

Urban and Rural Planning Act Resolution to Approve

Town of Fermeuse Municipal Plan 2016

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act 2000, the Town Council of Fermeuse

- a) adopted the Fermeuse Municipal Plan 2016 on the 6th day of March, 2017
- b) gave notice of the adoption of the Fermeuse Municipal Plan by advertisement inserted on the 30th day of August and the 13th day of September, 2017 in the Irish Loop Post.
- c) set 2pm September 21st at the Fermeuse Community Centre, Fermeuse, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000, the Town Council of Fermeuse approves the Fermeuse Municipal Plan 2016 as adopted.

Signed and sealed this 21st day of February, 2018.

Mayor: Jerome Kenny

Clerk: Marska Kenny

Municipal Plan/Amendment	
REGISTERED	
Number	<u>1575-2018-001</u>
Date	<u>MARCH 2, 2018</u>
Signature	<u>Willy O'Leary</u>

Urban and Rural Planning Act Resolution to Adopt

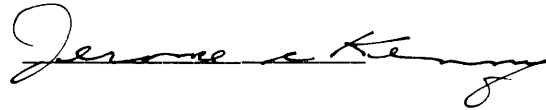
Town of Fermeuse Municipal Plan 2016

Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Fermeuse adopts the Fermeuse Municipal Plan 2016.

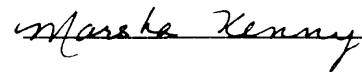
Adopted by the Town Council of Fermeuse on the *6th* day of *March*, 2017.

Signed and sealed this *15th* day of *February*, 2017.

Mayor:

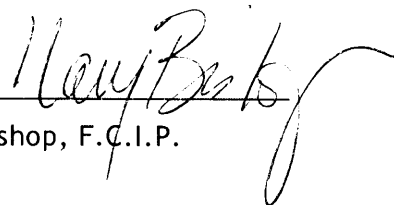


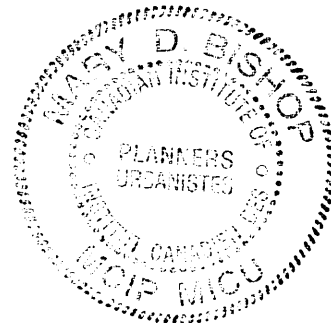
Clerk:



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.


M. Bishop, F.C.I.P.



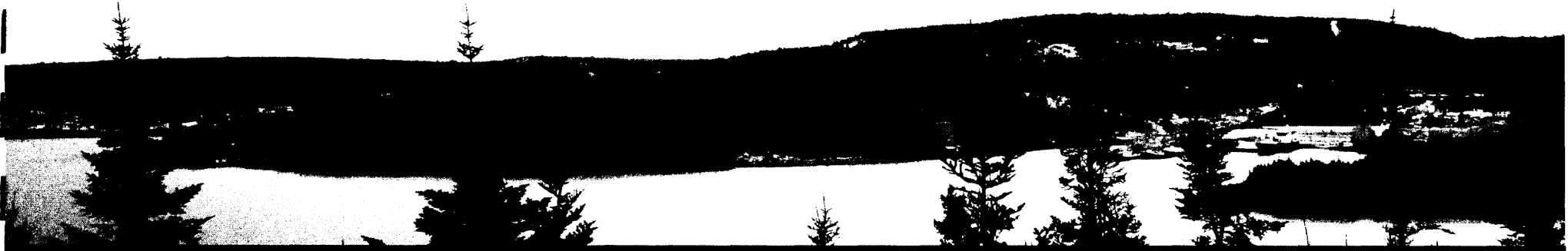


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1.0 Introduction

The Fermeuse Municipal Plan is the Town's main policy document that will be used to guide future decision-making regarding land use and development within the Town.

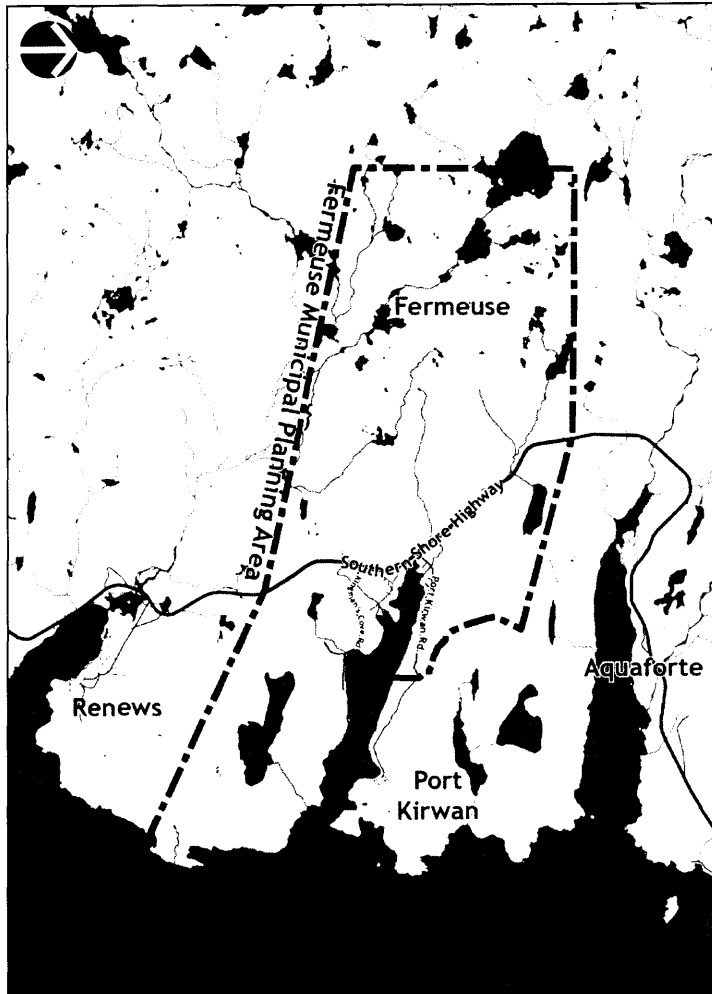
This introductory section describes the purpose of municipal planning and the process to prepare a Municipal Plan for Fermeuse.

