

# Town of Mount Carmel- Mitchell's Brook- St. Catherine's

## MUNICIPAL PLAN

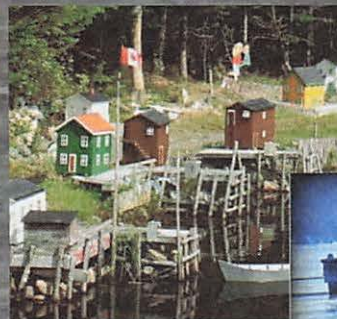
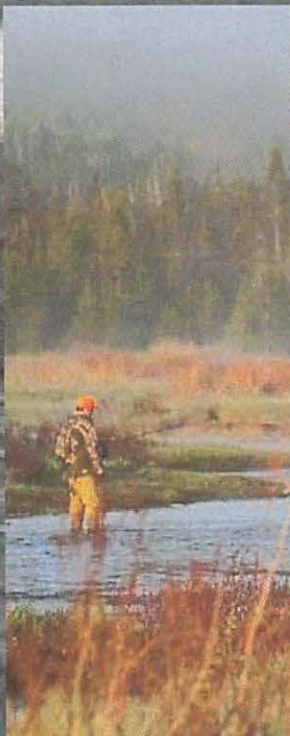
2022-2032

Anna Myers, MCIP

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TOWN OF MOUNT CARMEL-MITCHELL'S BROOK-ST. CATHERINE'S  
**RESOLUTION TO ADOPT**  
MUNICIPAL PLAN (2022-2032)

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Mount Carmel-Mitchell's Brook-St. Catherine's adopts the Town of Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Plan.

Adopted by the Town Council of the Town of Mount Carmel-Mitchell's Brook-St. Catherine's on the 12<sup>th</sup> day of December, 2023.

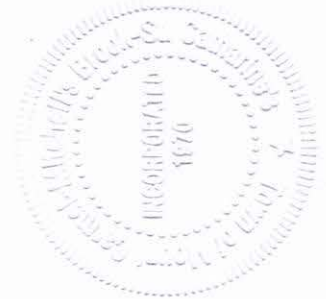
Signed and sealed this 12 day of June, 2023.

Mayor:

Edna Elaine Long Nash

Clerk:

S. Hean



(Council Seal)

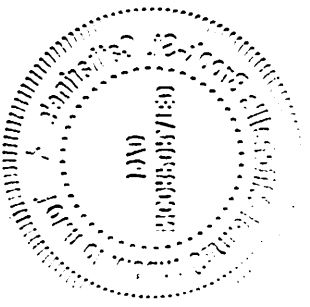
CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

Myers

MCIP: Member, Canadian Institute of Planners (MCIP)





TOWN OF MOUNT CARMEL-MITCHELL'S BROOK-ST. CATHERINE'S

**RESOLUTION TO APPROVE**

**MUNICIPAL PLAN (2022-2032)**

Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Mount Carmel-Mitchell's Brook-St. Catherine's:

- a) Adopted the Town of Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Plan (2022-2032) on the 12<sup>th</sup> day of December 2022;
  - gave notice of the adoption of the Development Regulations for the Town of Mount Carmel-Mitchell's Brook-St. Catherine's by publication in the newspaper, the Shoreline News on December 10, 2022 and January 6, 2023, publication on the Town Facebook page on January 4, 2023 and placed posters at the local general store, Post office, and Building store;
- b) Scheduled the 11<sup>th</sup> day of January, 2023 for the public hearing to consider objections and submissions to the Municipal Plan (2022-2032).

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Mount Carmel-Mitchell's Brook-St. Catherine's approves the Municipal Plan (2022-2032), amended as follows [deleted text shown in ~~strikeout~~ and new language in **bold font**:

In 1.2 Authority:

The Municipal Plan (2022-2032) that comes into legal effect upon publication of the notice of registration in the Newfoundland and Labrador Gazette., ~~and at that point the 2008 Municipal Plan is repealed and replaced by the new plan.~~

In Objective in 2.1.3 (3) 3.as follows :

3. To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development; and wherever required by the Wildlife Division, to expand this buffer to 30 metres; **and incorporate the buffer-required along the scheduled salmon river, Salmonier River as part of the Conservation zone on the Future Land Use Map and Land Use Zoning map**

established according to the requirements of the Department of Fisheries and Oceans.

In Policy 2.3.2, add:

**“Ensure a 50 metre buffer is established along Salmonier River which is a scheduled salmon river and designate the shoreline as ‘Conservation’.”**

In Policy 3.13.2 (a) as follows :

**“ a. Permitted Uses include: Commercial Agriculture, Forestry Activities (subject to Policy 2.3.2 (23)), Cottage, Cemetery, and”**

In Policy 2.3.1 (21) as follows:

**Forestry**

23. Ensure that forestry activities including harvesting, road building and silviculture, are not restricted within the Municipal Planning area and that they are conducted according with the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town; **This will be accomplished as follows:**
  - a. **Council shall ensure forestry activities proposed are compatible with the town plan, and that municipal interests are incorporated into the 5-Year plan as prepared by the Forest Service in consultation with the town. Furthermore, the town requires that annual operating plans be approved by council by permit (with conditions) as defined under the *Urban and Rural Planning Act, 2000*;**
  - b. **Ensure that forestry activities including harvesting, road building and silviculture, are guided by the zoning and policies defined in the Municipal Plan. Forestry activities will be guided according with the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town, and further conditions may be applied for the annual operations and defined by the town in order to issue a permit for development (includes forestry);**

In Section 3.14: Remove the following provincial interests as follows:

- ~~a. Agricultural Lease: The Agricultural lease is in the Resource zone where commercial agriculture is a permitted use; any future development in the vicinity of the Agriculture Lease must be referred to the Land Resources Stewardship Division ( Refer to 4.2.1);~~

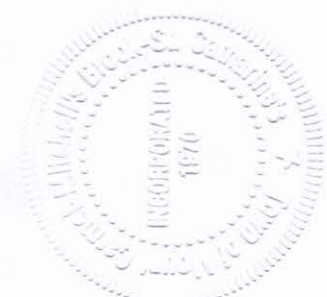
- b. ~~Former Dump site referral buffer: A referral buffer of 1600 metres shall be shown as an overlay where applications for development shall be sent to the Pollution Prevention Division;~~
- c. ~~Quarry Referral Buffer: Within the 300 metres Quarry Buffer, development applications must be sent to the Mineral Lands Division for approval; in order to prevent conflict between non-compatible land uses;~~

SIGNED AND SEALED this 31 day of Dec, 2023.

