conception Bay.

Its immediate neighbour to the north is Western Bay, and to the south it is Kingston. Small Point – Adam's Cove is one of a group of Conception Bay North communities centred on the Town of Carbonear, the main service centre for this region. Along with retail and government services, Carbonear is home to Carbonear Hospital of the Eastern Health Board and the regional high school – Carbonear Collegiate.

The provincial capital St. John's is approximately an hour and a half away. The St. John's International Airport, Health Sciences Centre, Memorial University and the regional landfill at Robin Hood Bay are among the service providers in St. John's.

Schooling is provided in Western Bay (Cabot Academy, kindergarten to grade 6), Victoria (Persalvic Elementary, grades 7 to 9), and in Carbonear (Carbonear Collegiate, grades 10 to 12).

Small Point – Adam's Cove is a member of several regional bodies – the Mariner Resource Opportunities Network (M-RON), the Avalon Regional Solid Waste Disposal Committee and the Conception Bay North Joint Councils.

There are seven public wells serving 191 dwellings and businesses. However there apparently have been concerns about the capacity of certain wells and the long term ability to satisfy provincial water quality standards for arsenic levels (the wells are treated and arsenic levels meet the standards). Thought has been given to using Broad Cove Pond as a future source of water. Apparently Kingston could be served by a public water supply from Broad Cove Pond. The Town has placed its portion of the Broad Cove Pond drainage basin into the Environmental Protection designation which restricts

future development within this area while still allowing existing uses to continue. This protection is not extended to the Kingston portion of the Broad Cove drainage basin since it lies outside the town's planning area.

The Town's volunteer fire department – North Shore Volunteer Fire Department – serves the shore from Kingston to Burnt Point. North Shore Central Ambulance serves the same area. The current landfill will be closed in 2010 and then garbage will be trucked to Robin Hood Bay. Town staff carry out garbage collection and road maintenance.

There is no property tax.

The 2006 population of the Town was 438, a drop of 8.8% from its 2001 population of 480. In 1996 the town's population was 492.

The estimated number of dwellings is 311 (2006) of which only 181 are occupied by usual residents, suggesting that there is a significant volume of second or recreational home ownership in this community.

From 2004 to the end of 2009 approximately a dozen permits have been issued for new dwellings.

Property values apparently have gone up significantly over the last five years.

Development and History

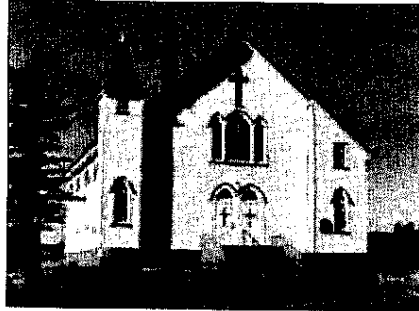
Small Point - Broad Cove - Blackhead - Adam's Cove initially developed around a series of small and exposed coves and then as it is noted in the Encyclopedia of Newfoundland and Labrador "With the decline of the local shore fishery the community has continued to "retreat" from the ocean, so that by the 1970's most homes were located along the highway."

The population of the community had reached about 1600 in 1911, and declined to about 800 in 1945. (Source: Encyclopedia of Newfoundland and Labrador)

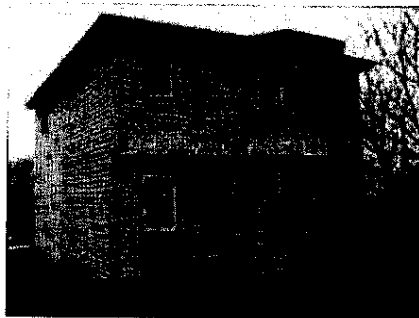
The Newfoundland Railway extended a branch line from Carbonear to Bay de Verde in 1913, which by 1932 had been discontinued. The track bed and reservation "Track", owned by the Provincial Crown is an important physical feature of the town, and is protected under the municipal plan and development regulations as a public trail.

Over time the Conception Bay North Highway (Highway 70) has relocated several times – and one of the earlier routes of this highway which was much closer to the sea than the current one is indicated as a trail to be preserved.

There are a number of properties of interest, including the former Methodist Church Halls (circa 1910) and Schools in Black Head and Adam's Cove, Black Head United Church, the Bowering Residence in Small Point, Broad Cove United Church, the first Methodist Church Site Memorial and Cemetery (1769 Blackhead), the Gussett's Cove Catholic Church Memorial and Cemetery, together with cemeteries and other public and private buildings throughout the four communities comprising the Town which are significant to the Town's history and culture.