1.1 The Purpose of a Municipal Plan

The Municipal Plan sets out policies for the management of growth and development in the community, including policies to protect the character and built form of Fermeuse, promote the health and safety of residents, support the local economy, and protect the environment through the efficient utilization of land, water and other resources. The Municipal Plan sets the vision, goals, and objectives for community development and includes written policies and the Future Land Use Map. The Development Regulations implement Plan policies through specific requirements that ensure land is controlled and managed in accordance with the Plan.

The Municipal Plan and Development Regulations will guide future sustainable growth and development over a ten-year period - to 2025.

1.2 The Planning Area



The policies of the Municipal Plan apply to all lands within the Municipal Planning Area for the Town as shown in the following figure.

1.3 The Planning Process

The process to prepare a Municipal Plan takes place in several steps as shown in the figure right. The first step involves researching relevant planning issues, including a review of current land use, demographic and economic data. The research also involves assessing other Town initiatives, reports and studies and, where appropriate, incorporating them into the Plan.

The second step involves consulting with the public. On April 23rd, 2015, a consultation meeting was held at the Community Centre on Port Kirwan Road. A number of residents attended and were given the opportunity to provide input which was considered in drafting Plan policies. Input from various government departments and agencies was also sought and incorporated into the planning documents.

Next, draft versions of the Municipal Plan and Development Regulations are written based on the information provided during



Research & Analysis



Stakeholder & Public Consultation



Draft Plan & Mapping



Plan Review



Municipal Plan Approved

the research and public consultation. The Draft Plan is submitted to the Minister of Municipal Affairs for review to ensure that the Plan conforms to provincial policy and law. Following the completion of the provincial review, Council may, by resolution, formally adopt the Plan in accordance with Section 16 (1) of the Urban and Rural Planning Act (2000). Council then gives notice of a public hearing on the Municipal Plan. At the public hearing, a Commissioner, appointed by the Council, will hear objections and representations, and then write a report to Council with recommendations on any changes to the Plan.

After the Commissioner's report has been submitted, Council considers the recommendations and may approve the Plan, or approve it with changes recommended by the Commissioner. Council will then submit the Municipal Plan and Development Regulations to the Minister of Municipal Affairs to be registered in a planning registry established in the Department. The Plan comes into effect on the date notice of its registration is published in the Newfoundland and Labrador Gazette (Section 24(3)).

1.4 Effect and Implementation

When the Municipal Plan and Development Regulations come into effect, they are binding upon Council and upon all other persons, corporations, and organizations. The Municipal Plan and Development Regulations may be amended at any time to include new land uses and specific regulations.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category of land use.

Day-to-day administration of the Municipal Plan and Development Regulations will be conducted by staff members authorized by Council, who will issue permits for developments approved by Council. Staff will also make recommendations to Council on matters pertaining to development in accordance with the Municipal Plan and enforce the regulations. Details about the Implementation of the Plan can be found in Section 7: Implementation.

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

1.5 Reviewing and Amending the Plan

Under the Urban and Rural Planning Act, Council must review the Plan every five years from the date on which it comes into effect, and if necessary, revise it to reflect changes in the community that can be foreseen during the next ten year period. The Plan may be amended as necessary prior to the five-year review in response to new development proposals, changed policies, or community priorities. Such amendments must follow the process outlined in Sections 14 to 24 of the Urban and Rural Planning Act (2000).