Mayor: Edna Elaine Long-nash

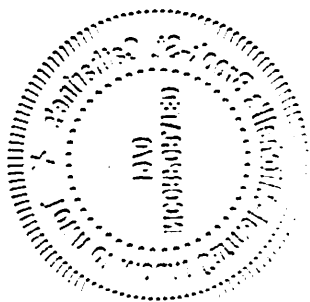
Town Clerk: J. H. [Signature]

<b>Municipal Plan/Amendment</b>	
<b><u>REGISTERED</u></b>	
Number	<u>3335-2024-0000</u>
Date	<u>30 JAN 2024</u>
Signature	<u>[Signature]</u>



(Council Seal)





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## **1.0 INTRODUCTION**

### **1.1 The Purpose of the Municipal Plan and Community Vision**

The purpose of the Municipal Plan is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This plan provides a policy framework to influence, manage, and regulate future growth and change in the Town of Mount Carmel-Mitchell's Brook-St. Catherine's for the next 10-year period.

The Town of Mount Carmel-Mitchell's Brook-St. Catherine's initiated the Municipal Plan builds on the Town's' Vision as set in the Integrated Community Sustainability Plan (ICSP):

*Mount Carmel-Mitchell's Brook-St. Catherine's will maintain its attractive, traditional small-town character while supporting development, rural living, and respect for local heritage to ensure its future as a self-sustaining community.*

This Vision statement is based on the following community values that were summarized eloquently in the ICSP set out as follows:

- “We the residents, cherish and protect the ways of our forefathers. With a strong sense of pride, they carved from the landscape of this beautiful valley, a livelihood built on the core industries of farming; the fishery and the lumber trade creating a heritage legacy and determination which will shape our future and futures to come.
- We are a closely-knit community in scale and nature; we are physically small enough to maintain a strong sense of community closeness and from which we can develop a shared understanding and vision or our community.
- We endeavour to protect and preserve our sensitive natural resources
- We possess many natural scenic spots engulfed in cultural richness yet to be documented.
- We have a culture of community inclusiveness; yet, we willingly open our community to visitors and newcomers from near and far.
- Economic conditions of the past brought about a necessity for residents to diversify their skills from the traditional ways of their forefathers and to forge into new areas. Today, the men and women of our Community are members of the iron-workers and boiler makers trades and are recognized internationally for their high level of skill.

- Today we take pride in the Community's leadership, restoring and managing our resources responsibly and sustainably, ensuring that, like our forefathers, we leave a vibrant and resilient community legacy like our forefathers to those that follow us.”

## **1.2 Authority**

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the Act).

The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and setting out policies for various types of land use development. These locations are shown as future land use designations on the Future Land Use map found in Appendix A.

The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the future land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development applications.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Plan (Section 35). The Development Regulations enable the Council to administer the policies of the Municipal Plan.

The Municipal Plan (2022-2032) that comes into legal effect upon publication of the notice of registration in the Newfoundland and Labrador Gazette.

## **1.3 The Municipal Planning Process**

The process for preparing a plan is set out in Part III of the Act (Sections 14–25) which must be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Background Report for the Town of Mount Carmel-Mitchell's Brook-St. Catherine's was prepared to inform the Municipal Plan review. It provides the key

findings of statistical research, community site visits and discussions with the Town, Provincial agencies (note that the Interdepartmental Land Use report is not a public document), and with community representatives, including public consultation. The Background Report contains a review of land use, development and infrastructure servicing issues and a socio-economic profile of the Town of Mount Carmel-Mitchell's Brook-St. Catherine's.

The plan and development regulations are prepared in consultation with Council, Town staff and the public. In particular, the residents and stakeholders in the Town were invited to public consultations throughout the planning process. Two formal consultations with Power Point presentations were made: May 9, 2019 and November 24, 2020. Notification for each consisted of notices in the Shoreline News, the Town Newsletter and posters put up in Town buildings. Numerous site visits with Council and residents were also undertaken as part of the process. Throughout the process, documents and mapping were made available to the public via electronic means and also at the Town office.

Upon completion of the review and comment phase, Council accepts the draft Plan and Development Regulations and recommends submission to the Provincial government for (Section 15) review regarding Provincial legislative and regulatory requirements.

Upon release, there is further opportunity for public input through a Public Hearing process chaired by a qualified Commissioner appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner formally reports his findings to Council. Council may adopt the Commissioner report in whole, in part, or reject the report in its entirety.

Council may approve (by Resolution) the Municipal Plan and Development Regulations, and apply to the Minister of Municipal and Provincial Affairs for registration. Upon registration, the Council arranges for a notice to be published in the Newfoundland and Labrador Gazette which becomes the date of legal effect. A notice must also be published in a local newspaper to inform the public.

Amendments may be made to the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (section 25). Note that a *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

The Municipal Plan is to address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28), and reviewed comprehensively again at 10 years.

#### **1.4 Organization of the Plan**

The Municipal Plan is organized into four chapters:

- Chapter 1 sets the legal context and the organization structure of the plan;
- Chapter 2 sets out the objectives and broad policies of the Municipal Plan that apply generally throughout the community;
- Chapter 3 sets out the land use objectives and policies by land use classification (as required under Section 13 of the Act); and,
- Chapter 4 sets out the implementation of the Plan.

The Future Land Use Map in Appendix A indicates the future land use designations corresponding to the land use policies set out in the plan.

## **2.0 A SUSTAINABLE FRAMEWORK**

The following sections outline objectives of the Municipal Plan that apply throughout the Town of Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Planning area (as required by Section 12 (2) (a) of the *Urban and Rural Planning Act, 2000*).

To implement these objectives, general development policies are set out which can then be implemented through the Development Regulations. Specific policies related to land use classes are set out in Chapter 3.

### **2.1 GENERAL COMMUNITY OBJECTIVES**

The objectives of the Municipal Plan articulate the aspirations and needs of the residents of the Town of Mount Carmel-Mitchell's Brook-St. Catherine's. These objectives provide a sustainable framework for the land use and development policies set out in this plan.

#### **2.1.1 Community character**

The objectives for community character include:

1. To provide a healthy, pleasant and safe living and working environment in Mount Carmel-Mitchell's Brook-St. Catherine's;
2. To encourage future growth in an orderly manner that ensures land use compatibility, particularly between residential and non-residential uses.
3. To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism and to preserve the rural character of the Town.
4. To foster an attractive community particularly for growing families by promoting greenbelts, passive parks and walking/hiking trails and landscaping options in the Development Regulations.

#### **2.1.2 Economic sustainability**

The objectives for economic sustainability include:

1. To make land available for employment-generating activities, such as, commercial development including tourism-related initiatives so that new businesses and employment opportunities will be attracted to Mount Carmel-Mitchell's Brook-St. Catherine's to serve the present and future population.

