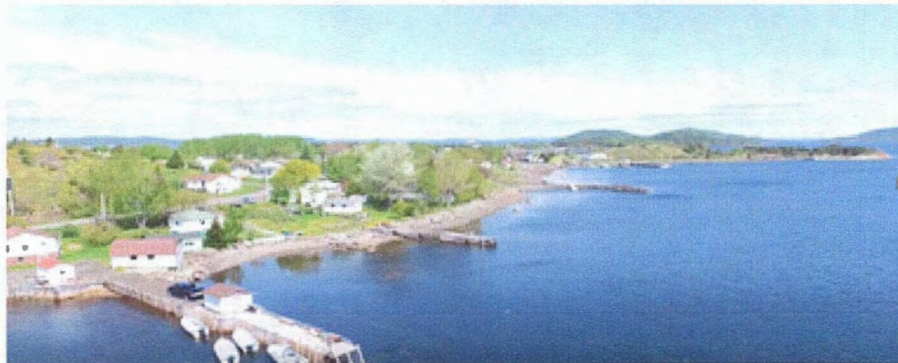

TOWN OF EMBREE

MUNICIPAL PLAN 2021 – 2031



Prepared By:

PLAN-TECH

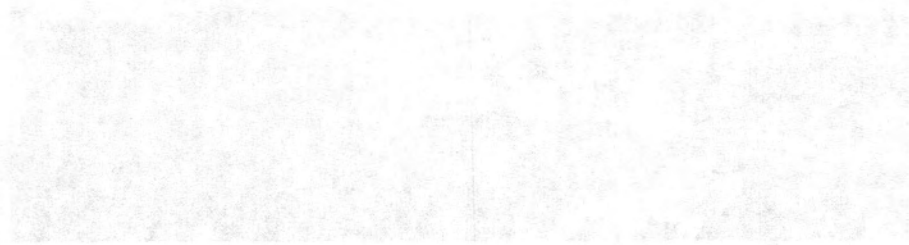
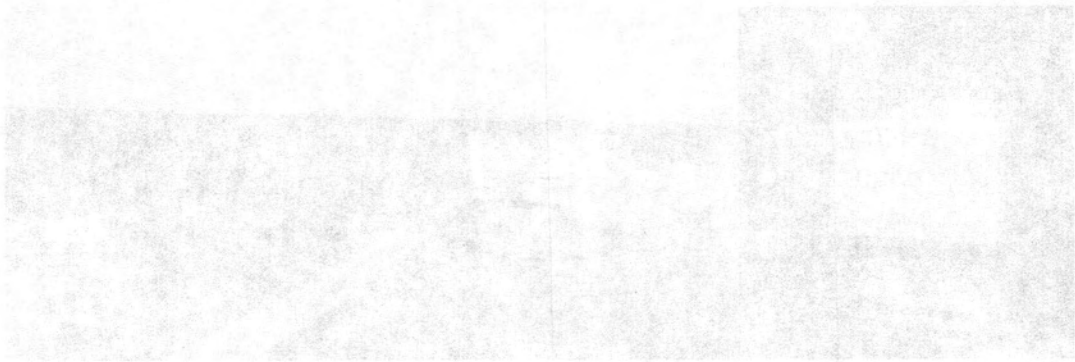


ENVIRONMENT

TOWN OF EMBREE

MUNICIPAL PLAN

2021 - 2031



Prepared by

PLAN TECH



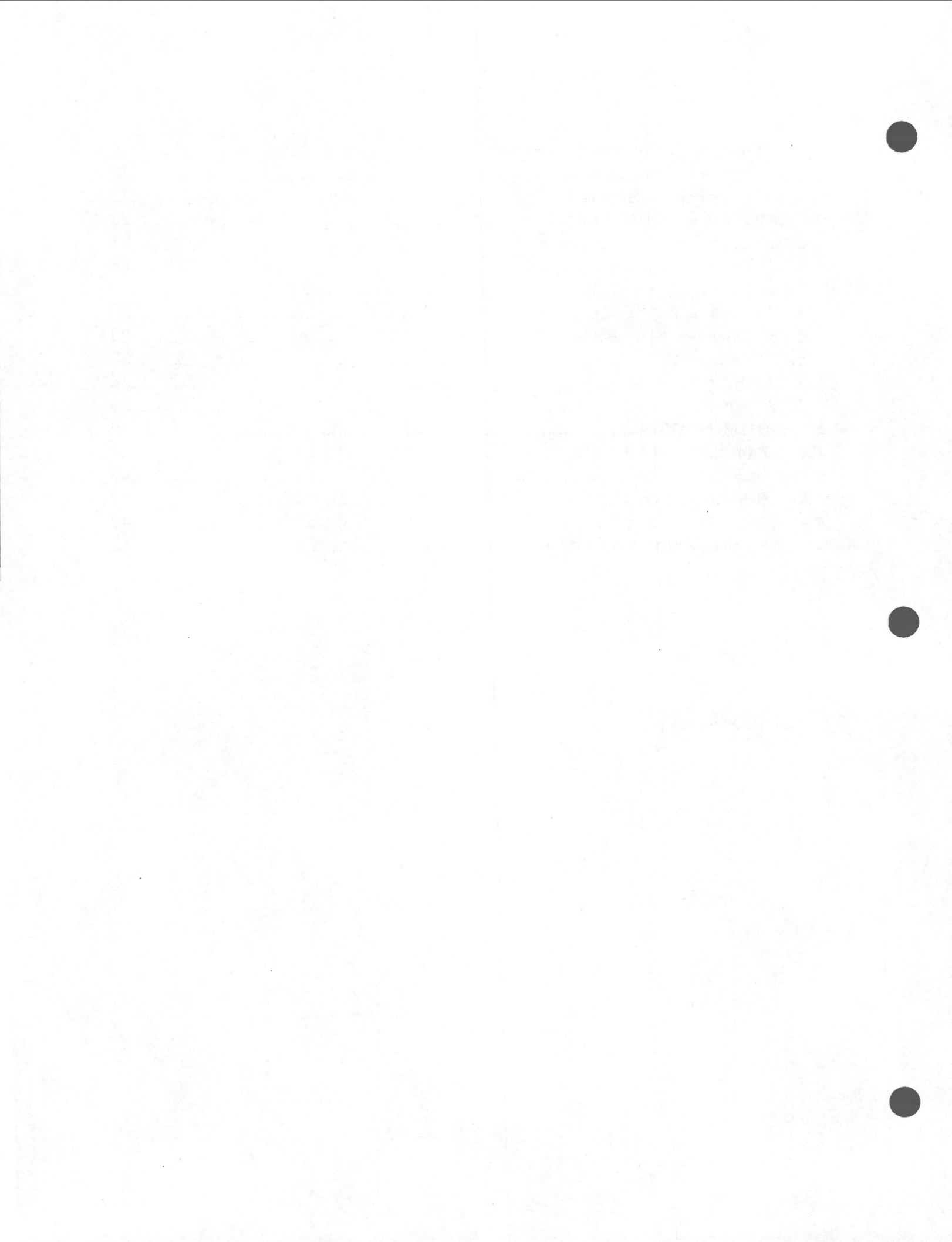
ENVIRONMENT

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1.0 INTRODUCTION

1.1 Forward

This document and the maps contained with it comprise the Municipal Plan of the Town of Embree. The maps show the Municipal Planning Area divided into various land use districts. Within each district only certain kinds of development may take place. The document presents statements regarding the kinds of development that may take place in each land use district. It also provides more general statements about other aspects of development that apply throughout the entire Municipal Planning Area. The Municipal Plan is a legal document and is binding upon Council and any person or group using or proposing to use land anywhere within the Municipal Planning Area. All new development must conform to the Plan from the date it becomes legally effective.