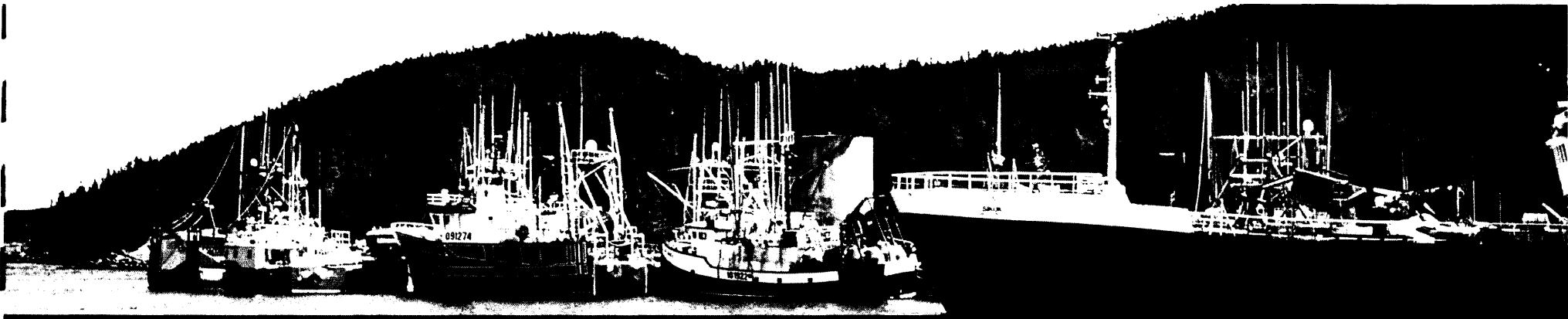
1.6 Organization

This Municipal Plan consists of the Plan document and the Future Land Use Map which is included in Appendix A. Section 2 presents background information about the Town and sets the context for the vision, goals and objectives of the Plan contained in Section 3. Section 4 sets out land use policies that apply throughout the community, followed by policies that apply to specific areas of the Town as identified on the Future Land Use Map. Section 6 presents policies for services and infrastructure and the final section deals with how the Plan will be implemented.

1.7 Interpretation

Throughout this document, several terms are used on a regular basis and shall be interpreted as follows;

- Council shall mean the Council of the Town of Fermeuse;
- Development Regulations shall mean the Fermeuse Development Regulations;
- Planning Area shall mean the Fermeuse Municipal Planning Area; and
- The Plan shall mean the Fermeuse Municipal Plan.



2.0 Planning Context

Planning for the future of Fermeuse requires consideration of the assets, opportunities and challenges of the Town, as well as the forces that will influence the region in the future. This section of the Plan briefly outlines the context for planning in Fermeuse.

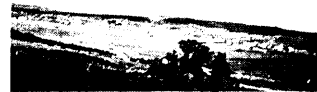
2.1 Spatial Context

Fermeuse is located on the eastern portion of the Avalon Peninsula, about a 90-kilometer drive south of St. John's via the Southern Shore Highway (Route 10) on The Irish Loop. Although the Town is over 4,000 hectares in area, only a small portion of the Town has been developed.

2.2 Historical Context

The deep, sheltered harbour was used during the migratory fishery with settlement occurring sometime around 1519 by Portuguese fishermen who named the area "Formosa", which some believe to mean "beauty".

Historical Photos



Photos: Robert H. Tait

By 1677, the area had one of the largest populations on the Southern Shore.

Throughout the 1700s, the majority of Fermeuse's population consisted of English and Irish fishing servants and a growing population of year-round inhabitants. The fishery, as the economic mainstay of Southern Shore settlements, continued to draw in new residents, which in turn created need for schools and churches.

The Town was incorporated in 1967.

A fish plant, built around 1950, established a solid economic base for the community, employing as many as 350 people during its peak in the late 1970s. This continued into the 1980s, but with the collapse of the Atlantic northwest cod fishery in 1992, employment at the plant fell and people began to move elsewhere for jobs.

Today, the fishery continues to support the local economy. The deep harbour, close to the fishing grounds of the Grand Banks, is home port for an offshore fishing fleet, serviced by a Marine Service Centre. A wind energy turbine power project has also created new employment in the town. A robust provincial and regional economy over the past decade resulted in increased employment opportunities in the Southern Shore Region and elsewhere on the Avalon Peninsula. This seems to have helped stabilize the population in Fermeuse, which increased by 14% since 2006.

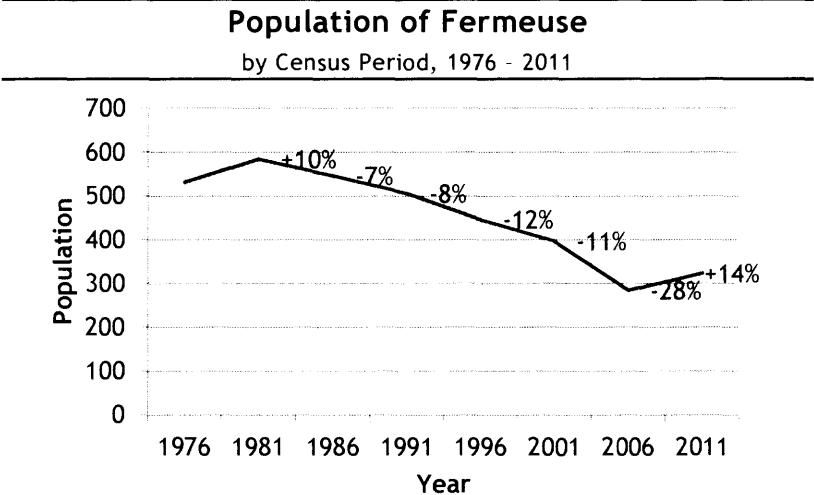
Today, the deep, sheltered harbour of Fermeuse is once again the focus of economic opportunity. The same features that made it an attractive base of operations for the fishery, are well suited to supporting the offshore oil and gas industry. A 15-hectare supply base is proposed for development in multiple phases in Lumley Cove. The development brings potential for new jobs and demand for land for commercial and industrial uses to support the supply base and residential land for future increases in population.