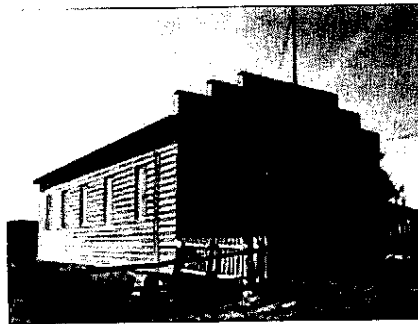
**Blackhead United Church
Baccalieu Trail Heritage Corporation**



**Older Home in Small Point
Baccalieu Trail Heritage Corporation**



**Older Home in Adam's Cove
Baccalieu Trail Heritage Corporation**



**Orange Lodge in Broad Cove
Baccalieu Trail Heritage Corporation**

Climate Change

In a response dated March 30, 2010 to a referral made by the Department of Municipal Affairs the Department of Natural Resources, Geological Survey, made the following comments:

"Coastal erosion

Given the coastal location of Small Point-Broad Cove-Blackhead-Adams Cove, the effects of coastal erosion should be considered, particularly in areas composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.

We are aware of Provincial regulations regarding development in relation to the high water mark. In areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, set back from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 30 cm per year and a 100 year life span for a structure, we recommend a setback of at least 30 m from the cliff top to any planned residential or commercial development. A longer limit could be considered in those areas where more active recession is noted.

Climate Change

Wave magnitude and the frequency of extreme wave events may be expected to increase if predictions of global warming and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the documented sea level rise as a result of climate change. Over the next century sea level can be expected to rise by up to 1 metre. Rising sea level will increasingly threaten our coastline in the future and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on the coast for residential development.”

For the purpose of this municipal plan it is assumed that over time the number of storm events and the amount of precipitation will increase and that it is likely that the sea-level will continue to rise. However it is also assumed that unless the change in climate is catastrophic in nature, the impact of storms on the four communities will be similar to major storm events in the past, including one in February 2010 which damaged roads and wharves. Prudent behaviour then and now dictate that vulnerable types of development and emergency services are not located in areas that could be affected by storm surges or washouts or landslides and that roads and services are designed so as to ensure access and safety during storm events.

Wharves and facilities located next to the coast line should be designed to take into account the latest data about climate change and weather.

The Municipal Plan

The Small Point - Adam's Cove Municipal Plan is designed to give the Town control over land use and to ensure that development occurs in an orderly and transparent fashion in a manner that reflects the wishes of the Town and its residents. However, the plan and regulations must also comply with provincial and federal policies and not conflict with matters of provincial interest.

The Plan sets out policies for the four communities and the nearby rural areas based on the traditional settlement patterns and land uses. It also sets out policies which protect the natural environment, scenic areas and recreational trails.

2 GENERAL GOALS AND DEVELOPMENT POLICIES

GOAL

The goal of the Municipal Plan is to accommodate and encourage constructive change that will foster the community and region's economic and social development while adhering to basic principles of sustainable, economically sound and environmentally appropriate urban and rural development within the town and planning area.

DEVELOPMENT POLICIES

All development within the Town of Small Point - Adam's Cove Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

2.1 *Future Land Use Designations and Policies*

Future Land Use Maps designations are:

Town
Rural
Environmental Protection
Track
Well Head Protected Area Overlay.

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

2.2 General Development Policies

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is permitted in a given area.
- (3) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.
- (4) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

2.3 Conditions – All Development

(1) Services and Access

Services and access must be appropriate to the type and scale of development.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Development lacking either municipal water and/or municipal sewer services shall be approved by the Department of Government Services before a permit is issued by the Town.

(2) Uses Allowed In All Designations

Accessory buildings and uses, conservation, public services and public utilities, recreational open space, roads and trails can be allowed in all designations subject to the other provisions of this municipal plan.

(3) Compatibility of Uses, Buffers and Screening, Property Upkeep

The Town shall ensure as much as possible that existing and new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects and to ensure a clean and tidy town.

2.4 Agriculture

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations.

In general, all agricultural operations shall be approved by the Department of Natural Resources.

2.5 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

The Town shall endeavour to conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest in Town of Small Point - Adam's Cove through regulation and/or other suitable means, including the designation of selected buildings and sites.

There are a number of properties of interest, including:

- the former Methodist Church Halls and Schools in Black Head and Adam's Cove,
- Black Head United Church,
- the Bowering Residence in Small Point,
- Broad Cove United Church,
- the first Methodist Church Site Memorial and Cemetery,
- the Gussett's Cove Catholic Church Memorial and Cemetery,
- together with cemeteries and other public and private buildings throughout the four communities which are significant to the Town's history and culture.

No development shall be allowed which could impair the quality or significance of these properties, or other buildings or sites which would be so identified. Any development adjacent or within 30 metres of these properties shall be reviewed by the Town to ensure that there are no negative effects on these properties.

