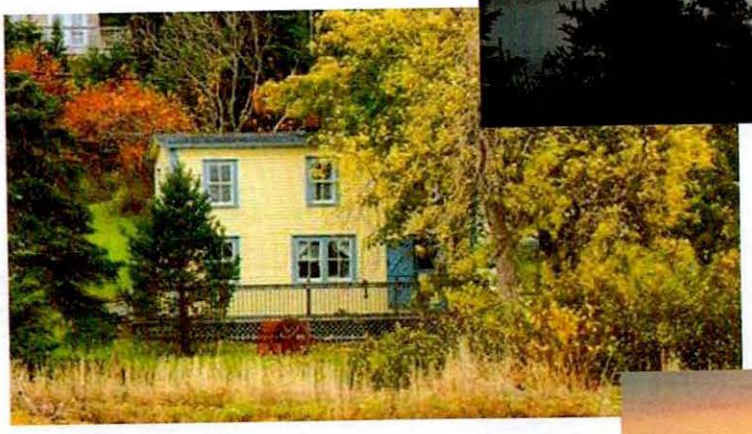
TOWN OF ST. JOSEPH'S

Municipal Plan

2022-2032



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TOWN OF ST. JOSEPH'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 St. Joseph's:

a. adopted the Municipal Plan, 2022-2032 for the Town of St. Joseph's on the 7th day of April, 2022.
b. gave notice of the adoption of the Municipal Plan, 2022-2032, for the Town of St. Joseph's by advertisement inserted on the Shoreline News on the 14th day of April, 2022, and the21st day of April and Notices in Town buildings;
c. set the 20th day of May, 2022 for submissions to be made at the Town Hall, 202, for the Public Hearing Commissioner for consideration of any objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of St. Joseph's approves the Municipal Plan (2022-2032) as amended:

- to show the Water Resource Management Division mapping of the 'Potential Surfacewater Natural Drainage Area' on the Future Land Use map; and,
- Add the following policy in Section 2.3.13: Potential Surfacewater Natural Drainage Area-All applications within this area to be referred to the Water Resources Management Division for comment prior to Council decision.

SIGNED AND SEALED this 14 day of September, 2022.

Mayor: _____

Clerk: _____

Municipal Plan/Amendment
REGISTERED

Number 4415-2023-000
Date 27 MARCH 2023
Signature _____

(Council Seal)

TOWN OF ST. JOSEPH'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 St. Joseph's adopts the Town of St. Joseph's Municipal Plan.

Adopted by the Town Council of the Town of St. Joseph's on April 7, 2022;

Signed and sealed this 14th day of September, 2022.

Mayor: _____

Clerk: _____

(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.*

Member, Canadian Institute of Planners (MCIP)

ANNA MYERS
CANADIAN INSTITUTE OF PLANNERS
INSTITUT CANADIEN DES URBANISTES
MCIP MICU

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1.0 INTRODUCTION

1.1 The Community Vision and introduction to the Municipal Plan

The purpose of the new Municipal Plan and Development Regulations is to enable the Town of St. Joseph's to pursue sustainable choices to meet the needs of the Town for the next 10 years. This Municipal Plan provides a policy framework to influence, manage, and regulate future growth and change in the Town of St. Joseph's. These policies form the basis for the Development Regulations.

The Town of St. Joseph's Municipal Plan and Development Regulations build on the Town's Vision as set in the Integrated Community Sustainability Plan (ICSP):

> *"By providing prudent leadership St. Joseph's Council will try to create a community built on pride, accountability, mutual respect, inclusion, and recognition of the value of all residents. It is our duty to foster a harmonious environment which enables residents to live safe and productive lives."*

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 *Urban and Rural Planning Act, 2000*).

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 land use designations on the Future Land Use map found in Appendix A.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan or a requirement set out in the Development Regulations.

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 Municipal Plan (Section 35). The Development Regulations enable the Council to administer the policies of the Municipal Plan.

The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the 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 (2022-2032) 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 Municipal Plan and Development Regulations is set out in Part III of the *Urban and Rural Planning Act, 2000* (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 St. Joseph's was prepared to inform the preparation of a new Municipal Plan and Development Regulations. The Background Report contains a review of land use, development and infrastructure servicing issues, and a socio-economic profile of the Town of St. Joseph's. It provides the key findings of statistical research, community site visits, and discussions with the Town, Provincial agencies, and with community representatives, including public consultation.

The Municipal Plan and Development Regulations are prepared in consultation with Council, Town staff, and the public (as required by Section 14 of the *Urban and Rural Planning Act, 2000)*. In particular, the residents and stakeholders in the Town were invited to two formal public consultations throughout the planning process. For the second public consultation, the draft planning documents and mapping were made available at the Town office in paper form. As well, the poster and notices indicated that interested parties could contact the Town by email or telephone to receive electronic copies of the documents and maps.