2. To encourage home businesses by including provisions in the Development Regulations regarding home business that will help residents augment their personal income and also provide products for seasonal tourism;
3. To encourage the continued operation of existing businesses through appropriate land use regulations that allow for expansion and growth;
4. Facilitate tourism-related development that encourages travelers to visit Mount Carmel-Mitchell's Brook-St. Catherine's with flexible land use and development measures.

### **2.1.3 Environmental sustainability**

The objectives for environmental sustainability include:

1. To protect the natural environment, including soil, water, vegetation, wetlands, wildlife, plant and fish habitats and to ensure that environmentally sensitive or hazardous areas, such as waterbodies including wetlands, shorelines, and steep slopes are protected from development and to protect natural resources from degradation including water, air, soils, agricultural land, forests and scenic areas;
2. To manage the Town's natural resources, such as agriculture, forestry, mineral resources, and to promote the sustainable development of these resources.

To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development; and wherever required by the Wildlife Division, to expand this buffer to 30 metres; and incorporate the buffer-required along the scheduled salmon river, Salmonier River as part of the Conservation zone on the Future Land Use Map and Land Use Zoning map established according to the requirements of the Department of Fisheries and Oceans.

3. Restrict development in environmentally sensitive areas such as steep slopes and areas prone to landslides and rockfall and set out conditions in the regulations to address site suitability;
  - a. Discourage development in areas with slopes greater than 15 percent, recognizing that development in such areas can result in environmental damage and higher costs for servicing and maintenance.
  - b. Permit development only on lands having soil and drainage conditions which are suitable for the proposed uses.
4. To encourage the use of alternative renewable energy sources.

#### **2.1.4 Municipal governance**

The objectives for sustainable municipal governance include:

1. To provide municipal administration and services effectively, efficiently, and equitably to all residents, in a transparent manner and within the fiscal capacity of the Town; To provide timely decision-making and implementation, including enforcement;
2. To provide opportunities for public participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making by increasing community awareness, including the development of parks and recreation opportunities;
3. To collaborate with other municipalities in the region, government and community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.
4. To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act, 1999* and the *Urban and Rural Planning Act, 2000*; To undertake regular review of Municipal Plan and Development Regulations to provide a flexible, clear and fair planning process.

#### **2.1.5 Municipal services**

The objectives for providing sustainable municipal services include:

1. To ensure that on site services meet the standards of Digital Government and Service NL and the Water Resources Management Division; for example, no on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse;
2. To prohibit alterations to a lot which will adversely affect adjacent property, for example, where there is concern that development may contribute to excessive storm-water increase;
3. To ensure that municipal services and utilities, such as telecommunications, pollution control and electric utilities, are permitted uses in all future land use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses.



## **2.2 GENERAL DEVELOPMENT POLICIES**

### **2.2.1 Objective**

1. To administer the existing built community and manage future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal resources.

### **2.2.2 Policies**

The following policies apply throughout the Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Planning area (Section 13 (2) 2) of the *Urban and Rural Planning Act, 2000*.

#### **Administration of the regulations**

1. The Municipal Plan applies to the Town of Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Planning area for a period of 10 years as required by Section 13 (2) (g) of the *Urban and Rural Planning Act, 2000*;
2. Establishment of a transparent application review process that enables Council to more comprehensively evaluate proposed development, involve the public, and consider alternatives during the review process of development proposals. The regulations will address: when a permit is required, the obligations of the applicant and Town in the application process for all applications, discretionary use and planned unit development applications;
3. The Development Regulations will set out options for when a proposal doesn't fit the development standards or zoning use table, including: variances, nonconforming use, and the amendment process for the plan and/or development regulations. The regulations will also address special conditions for development, such as planned unit developments, Development Agreements, Planning Impact Analysis and Service levies.
4. The Development Regulations will set out the application decision-making process including, but not limited to, the decision-making authority of Council, including premature development, written reasons for refusal and the responsibility to inform applicants of the appeal process.
5. In considering an application for a permit to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters

set out in these Development Regulations, approve with conditions or refuse the application;

### **Planned Unit Development**

6. Provision of development standards for planned unit development in the Development Regulations, including a residential, commercial or industrial development containing one or more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are leased as individual spaces) may be treated as a single development where services are to be provided and maintained privately and internally. It must have frontage on a public road and meet the Town standards for roads and servicing. Where Municipal services are not feasible, the provision of on-site services must meet requirement of the Town and Provincial agencies, in particular, Water Resource Management Division and Service NL.
7. The Development Regulations will specify requirements for a planned unit development application; Uses in the PUD must comply with the uses in the applicable use zone table.

### **Planning Impact Analysis**

8. Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;

### **Compliance with federal and provincial regulations**

9. The Development Regulations shall state the responsibilities with regard to compliance of development within the Municipal Planning Area boundary with the policies of the Municipal Plan and Development Regulations are subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines.

### **Existing Non-Conforming Use**

10. Nothing in the Plan shall affect the continuation of a development or use which was legally existing on the day that this Plan is registered by the Minister of Municipal and Provincial Affairs. Refer to Section 108 of the *Urban and Rural Planning Act, 2000* regarding discontinuance and resumption of use, alterations, repair;

### **Development to Front onto a Publicly Maintained Road**

11. Require that all development must front on to a publicly maintained road (Provincial or Municipal) and have independent, approved access except for the following exceptions: (1) a development within a Planned Unit

Development where there may be an internal road plan (see 12 below); however, the Planned Unit Development must front onto a publicly maintained road; and (2) natural resource uses and associated industries, i.e., agriculture, forestry, mineral working, etc. (3) remote cabins which, by definition, have no road access; and recreational cabins in the Rural zone which are located on resource roads which may not be publicly maintained;

12. A Planned Unit Development must front on to a publicly maintained road, but within the Planned Unit Development, the following types of development may be allowed on lots that front on to a private road provided that arrangements are made for the maintenance of the on-site road, but that the road is not maintained by a Council at public expense:
  - a. commercial rental cottages;
  - b. seasonal commercial uses related to tourism;
  - c. resort developments;
  - d. seasonal cottage developments not intended for permanent residential use;
  - e. vacant land condominium subdivisions.

#### **Site requirements**

13. The Development Regulations shall provide standards and conditions regarding lot siting (setbacks including staggered building line setback), building and landscaping, buffers, nuisance & unsightly development.

#### **Character of town and compatible development**

14. Require that non-residential land uses located near and/or within residential areas will be laid out and designed in a manner that is:
  - a. compatible with the neighbourhood; and,
  - b. minimizes potential nuisance factors such as, the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening will be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.