The Town may from time to time designate heritage sites and areas under the Municipalities Act.

2.6 Comprehensive Development

At the discretion of the Town a comprehensive development containing two or more individual developments on a large parcel of land may be permitted as a single comprehensive development.

- While the use classes and overall density of the comprehensive development must comply with the use zone schedule of the zone in which it is located, other standards can be modified or waived.
- The development must be compatible with adjacent development.
- The Town may require that a comprehensive development be connected to municipal water and sewer services and has direct access to a publicly owned and maintained street.

2.7 Coastline and Harbour Areas, Streams

In order to protect lives and property and the natural environment, the Town shall review development proposals for sites adjacent or near streams and the marine coast line and harbours shall be reviewed to ensure that unless it is a use requiring direct access to the body of water:

- a) it is not likely to be damaged by a storm;
- b) it is not a vulnerable or critical use, that is, a residential use, a use catering to persons with disabilities or other special needs, and/or a

use related to emergency services (example – a fire station or emergency command centre, emergency shelter or other facility) – uses which if damaged or destroyed, could cause injury or loss of life and/or make it more difficult to respond to an emergency.

Along the marine coastline except for marine related activities and temporary or minor structures, new development may not be permitted at or below the 4 metre elevation, unless it can be demonstrated to the satisfaction of the Town and other relevant authorities that the risk is low and/or that the development can withstand the damage that could be incurred by a flood or storm event.

The Town in its discretion may refuse to issue a permit for a development that could be affected by a storm event based upon previous events, local knowledge and/or research carried out in respect of climate change.

2.8 Discretionary Uses

Unless it is specifically set out as a permitted use class in the Municipal Plan, the Town may decide that a use should be set out as a discretionary use under the Development Regulations, where:

- (a) it determines that the use could negatively affect the predominant uses of the zone and that in order to mitigate this impact it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing, a permit;
- (b) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone.

2.9 Environment

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment adhered to.

A number of these issues are addressed under separate sections of the Municipal Plan.

2.10 Forestry

Forestry activities are regulated by the Department of Natural Resources and the Town. In order to protect the forest resources of the area, including the pine plantations, development the rural portions of the planning area shall be referred to the Forestry Division of the Department of Natural Resources.

2.11 Mineral Exploration

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall be permitted in the Rural designation provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
 - (a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
 - (b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.
 - (c) Where there is ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

2.12 Mineral Workings

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings shall be accommodated under designations and zones specifically designed to accommodate mineral workings and certain compatible uses, and/or they can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

2.13 Subdivisions – Groundwater Supply Assessment

The approval of new unserviced subdivisions containing five or more lots or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that

acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – ‘Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells’ as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

This policy provides the administrative and technical guidance to developers applying for subdivision approval and to ensure that the development proposals are submitted with the required technical support.

2.14 Trails

There are numerous trails throughout the community, including the Track and the former Conception Bay North Highway.

The Town may require that any development within a specified distance of a significant well-established and clearly demarcated trail be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail. The Track corridor falls under the Track designation.

2.15 Travel Trailers

Travel trailers, campers and recreational vehicles and similar vehicles, including converted school busses, shall be regulated to ensure that they do not cause a nuisance to nearby residents or cause pollution and to ensure that they are not used as dwellings or as accessory buildings.

2.16 Unserved Development

Development on individual parcels of land with onsite sewage disposal and/or water supply requires the approval of the Department of Government Services under the Sanitation Regulations of the Health and Community Services Act. In addition to the standards regarding onsite sewage disposal and water supply, the Department also sets out minimum lot area and frontage requirements for unserved development pursuant to the Sanitation Regulations.

2.17 Waterways and Wetlands

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect all waterways and

wetlands of the Town of Small Point - Broad Cove - Blackhead - Adam's Cove Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (1) Development within waterways and wetlands is subject to this Regulation and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2, Development in Wetlands which are set out in Schedule E. Where there is a conflict between the Policy Directives and this Municipal Plan, the more restrictive standards shall apply.
- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or 1 in 100 year flood zone, of the stream, river, pond or other body of water or wetland. This 15 metre buffer shall be expanded to 30 metres along the marine coast line and estuaries.
- (3) If the toe of an embankment with an average slope of 30% or more lies within 15 metres of the highwater mark, or 1 in 100 year flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (4) Where a water body buffer is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation.
- (5) Subject to the approval of the Department of Environment and Conservation and the Town, the only uses that can be permitted in the buffer area of a waterway are roads, driveways, public services and utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (6) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.
- (7) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals, Coast

Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Management Division of the Department of Environment and Conservation before a permit is issued by the Town.