1.2 Purpose of the Municipal Plan

A Municipal Plan guides growth and development within a Municipal Planning Area. It provides a means of preventing the kind of problems that occur when incompatible land uses take place in close proximity to each other. It directs future growth so that it occurs in a manner in which municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that would result if development became needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. The aim of planning is to protect and enhance the qualities of the Municipal Planning Area that make it a healthy, prosperous and pleasant place in which to live and work.

1.3 Municipal Plan Preparation

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

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years.

1.4 Plan Approval

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation Council must approve the draft Municipal Plan and submit the Plan to the Local Governance and Planning Division, Department of Environment, Climate Change and Municipalities for review to ensure the Plan policies conform to provincial policies.

Once the plan is released by the Department of Environment, Climate Change and Municipalities, Council shall appoint a qualified Commissioner to conduct a formal public hearing to consider objections and representations from the public either opposing or in favour of the Municipal Plan. The Plan in its entirety shall be placed on display for a two-week period for public viewing. If written objections to the Plan are received a public hearing maybe held and the Commissioner shall conduct the hearing. The Commissioner will formally report his or her findings to Council as a result of the public hearing. Council may adopt the report in whole, in part, or reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to the Department of Environment, Climate Change and Municipalities for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of the registration of the updated Plan. Once this notice has been published in the Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Municipal Planning Area.

1.5 Plan Review and Amendment

Every five years from the date on which it first comes into effect, Council is required under the *Urban and Rural Planning Act, 2000* to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with and become part of; the Municipal Plan and so must not conflict with any other of its policies. If circumstances do not permit a Plan Review to be undertaken within the prescribed time, the current Municipal Plan, and

any amendments that had been made to it, will remain in effect until a Plan Review is completed and fully approved.

1.6 Interpretation

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

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

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category. No amendment of this Plan is required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

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

1.7 Embree Municipal Plan

This is a new Municipal Plan for the Town of Embree. It was developed after conducting public consultation and interviews with the Town Council, Town staff and government department agency representatives.

1.7.1 Municipal Planning Area and Physical Features

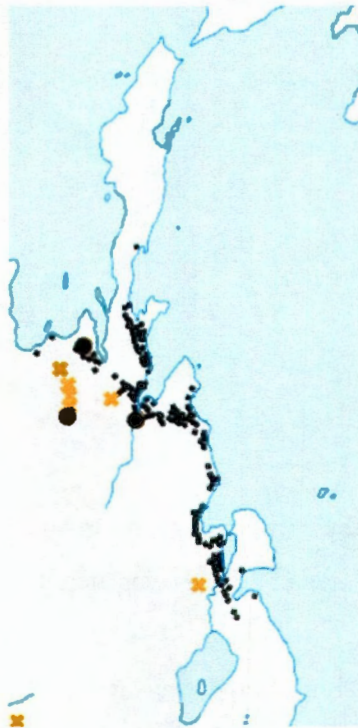
The Embree Municipal Planning Area was gazetted on December 18, 2017 and covers a large area of land which contains approximately 1,816 hectares (4,487 acres). The topography of the area is undulating and

irregular, with most elevations under 100 metres above sea level. There is little exposed bedrock in the area with soil coverage consisting of glacial till and generally humic podzols which are acidic and occur in wet areas. This makes agricultural development challenging at best.



The Municipal Planning Area outside of the urban development along the main roads is forested with a mix of coniferous and deciduous trees. The Town is located in Domestic cutting area #25 in Forestry Management District #8. Domestic harvesting permits are required from the Forest Service. The Town can add conditions or restrict harvesting areas in cooperation with the local Forest Service Agency.

There are also several quarry sites within the Municipal Planning Area boundary. At this time there are only three in operation as shown with the larger black dots on the map below. Historical quarry sites are indicated with the yellow 'x' and these may be re-activated by making application to the Mineral Lands Division.



1.7.2. General Location and History

The Town of Embree is located in Notre Dame Bay on the North west shore of Burnt Bay approximately 9 km (10 minutes) north of the regional centre Lewisporte (with a major port facility) and adjacent to the community of Little Burnt Bay at the end of the road (Route 342). Other larger centres within a 45-minute to one-hour drive include Bishop's Falls and Gander, which has an international airport.



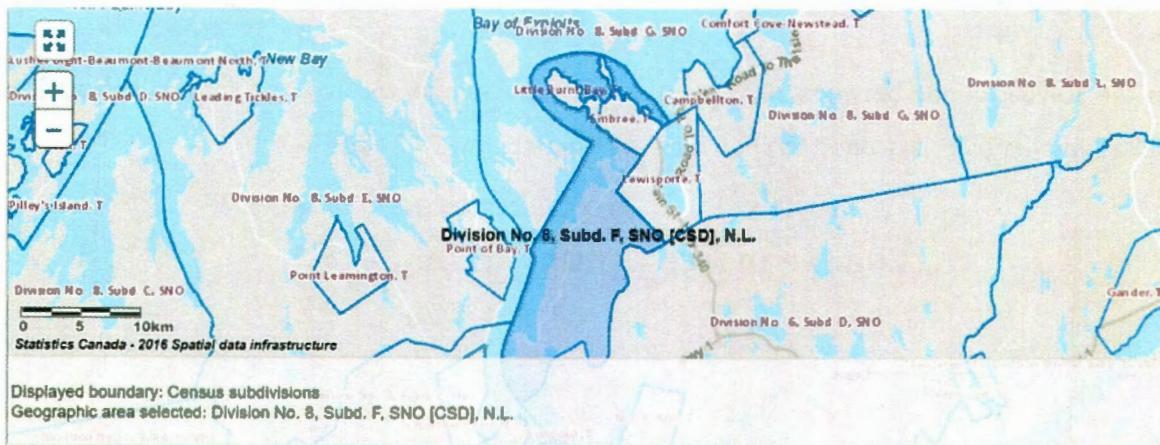
The Town was settled in the 1800's by settlers engaged in the prosperous fishing, logging, and ship building industries in the region. The Town of Embree was incorporated in 1960.

The Town was originally called Salt Pond, but during the later 1950s it was renamed Embree after Reverend Jeremiah Embree, a Methodist missionary serving the area.