#### **Signs**

15. Include standards and conditions in the Development Regulations pertaining to the design and location of advertisements and signage that will promote the amenities, natural and cultural resources and businesses of the community;
16. Sign applications on provincial highways are subject to the *Highway Sign Regulations, 1999* and shall be referred to the Government Service Centre, Department of Digital Government and Service to obtain a permit. A permit is also required from the Town.

### **Parking, Off-street Loading**

17. Include requirements for adequate off-street parking, loading and safe access to the street in the Development Regulations.

### **Access to streets**

18. Set out standards in the Development Regulations regarding access points to the public street in terms of number, location, and design in order to keep the street safe and efficient for both vehicles and pedestrians.

### **Future Development**

19. Protect access to backlands by reserving land for future road access;
20. Allocate land for future development, such as, comprehensive development area designations on the basis of its best use considering its physical characteristics and location;
21. Ensure that new development makes efficient use of existing roads and infrastructure and does not place an unsustainable maintenance burden on the Town;
22. Require groundwater assessments as per the process set out by the Water Resource Management Division for areas where more than 5 residential or cottage lots are developed using private water supply and/or sewage disposal systems;
23. Provide requirements for the subdivision of land and the standards of development, including a Subdivision Agreement, in the Development Regulations in order to achieve compliance with the Municipal Plan;

### **Roads, Parking, and Off-Street Loading**

24. Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;
25. Aim for a proper road system with connecting streets by ensuring that streets do not exceed the maximum length before providing a second access for emergency access purposes;
26. Adequate off-street parking and loading facilities shall be set out in the Development Regulations;

### **Require Land Conveyed for Public Work Purpose**

27. Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

**Open Space/Recreation**

28. Section 37 of the *Urban and Rural Planning Act, 2000* allows Council to be able to require up to 10% of the subdivision or land to be developed shall be dedicated to the Town as public open space. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated.

**Premature Development**

29. Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits In considering proposals for development, Council will consider the costs and benefits to the Town: maximize efficient use of municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance;

**Long-term future community water supply overlay**

30. The Town wishes to identify a long-term future potential water supply area in the Murphy’s waters area as an overlay on the Future Land Use map and the Land Use zoning map. It is Council’s intent to ensure that development within this overlay area shall not compromise future use as a water supply. The Water Resources Management Division has not expressed any interest in protecting this area as a Protected Water Supply.

**2.3 PROVINCIAL AND FEDERAL INTERESTS**

Notwithstanding the requirement set out in 2.2.2 (9) that the Municipal Plan and Development Regulations are subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines, it is the policy of Council to incorporate Federal and Provincial Government requirements from the Interdepartmental Land Use Committee report provided by the Department of Municipal and Provincial Affairs as well as, information obtained from the Land Use Atlas managed by the Surveys and Mapping Division into the Municipal Plan.

This information is presented as policies in 2.3.1 and 2.3.2 for each agency and where the interest involves a referral overlay for implementation of the policy, this is set out in Section 3.14 as Future Land Use and Land Use Zoning map Overlays.

Applicants are responsible to ensure that all appropriate federal and provincial permits and approvals have been secured prior to the use and/or development of land within the municipal planning area boundary.

### **2.3.1 Provincial Interests**

It is the policy of Council to:

#### **Archaeology**

1. Ensure that any public works project or major land development that results in ground disturbance is sent to Provincial Archaeology Office for review. As well, any accidental discoveries of historic resources must also be reported to the Provincial Archaeology Office.
2. Before approval is granted for a major development, such as a subdivision or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for comments

#### **Climate Change Impacts**

3. Take into consideration available data regarding provincial climate change projections for Argentia (nearest regional site) when considering land for future developments that are in close proximity to a river, floodplain or coastline. These projections suggest that extreme precipitation events will become more intense, by about 4%. Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors must be considered when allocating land for future development in close proximity to a river, floodplain or coastline which may be subject to flooding, sea surge, coastal erosion or other climate change risks;

#### **Crown Lands (Crown Lands Administration & Land Management Divisions)**

4. Ensure that the use of Crown land is subject to the Town of Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Plan and Development Regulations, including zoning and permitting requirements.
5. Require that approvals must be obtained from the appropriate Regional Lands Office, Government of Newfoundland and Labrador; applications are made to the Regional Lands Office.
6. Ensure that Crown land applications are be approved by the Council regarding the use and development of the land prior to approval for issuance of title by the Lands Branch.
7. Ensure that no applications for cottages or residences are to be accepted for the area that overlaps the Cottage Planning area designated by Order in Council 109-83. All other applications must be forwarded to the Land Management Division for review.

### **Electricity – NL Hydro**

8. Consult with Newfoundland Power and Newfoundland and Labrador Hydro to avoid any potential conflict with regard to development near the main transmission line that falls within the Municipal Planning Area boundary.

### **Work near Survey Control Monuments**

9. Inform the GIS & Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument. There are 29 survey monuments in the Municipal Planning Area. The locations can be viewed at: <https://arcg.is/1rWnSC> . Any development applications occurring in the vicinity of these markers must be referred to the GIS & Mapping Division;

### **Agriculture**

10. Identify the Markland Agricultural Development Area (ADA) designated under the *Lands Act, 1990* on the Future Land Use and Land Use Zoning maps and refer development applications to the Land Resources Stewardship Division for comment; Within the ADA, Council will ensure that development does not negatively impact existing agriculture development, including small scale home gardens, or limit future expansion.

### **Mineral lands**

11. Have Mineral exploration that is not a development as a permitted use in all zones and that Mineral exploration that is a development as a discretionary use; and development requirements regarding potential mining should be incorporated into the regulations; Mineral working will be a permitted use in areas zoned 'Rural'.
12. Designate the areas identified with as having natural hazard potential as 'Conservation' on the Future Land Use and Land Use Zoning maps, including the coastal erosion hazards and slope movement hazards.

### **Local Governance and Land Use Planning**

13. The Town will ensure that the public consultation requirement under the *Urban and Rural Planning Act, 2000* are fulfilled and that the provincial interest requirements are integrated into the planning documents as well as the *Highway Sign Regulations* under the Act.

### **Digital Government and Service NL**

14. Ensure that applicants for a development or building permit from the Town are aware of Digital Government and Service NL requirements;

### **Water Resource Management Divisions**

15. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002*

and the *Environmental Protection Act, 2002* including Policy Directives: W.R.91-1-Infilling Bodies of Water, W.R. 97-1-Development in Shore Water Zones and W.R. 97-2-Development in Wetlands, the Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; a permit for any Non-Domestic Water use of any purpose; a permit for Infilling within 15 metres of Bodies of Water; and, meeting the requirements under the *Environmental Control Water and Sewage Regulations, 2003* for any effluent or runoff from a site.