- (8) The Town or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (9) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.
- (10) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- (11) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is designated Environmental Protection under the Municipal Plan.
- (12) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

2.18 Windmills, Wind Turbines and Other Alternative Energy Sources - Utilities

Wind mills, wind turbines and other alternative sources such as solar panels ('Utilities' under Schedule B of the Development Regulations), which are not classed as public utilities can be approved by the Town in suitable locations provided that all necessary approvals are obtained from the Departments of Environment and Conservation and Natural Resources and other relevant agencies and the Town is satisfied that such development will not create a hazard or nuisance to nearby land uses.

3 DESIGNATIONS

3.1 *Town*

Centred on the communities of Small Point, Broad Cove, Blackhead and Adam's Cove, and extending toward the Track this designation reflects the historic mixed land uses of these historic communities and the opportunities for further development.

- (1) The Town shall encourage the restoration, renovation and adaptive re-use of existing buildings and encourage appropriate infill development.
- (2) The Town may pursue the preparation of a development scheme or plan that includes an archaeological survey, an inventory of historic buildings, and harbourside and streetscape design and improvements.
- (3) The uses that can be considered for approval as either permitted or discretionary uses in this designation include residential, agricultural, assembly, business and personal service, mercantile, institutional, industrial, transportation, non building and other uses that are compatible with the existing developments.

However, higher impact uses, including a transfer station or recycling facility (solid waste use class), contractor's yards, heavy equipment repairs and fish processing and handling facilities are discretionary uses which cannot be located near residential properties and areas.

- (4) Agricultural uses shall be compatible with nearby and future residential uses.
- (5) Section 2.3 (2) uses are permitted.

3.2 *Rural*

Under the Rural designation the Town can allow resource based uses, recreational and tourism-related uses, seasonal residential, utilities and appropriate compatible uses as permitted or discretionary uses.

All development in this designation is subject to the approval of the Departments of Environment and Conservation and Natural Resources along with other appropriate agencies.

Section 2.3 (2) uses are permitted.

Permitted Uses are: agriculture, antenna, conservation, forestry, mineral exploration and recreational open space.

Discretionary Uses are: animal, campground, catering, cemetery, club and lodge, commercial residential, communication, general industry, indoor assembly, mineral working, outdoor assembly, seasonal residential, shop, single dwelling, solid waste, transportation and utilities

Resort/Tourism Development – Comprehensively planned large scale resort and tourism related development can be allowed in selected rural areas as a discretionary use after careful assessment as to its environmental impacts and impacts on other uses – such a minerals developments and exploration, forestry resources, and so forth.

The minimum area taken in by such a development should generally be at least one hectare (approximately two and a half acres). Campgrounds are exempted from the minimum land area requirement as described in the preceding sentence.

The uses which can be allowed as part of a tourism related development include antenna, campground (RV park, etc.) club and lodge, commercial residential (hotels, inns, tourist cabins), recreational open space, seasonal residential, single dwelling, shop, transportation and utilities together with other appropriate and compatible uses.

General Industry

General Industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses.

No warehousing or wholesale and retail sales activities shall be permitted as accessory uses.

Seasonal Residential

Seasonal residential development – cottages and cabins, etc. – may only be permitted as a discretionary use if it does not have frontage on a publicly owned and maintained road and no municipal services are provided, including garbage pick-up.

Single Dwelling

A single dwelling may only be permitted as an accessory use to a permitted use class or as part of a Resort/Tourism development.

Solid Waste Disposal

Solid waste disposal is limited to transfer stations and recycling facilities.

3.3 *Environmental Protection*

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These features can include certain streams, wetlands, and treed areas and the Broad Cove Pond drainage basin.

Conservation and recreational open space are permitted uses in this designation.

Discretionary uses are mineral exploration, and transportation (wharves, docks, fishing stages, marinas, boat houses) and utilities. These developments are subject to the approval of the Department of Environment and Conservation along with the Town.

3.4 *Track*

The Track designation is applied to a corridor running along the route of the former railway track. The Town and volunteers have taken measures to upgrade the road-bed to ensure that it is safe for public use.

Only uses set out under Section 2.3 (2) of this Plan can be allowed. Accessory buildings and uses shall be restricted to buildings and uses related to the use of the Track.

3.5 *Well Head Protected Area Overlay*

Within the Well Head Protected Area Overlay development is restricted to uses and activities that will not damage the water supply in a way that cannot be satisfactorily controlled.

Notwithstanding the designation, within a Well Head Protected Area any development except renovations to an existing structure, fences and minor landscaping shall be referred to the Department of Environment and Conservation for approval before a permit is issued by the Town.