2.3 Social Context

Population

In 2011, Fermeuse had a population of 323, which has been declining consistently for three decades. In 1976, at the height of the fishery, the Town had a population of 531. Since then, population has declined about 40%, despite a slight increase between 2006 and 2011. The current population is largely middle aged and older persons, with a median age of 50.

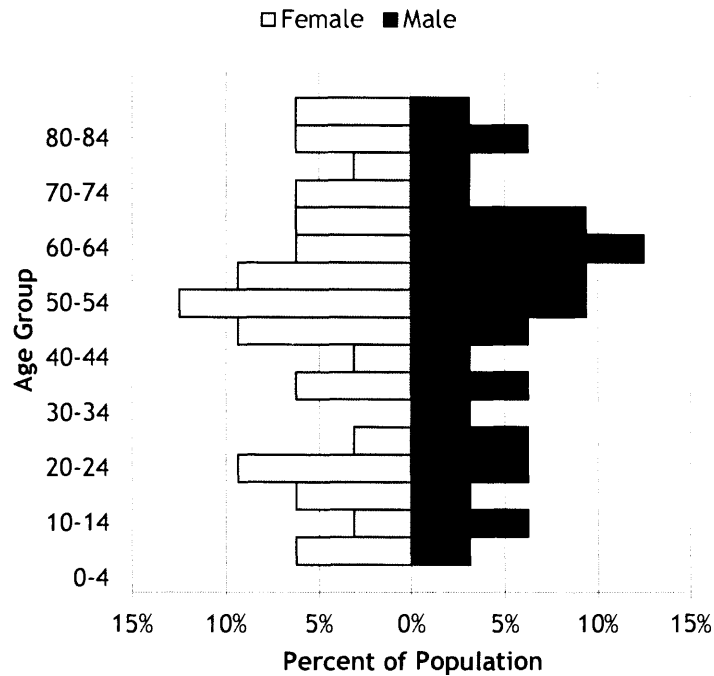
Imminent challenges for the Town will be ensuring that there are adequate services and infrastructure for the aging population, and finding ways to increase economic development as a means of retaining population and attracting new families to the town.



The proposed supply base represents an opportunity for new, direct and indirect jobs and business creation which in turn could attract new residents. The challenge for the Town is to maximize the opportunities that this development could bring to the Town by allocating sufficient land for commercial and industrial development, as well, ensuring an adequate supply of residential land for future increases in population.

Population Pyramid

% of population by age group and gender, 2011



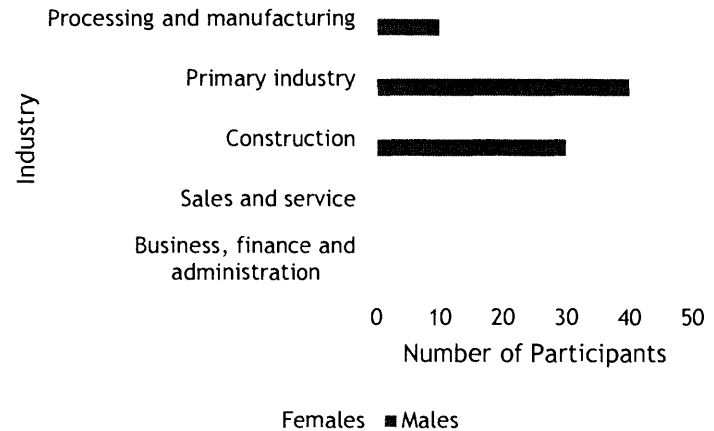
2.4 Economic Context

Employment and Labour

Traditionally, the livelihood of families in Fermeuse came from the fishery. Most families were connected either directly or indirectly with the fishery as fishers, plant workers, sellers, transporters, or as employees in related businesses. Since the 1992 moratorium, there has been limited and declining activity in the fishing industry.