Upon completion of the review and comment phase, the draft planning documents and mapping are submitted to the Provincial government for review and comment (as required, by Section 15 of the *Urban and Rural Planning Act, 2000*).

Upon completion of the provincial review, Council adopts the released planning documents and mapping and arranges a further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner, as required by Section 16-25 of the *Urban and Rural Planning Act, 2000*. The Commissioner is appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan and Development Regulations. The Commissioner formally reports his findings to Council as a result of the public hearing. Council may adopt the Commissioner report in whole, in part, or reject the report in its entirety.

Council approves (by Resolution) the Municipal Plan and Development Regulations and associated mapping submits them for registration (as required by Section 23 and 24 of the *Urban and Rural Planning Act, 2000)*. 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 can be made 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 and Development Regulations must address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28) for a 10 year period.

1.4 Organization of the Municipal Plan

The Municipal Plan is organized into four chapters:

- Chapter 1 sets the legal context and the organization structure of the Municipal Plan;
- Chapter 2 sets out the objectives 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 *Urban and Rural Planning Act, 2000*); and,
- Chapter 4 sets out the implementation of the Municipal Plan.

The Future Land Use Map in Appendix A indicates the land use designations corresponding to the land use policies set out in the Municipal Plan. The Background Report, which provides the community context and best practices research for the Municipal Plan, is submitted separately.

2.0 OBJECTIVES AND GENERAL POLICIES OF THE MUNICIPAL PLAN

The following sections outline objectives of the Municipal Plan that apply throughout the Town of St. Joseph's Planning area (as required by Section 13 (2) of the *Urban and Rural Planning Act, 2000*).

2.1 A SUSTAINABLE FRAMEWORK

The objectives of the Municipal Plan provide a sustainable framework for the land use and development policies set out in this Municipal Plan. They articulate the aspirations and needs of the residents of the Town of St. Joseph's.

The Municipal Plan provides the authority for the Development Regulations. Everything set out in the Development Regulations must be in accordance with the Municipal 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 St. Joseph's;

(2) To encourage future growth in a manner that ensures land use compatibility and orderly development;

(3) To control future growth of the town in such a manner as to develop a balanced and attractive community by considering its physical characteristics and location;

(4) To preserve scenic views of the shoreline, ponds, and hills, recognizing their value to residents and visitors and the preservation of the rural character of the Town.

2.1.2 Economic sustainability

The objectives for economic sustainability include:

(1) To make land available for employment-generating activities, such as commercial development opportunities, and protect existing industrial development. Land uses and development regulations should enable tourism-related initiatives so that new businesses will be attracted to St. Joseph's;

(2) To encourage home-based 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 provide development conditions to ensure compatibility of non-residential and residential development in a Town with of the size and geography of St. Joseph's;

(4) To encourage the continued operation of existing businesses through appropriate land use regulations;

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;

(2) To manage the Town's natural resources, such as forestry, mineral resources, and to promote the sustainable development of these resources;

(3) To protect and enhance the natural environment for its aesthetic, recreational, and resource values;

(4) For the Town to require that municipal services are provided at environmentally acceptable standards by the Provincial Government;

(5) 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;

(6) To enable the use of alternative renewable energy sources with appropriate development regulations that ensure land use compatibility.

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;

(2) 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.

(3) 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*.

(4) Strive to provide the quality of life amenities and infrastructure services to promote a vibrant economy and secure future for the community.

(5) To facilitate timely decision-making and implementation, including enforcement, by developing a procedures manual;

(6) To undertake regular review of Municipal Plan and Development Regulations to provide a flexible, clear, and fair planning process, and monitor compliance;

2.1.5 Municipal services

The objectives for providing sustainable municipal services include:

(1) To ensure that on site services meet the standards of the Department of Digital Government and Service NL and the Water Resources Management Division;

(2) To ensure the economic use of municipal services by requiring that new development makes efficient use of existing roads and infrastructure and does not place an unsustainable maintenance burden on the Town;

(3) To reserve land for future access to backlands for future development needs of the community;

(4) To prohibit alterations to a lot which will adversely affect adjacent property;

(5) To ensure that municipal services and utilities, such as telecommunications, pollution control, and electric utilities, are permitted uses in all 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

The following policies apply throughout the St. Joseph's Municipal Planning area (Section 13 (2) 2) of the *Urban and Rural Planning Act, 2000.*

IT IS COUNCIL POLICY TO:

Administration of the regulations

(1) Establish a transparent application review process that enables Council to comprehensively evaluate proposed development, involve the public where appropriate, and consider alternatives during the review process of development proposals. The regulations will address: when a permit is required, the requirements for all applications, discretionary use applications and planned unit development applications, and the obligations of the applicant and Town in the application process in the application process;

(2) Include options in the Development Regulations for when a proposal doesn't fit the development standards or zoning use table, including: variances, nonconforming use, and the amendment process for the Municipal Plan and/or Development Regulations;

(3) Set out special conditions for development in the Development Regulations such as Planned unit developments, Development Agreements, Planning Impact Analysis, and Service levies;

(4) Set out the application decision-making process in the Development Regulations 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, 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) Provide development standards for planned unit development in the Development Regulations. A planned unit development could be a residential,

commercial, or industrial development containing one 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). The comprehensive planned development 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. The uses must conform with the permitted or discretionary uses in the relevant use zone;

(7) Specify requirements for a Planned Unit development application;

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) For land use and development within the Municipal Planning Area boundary, the Development Regulations must state the responsibilities of the Town or the applicant with regard to compliance with the policies of the Municipal Plan and the conditions and standards set out in the Development Regulations;

(10) Require that the Municipal Plan and Development Regulations are subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines. Notwithstanding this requirement, the Development Regulations will incorporate specific compliance requirements as set out in Section 2.3-Provincial Interests;

Existing Non-Conforming Use

(11) Nothing in the Municipal Plan shall affect the continuation of a use which legally existed or development that was legally non-conforming on the day that this Municipal Plan is registered by the Minister of Municipal and Provincial Affairs except as outlined in Section 108 of the *Urban and Rural Planning Act, 2000* regarding discontinuance and resumption of use, alterations, repair; The Town can establish a timeline for duration of discontinuance before the 'existing legally con-conforming' status is expired (Section 108 (2) of the *Urban and Rural Planning act, 2000*);

Development to Front onto a Publicly Maintained Road

(12) 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 (which will be set out in the Development Regulations); 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;

Site requirements

(13) Provide standards and conditions regarding lot siting, buildings, and landscaping in the Development Regulations:

a. No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, such that:
   i. the lot area, frontage, front yard, rear yard, and side yards are less than the minimums permitted by these Regulations for the zone in which such lot is located; and
   ii. the lot coverage of all buildings exceeds the maximum permitted by these Regulations for the zone in which such lot is located.
b. Where any part of a lot is required by these Regulations to be reserved as a yard, it shall continue to be so used regardless of any change in the ownership of the lot or any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

Character of town and compatible development

(14) Require that non-residential land uses located near and/or within residential areas will 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 signs and advertisements.

Parking, Off-street Loading

(16) Include requirements for adequate off-street parking, loading, and safe access to the street in the Town's Development Regulations;

Access to streets

(17) 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;

Subdivision for Future Development

(18) 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 policies of the Municipal Plan;

(19) Require a permit from Council for all subdivision of land;

(20) 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 Comprehensive Planned 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 waste 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.

Roads, Parking, and Off-Street Loading

(21) Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;

(22) Provide adequate off-street parking and loading facilities shall be set out in the Development Regulations;

Storm Water Management

(23) Ensure that the Development Regulations contain provisions storm water management and surface drainage to protect adjacent properties, wetlands and waterbodies, with relevant referrals to the Water Resources Management Division and consideration of green approaches, where practicable.

Require Land Conveyed for Public Work Purpose

(24) 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

(25) Include Section 37 of the *Urban and Rural Planning Act, 2000* which allows Council 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.

Cost/Benefit analysis for development proposals

(26) In considering proposals for development, Council will assess the costs and benefits to the Town: maximize efficient use of municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance;

(27) Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits.

2.3 PROVINCIAL INTEREST POLICIES

Notwithstanding the requirement set out in 2.2. (9) and (10) 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 will be incorporated into the Development Regulations as conditions and, wherever appropriate, as a Land Use Map Overlay.

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 Climate Change Division

It is the policy of Council to 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 will be considered when allocating land for future developments that are in close proximity to a river, floodplain, or coastline;

2.3.2 Crown Land Administration Division

It is the policy of Council to manage Crown lands in the following manner:

(1) The use of Crown land is subject to the Town of St. Joseph's Municipal Plan and Development Regulations, including zoning and permitting requirements.
(2) Approvals must be obtained from the appropriate Regional Lands Office, Regional Lands Office.
(3) Crown land applications must be approved by the Council regarding the use and development of the land prior to approval for issuance of title by the Lands Branch of the Government of Newfoundland and Labrador.