1.7.3. Population Characteristics

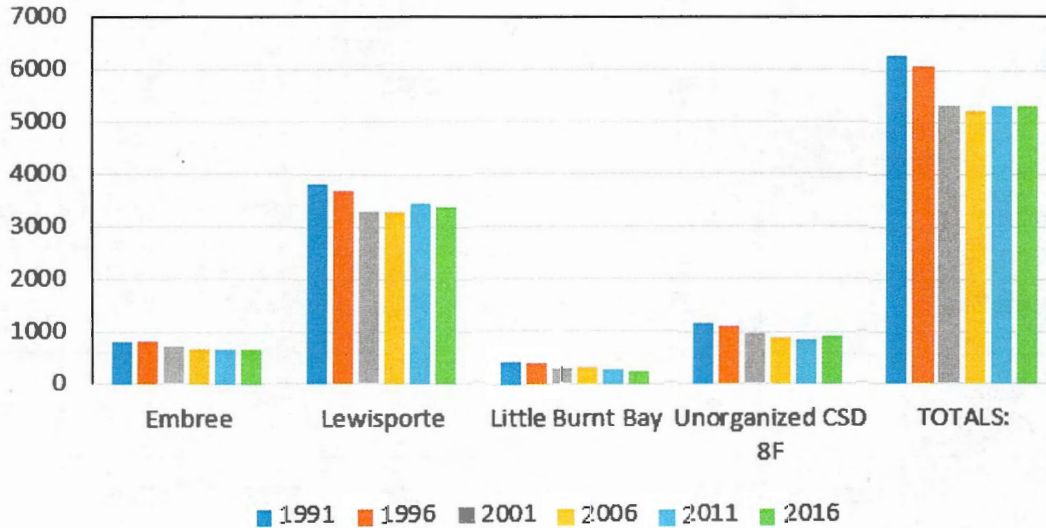
At its peak, the Town of Embree had about 900 residents, but like the rest of rural Newfoundland, the population has declined, and in 2016 there were about 700 people. The trend for the Town of Embree and the Census District 8 over the past 25 years is shown on the Table below.

Table 1: Population trends						
LOCATION	CENSUS YEAR					
	1991	1996	2001	2006	2011	2016
Embree	845	819	745	705	691	701
Lewisporte	3848	3709	3312	3308	3483	3409
Little Burnt Bay	436	412	312	325	294	281
Unorganized Census District 8F	1183	1126	973	898	867	930
TOTALS:	6312	6066	5342	5236	5335	5321



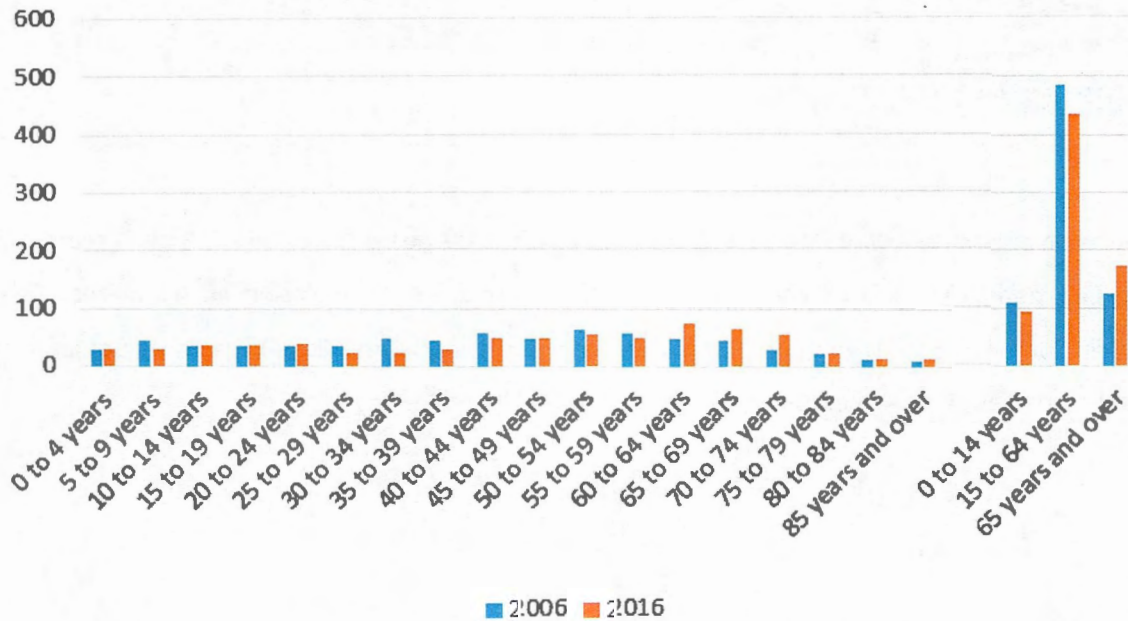
The population of Embree decreased by 144 persons between the years 1991 and 2016; the greatest loss occurred between 1991 to 2006 and then in the past 10 years the population has stabilized. This is generally attributed to the proximity to Lewisporte, a regional centre offering a broad range of retail and government services as well as employment opportunities.

Population trends



Over the 10-year period between 2006 to 2016, the population of the Town of Embree has aged, much like overall provincial trends, as shown on the Figure below.

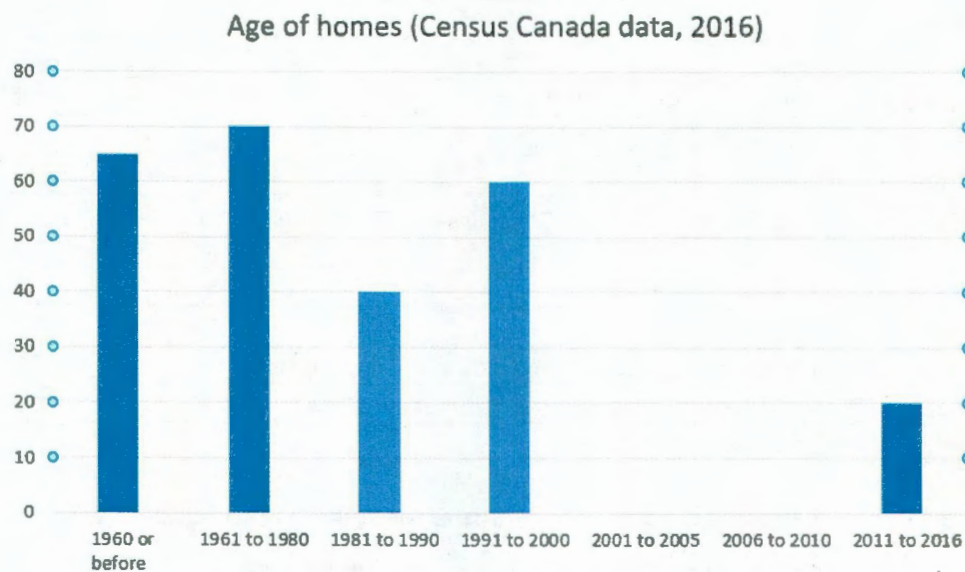
**Table 1: Town of Embree
Change in Age Groups, 2006-2016**



The greatest concern is the decrease in the 25 to 39 age group, almost a 40% decline, which represents the cohort most likely to have children and raise a family in the Town of Embree.

1.7.4. Households

The number of private residential dwellings within the Town has fluctuated from 325 in 2006 to 309 in 2011 and up to 331 in 2016. Approximately 20 newer residential homes have been developed in the past five years (2011-2016).



The average household size in the Town is 2.4 persons per dwelling which is slightly higher than the average Newfoundland household size of 2.3. This is down from 2.6 persons per household in 2011 and 2.8 in 200.

The predominant housing type in the Town remains the single family detached dwelling, with some dwellings having subsidiary apartments and there is a senior's home. Overall in 2016 there is 90% home ownership and only 10% rental accommodation.