Labour Force Participation by Industry and Gender

2006



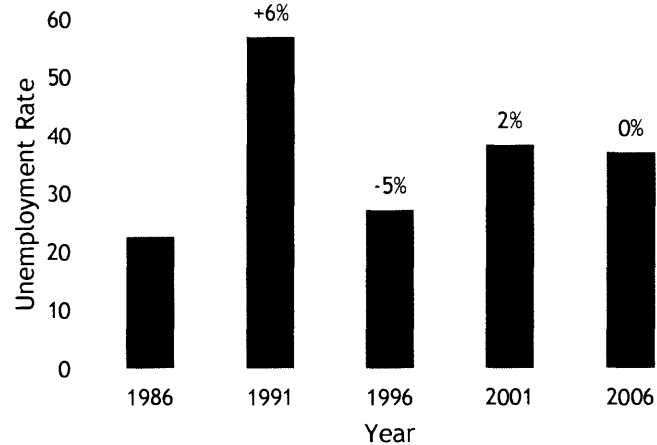
At the time of writing the Municipal Plan, data related to levels of unemployment in the Town was not available due to a low response rate in the 2011 Census; hence, the most recent data available (2006) was used. At that time,

one third of the population were employed in primary industry, all of whom were male. The construction industry, which employed 22% of the population in 2006, was also male dominated. Females worked mostly in the sales and services, and office industry. Both males and females were employed in the processing industry.

Between 1986 and 2006, unemployment in the Town fluctuated, to in excess of 50% in 1991- a likely consequence of the collapse of the cod stock and the effects it had on the provincial economy. Between 1991 and 1996 the unemployment rate decreased but by 2006, had risen to about 37%.

Unemployment Rate in Fermeuse

1986-2006

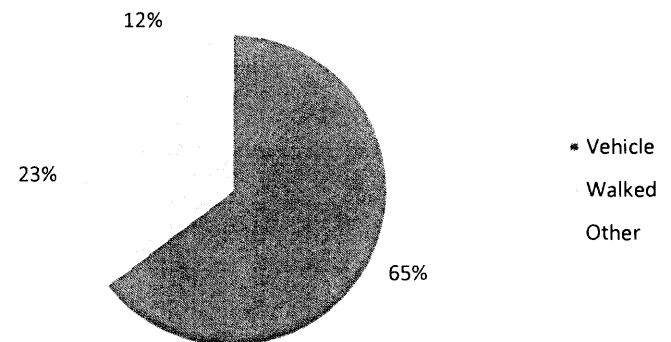


While there is no data to show unemployment levels over the past decade, anecdotal information suggests that many workers from the community have either moved to, or commute to jobs in larger urban centres and in the oil and gas and mining industries. Nevertheless, residents have indicated a need for local economic development to create jobs and retain and attract families.

In traditional fishing communities such as Fermeuse, walking to work at the fish plant and to the wharf was part of the way of life. Data from 2006 show that just over one fifth of workers in Fermeuse walked to their place of work. Having homes close to places where people work, and providing opportunities for walking there will contribute to greater community health and well-being.

Transportation to Work

2006



Tourism

As a one of many communities that form the scenic and historic Irish Loop, the Town of Fermeuse has a challenge enticing visitors off Highway 10 to visit the community.

There are several tourist attractions in the community, including the East Coast Trail, access to whale and bird watching, fishing, and hunting.

The East Coast Trail is a regional tourism asset that has been shown to have significant economic impacts to the regional and provincial economy. A portion of the trail (Spurwink Island and Bear Cove Point Paths) pass through Fermeuse, with trail heads at Port Kirwan and Kingman's Cove, following public rights of ways and traditional footpaths along the coastline. To protect the integrity of this trail, communities are working with the East Coast Trail Association to manage land use and identify appropriate separation buffers between new development and the trail.

2.5 Physical and Environment Context

Landform and Geology

Fermeuse features a deep water harbour surrounded by hills. Development has primarily occurred in the low-lying areas surrounding the south side of the Harbour, creating a picturesque landscape with views of the community, treed hillsides, and the harbour.

The built-up area of the Town is underlain by a surficial geology consisting of sand and gravel within channels and

areas of bedrock concealed by vegetation. Development along the coastline has occurred on relatively flat areas (0-14% grade) while the remaining, undeveloped part of the coastline is associated with very steep slopes (greater than 20% grade). Away from the coast, at the southwestern corner of the community elevations reach close to 275m above sea level.

Several river systems run through the community. The largest river runs from Riverhead Pond and Martins Pond in the northern portion of the Town, emptying into the head of Fermeuse Harbour.

Climate Change

While the earth's climate changes naturally over time, human activity is contributing to and accelerating climate change. The impacts of include rising sea levels, more frequent and intense storm events that can result in flooding and erosion, particularly in low lying coastal areas.

Sea level rise and potential coastal erosion pose significant risks to Fermeuse as development is concentrated in the low lying coastal area at the head of the harbour. Furthermore, roads and other infrastructure are also located in this area. Anticipating the impacts of climate change means keeping development out of floodplains and shorelines that are vulnerable to erosion. It also means that structures such as wharves and other marine infrastructure that need to be built along the coastline are designed and built to anticipate and

withstand the impacts caused by changing climatic conditions.

Planning in the context of climate change requires that the Town be proactive in planning for future development, infrastructure, and vital community services, particularly along the vulnerable coastline.

Built Environment

The Southern Shore Highway (Highway 10) runs through the community, connecting it to the neighbouring towns of Aquaforte to the north and Renews to the south. Along this highway, the Town Hall and a few commercial uses are located. The Town's Community Centre is located at the head of the harbour on Port Kirwan Road.