2.3.3 Digital Government and Service NL

It is the policy of Council to:

(1) Require compliance with Department of Digital Government and Service NL (DGSNL)requirements, before issuing approvals. Council will refer applications

involving the following activities to DGSNL: on-site services, highway signs; electrical permits; building accessibility; access to highways; tanning salon and/or Personal services establishment; Food establishment licence; public markets/farmer's markets; meat plant; pool; wastewater or water system approval; tobacco sales; water supply testing; cemetery; waste management; fuel storage and handling; asphalt, boiler; pressure vessel and compressed gas installation. The Development Regulations will provide greater detail on: on-site services, highway signs; building accessibility; access to highways.

(2) Identify the Dump Site Referral Buffer as indicated on the Land Use Atlas on the Future Land Use map and Land Use Zoning map as an Overlay called the 'Dump Site Referral Buffer'; and refer applications within the 'Dump Site Referral Buffer' Overlay to the Department of Digital Government and Service NL for review prior to approval.

2.3.4 Fisheries and Oceans Canada

It is the policy of Council to consult with Fisheries and Oceans Canada where fish habitat might be affected by proposed development.

2.3.5 Forestry and Wildlife Division

2.3.5.1 Forestry

It is the policy of Council to:

(1) Permit domestic harvesting areas in the Rural zone.

(2) Ensure that forestry activities including harvesting, road building, and silviculture, are compatible with the other uses in the Rural zone and consistent with the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town;

2.3.5.2 Wildlife

It is the policy of Council to:

(1) Protect general wildlife habitat and landscape connectivity, require the Protection 'on following conditions on applications in the vicinity of waterbodies, as practicable:

   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. indicate a minimum percentage of forests to be maintained during lot clearing;

(2) Control vegetation clearing between the May 01 to July 31 period, to minimize disturbance during that sensitive breeding/young rearing, whenever possible;

2.3.6 Surveys & Mapping Division

It is the policy of Council to:
Protect Control Survey markers. These are identified for protection by the GIS & Mapping Division and are shown on the Future Land Use and Land Use Zoning maps as an Overlay. Council must ensure that these are not disturbed by development. Council will inform the Surveys and Mapping Division when a proposed development is proposed in the vicinity of a Survey Control Monument.

2.3.7 Land Resources Stewardship Division

It is the policy of Council to:
Allow for agriculture use in the Rural zone. There are no lands identified by the Land Resource Stewardship Division as having significant agricultural value and require protection for agricultural use. However, agricultural interests are protected by including commercial agricultural use in the Rural zone and incorporating development conditions to ensure compatibility with adjacent uses.

2.3.8 Mineral Lands Division

2.3.8.1 Quarries

It is the policy of Council to:
(1) Indicate that mineral working is a permitted use in areas zoned 'Rural';
(2) Implement the 300 metre quarry referral buffer as an Overlay referral buffer on the Future Land Use map and Land Use Zoning Maps to prevent conflict between incompatible uses; The buffer allows the Town and the Mineral Lands Division to work together to ensure that development can co-exist without impeding access to a valuable natural resource;
(3) Refer applications within the 'Potential Gravel and Sand Quarry Referral Buffer' indicated as an overlay on the Future Land Use map and Land Use Zoning Maps to the Mineral Lands Division for review prior to approval.

2.3.8.2 Mineral Exploration

It is the policy of Council to:
(4) Indicate that Mineral exploration that is not a development, as defined by the Mineral Lands Division, is allowed as a permitted use in all zones;
(5) Indicate that Mineral exploration that is a development, as defined by the Mineral Lands Division, is a discretionary use;
(6) Include Mineral Lands Division requirements regarding potential mining in the Development Regulations;

2.3.8.3 Removal of Quarry materials, site grading, soil deposit

It is the policy of Council to incorporate the following requirements into the Development Regulations:

(1) No development permit for removal or deposit of soil, or the excavation and removal of excavated material or grading is required if it is part of an approved development project or affects less than 125 m^3 of soil, sand, gravel, rock, or other substance down to and including bedrock. All other cut or fill work, excavation, removal, and deposit of material or grading requires a development permit under these Development Regulations.

(2) Removal or deposit of soil, topsoil, sods, or the excavation and removal of excavated material or grading requiring a development permit, provided the work is based on a grading plan, will result in an improved site for uses permitted in the Zone where it is located and it must meet the following conditions:

   a. land intended for the activity or grading has a slope of less than 25%;
   b. resulting slopes are stable and without hazards;
   c. when the work is completed, the area affected shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation;
   d. drainage must be provided to the satisfaction of Council and will be designed so as not to impair existing surface drainage nor to create erosion either on the site or on adjacent sites.