1.7.5. Economy and Labour Force

There are very few employment opportunities in the Town of Embree, almost all employment is in Lewisporte and further. In Embree, the employment is associated with the Town and a small convenience store. Table 3 shows the types of occupations in which these people worked.

Labour force population by Occupation - 2016	
Occupation - not applicable	15
All occupations	285
Management occupations	20
Business; finance and administration occupations	10
Natural and applied sciences and related occupations	15
Health occupations	25
Occupations in education; law and social; community and government services	20
Occupations in art; culture; recreation and sport	0
Sales and service occupations	95
Trades; transport and equipment operators and related occupations	90
Natural resources; agriculture and related production occupations	10
Occupations in manufacturing and utilities	0

The table below indicates the labour force characteristics for Embree in comparison with provincial statistics for 2016 showing, not surprisingly, a higher unemployment rate.

Labour Force characteristics, 2016		
	Embree	NL
Population aged 15 years and over by Labour force status		
In the labour force	560	437935
• Employed	305	256855
• Unemployed	200	216705
Not in the labour force	105	40150
	260	181080
• Participation rate	54.5	58.7
• Employment rate	35.7	49.5
• Unemployment rate	34.4	15.6

1.7.6. Municipal Services

The Town has water and sewer servicing in the developed areas of the community. The water service is shared with the Town of Little Burnt Bay. At present, almost all houses in the core of the community are serviced. The domestic water supply source is from Trokes Cove Pond which is protected under the Public Water Supply designation under the Water Resources Act administered by the Water Resources Division of the Department of Environment, Climate Change and Municipalities. The sewer system consists of outfalls into the salt water. There is no treatment facility.

The main road through the community, Route 342, is a provincial highway. There are also a few other side roads into the community that are maintained by the provincial government.

There are two parks with playgrounds in the Town and a Lookout at Manuel's Point. There are no community-maintained trails, but in the back-country there are numerous historical trails formerly used by lobster fishermen to access different areas for harvesting. These trails are suitable for walking or all terrain vehicles (atv's). In the past there was also a snowmobile trail from Little Burnt Bay to Lewisporte which was protected by a buffer from domestic harvesting.

2.0 GOALS AND OBJECTIVES

Goals represent desired states or conditions which the town would like to attain over the long-term and provide a foundation upon which the Plan's objectives and policies are based. The following are goals of the Embree Municipal Plan.

2.1 Community Structure

Goals:

- Promote residential development at a density consistent with the rural character of the area.
- To encourage structured growth for Embree that will ensure orderly development between land uses.
- Protect and enhance the physical and social well-being of all residents and ensure the town remains a pleasant place in which to live, work and visit.
- Maximize the efficiency and cost effectiveness of municipal services.
- To manage the Town responsibly by having a plan and committee structures with solid decision-making policies.

Objectives:

- Allocate land for development which will promote the efficient and orderly expansion of compatible land use activities.
- Ensure development takes place in a logical sequence, and to best utilize the financial resources and land base of the Municipal Planning Area.
- Maintain safe and efficient movement of traffic along the community roads and main highway.
- Encourage infill development within existing serviced areas.
- Avoid extending services to areas where the cost to do so would create a servicing burden on the Town.
- Maintain and improve the drinking water system to ensure clean, safe drinking water.

- To ensure adequate water pressure for both drinking water and for fire protection services.
- To have a planned approach to upgrade and pave the gravel roads in the community.
- To maintain Town buildings up to standard to instill community pride and set an example for property maintenance and enhancement.

2.2 Residential Housing

Goals:

- To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided.

Objectives:

- Provide appropriate buffer zones between residential and non-residential areas (i.e. commercial, industrial, and agricultural).
- Prevent development in residential areas which are incompatible with residential uses.
- Explore opportunities for residential expansion to offer a wider range of residential development opportunities that would take advantage of the scenic locations and increase the Town tax base in a cost-effective manner.

2.3 Economy

Goal: To encourage development in the Town of Embree that is compatible with the existing attractive rural character of the community.

Objectives:

- Encourage diversification of the local economy through the attraction of new businesses and the support of entrepreneurship.

- Support the development of facilities and attractions which will promote the tourism industry within the community such as historic sites, visitor information centres, and outdoor recreation sites, for example, the beach area at the north end of Town.
- Promote the attractiveness of Embree as a place to live, drawing upon its scenic beauty, amenities, and geographic proximity to Lewisporte.
- To focus on the Town's development to help promote a better quality of life and protect the environment.

2.4 Recreation and Open Space

Goal: To provide recreation facilities to meet the recreational and social needs for all age groups within the Town.

Objectives:

- Encourage public participation in the planning of recreational open space lands.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town, such as the Fawkes dock area which previously had a picnic and recreation area along the beach.
- Encourage community involvement in events such as festivals, sporting events, and other attractions, such as the Santa Clause Parade organized by the Fire Department and the initiatives by the Town Recreation Committee including the playground and possible skating rink for winter activities.
- Promote the Town as a tourist attraction and encourage travelers to visit Embree by developing sites, such as the Look Out and picnic area at Manuel's Point.
- Support interpretative initiatives, such as the local museum.

2.5 Environment

Goal: To preserve, sustain and enhance the natural environment and scenic quality of the Municipal Planning Area for its aesthetic, recreational and resource values.

Objectives:

- Prevent development in environmentally sensitive areas such as shoreline and waterways, steep slopes, drainage areas and bogs.
- Council shall ensure a regular maintenance standard is employed for municipal owned properties such as the Town Hall and Fire Station.
- Council shall encourage local residents to take pride in their property and keep them clean and free of refuse and the Town shall also encourage the greening of the Town.

2.6 Transportation

Goal: To ensure that the local transportation system adequately and safely provides access throughout the Municipal Planning Area.

Objectives:

- Ensure that new roads are constructed to Town standards and to reduce the number of dead-end roads.
- To improve local roads on a yearly and priority basis in accordance to the Town's financial capability and Capital Works program.

2.7 Municipal Finance

Goal: To manage municipal expenditures and revenues to provide municipal services within a framework of long-term financial stability.

Objectives:

- Manage the municipal debt load with consideration being given to expenditures over the long term.
- Encourage an enlarged economic base to generate more revenues.

2.8 Sustainable Development

Goal: To encourage the preservation of natural resources and to promote the development of sustainable development activities.

Objectives:

- To encourage the use of natural resources like wind and solar energy as alternative sources of renewable energy.
- To promote the development of industries that use clean renewable sources of energy.
- To promote green technology wherever feasible for sanitary and storm water management.
- To encourage recycling in a cost-effective manner throughout the community.

3.0 THE LAND USE PLAN

The following policies with accompanying Future Land Use Maps constitute the land use component of the Embree Municipal Plan, 2018-2028. Included are all policies which are seen as necessary by Council to ensure that the physical development of Embree is undertaken in an efficient and economic manner during the ten-year (2018-2028) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.0.

3.1 General Land Use Policies

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

1) Physical Structure

Land uses will be allocated in accordance with the Future Land Use Map attached to this text. Development within the Municipal Planning Area will be managed in accordance with the regulations of Council, in compliance with the policies, acts, and regulations of the Province of Newfoundland and Labrador.