Development in the Town branches off at the section of Highway 10 along two main roads that meet at the upper end of Fermeuse Harbour; Port Kirwan Road on the north side and Lumley Cove Road on the south side. On the north side, residential development follows about 1km down the road until steep slopes begin to limit development potential. Fermeuse Marine Ltd. (the marine service centre) is located along this main road on the north side of the Harbour.

The more developed area of the Town is on the southern side of the Harbour along Lumley Cove Road. A seasonally-operated restaurant and a gas station are found at the intersection of Lumley Cove Road and Highway 10. Residential development continues along

Lumley Cove Road with several small side streets, including a residential subdivision (Ocean View Drive) developed in the 1980's by Newfoundland and Labrador Housing Corporation. Lumley Cove road turns into a gravel road which connects to Kingman's Cove Road to the south and leads to Kingman's Cove to the east.

An offshore supply base development is proposed at the section of land to the southwest of Lumley Cove, and includes the site of the former fish plant.

Rural Land Use

Much of the land base of the community consists of undeveloped rural lands, used for rural uses such as hunting, fishing, hiking, collection of firewood. A gravel pit along the Southern Shore highway provides a local source of gravel material.

The Bear Pond watershed is protected as the source for drinking water for the community.

2.6 Infrastructure

Roads, Water and Sewage

The Town continues to invest in water and sewer servicing through a program of municipal capital works. This has included extensions and upgrades to the water supply system, which is derived from Bear Cove Pond and supplied by gravity feed. A community well serves several homes on the Port Kirwan Road.

The Town also continues to invest in sewer servicing and road upgrading within the community through an annual capital works program which has included upgrades to Ocean View Drive and Curran's Road in 2012. Stormwater in the Town is handled through open roadside ditches.

Municipal Wastewater

Like most other coastal communities in the province, wastewater is discharged untreated into the ocean. The Town's main sewage outfall is located on the Sheep's Head peninsula where it is discharged into Lumley Cove. As federal requirements for ocean discharge of wastewater into marine receiving waters are made more stringent, the Town will have to consider alternative means of treating and disposing of wastewater.

Solid Waste

Municipal solid waste from Fermeuse is transported to the Regional Integrated Waste Facility located at Robin Hood Bay in the east end of St. John's.

Emergency Response Services

Fermeuse shares emergency response services with neighbouring towns. The Fermesue-Port Kirwan Volunteer Fire Department is located in Fermeuse on Highway 10 and is staffed by twelve volunteer fire fighters.

Education

School age children from Fermeuse travel by bus to the K-12 Baltimore School Complex in Ferryland to attend

school. The school has a total enrollment of about 250 students from several communities along the Southern Shore.





3.0 Vision & Planning Goals

This Plan provides the essential policies that will guide future development in Fermeuse to lead increased prosperity and a more sustainable future. A community vision and several key goals have been created to inform the Plan policies for the next ten years. These goals are key to managing the way the Town grows and develops.

3.1 Community Vision

The future vision for Fermeuse is that of a resilient, adaptable community, where local employment, housing, natural and scenic environment continues our strong sense of community that attracts new families and opportunities for business investment.

3.2 Community Wide Goals

To achieve this vision, the Town will pursue the following community-wide goals:

Growth Management and Community Structure

To manage growth to ensure orderly development, efficient use and provision of municipal services, compatibility between land use and protection of the Town's natural features in a manner that is sustainable and in keeping with the financial resources of the community.

Economic Long-Term Sustainability

To foster a resilient economy that creates and attracts employment in marine industries, tourism, and other sectors by working with community partners, local business operators, the public, and neighbouring communities. Ensuring that land is available for commerce and industry is key to the Town's long-term sustainability.

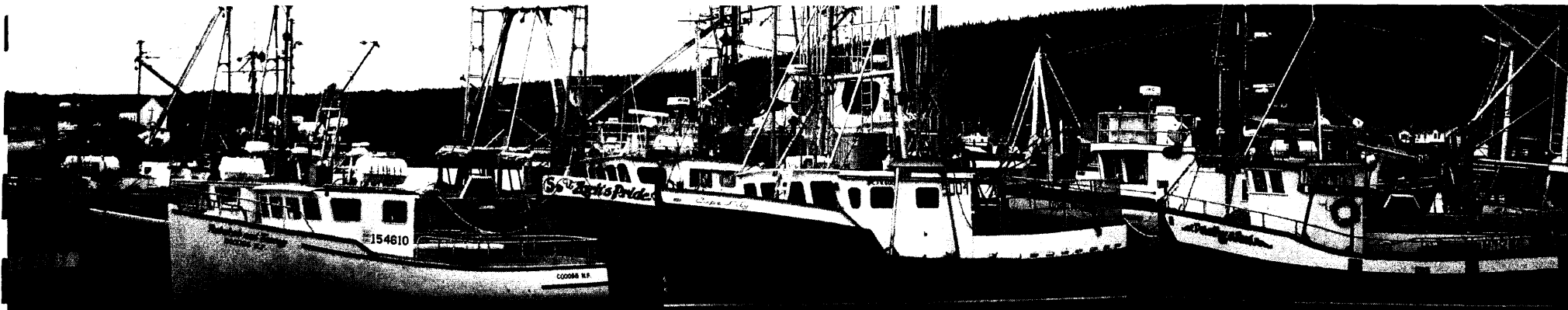
Environmental Protection and Stewardship

To enhance, protect, and conserve our natural environment including our land, coastal and freshwater resources, the ecology of our streams, forests, and wetland areas, and of our natural energy resources for the benefit of future generations.