(3) Restrict development in environmentally sensitive areas such as steep slopes and areas prone to landslides and rockfall;

(4) For approved developments where the extraction of quarry materials is occurring or may be expected to occur, the Town will send a copy of the development permit to the Quarry Materials Section, Mineral Lands Division, at quarries@gov.nl.ca. Note that quarry materials include, but are not limited to, aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat. It is important that the Mineral Lands Division have the documentation necessary to distinguish excavation associated with an approved development from excavation that constitutes quarrying; possessing development permits for developments which may involve excavation will assist greatly in making this distinction.

2.3.9 National Codes and Regulations

It is the policy of Council to adopt the following Codes in the Development Regulations: The National Building Code, and associated codes, such as the Plumbing Code, the Fire Code, the Electrical Code, the Life Safety Code, and any other ancillary code and other municipal regulations or bylaws regulating or controlling the development, conservation, and use of land shall, under these Development Regulations, apply to the entire Municipal Planning Area.

2.3.10 Newfoundland and Labrador Hydro Easements

It is the policy of Council to consult with Newfoundland Power and Newfoundland and Labrador Hydro regarding any applications for development near overhead

distribution lines and a main transmission line that fall within the Municipal Planning Area boundary.

2.3.11 Provincial Archaeology Office

It is the policy of Council to include the following requirements in the Development Regulations:

(1) The *Historic Resources Act, 1990* requires that, if an archaeological site or artefact is discovered during development of a property, the development shall stop and Council will consult with the Provincial Archaeology Office. Development shall not proceed until the Provincial Archaeology Office has evaluated the site or authorized the development to proceed.

(2) Before approval is granted for a major development such as a subdivision or a new commercial or public building, the application will be referred to the Provincial Archaeology Office for comments.

(3) Any accidental discoveries of historic resources shall also be reported by the Town to the Provincial Archaeology Office.

2.3.12 Provincial Highway Sign Regulations, 1996

It is the policy of Council to include the following requirement in the Development Regulations:

(1) A permit for erection or display of advertisement on Provincial Highways shall be obtained from the Government Service Centre according to the requirements of the *Provincial Highway Sign Regulations, 1996.*

2.3.13 Water Resources Management Division

It is the policy of Council to include the following requirements in the Development Regulations:

(1) 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:

   a. W.R.91-1-Infilling Bodies of Water;
   b. W.R. 97-1-Development in Shore Water Zones;
   c. W.R. 97-2-Development in Wetlands;
   d. Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses;
   e. Environmental Control Water and Sewage Regulations, 2003 for any effluent or runoff from a site;

(2) Ensure conformance with requirements of the Water Resources Management Division of the provincial government regarding development within or adjacent to a Watercourse or Wetland, the following applies:

a. For all portions of a lot that are located *within 15 metres* of the edge of a wetland or the top of the stream bank of a watercourse, no building or structure will be permitted, except for:
   i. reconstruction of a building that was in existence on the date of approval of this Municipal Plan;
   ii. an accessory building or structure to the above reconstructed building;
   iii. a passive recreational use;
   iv. wharves, boathouses, slipways, and breakwaters that conform to the guidelines provided by the Water Resources Management Division; and/or,
   v. uses that require direct access to a body of water in buffers.
b. A Section 48 permit under the *Water Resources Act, 2002* administered by the Water Resource Management Division of the Department of Municipal and Provincial Affairs, and compliance with departmental policy is required, for:
   i. Any *infilling work* within 15 metres of a body of water; and,
   ii. Any work in *Shore Water zones* ("Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high-water mark of the water body defining the edges of the shore water zone);
c. A Non-Domestic Water Use Permit from the Water Resource Management Division of the Department of Municipal and Provincial Affairs is required before construction and for all existing, new or planned *water use from any water source;*
d. On-site sewerage disposal systems are prohibited within 30 metres from a waterbody or watercourse;

(3) Require a minimum 100 metre land development referral buffer from the Provincially designated Wellheads that are shown on the Future land use map and Land Use Zoning map; Require that development in the vicinity of the Wellheads must receive approval from the Water Resources Management Division and Town Council;

(4) Require groundwater assessments for unserviced subdivision development according to the standards set out by the Water Resources Management Division, as amended from time to time.

(5) Potential Surfacewater Natural Drainage Area-All applications within this area to be referred to the Water Resources Management Division for comment prior to Council decision.

3.0 LAND USE DESIGNATIONS AND POLICIES

3.1 INTERPRETATION

3.1.1 Land Use Designations

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 St. Joseph's is divided into land use classes. Within each land use class, a land use designation will be defined and mapped on the Future Land Use Map. The Town of St. Joseph's Future Land Use Designations will reflect the following land use classes and designations:

LAND USE CLASS	LAND USE DESIGNATION
Residential	Residential
Commercial	Commercial
Mixed	Mixed Use
Public	Public Use
Industrial	Industrial
Conservation	Conservation
Recreation Open Space	Recreation Open Space
Rural	Rural

It is a policy of Council to:

(1) Establish Future Land Use designations on the Future Land Use Map (found in Appendix A).