2) Subdivision Policies

All proposed subdivision developments will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Embree Development Regulations and shall include:

- analysis of all physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- analysis of how the proposed subdivision will integrate with existing development, roads,

municipal services, adjacent lands, and provide for future access to undeveloped lands in the area; and

- ensure compatibility between the subdivision and surrounding land uses, both existing and future;

3) Subdivision Agreement

As a condition of approval, Council may require the developer to enter into a subdivision agreement with the Town.

4) Council Assumption of Private Roads

New subdivision streets shall be constructed and upgraded to the Town's standard before Council shall assume ownership and responsibility for future maintenance.

5) Access and Public Street

All development must front on a publicly maintained street, that is, each site shall have direct frontage on a public road, unless otherwise specified in this Plan.

6) Building Setback

Adequate building setback from roads shall be required in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the abilities of the Town's snow clearing program. In certain circumstances where topography restricts the development of a lot, a larger setback may be permitted to accommodate the development.

7) Municipal and Public Utility Works and Easements

Municipal and public utility works such as electrical power, telephone, and pollution control facilities may be permitted in all land-use designations provided that no adverse effect on adjacent land uses or the environment is created. In this regard, the size and appearance of such

works must be in keeping with adjacent uses. Buffering, where appropriate shall be provided in the form of a suitably landscaped area between any such works and adjacent land uses.

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

No unserviced development will be allowed within 100 m of municipal services.

No development or formal landscaping shall be undertaken within 1.5 metres of a fire hydrant.

8) Infill Development

Council shall monitor all infill development to ensure that appropriate standards are maintained with respect to lot size, frontages, road widening, alignments, and any other matter concerning current or future public works. In older developed sections of Town, infill lots may not meet current standards. Council shall review any proposed development on a lot by lot basis. Lots that do not meet current frontage development standards may be approved for infill residential development under Council's discretionary authority provided they are serviced with municipal services and there are sufficient lands for the safe development of the lot.

9) Environmental Preservation and Enhancement

Council will place high importance on environmental preservation and enhancement, given its importance to residents and to Council's intention of enhancing the local environment and developing a tourism industry.

Natural Environment

The policy of preserving the natural environment will be extended to all natural systems within the Municipal Planning Area, including natural drainage systems, wetlands, bogs, wildlife, plant and fish habitats. The preservation of watercourses and shoreline areas will be a priority within the Municipal Planning Area.

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

Built Environment

Council shall encourage partnerships and initiatives aimed at promoting positive environmental attitudes, awareness and promoting projects which will enhance the built environment. Examples will include the following:

- preservation of trees on sites for new development (i.e., to discourage the traditional practise of clearing development sites of all trees and vegetation);
- development and expansion of recreation lands, open spaces and trails; and
- encourage the reduction and recycling of solid waste within the Town.

10) Soils and Drainage

Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses and any onsite services.

11) Removal of Topsoil

Removal of topsoil from land will not take place unless a permit has been obtained from the Mineral Lands Division and the Council has given approval.

12) Forestry Activities

The Town may set conditions or restrict domestic harvesting activities within the Municipal Planning Area boundaries if these activities are not compatible with development or environmental protection and economic activities that would be of benefit to the overall well-being of the community. Conditions and restrictions regarding forestry activities must be in alignment with the Forest Management Plan prepared by the Forest Service.

13) Protection of Watercourses and Fish Habitat

Rivers, streams, ponds, and shorelines shall be protected from pollution and development. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within 15 metres of a watercourse without approval from the Water Resources Management Division, Departments of Environment, Climate Change and Municipalities and, if fish habitat is affected, from Fisheries and Oceans Canada.

Council shall encourage the preservation and protection of sensitive wetlands that are valuable wetlands for controlling flooding; habitats for waterfowl or have important aesthetics value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department Environment, Climate Change and Municipalities, Water Resources Management Division for comment prior to any approval by Council.

14) Development Criteria for Non-Residential Sites

All built-up development of non-residential land uses will conform to the following criteria:

- Development shall be located and designed in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening may be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.

- Properties shall be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- Access points to the public street will be limited in number and designed for maximum safety for pedestrians and vehicles.
- Each site shall provide space for adequate off-street parking and loading facilities to meet the needs of the proposed development.
- Adequate municipal services must be available to meet the needs of each proposed development.
- Development must be in accordance with the Town's Development Regulations and where applicable Legislation, regulations and policies provincial government departments such as, the Departments of Environment, Climate Change and Municipalities; Transportation and Infrastructure, and Service NL as well as federal governments agencies, such as, Fisheries and Oceans; and other relevant agencies.

15) Property Maintenance

All development shall be landscaped. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to tourists, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to make repairs or removal may be required should it pose as a safety hazard.

Council shall ensure that municipal buildings and property are maintained and landscaped as an example to the community. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned in front or side yards, where it may be in general public view.

16) Existing non-conforming use

Protect and control existing non-conforming uses: Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan is registered by the Minister of Municipal Affairs and Environment except as outlined in Section 108 of the Act regarding discontinuance and resumption of use, alterations, repair.

3.2 SPECIFIC LAND USE POLICIES

The lands within the Embree Municipal Planning area shall be managed according to the designations shown on the Future Land Use Map and the policies of this Municipal Plan.

The Future Land Use Map divides the Municipal Planning Area into the following designations:

- Residential
- Commercial
- Public Building
- Conservation
- Industrial
- Recreation Open Space
- Protected Watershed
- Rural

3.2.1 Residential

The purpose of the Residential designation is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use throughout the Municipal Planning Area.

Areas designated as Residential on the Future Land Use Map shall be predominantly residential in character. Infilling is encouraged where land is fully serviced by water and sewer lines. As the Town is interested in developing planned cottage areas for seasonal residential, areas will be identified that are suitable for such development which will not conflict with the traditional residential community and future residential development scheme areas identified for expansion. There will be three residential zones in the Town of Embree Development Regulations:

- **Residential:** This zone is for serviced residential development generally situated in the core urban area of the Town which has water and sewer services;
- **Residential Seasonal:** The Residential Seasonal designation will ensure that the existing seasonal residences and cottage areas may continue to be used for that purpose. Development in Seasonal Residential Areas should be planned so as to ensure that the extension of municipal services will

not be required, and that conflicts will not arise with other uses. This designation will also protect and enhance the recreational character and amenities of existing areas of seasonal residential development.

- **Residential-Comprehensive Development Areas:** The future residential Comprehensive Development Areas include sites where it may be appropriate to make provisions for supply of water and sewage disposal satisfactory to Council as well as areas that can accommodate large lots have capacity for an onsite sanitary sewage system and a well for water. Proposed residential development schemes in these areas will only require an amendment to the Development Regulations (no amendment is required to the Municipal Plan); therefore, the Town can process these applications more efficiently. However, if a development proposal is submitted for a non-residential development; then both a municipal plan amendment and a development regulation amendment is required.

Policies:

1. Land Designation

The Residential designation shall accommodate serviced residential development on lots sizes which reflect older development patterns along existing roads in the Town.

The future Development Scheme areas will identify potential residential areas which require the preparation of a comprehensive development scheme before these areas can be developed in order to ensure that the concerns of the Town can be addressed in advance.