Community Health and Well-Being

To enhance the physical and social well-being of residents by insisting on high standards for development so that the Town remains a pleasant place in which to live, work, and visit.





4.0 Community Wide Policies

Within the Municipal Planning Area, there are a number of objectives and policies which will apply generally to all types of development regardless of the location. The following objectives and policies apply throughout the Planning Area:

Objectives

1. Ensure that development occurs in an efficient, safe, and environmentally responsible manner.
2. Provide opportunities for home-based businesses and for the continuation of existing uses.

Community Wide Policies

Policy CW-1 Development in Hazardous Areas

It shall be a policy of Council to generally restrict development in areas that are not suitable for development, such as areas of steep slopes, unstable soils

or rock outcrops, and along shoreline areas and streams susceptible to erosion or flooding. Council will require residential development to be set back from the coastline, and from streams and wetlands to reduce the risk of damage due to erosion, storm surges, and flooding. Council may require detailed engineering studies to evaluate the suitability of land for development in areas that are vulnerable to natural hazards, where significant backfilling is proposed, or where there may be potential for flooding, erosion or other hazard to occur.

Policy CW-2 Servicing

New development shall not create unreasonable servicing demands or costs to the Town. New development shall be required to connect to existing municipal services where available. Where municipal services are not available, Council may permit development with onsite wells and septic systems subject to the approval of the Government Service Centre (Service NL).

Policy CW-3 Public Utilities

The location and placement of utilities, including telecommunications structures may be permitted throughout the Planning Area. Council may require appropriate screening and buffering or other measures to minimize visual and environmental impacts in the community.

Policy CW-4 Road Frontage and Access

Development shall have proper access and standard frontage onto a public road, the standards for which are set out in the Development Regulations. Where new roads are proposed, they must be designed and constructed to Council standards at the developer's expense. Ownership of new streets and service infrastructure will be required to be transferred, at no cost to the Municipality upon satisfactory completion.

Policy CW-5 Street Right of Ways

All development, including but not limited to buildings, fences, sheds, and parking lots, shall be set back from the right of way of a road far enough to provide an adequate level of public safety and space for snow clearing and street maintenance.

Policy CW-6 Development Agreements

The Town may require agreements for new developments involving residential, commercial, industrial or resource use, and for the subdivision of land. Such an agreement will be negotiated between the developer and the Town, and include conditions for development and for financing

of any services provided to the site which shall be constructed to municipal standards and consistent with the policies of this Plan and the Development Regulations.

Policy CW-7 Home Occupations

It is Council's intent to foster growth of small businesses as home occupations in a manner compatible with surrounding land uses. Businesses in the form of home occupations may be considered in any residential dwelling in any land use designation. Business uses that consist only of an office in a dwelling will be a permitted use. Businesses operating as home occupations shall not be highly visible, generate traffic, noise, odours or create potential hazards, by virtue of the nature of the business, to surrounding properties.

Policy CW-8 Signage

All signs within the Planning Area shall be developed in accordance with the standards set out in the Development Regulations.

Policy CW-9 Community Trails

Proposals for new development in Fermeuse shall identify and provide for the continuation of traditional footpaths, right of ways, and trail networks in the community. In considering applications for development, or the use of a public right of way for access to private property, Council will ensure that pedestrian pathways remain open and accessible as a condition of approval. New development

may be required to provide a separation buffer between a proposed development and existing trail or pathway.

Policy CW-10 Lands for Conservation

The use of land for conservation and passive recreation are permitted in all land use designations.

Policy CW-11 Public Access to Shorelines

The shoreline of Fermeuse Harbour is a valued community asset. Maintaining an open and accessible shoreline shall be a priority of the Town. When considering proposals for development adjacent to the coastline, Council may require existing public accesses to be retained or relocated. Developments that enhance public access and recreational usage of shoreline areas are encouraged.

Policy CW-12 Waterways, Waterbodies and Wetlands

The Town recognizes the natural and recreational value of rivers, streams, wetlands, and ponds. It shall be a policy of Council to protect the quality of local streams, rivers and wetlands by ensuring that all necessary Federal and Provincial approvals for development, including appropriate building setback requirements, have been obtained prior to issuing approvals or permits for development near these sensitive areas.

Policy CW-13 Groundwater Protection

Where development is proposed that will rely on private wells and septic systems, it shall be a policy of Council to require an assessment of groundwater quantity and quality in accordance with the Provincial Department of

Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells.