(2) Refine each Municipal Plan land use designation into zones for the Development Regulations. The Municipal Plan sets out the permitted, discretionary, and prohibited land uses for each zone.

(3) Indicate the following uses in each zone in the Development Regulations:

a. Set out permitted uses in each zone and that can be approved, with or without conditions;

b. Set out discretionary uses in each zone where Council determines that the 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;

(4) Indicate the following considerations when accepting or refusing a permitted or discretionary use:

a. whether the use 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 designation show shown on the Future Land Use Maps in which the use is located.

(5) Set out the uses that are permitted in all land use designations and zones which will include: conservation uses (environmental protection and open space, parks and trails); mineral exploration that is not a development (as defined under the *Urban and Rural Planning Act, 2000*); public utilities and municipal services; wharf/boathouse/slipways/breakwaters as an accessory use to a principal use with the exception includes a storage building and workshop only if it does not detract from the nature of the neighbourhood; and, Accessory Uses and Accessory Buildings provided the buildings are clearly incidental and complimentary to the main buildings' character, size and use.

(6) Provide the following interpretation of boundaries between land use designations: the boundaries between land use designations 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.

3.1.2 Land Use Overlays

It is the policy of Council to:

(1) Indicate overlays on the Future Land Use map and the Land Use Zoning map for interests that overlap the boundaries of more than one zone, as follows:

- Wellhead Referral Buffer – For requirements, refer to 2.3.13 (3);
- Control Survey Markers Referral – For requirements, refer to 2.3.1;
- Quarry Referral Buffer – For requirements, refer to 2.3.8.1 (2;)
- Potential Gravel and Sand Quarry Referral Buffer – For requirements, refer to 2.3.8.1 (3);
- Dump Site Referral Buffer – For requirements, refer to 2.3.3.
- Potential Surfacewater Natural Drainage Area-All applications within this area to be referred to the Water Resources Management Division for comment prior to Council decision (2.3.13)

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;

(2) To provide opportunities for the development of an adequate quality, quantity, and mix of housing to serve the needs of the present and future population;

(3) Accommodate housing 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;

(4) Preserve and enhance the amenity of existing residential areas and protect rural residential quality of life and property values;

(5) Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided.

3.2.2 Residential Policies

It is the policy of Council to:

General

(1) Provide for a Residential land use designation on the Future Land Use mapping;

(2) In the Residential designation, provide a corresponding a Residential zone in the Development Regulations which will have the following uses:

a. Permitted Uses: Single detached dwelling; Semi-detached (double) dwelling; Subsidiary Apartment; Uses allowed in all zones as set out in 3.1.1 (5); Home businesses-only the following:
   i. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;
   ii. Artisan and other home crafts;
   iii. Telephone and mail order business;

b. Discretionary residential uses include: Townhouse; Garden suite; Mini-home (not mobile homes); Apartment building; Group home; Convenience store; Urban agriculture; Public Gathering Places-Indoor; Energy generating facility–residential only; Home businesses- those set out below, including:
   - Food preparation for catering services and baking;

- Music and dance lessons and educational tutoring
- 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;
- Care services, such as child care, or home-care; and similar occupations or businesses.
- Art gallery and framing shop;
- Pet grooming services;
- Bed and Breakfasts;
- Boarding house;
- Home care-residential;
- Furniture repair and upholstery;
- Sale of bedding plants and trees grown on the same lot;

(3) Provide regulations for a range of accessory uses such as home-based businesses; and ensure that the primary use of the lot remains residential;

(4) 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;

(5) Require prior approval of the Department of 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;

(6) Shared driveways will be only allowed in the Residential zone. Standards in the Development Regulations will minimize liability to the Town by addressing public health and safety access to homes for emergency services. These include:

a. A shared driveway is considered a private road and it shall not be maintained by Council;
b. No more than three properties are allowed to have a shared driveway (private road);
c. All primary buildings accessed by a shared driveway must have a street number visible from the street in order to meet public safety and emergency requirements.

Garden Suites

(7) Allow garden suites as a discretionary use in the Residential zone provided they meet the following requirements:

a. The lot must meet the Residential development standards;
b. The garden suite can only be a maximum of 75 m^2 in size;

c. The garden suite must be able to have its own servicing according to the standards of the Department of Digital Government and Service NL;

Back lots

(8) Council will permit residential backlot development in the Residential zone only. Land can be subdivided for back lot development where the driveway from the street forms part of the lot. A backlot must be:

c. located on a land behind existing development where the vacant parcel is of sufficient size to meet the development standards for a single dwelling.

d. The development conditions regarding access width, length, and the application of the building line, sideyard, and rearyard requirements to be specified in the Development Regulations, include, but are not limited to:

i. Appropriate approval for onsite servicing must be obtained from the Department of Digital Government and Service NL;

ii. 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;

iii. 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 200 metre from a public street.