### **Environmental Assessment Division**

16. Protect Salmonier River, as a scheduled salmon river, by requiring development applications within 200 metres of the high water mark of a scheduled salmon river be registered with the Environmental Assessment Division, as required by Section 28 of the *Environmental Assessment Regulations, 2002*.

### **Wildlife**

17. Approach the Eastern Habitat Joint Venture to discuss the services offered by this program.
18. Manage the land abutting the Avalon Wilderness Reserve to protect park values and ensure appropriate compatible activities.
19. For species listed under the *Endangered Species Act, 2007*:
  - a. Where the Wildlife Division identifies rare species habitat, Council shall require appropriate protection, such as a buffer, as recommended by Wildlife. At this time, this included the Red Crossbill and Rusty Blackbird, Boreal Lichen and Blue Felt Lichen;
  - b. Any reports of disturbance, harassment, injury or killing of listed species will be reported to the Wildlife Division;
  - c. Council will protect yellow birch trees which are the habitat for two rare lichen species, Boreal Felt Lichen and Blue Felt Lichen;
20. Council will require the following standards to protect general wildlife habitat and landscape connectivity, wherever possible, such as:
  - a. a riparian buffer of 30 metre minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.), or more for riparian areas near agricultural areas;
  - b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
  - c. incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) to minimize disturbance during that sensitive breeding/ young rearing;



- d. Council will ensure that yellow birch trees are retained as they are valuable habitat for lichens, some of which are designated as ‘vulnerable’ under the *Species and Risk Act, 2007*.

### **Forestry**

21. Ensure that forestry activities including harvesting, road building and silviculture, are not restricted within the Municipal Planning area and that they are conducted according with the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town; Council shall:
  - a. Ensure forestry activities proposed are compatible with the town plan, and that municipal interests are incorporated into the 5-Year plan as prepared by the Forest Service in consultation with the town. Furthermore, the town requires that annual operating plans be approved by council by permit(with conditions) as defined under the *Urban and Rural Planning Act, 2000*;
  - b. Ensure that forestry activities including harvesting, road building and silviculture, are guided by the zoning and policies defined in the Municipal Plan. Forestry activities will be guided according with the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town, and further conditions may be applied for the annual operations and defined by the town in order to issue a permit for development (includes forestry);

### **Transportation and Infrastructure**

22. Ensure that the provincial *Building Near Highways Regulation* are complied with along any provincial highway, within the Municipal Planning area.

#### **2.3.2 Federal Interest**

It is the policy of Council to:

#### **Scheduled Salmon River**

23. Ensure a 50 metre buffer is established along Salmonier River which is a scheduled salmon river and designating the shoreline as ‘Conservation’.
24. Ensure that applicants undertaking work in or near water be referred to the Department of Fisheries and Oceans to ensure compliance with the Fisheries Act. In cases where impacts to fish and fish habitat cannot be avoided, a request for review should be submitted to Newfoundland and Labrador Region – Fish and Fish Habitat Protection Program at FPP-NL@dfp-mpo.gc.ca.
25. Ensure that the implementation #23 is addressed in the Environmental Assessment registration required within 200 metres of a salmon river under the provincial Environmental Assessment Regulations, 2003. To avoid overlap, the Environmental Assessment Division handles the referrals to the federal government regarding development along salmon rivers.

### 3.0 LAND USE

#### 3.1 INTERPRETATION

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Municipal Planning Area of the Town of Mount Carmel-Mitchell's Brook-St. Catherine's is divided into land use classes. Each class of land use is described by the objectives that reflect the vision of the community. In each land use class the future land use designations are set out and they are further refined into land use zones. For each zone, the Municipal Plan policies will set out the land uses that reflect the objectives for each zone. The Development Regulations will set out how the zones, uses and conditions are to be implemented.

The boundaries between Future Land Uses Designations and Land Use Zones are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits.

The paper copy of the map(s) with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of Mount Carmel-Mitchell's Brook-St. Catherine's and a second copy is in the Minister's Registry with the Department of Municipal and Provincial Affairs.

It is the policy of Council to:

1. Establish the following Future Land Use Designations on the Future Land Use map and Land Use Zones on the Land Use Zoning maps:

LAND USE CLASS	FUTURE LAND USE DESIGNATIONS	LAND USE ZONES
Residential	Residential	Residential
Mixed Development	Mixed Development	Mixed Development
Commercial	Commercial	Commercial
		Comprehensive Development Area-Mixed Development
Industrial	Industrial	Industrial
Public Use	Public Use	Public Use
	Cemetery	Cemetery
Recreation	Recreation Open space	Recreation Open space
Conservation	Conservation	Conservation
	Coastal Shoreline	Coastal Shoreline
Rural	Rural	Rural
		Rural-Heritage
		Rural-Mixed

2. Identify the following Provincial Interest Overlays on the Future Land Use and Land Use Zoning maps (Refer to 3.14):
  - Agricultural Development Area
  - Endangered Plants:
  - Cottage Planning Area 019-99-E
3. Identify the Town Interest Overlay: Area of interest for future water supply.
4. Indicate Future Land Use designations on the Future Land Use Map; and within each designation, set out the Land Use Zones for the Development Regulations and set out the uses as permitted or discretionary uses;
5. Set out permitted uses in each zone and that can be approved, with or without conditions or rejected with reasons; note that any decision of Council is subject to section 2.2.2.(4);
6. Set out discretionary uses in each zone where Council determines that:
  - a. Where the proposed use may 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 (with or without conditions) or refusing a permit; and/or,
  - 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;
7. Indicate the following considerations when accepting or refusing a discretionary use, and attaching conditions to a discretionary use decision:
  - a. whether these is appropriate for the site and the immediate surrounding area;
  - b. the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the future land use designation show shown on the Future Land Use Maps in which the use is located.
8. Set out the uses that are permitted in all future land use designations and zones which include: Environmental protection uses; Open space/park & trail uses; Mineral exploration not classed as 'Development' ; Development associated with public infrastructure and municipal services, including utilities; Wharves, boathouses, slipways, breakwaters, where they are accessory to a principal use; Accessory Uses and Accessory Buildings;

The objectives of the Municipal Plan as articulated in Chapter 2 are also implemented by the policies for following Land Use Classes in the Mount Carmel-Mitchell's Brook-St. Catherine's Municipal Planning Area.