2. Land Uses

Within lands designated Residential, single dwellings, double dwellings and recreation open space uses shall be permitted. Discretionary uses include: row dwelling, apartment, mobile home, mini home and modular home, place of worship, educational, convenience store, child care, office, medical and professional, personal and professional service, boarding house residential (bed and breakfast), special care institutional uses (home for the aged and seniors living only), utilities, antenna, catering.

Council shall consider the impact of the bulk and scale of proposed uses in residential designations to ensure that development does not adversely affect the residential character and amenity of the area; provision of adequate space for onsite parking, loading, and buffering must be provided; and the primary use of the lot remains residential. A discretionary use will occupy only a minor part of the floor area of the dwelling.

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. The building must have a front elevation consistent with the neighbourhood including a street number. The costs of providing services to any new subdivision development shall be the responsibility of the developer.

Within the lands designated Seasonal Residential, seasonal residences, cottages and cabins shall be permitted as well as recreational open space.

Within the lands designated Residential-Comprehensive Development Areas (R-CDA), residential development proposals must be submitted as part of an overall comprehensive development scheme proposal for the area. The Development Regulations will identify wherever possible access points to be protected for road access needed to develop the R-CDAs.

3. Recreation Uses

Compatible recreation uses such as playgrounds and passive recreation and scenic lookouts and rest areas along trails may be located within Residential areas provided that adequate screening from nearby properties is provided, and safe setback distances from the roads can be obtained.

4. Medical Treatment and Special Care

Medical Treatment and Special Care shall be limited to only 'homes for the aged'. Development, in the form of a Seniors Residence may be permitted provided that adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be

reviewed by the Council in any decision to permit this form of development within a residential area.

5. Bed-and-Breakfast

Bed-and-breakfast operations must clearly be subsidiary to the residential use and must not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

6. Office Use

Home office use shall be limited to a home-based business which may be permitted if contained inside the residence, is clearly subsidiary to the residential use, and there shall be no open storage of materials, equipment or products, and it does not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations.

7. Childcare

Group or Family Childcare is permitted provided that the use does not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Any Group or Family Childcare business shall be operated in accordance with provincial *Child Care Services Act* and all applicable Provincial Regulations.

8. Convenience Store

Within the Residential designated lands, new convenience stores may be permitted as a subsidiary use to a residential dwelling or as a separate structure on its own lot. Council shall encourage the even distribution of convenience stores in appropriate areas throughout the Town. Development standards shall ensure that the size of the convenience store is limited so that it will not interfere with neighbouring residential uses.

Council shall consider access to the site; amount of parking to be provided; any adverse impacts upon adjoining neighbours, and effects of the business on traffic flow when reviewing applications for a new or expanded convenience store.

9. Residential Subdivisions

In order to ensure efficient use of land and future provision of services, avoid a proliferation of individual cul-de-sacs that are costly to service, and ensure that development is properly located so as not to interfere with optimal future development of adjacent lands, subdivision proposals shall be considered only if they conform to an area concept plan that has been approved by Council (See Policy 3.1.2 Subdivision Development Plans).

Building permits shall not be issued unless a road agreement has been reached between the Town and the developer. Services (roads, storm drainage, etc.) will normally be installed at the expense of the developer.

Subdivision Plans, engineering site plans, and building designs must meet the approval of Council. Lot layouts and the sighting of buildings shall follow development standards as outlined in the Town's Development Regulations.

10. Subdivision Development Plans

Subdivision development plans shall address specific proposals for development of a site in a relatively short time frame. The subdivision plan shall be detailed and shall address needs pertinent to development of the site, including:

- Conformity to the goals, objectives, and policies of this Municipal Plan;
- Conformity to an area concept plan as approved by Council, which accounts for the development of lands abutting the site;
- A description of the subject lands;
- Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- Access to the site from existing roads and internal road layout;
- Extension and development of municipal piped services for new subdivision;
- Demonstration the long-term viability of any proposed on-site servicing system through soil analysis and other appropriate site evaluation. A site assessment in this regard that has been carried out as part of an area concept plan may suffice if Council is satisfied that it accurately depicts the conditions of the proposed subdivision site;

- Phasing scheme;
- Provision for lotting;
- Provision for 10% recreation lands or alternative measures if requested by Council;
- Adherence to the Town's engineering development standards for streets designs, grades, storm drainage, building lines, accesses, landscaping, buffers, development standards for each lot, etc.;
- Other information that Council may require.

11. Open Space Requirements

The provision for open space within a residential subdivision development shall be the responsibility of the developers and if required, shall dedicate a maximum of not more than 10 percent of suitable land in new residential areas for recreational open space. Alternatively, Council may require the developer to pay a sum of money equal to 10 % of the assessed value of the area of land prior to commencement of the development of the subdivision.

3.2.2 Commercial

Lands designated as Commercial are limited within the Town. The intent of the Plan is to protect these businesses and to ensure their continued operation or allow for future opportunities on these sites. The proximity of the Town of Lewisporte and the regional level of service it offers makes it difficult for commercial operations to successfully compete. For a variety of reasons, in rural Newfoundland where there is a regional centre offering a wide choice of consumer goods, small neighbourhood operations are not supported by the local community. However, as these sites are located on Route 342 they may offer potential commercial opportunity in the future.

Policies:

1. Land Use

Land designated Commercial shall be developed primarily for commercial uses such as retail and service activities oriented toward local residents and highway users. The permitted uses shall include: catering, child care, commercial residential, office, medical and professional, personal service, shop, convenience store, service station, and outdoor assembly. Discretionary uses that may be permitted include clubs and lodges, amusement, indoor assembly, taxi stand, funeral

home, indoor market, office, general services, veterinary, outdoor market, communications, light industry, passenger assembly, service station, cultural and civic, antenna, and recreation open space, general assembly, police station and apartment building.

2. Location

Commercial activity shall be located on sites suitable for such development and have good access to the main highway Route 342. The locations should provide for adequate buffering from other non-compatible uses such as residential areas and public uses.

3. Service Stations

The development of a service station with retail of fuels shall be at the discretion of Council. In deciding on any such development, Council shall take into consideration, the location and type of adjoining uses, provision of adequate parking, a minimum of two access points to the lot, the location of any private dug wells, and the location of the fuel storage tanks and building on the lot.

4. Open Storage

No open storage shall be permitted in the front or side yards of any commercial property. Property owners will be required to keep their premises well maintained and tidy.

5. Parking

Adequate off-street parking, loading and safe access to the street shall be provided. Parking shall meet requirements as outline in Schedule D of the Town Development Regulations.

3.2.3 Industrial

Industrial development is presently very limited in the town. Industrial land use designations are intended to create opportunities for future potential industrial development over the next ten-year planning period. As these uses do not rely on customer exposure as much as commercial uses, there is greater potential for industrial development to expand the Town's business tax revenue. There is a limited land

base within the surrounding urban area of Town, therefore these areas are located on Route 342 and away from established residential areas.

Policies

1. Location

Lands along Route 342 in the vicinity of the existing farm operation are designated as Industrial.

2. Land Use

The Industrial designation shall accommodate a variety of General Industry and, Light industry uses (see definition in Schedule A, Development Regulations) and associated educational uses (i.e., onsite training). Industrial uses shall include manufacturing, sawmills, light industry and general industry. Discretionary uses include: Passenger assembly, service station, antenna, shop in relation to and subsidiary to permitted use. Associated resource uses may be permitted at the discretion of Council.