3.3 COMMERCIAL

3.3.1 Objectives

The objectives for the Commercial designation are to:

(1) To provide for an adequate quality, quantity of commercial land to serve the present and future needs of the community;

(2) Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided;

(3) To protect existing businesses and to ensure their continued operation.

3.3.2 Policies

It is the policy of Council to:

(1) Provide for a commercial land use designation on the Future Land Use mapping;

(2) In the Commercial land use designation, provide for a Commercial zone in the Development Regulations which will have the following uses:

a. Permitted Uses: all commercial uses in the Commercial Land Use Class ***except for*** Amusement Park/attraction; Campgrounds; and Resort; and Uses allowed in all zones as set out in 3.1.1 (5); and,

b. Discretionary Uses include: Public Gathering-Indoor;

(3) Commercial use development standards, including outdoor storage, will be set out in the Development Regulation;

3.4 MIXED USE

3.4.1 Objectives

The objective for the Mixed Use designation are to:

(1) Provide more residential and commercial development opportunities along the main road in the community as there is very limited land available within the urban core for new commercial ventures.

3.4.2 Policies

It is the policy of Council to:

(1) Provide for a Mixed Use Future Land Use designation on the Future Land Use mapping;

(2) In the Mixed Use designation, provide for Mixed Use zone in the Development Regulations which will have the following uses:

a. Permitted Uses include: Club and Lodge; Convenience store; General Service/repair, Medical or Dental Clinic; Offices; Personal Service; Public Gathering Place–Indoor; Restaurant–full service; Retail; Single detached dwelling; Uses allowed in all zones as set out in 3.1.1 (5); Home businesses-as set out below:

iv. Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer;

v. Artisan and other home crafts;

vi. Telephone and mail order business;

b. Discretionary uses include: Bar; Semi-detached dwelling; Townhouse; Home businesses-(5.3.1) as set out below:

- Food preparation for catering services and baking;
- Music and dance lessons and educational tutoring

- 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;
- Care services, such as child care, or home-care; and similar occupations or businesses.
- Art gallery and framing shop;
- Pet grooming services;
- Bed and Breakfasts;
- Furniture repair and upholstery;
- Sale of bedding plants and trees grown on the same lot;

(3) 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 between residential and non-residential land uses.

3.5 PUBLIC USE

3.5.1 Objectives

The objectives for the Public Use designation are to:

(1) To protect the Public Use land near the Town Hall to provide a focus to the community and serve the present and future needs of the community;

(2) To provide land areas for recreation areas, facilities, and programming to appropriately address the recreational and social needs for all age groups in the Town taking into consideration access to other regional recreation facilities.

3.5.2 Policies

It is the policy of Council to:

(1) Provide for a Public Use Future Land Use designation on the Future Land Use mapping;

(2) In the Public Use designation, provide for Public/Institutional Use zone in the Development Regulations; which will have the following uses:

   a. Permitted Uses include: Public/Institutional Uses (Town office and town depot); Public Gathering-Indoor; Uses allowed in all zones as set out in 3.1.1 (5); and,

   b. Discretionary Uses include: Club and lodge; Outdoor Market.

(3) 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.

3.6 INDUSTRIAL

3.6.1 Objectives

(1) To protect existing industrial land to ensure continuation of existing business;
(2) To provide land for industrial use for future industrial economic-generating opportunities.

3.6.3 Policies

It is the policy of Council to:

(1) Provide for an Industrial designation on the Future Land Use map;
(2) In the Industrial Land Use designation, establish an Industrial zone in the Development Regulations with the following uses:

    a. Permitted Uses: Industrial-General; Fisheries use; Contractor-General; Marina; Uses allowed in all zones as set out in 3.1.1 (5); and,
    b. Discretionary Uses: Retail.

(3) To zone the area of the existing Daley family fishing operation as industrial and to zone sites close to the entrance to the Landfill site as industrial for future potential development.

3.7 CONSERVATION

The Conservation land use designation may be comprised of public and private open space; water bodies including buffers around ponds, shorelines, and wetlands; 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.

3.7.1 Objectives

The objectives for the Conservation designation are to:

(1) To protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values.

(2) 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) It is an objective to protect the integral value of valuable natural resources or areas of potential natural hazard.