### **3.2 RESIDENTIAL**

#### **3.2.1 Objectives**

The objectives of the residential land use class are to:

1. Allocate sufficient land to meet anticipated requirements for the next ten years which will provide opportunities for the development of an adequate quality, quantity and mix of housing to serve the needs of the present and future population considering the needs for current and future residents for a range of age, income, abilities, and family status with a range of housing types to satisfy market needs;
2. Preserve and enhance the amenity of existing residential areas and protect rural residential quality of life and property values;
3. To allow accessory uses and home businesses compatible in a rural residential setting to provide opportunity economic benefits by income generation, cost-savings, and promote healthy lifestyles.

#### **2.2 Residential Policies**

It is the policy of Council to:

##### **General**

1. Provide for a Residential land use designation on the Future Land Use mapping; and provide a corresponding a Residential zone in the Development Regulations which allow for a range of housing options to meet the needs and desires of residents.
2. The Residential zone will have the following Uses:
  - a. Permitted Uses: Single detached dwelling, Semi-detached (double) dwelling, Subsidiary apartment; Home business as set out in policy 3 below.
  - b. Discretionary uses: Townhouse, Garden suite, Mini-home (not mobile homes), Apartment building, Group home. Home Businesses as set out in policy 4 below, Convenience store, Urban agriculture, Public Gathering Places-Indoor, Energy generating facility – residential only;
3. Allow the following home business as permitted use:

- a. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
  - b. Artisan and other home crafts;
  - c. Any business applying for only a phone/fax/internet service
4. Allow the following home business as a discretionary use:
- a. Food preparation for catering services and baking;
  - b. Music and dance lessons and educational tutoring
  - c. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;
  - d. Care services, such as child care, or home-care; and similar occupations or businesses.
  - e. Art gallery and framing shop;
  - f. Pet grooming services;
  - g. Bed and Breakfasts;
  - h. Boarding House
  - i. Home Care-Residential
  - j. Furniture repair and upholstery;
  - k. Sale of bedding plants and trees grown on the same lot
5. Preserve the scenic quality of the community by having landscaping requirements, for example, for new development limit tree cutting to that necessary for construction and provide landscaping.
6. Include provisions in the Development Regulations regarding alternative energy within a built-up residential area which will be limited to a single energy-generation unit that serves an individual property;
7. Require conformance to the Development Regulations for (1) Individual Lot layouts and the siting of buildings, and (2) Subdivision Plan. This includes conformance to site development standards , engineering site plans, landscape plans and building design which must meet the approval of Council;
8. Require prior approval from Digital Government and Service NL for on-site water supply and sewage disposal system for each lot for non-serviced lots, before development permits are issued.

**Garden Suites**

- 9. Garden suites (or a secondary detached residential dwelling) may be permitted as a discretionary use in the Residential zone at the discretion of Council;

- a. It must meet the Residential development standards;
- b. Shall only be 75 square metres in size;
- c. Must be able to have its own servicing according to the standards of Digital Government and Service NL;

**Back lots**

- 10. In the residential zone, where the configuration of existing parcels of land does not support traditional residential subdivision of land where each lot has a minimum frontage to a street, the Council may consider a proposal to subdivide land and develop new parcels through the creation of Back lots, where a driveway from the street provides access to the larger developable portion of the parcel. The Development Regulations will specify development conditions regarding access width, length and the application of the building line, sideyard and rearyard requirements.
- 11. Backlot development may be permitted in the residential zone only at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. Standards for backlot development shall be established in the Mount Carmel-Mitchell's Brook-St. Catherine's Development Regulations, which will include, but is not limited to, the following requirements:
  - a. Appropriate, approval for onsite servicing must be obtained from the Digital Government and Service NL;
  - b. The development of the lot must not prejudice the use of adjoining backland. Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
  - c. To ensure that Council can meet its responsibility for public safety and emergency access by limiting the location of a dwelling on a backlot which shall be a maximum of 100 metres from a public street.

**Subdivisions**

- 12. Require a permit from Council for all subdivision of land; For subdivision development with 5 lots or more, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
  - a. Conformity to the goals, objectives, and policies of this Municipal Plan;
  - b. Conformity to a Planned Unit Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
  - c. A description of the subject lands;
  - d. Consideration of land ownership as it will affect the layout of streets and access to the site from existing roads and internal road layout;

- e. Provision of potable water, storm runoff management and sanitary waster services;
- f. Provision for lot layout scheme including the phasing of development;
- g. Provision for 10% recreation lands or alternative measures if requested by Council.

### **3.3 MIXED DEVELOPMENT**

#### **3.3.1 Objective**

1. To provide lands for a mixture of different kinds of development consisting predominantly of residential uses interspersed with commercial uses. This designation shall ensure that a viable combination of compatible uses can co-exist with the predominantly residential development. Areas designated Mixed Use are intended for the continuation of a traditional mix of land uses.

#### **3.3.3 Policies**

1. Provide for a Mixed Development designation on the Future Land Use mapping and provide for a Mixed Development zone in the Development Regulations;
2. The Mixed development zone will have the following uses:
  - a. Permitted Uses: All residential uses in the Residential Land Use Class; and all commercial uses in the Commercial Land Use Class except for Amusement Park/attraction, Campgrounds, and Resort; - Home businesses-only those set out in policy 3, below; and
  - b. Discretionary Uses include: Public Gathering-Indoor, and Home Business as set out in policy 4 below.
3. Allow the following home business as permitted use:
  - a. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
  - b. Artisan and other home crafts;
  - c. Any business applying for only a phone/fax/internet service
4. Allow the following home business as a discretionary use:
  - a. Food preparation for catering services and baking;
  - b. Music and dance lessons and educational tutoring
  - c. Personal service that do not disrupt the residential character of the neighbourhood, such as a hairdressing, tailor, photographer, pet groomer, caterer's establishment, shoe repair, dressmaking, sewing repairs and tailor shop, small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists;

- d. Care services, such as child care, or home-care; and similar occupations or businesses.
  - e. Art gallery and framing shop;
  - f. Pet grooming services;
  - g. Bed and Breakfasts;
  - h. Boarding House
  - i. Home Care-Residential
  - j. Furniture repair and upholstery;
  - k. Sale of bedding plants and trees grown on the same lot
5. For Residential development, the standards in the Residential zone apply;
  6. For Commercial development, the standards in the Commercial zone apply;
  7. Onsite servicing must meet requirements of Digital Government & Service NL.