3. Restricted Land Use

The uses in the Industrial land use designation shall be limited to those of an industrial nature. Subsidiary retail activities may be permitted only in association with a permitted industrial land use

4. Offensive Uses

Industrial uses that are judged to be incompatible with the nearby communities through excessive emissions of noise, smell, chemicals or other pollutants, shall not be permitted. Property owners with unsightly uses will be required to store their materials in the rear or side yard. Property owners will be required to keep their premises well maintained and tidy.

3.2.4 Public Buildings

Land designated Public Buildings shall include government, church, and other uses for general or limited public access. A number of sites in Embree are designated as Public Use including facilities required to

deliver municipal services to residents, such as the Town Hall and Fire Hall and the Glad Tidings Pentecostal Church.

Policies

1. Land Use

Lands are designated Public Building to permit their general or limited use by the residents of Embree. Within the Public Building designation, the permitted use of land shall be for community-oriented facilities such as educational, cultural and civic uses, places of worship, child care, general assembly, medical treatment and special care, government or public offices, recreational open space, and police station. Discretionary uses may be permitted, provided that they will not conflict with the satisfactory operation of existing facilities or the future development of public uses. The discretionary uses may include recreational open space such as parks and playing fields, office, indoor assembly, outdoor assembly, catering, and homes for the aged (collective residential), cemetery, club and lodge, passenger assembly, and antenna.

2. Compatibility with Residential Uses

The development and operation of new facilities and buildings for public buildings will not impose adverse effects on adjacent residential areas in terms of traffic, noise, and hours of operation.

3. Location

Public buildings and uses are encouraged to locate in the central part of the community and within easy walking distance of most residents.

4. Access

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

5. Parking

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

3.2.5 Open Space/Recreation

The intent of the Plan is to designate lands used for active and passive recreational needs of Embree residents and visitors.

Policies:

1. Land Uses

Permitted uses include parklands, sports fields and playgrounds, trail systems and pathways are permitted. Permitted recreational facilities shall include indoor and organized facilities with such uses as social clubs, boy and girls club, recreation centre and outdoor facilities such as sports fields, open concert/stage areas, and picnic/camping parks. Other permitted uses may include office in association with a permitted use, amusement, such as youth centre, and personal service such as a gymnasium. Discretionary uses include: Indoor assembly, outdoor assembly, cultural and civic, catering, take-out food service, agriculture (community gardens), and antenna.

2. Effects Surrounding Property

Development and operation of recreational facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic and hours of operation.

3. Recreation Uses

Additional recreational facilities shall be provided in areas where they are needed and when the Town's financial resources permit. Since most of the regional and local recreational facilities are less accessible to the older age groups, the provision of additional facilities will give special consideration to these groups.

4. Town Recreation Facilities

Existing recreational facilities owned by the Town shall be properly equipped and maintained. New playgrounds and recreation areas will be developed by both land developers and the Council to meet the future recreational needs of the community.

5. Trail Development

The development of passive recreation facilities such as walking or nature trails, and associated interpretation programs may be permitted provided they will not have an adverse impact on the natural environment and residential properties.

3.2.6 Conservation

The intent of the Conservation designation is to protect areas within the Town which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values. They include wetlands, watercourses, bodies of water, shoreline frontages, steep cliffs, as well as, open natural spaces such as woodlands, green belts, buffers, natural trails, areas of scenic attraction for public enjoyment, etc. In addition, it is recognized that bog lands and wetlands are important components in the ecosystem in terms of controlling the rate and volume of runoff. Rivers and brooks also form part of the natural drainage system and must be protected from blockage or alteration. Any unnecessary alterations of these water systems must be avoided.

Policies:

1. Location

Shorelines and wetlands throughout the Town are designated as Conservation.

2. Land Uses

The Conservation designation shall protect and conserve environmentally sensitive and important lands from adverse development. Development associated with conservation shall be permitted. Passive recreational uses such as walking trails may be permitted, provided that they will have no adverse effect on the site. Uses that are complimentary to a resource use may also be permitted at Council's discretion, such as, agriculture, forestry, transportation, cemetery and antenna.

3. Marine Land Uses

The shore of Embree has a history of multiple land uses. These uses shall be allowed to continue as non-conforming uses as indicated in the Town's Development Regulations. Foreshore development shall be limited to recreation uses associated with marine use such as slipways, wharves, and docks for recreational boating, subject to requirements of the provincial government agencies such as the Lands Branch or the Water Resources Management Division.

4. Compatible Uses

Within the designated Conservation areas, recreational open space such as parks, and their accessory uses may be permitted. Uses that are complementary to a recreational open space use may also be permitted at the Council's discretion.

5. Conservation Buffer Waterbodies

Along the shoreline of all water bodies and water ways, a conservation buffer area shall be established which includes all land within 15 metres of the high-water mark along shoreline. Proposed developments affecting water bodies or watercourses, such as stream crossings, watercourse alterations, and other public works, may be permitted in limited circumstances where it can be demonstrated the proposed use will have a minimal adverse impact. The number and size of such activities shall be limited in numbers. Any such proposed development shall be referred for review and approval to the Department of Environment, Climate Change and Municipalities, and the Department of Fisheries and Oceans, and any other relevant agencies before Council issues any permits for development.

6. Preservation of Natural landscape

It is also essential that all the visual amenities and undevelopable areas such as the shoreline, rivers, brooks, streams, flood plains, steep slopes, and rock outcrops are preserved and retained in their natural state. This can add to the open space system and complement the rural development patterns. Areas of scenic attraction and with recreational potential shall be preserved and protected.

3.2.7 Protected Watershed

The purpose of the protected watershed designation is to preserve the water quality of Trokes Cove Pond as the Town's municipal water supply. The boundaries of the designation are intended to take in all lands which drain into the ponds.

Any development in the Trokes Cove Pond Protected Watershed may affect the quality or quantity of water and therefore must be protected from negative impacts of development. The following policies will guide development in the Protected Water Supply Area.

Policies:

1. Land Use

Land designated Protected Water Supply shall be protected as the source for the Town's drinking water supply. The only permitted uses shall be conservation, passive outdoor recreation uses and mineral exploration. Discretionary uses include: mineral working, agriculture, recreation, antenna, and forestry harvesting activities including silviculture may be permitted within the Protected Watershed Area, subject to the approval of the Water Resources Management Division.

2. Permit Requirements

The Department of Municipal Affairs and Environment has designated Trokes Cove Pond Watershed area a protected public water supply area under the *Water Resources Act*. Prior to the commencement of any development activity inside the protected water supply area, a proponent shall obtain a permit under Section 39 (6) of the *Water Resources Act*.

3. Public Utilities

Public Utilities may be permitted provided that they do not cause any adverse effect on the quality or quantity of the water available from the water supply catchments area.

4. Mineral Workings

Mineral workings shall be limited to mineral exploration that does not constitute development within the designated Protected Watershed Area. Any exploration activities must be approved by the Department of Environment, Climate Change and Municipalities, Water Resources Management Division and Mineral Lands Division, as well as the Town of Embree.