3.7.2 Policies

It is the policy of Council to:

(1) Provide for a Conservation Future Land Use designation on the Future Land Use mapping;

(2) In the Conservation land use designation, provide for a conservation zone in the Development Regulations which will have the following uses:

a. Permitted uses include: Environmental Protection; Open Space; Parks and Trails; Uses allowed in all zones as set out in 3.1.1 (5); and,

b. Discretionary uses include: Forest activities-domestic harvest only; Marina; Fishery use.

(3) Designate lands as conservation in order to 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) The Town may 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.

3.8 RECREATION OPEN SPACE

3.8.1 Objective

(1) To protect land where the Town wished to investing in facilities for Open Space/Parks and Trail uses and recreation facilities.

3.8.3 Policies

It is the policy of Council to:

(1) Provide for a Recreation Open Space designation on the Future Land Use map;

(2) In the Recreation Open Space designation, establish a Recreation Open Space zone in the Development Regulations which will have the following uses:

   a. Permitted Uses: Open Space/Parks/Trails; Uses allowed in all zones as set out in 3.1.1 (5);

   b. Discretionary Uses: Public gathering places-Outdoor; Restaurant-Mobile Take Out, Street Vendor only; Outdoor Market.

3.9 RURAL

Lands designated as Rural are intended to be protected for the rural setting of the community, and used primarily by natural resource industries such as agriculture, forestry, 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 lands 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) Ensure that land uses are properly allocated so that conflicts between non-compatible uses are avoided;

(3) Ensure environmentally responsible, sustainable management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture;

(4) Ensure coordinated and organized development of resource lands that may have significant economic and recreational value to the Town;

(5) Retain the present rural character of the resource zone by limiting development permitted within this designation to those associated with agriculture, forestry, quarrying, outdoor recreation, cemetery, or other uses such as recreational cottages;

(6) Provincial government agencies, such as the Land Resource Stewardship Division, Forestry and Wildlife Division, and the Mineral Lands Division each have jurisdiction under legislation to plan and control these resources. It is the objective of this Municipal Plan to ensure that the Town is adequately consulted by these agencies, and that permits are secured from the Town;

3.9.2 Policies

It is the policy of Council to:

(1) Provide for a Rural designation on the Future Land Use map;

(2) In the Rural designation, and establish a Rural zone in the Development Regulations that will allow the following uses:

a. Permitted Uses include: Commercial Agriculture; Forestry Activities; Mineral Working; Cottage; Contractor-General;; Open Space/Parks/Trails; Protective and Emergency Services; Resort; Cemetery; Campground; Uses allowed in all zones as set out in 3.1.1 (5);

b. Discretionary Uses include: Outdoor Market; Natural Resource-Related Use; Public Gathering–Outdoor; Amusement Park/Attraction; Salvage/scrap yard; Service Station; Kennel; Marina; Residential: (1) Single residential dwellings may <u>only</u> be permitted in conjunction with a permitted use such as commercial agriculture.

(3) Include the 300 metre referral buffer to the Mineral Lands Division for the two quarries on Route 90 at the south east area of the community on the Future Land Use Map. The land use zoning applies within the referral buffer.

(4) Establish a 30 metre buffer on waterbodies in the Rural zone wherever practicable, including a natural green belt along wetlands and waterbodies (ponds, rivers, creeks, etc.). A 30 metre minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity near a waterbody; wider green belts are suggested when bordering land uses are in proximity to agricultural practices.

(5) For developments requiring vegetative removal, Council will assess measures to maintain landscape connectivity, green belts should be connected to forested

areas or other habitat patches to create travel corridors for various wildlife species;

(6) In the vicinity or rapter nests, vegetation clearing will be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period;

(7) Ensure that development of resource lands does not block future access for other future opportunities for land use and development;

(8) Comply with Provincial government authority regarding mineral exploration and mineral lands development opportunities and ensure the procedures are in place to ensure that: appropriate environmental, public health and safety and fencing/landscaping measures are provided to avoid land use conflict.

4.0 IMPLEMENTATION

4.1 DEVELOPMENT REGULATIONS

In order for the Town of St. Joseph'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 Municipal Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes.

Development Regulations are one of the main vehicles through which Municipal 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 MUNICIPAL 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;

As per Section 25 of the *Urban and Rural Planning Act, 2000*, 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. Where there is only an Amendment to the Development Regulations, then Section 35 (5) of the *Urban and Rural Planning Act, 2000* applies.

In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Municipal 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.

Council is not required to consider an application for rezoning and that decision cannot be appealed to the Regional Appeal Board as per Section 42 (2) of the *Urban and Rural Planning Act, 2000.*

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

4.3 REVIEW OF THE MUNICIPAL PLAN

The Council for the Town of St. Joseph'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 Municipal 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.

This Municipal Plan and Development Regulations are developed for a 10-year period and each 5-year review must consider a 10-year period.

APPENDIX A: FUTURE LAND USE MAPS