### **3.4 COMMERCIAL**

#### **3.4.1 Objectives**

The objectives for the Commercial designation are to:

1. Stimulate economic development in order for the Town of Mount Carmel-Mitchell's Brook-St. Catherine's to be able to continue to provide local jobs and expand the level of services and programs to the residents by facilitating growth of existing businesses and attracting new businesses.
2. To provide for an adequate quality, quantity of commercial land to serve the present and future needs of the community;

#### **3.4.2 Policies**

It is the policy of Council to:

1. Provide for a Commercial land use designation on the Future Land Use mapping and provide for a Commercial zone in the Development Regulations;
2. Provide that the Commercial zone has the following Uses:
  - a. Permitted Uses: Amusement Establishment/Use; Auto Body Shop; Automotive Repair Shop; Automotive Sales and Service Establishment; Bar/Licensed Liquor Establishment; Building Supply Store; Child Care-Non-residential (Note: residential child care is under Home Business); Club and Lodge; Contractor; Limited (Small); Convenience Store; Custom Manufacturing Service and Sales (small/artisan); General Service/Repair Shop; Hotel or Inn; Marina; Medical or Dental Clinic/Office; Motel; Outdoor Market; Personal Service; Offices: Professional; Financial and Associated Support Services; Restaurants;



Take-Out; Full-Service Restaurant; Mobile Take-Out or Street Vendor;  
Retail; Service Station; Veterinarian Clinic

b. Discretionary Uses include: Public Gathering-Indoor.

3. Set out commercial use development standards, including outdoor storage, in the Development Regulation;
4. Ensure that lands within areas identified for commercial use are developed in a manner that maximizes the use of land and be located with maximum exposure to traffic on the Irish Loop, Route 90 and Route 93 which goes through the Town Centre.

### **3.5 PUBLIC USE**

#### **3.5.1 Objective**

1. To protect the Public Use land near the Town Hall including the recreation area and community gardens to provide a focus to the community and serve the present and future needs of the community;

#### **3.5.2 Policies**

It is the policy of Council to:

1. Provide for a Public Use designation on the Future Land Use mapping; and provide for Public Use zone in the Development Regulations;
2. Provide development standards in the Development Regulations to maximize use of the land and accommodate efficient provision of services, and appropriate buffers, fences, and separation distances to avoid conflict;
3. Allow for the following uses in the Public Use zone:
  - a. Permitted Uses include: Institutional Uses-All; Public Gathering-Indoor; and
  - b. Discretionary Uses include: Club and lodge, Outdoor Market.
4. Determine the need for and implement appropriate buffers, fences or separation distances, and provide signage along trails.

## **3.6 INDUSTRIAL**

### **3.6.1 Objective**

To protect land for existing industrial development use.

### **3.6.3 Policies**

It is the policy of Council to:

1. Provide for an Industrial designation on the Future Land Use map; and establish an Industrial zone in the Development Regulations;
2. Allow for the following uses in the Industrial zone:
  - a. Permitted Uses: General industrial; and
  - b. Discretionary Uses: Industrial-Heavy and Hazardous, Salvage/scrap yard.

## **3.7 RECREATION OPEN SPACE**

### **3.7.1 Objective**

To provide protection for areas where the Town has made investment in providing recreation amenities for the residents. Land designated as Recreation Open Space is for active and passive recreational non-building uses such as parks, playgrounds, outdoor swimming areas, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space/Recreation uses.

### **3.7.2 Policies for Recreation Open Space**

1. To provide for Recreation Open Space designation which will have a Recreation Open Space zone in the Development Regulations;
2. Allow for the following uses in the Recreation Open Space zone:
  - a. Permitted Uses: Open Space, Parks and Trails;
  - b. Discretionary Uses: Public gathering places-outdoor, Restaurant – Mobile Take Out, Street Vendor only, Outdoor Market.
3. Development standards shall be at the discretion of Council pending recommendations generated through specific research regarding best practices for trail development, playground and park design and landscaping.

### **3.8 CONSERVATION**

The Conservation land use designation may be comprised of public and private open space; water bodies including buffers around ponds, shorelines, and wetlands, and flood plain lands, recognized by Council as having natural significance; lands that contribute to important ecological functions and lands containing other natural physical features which are desirable for open space use or preservation in a natural state. It also includes landscapes with natural hazards such as shorelines susceptible to erosion or slopes with potential for landslides.

The inclusion of privately-owned lands within the Conservation designation shall not imply that the land is accessible to the public. Permissions for public access to privately owned property within the Conservation designation shall be at the discretion of the property owner.

#### **3.8.1 Objective**

To protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, have natural or recreation values or have been identified with potential natural hazard, the Conservation zone shall be applied in areas where development must be restricted, such as shorelines, waterbodies, steep slopes, and development is unsuitable and environmentally unsustainable.

#### **3.8.2 Policies**

It is the policy of Council to:

1. Provide for a Conservation designation on the Future Land Use mapping and provide for a Conservation zone in the Development Regulations;
2. Allow the following uses in the Conservation zone:
  - a. Permitted uses: Environmental Protection; and
  - b. Discretionary uses: Open Space, Parks and Trails, Forest activities-domestic harvest only, Marina, Fishery use, and mineral exploration-not development; Mobile accommodation;
3. Reduce the potential for property damage and loss of life due to flooding or other natural hazard, by restricting development on lands known to flood, such as flood plain lands or areas with severe slopes or unstable soils;
4. Require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the separation distance or visual buffer be provided by the developer.

### **3.9 RURAL**

Lands designated as Rural lands are intended to be protected for the rural setting of the community, and used primarily by natural resource industries such as agriculture, forestry and mineral working operations,, conservation uses, and other uses which by the nature of size or activity is not suitable to be located in the built-up area of the community.

#### **3.9.1 Objectives**

The objectives for the Rural designation are to:

1. To set aside rural lands as 'Rural-Mixed' use which are intended to be used primarily for resource and rural uses and associated development that needs a rural context or large areas of land, or are incompatible with the urban area;
2. To set aside rural lands for traditional uses as 'Rural-Traditional' use, such as local forestry, wildlife and cottage use and associated outdoor recreational pursuits in such a manner that is compatible with the adjacent Avalon Wilderness Reserve and also does not prejudice long-term potential use of waterbodies (Murphy's Waters area) for a future water supply for the Town;
3. To set aside rural lands as 'Rural-Heritage' use which were historically used for the National Tree Nursery and sawmill at Back River and need to be protected for potential heritage interpretation and tourism development purposes as well as trails and outdoor use;
4. Ensure environmentally responsible, sustainable management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture and areas of recreational value to the Town; Ensure consultation with Provincial government agencies, such as the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division which have jurisdiction under legislation to plan and control resources within the Municipal Planning Area boundary for the Town.
5. Retain the present rural character of the community.

#### **3.9.2 Policies**

It is the policy of Council to:

1. Provide for a Rural designation on the Future Land Use map and create the Rural-Mixed zone, Rural-Traditional zone, the Rural-Heritage zone to meet the objectives set out in 3.9.1.