3.2.8 Rural

The Rural area of the Town of Embree contains natural resources that may have significant economic and recreational value to the Town. Quarry resources, timber stands and land are the principle resources of importance in addition to the significant recreational and economic value. The Rural area also provides an area for recreational activities such as snowmobiling and hunting.

The Rural designation has been placed on those lands that are intended to be used primarily for rural resource uses. It is intended that the lands so designated shall generally retain their present rural character with no development permitted within this designation except those associated with agriculture, forestry, outdoor recreation, resource conservation, cemetery or other uses such as cottage areas as may be outlined in this Plan.

Uses that are environmentally or hydrologically sensitive or for other reasons not conducive to development or active recreational uses will be protected under the Rural designation. Examples are steep or unstable slopes, drainage areas, bogs and ravines. In these areas, protective rather than development measures shall take priority.

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

Policies:

1. Land Uses

The uses permitted in the designated Rural areas include agricultural, forestry, mineral exploration and development, and conservation uses; cemetery; recreational open space, provided they do not detract from the rural character of the area;

Other uses that are compatible with permitted uses may also be permitted at the discretion of Council. These discretionary uses may include; single dwelling in association with a resource use (subject to conditions), recreational cottage, veterinary, outdoor market, outdoor assembly, general industrial, mineral working, mineral exploration, recreational open space, cemetery, animal, utilities, transportation, wind turbine, recreation cottage, and antenna.

2. Residential Use

Council has no intention of extending municipal services to rural designated lands. Residential dwellings shall not be permitted, except as an accessory to a permitted resource use.

3. Agriculture

New development shall not adversely affect existing agricultural uses. Encroachment of non-compatible use shall not result in the limiting or discontinuance of a permitted agricultural use.

The Council shall give due regard to the impact of new agricultural development or uses on existing adjacent development and to other development in close proximity to the proposed agricultural development. Properties must be maintained to protect the visual amenity of the community and ensure public health and safety.

4. Mineral Working

Mineral exploration shall be permitted within the Rural land use designation. Mineral workings include the extraction, exploration, processing or storage of gravel, sand, rock or any other mined

material, concrete and asphalt making, rock crushing, quarrying, sand and gravel pits and other types of mining in general. Council will prohibit all but very small-scale mineral workings and related activities from taking place within general view of roads and developed areas and will not allow development of new mineral workings activity at any location in the Municipal Planning Area where it would create a negative impact on visual amenities. The mineral development shall be limited visually from highways or local roads or developed areas by buffers of vegetation.

Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife. All mineral operations will be required to complete a site rehabilitation plan as a part of the development application. Council will not permit other development activities within 150 m of existing quarry operations that may jeopardize their operation or future expansion.

4.0. IMPLEMENTATION

The Municipal Plan will be implemented over the next ten years through decisions of Council and affected agencies such as the Departments of Environment, Climate Change and Municipalities; Transportation and Infrastructure; Mineral Lands Division and Service NL. Of particular importance to Council are the following:

- effective administration of the Plan;
- the adoption of annual capital works program;
- adopting land use zoning, subdivision and advertisement regulations;
- adopting residential development schemes; and
- the procedure for considering amendments to the Plan.

4.1 Administration of the Plan

For the purpose of administering the Plan, Council shall read the Future Land Use Map together with the goals, objectives and policies outlined in this document.

Once Council has determined that a development proposal conforms to the Plan, Council will review the proposal and circulate it to all affected public departments and agencies. Council's decision on a proposal will be based on the desire to guide the development of Embree in the best long-term interests of its residents.

All persons wishing to develop land for any purpose within the Embree Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve the application, approve it with conditions, or refuse it. Any person who is dissatisfied with the decision may appeal to the appropriate Appeal Board.

Before major land developments are approved, Council may require the developer to sign a development agreement. The agreement shall set the conditions for development and shall be binding to both parties. Conditions may also be attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan comes into effect, although their expansion, alteration, or conversion may be limited in order to achieve the intent of this Plan.

4.2 Development Regulations

Development Regulations ensure that development takes place in accordance with 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, 2000*. Like the Municipal Plan, these Regulations are binding upon the Council and all other persons and organizations. They consist of five parts: General Regulations, General Development Standards, Advertisement, Subdivision of Land, and Land Use Zones.

I. General Regulations

Among other things, the General Regulations govern matters relating to the power and council of a municipality to regulate development within its Municipal Planning Area and establish conditions relating to the issuing of permits.

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.

III. Advertisement

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 Municipal Planning Area.

IV. Subdivision of Land

Subdivision regulations govern the development and division of larger parcels of land into individual building lots. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes and other necessary requirements.

V. Land Uses Zones

Zoning is a means of ensuring that development conforms with the Plan, and that it is properly situated and does not conflict with or adversely affect neighbouring uses. It can ensure that new growth is concentrated within or adjacent to developed areas, promoting a compact form to make the most efficient use of public services and utilities. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use district, a list of Permitted and Discretionary uses is presented as well as conditions to which development must conform before it may take place.

4.3 Development Control

Once registered, this Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Before any land development can take place, an application must first be made to Council. Development may take place only after Council has reviewed the application and granted approval. Anyone who fails to follow the required application process or who otherwise violates the Plan or Regulations can be prosecuted and ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Plan and Development Regulations are the responsibility of Council and its staff. It is their duty to implement the Municipal Plan through the Development Regulations, to make recommendations to Council regarding compatibility of development proposals with Plan policies, 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 proposed development and include

a plot plan showing the location of existing and proposed buildings and structures on the proposed site. Council will examine the application and determine whether or not it conforms to the requirements of the Development Regulations, and the policies of the Municipal Plan. Development applications will be referred to appropriate government departments or agencies or other organizations. Approval of the application will be subject to their recommendations. If the proposed development conforms to all requirements then 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 Plan or 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 determine that Council's decision be varied or reversed.

4.4 Capital Works

Capital works programs must conform to applicable policies and land use designations of the Municipal Plan. Capital works projects must not contribute to sprawl since that would conflict with the Plan's goal of promoting compact development. It should be recognized that extensions to roads/new roads required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Improvements to local roads should be undertaken in accordance with the town's financial capability (and in conformity with the Municipal Plan) on a priority basis. Local roads are generally in good condition. The Town intends to maintain and upgrade them as necessary and as funding becomes available. The development of additional recreational facilities may also be carried out on a year-to-year basis subject to the town's financial capabilities.

4.5 Municipal Plan Amendment Procedure

This Plan has been prepared with the intent that no amendment be required during the next five years, at the end of which another Plan Review will be undertaken. Major changes in economic conditions or in policy direction, unforeseen at this time, could however occur during the Planning Period.

Should an amendment to need to be considered, it will be given the same evaluation and approval procedure as this Plan, including a public hearing with a Commissioner appointed by Council. Evaluation of the proposed amendment will be compiled into a Background Report. The proposed amendment will

include policy statements, background reports, and/or map changes. Any such amendment shall be read together and form part of this Plan.

Any requests by an applicant for an amendment(s) to the Municipal Plan or Development Regulations, the Town shall charge the costs to complete the amendment(s) to the applicant. The authority to charge and collect the cost for the amendment(s) is granted to the Town under section 27, *Urban and Rural Planning Act, 2000*.