2. In all Rural zones, where the Wildlife Division identifies rare plant habitat or endangered species, Council shall require appropriate development buffers or other measures as recommended by the Wildlife Division to be implemented.
3. In the ***Rural-Mixed*** zone , the following uses will be allowed:
  - a. Permitted uses: Commercial Agriculture, Forestry Activities, Mineral Working, Cottage, Contractor-General, Protective and Emergency Services, Resort-including interpretation centre, Cemetery, Campground;
  - b. Discretionary Uses: - Outdoor Market, Natural Resource-Related Use, Public Gathering-Outdoor, Amusement Park/Attraction, Salvage/scrap yard, Service Station, Kennel, Marina; Residential-single detached dwelling only in association with a commercial agricultural use;
4. In the ***Rural-Traditional*** zone the following uses will be allowed:
  - a. Permitted uses include: Commercial Agriculture, Forestry Activities, Cottage, Cemetery, and
  - b. Discretionary uses include: Residential: (1) Single detached dwelling only in association with a permitted use;
5. In the ***Rural-Traditional*** zone, lands will be managed to ensure appropriate compatible activities with the adjacent Avalon Wilderness Reserve and protect the park values.
6. In the ***Rural-Heritage*** zone the following uses will be allowed:
  - a. Permitted uses include: Forestry Activities, and
  - b. Discretionary uses include: Resort-subject to the condition that resort development is restricted to heritage interpretation type facilities only; and Public Gathering-Outdoor.

### **3.10 COMPREHENSIVE DEVELOPMENT AREA**

#### **3.10.1 Objective**

To protect land with development potential from ad hoc development in order to meet the future needs of the community; This designation is intended to protect lands with development potential to be reserved for the future land needs of the community for residential uses.

#### **3.10.2 Policies**

It is the policy of Council to:

1. Identify the CDA designation on the Future Land Use Map; and provide for a CDA-Mixed Development zone on the land use zoning map of the Development Regulations;
2. The Development Regulations will allow existing uses to continue in an area designated as a CDA including non-conforming uses and Accessory uses, Accessory buildings.
3. A Subdivision or Planned Unit application must be prepared in order to ensure orderly development and maximize use of land before any development occurs in this area.

### **3.11 COASTAL SHORELINE**

#### **3.11.1 Objective**

To provide opportunities for mobile accommodation on the shorefront for tourism and seasonal use that respects the coastal shoreline ecosystem and the environmental risks of flooding, storm surge and other potential climate change effects.

#### **3.11.2 Policies**

It is the policy of Council to:

1. Identify the Coastal Shoreline designation on the Future Land Use Map; and provide for a Coastal Shoreline zone on the land use zoning map of the Development Regulations
2. The uses in the Coastal Shoreline zone include:

- a. Permitted Uses: Environmental Protection, Mobile Accommodation; and,
  - b. Discretionary Uses: Opens Space, Parks and Trails, Marina;
- 3. Require 'mobile accommodation' to be mobile, meet water and waste requirements of Digital Government and Service NL and meet Water Resource Management Division policies;
- 4. Define 'mobile accommodation' as follows: Mobile accommodation means moveable accommodation consisting of one or more habitable rooms used or designed as an independent sitting and sleeping quarters, where there could be a communal kitchen and sanitary facilities; and does not include a coach or rail car or any vehicle that cannot be removed from the site, but could include, for example, a tiny home on a chassis, eco pods, yurts, tents on platforms or other removable glamping-style structure.

### **3.12 CEMETERY**

#### **3.12.1 Objective**

To provide for an area for cemetery use that may or may not be associated with a church or place of worship.

#### **3.12.2 Policy**

It is the policy of Council to:

- 1. Establish a Cemetery designation on the Future Land Use map and an associated Cemetery zone on the Land Use Zoning map of the Development Regulations.
- 2. Allow the following use in the Cemetery zone:
  - a. Permitted use: Cemetery.

### **3.14 PROVINCIAL AND TOWN INTEREST OVERLAYS**

The following Provincial Interest overlays are shown on the Future Land Use Map and the Land Use Zoning map. It is the policy of Council to implement the Provincial Government Agency requirements regarding these interests as indicated below:

- a. **Agricultural Development Area:** Any development proposed within the Agricultural Development Area must be referred to the Land Resources Stewardship Division;
- b. **Endangered Plants:** Location of Endangered plants under the *Endangered Species Act, 2001* will be shown as an Overlay area and all development applications in the vicinity of these identified sites must be referred to the Wildlife Division;
- c. **Cottage Planning Area 019-99-E:** No Cottages applications are to be accepted in the Cottage area overlay. All other development applications will be referred to the Land Management Division.

The Town interest overlay consists of an area identified of interest for Future Water supply: the Town wishes to ensure that no activity is undertaken in this area that might compromise the integrity of the water for the long-term future use as a water supply.

It is the policy of Council to:

1. Establish a Future Water Supply Overlay on the Future Land Use map and an associated Future Water Supply Overlay on the Land Use Zoning map of the Development Regulations where the uses permitted in Rural Traditional zone will be allowed as permitted and discretionary uses subject to Council consideration of any adverse impacts to future use of these waterbodies as a potential water supply.





## **4.0 IMPLEMENTATION**

### **4.1 DEVELOPMENT REGULATIONS**

In order for the Town of Mount Carmel-Mitchell's Brook-St. Catherine's to achieve the Vision, Objectives and Policies articulated in their Municipal Plan, the Council will need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Implement a Capital Works program to support Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes; and,
- Undertake to conduct research to inform decision-making in Plan implementation.

Development Regulations are one of the main vehicles through which Plans are implemented. The Town will review, revise and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

### **4.2 AMENDMENTS TO THE PLAN**

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

In considering any proposed amendment to the Plan, the Council should evaluate the proposal for consistency with the strategy for growth of the Town, as established in the goals, objectives and policies of the Municipal Plan. Council may add or revise the uses, standards and conditions for development in any land use zone by an amendment to the Development Regulations, provided the changes are consistent with the objectives of this Plan.

An associated amendment may be required to the Development Regulations. As per Section 25 of the *Urban and Rural Planning Act, 2000*, an amendment to the Municipal Plan (and an amendment to the Municipal Plan and Development Regulations) must follow the process set out in Sections 14 -25 of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. This might only require an amendment to the Development Regulations without amendment to the Municipal Plan. Alternatively, a Development Regulations amendment may consist of a change to the text of the regulations. In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;
- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

The procedure for an amendment to the Development Regulations only is set out in the Development Regulations.

#### **4.3 REVIEW OF THE PLAN**

The Council for the Town of Mount Carmel-Mitchell's Brook-St. Catherine's will undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

**APPENDIX A: FUTURE LAND USE MAP**