Policy CW-14 Planning for Climate Change

It shall be the intention of Council to seek information and professional advice about the effects of climate change in the community and identify measures to adapt infrastructure in vulnerable areas.

Policy CW-15 Protection of Archaeological Resources

Council shall consult with the Provincial Archaeology Office, Historic Resources Division, Department of Tourism, Culture and Recreation, before undertaking municipal works or considering the applications for development that is proposed to occur on undeveloped land within the community where historic resources may be present.

Policy CW-16 Non-Conforming Uses

In accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, Council shall recognize that any development or land use that legally exists on the day this Plan comes into effect, may continue. Where a building or use exists which does not comply with the intent of this Plan, it shall not be substantially expanded. Minor extensions may be approved, and a change from one non-conforming use to a more acceptable use may be permitted. Specific provisions concerning legal non-conforming uses shall be set out in the Development Regulations.



5.0 Managing Land Use

The Municipal Plan identifies and designates lands within the Planning Area into land use designations which are shown on the Future Land Use Maps 1 and 2 included in Appendix A.

Land use will be managed in accordance with the general land use policies set out in Section 4 of this Plan and policies for each of the land use designations listed below.

Land Use Designations

■	Mixed Development
■	Marine Industrial
■	Conservation
■	Protected Water Supply
■	Rural

Maps and graphics included in this section are for illustration only.

5.1 Mixed Development

Throughout the community, land use is primarily residential, with a few commercial premises located along the Southern Shore highway. The Mixed Development land use designation is applied generally to the built-up areas along the Southern Shore Highway, Port Kirwan Road, Lumley Cove Road, and Kingsman Cove Road. The Mixed Development designation is applied to existing residential areas as well as areas identified for future development by extension of Ocean View Drive.

Objectives

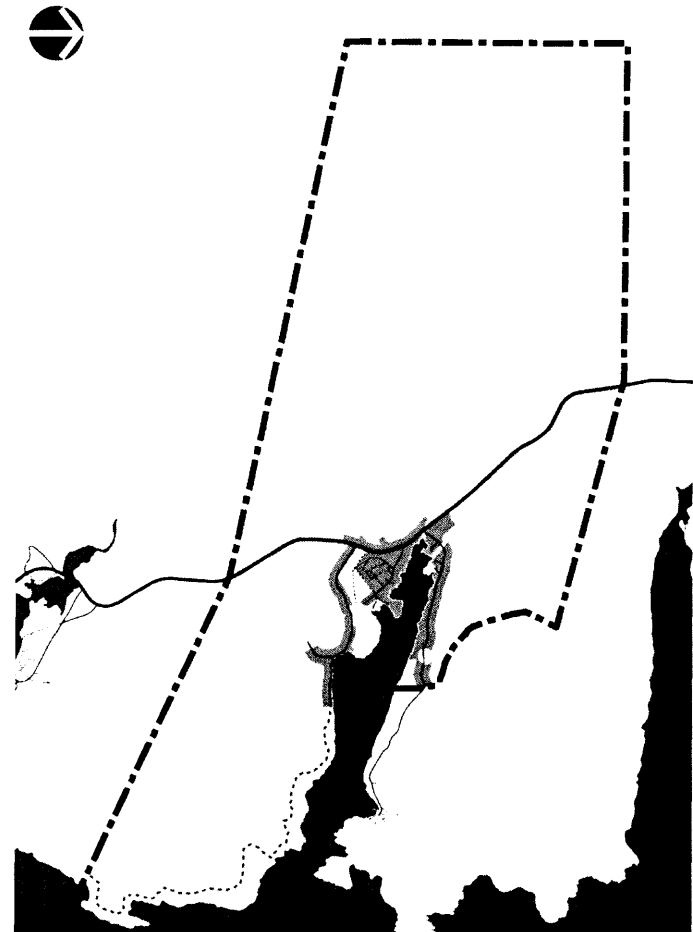
1. To encourage infill development along existing public roads and built-up areas.
2. To continue the pattern of mixed land use along the main highway corridor.
3. To provide areas where highway-dependent commercial uses can locate in the Town.
4. To encourage and facilitate new residential development in the area off Ocean View Drive.

Mixed Development Policies

Policy MD-1 Permitted and Discretionary Uses

In the areas designated for Mixed Development on the Future Land Use Map, residential uses including a variety of forms of housing will be permitted along existing public streets and in a new subdivision area that will extend Ocean View Drive. Bed and Breakfast accommodations and childcare will also be permitted.

A variety of commercial, industrial, public and assembly types of uses such as stores, service stations, banks, medical, professional and personal service offices, commercial residential, schools, churches, cemeteries, parks and trails, arenas, civic, government buildings, may also be permitted in the Mixed Use land use designation.



In marine areas around the harbour, marine uses will be permitted. Industrial uses associated with development of a proposed marine supply base, may also be permitted within the Mixed Development designation.

Residential Development

Policy MD-2 Subdivision of Land

Residential subdivision development will only be considered for approval as part of a development agreement with a layout approved by Council. Proposed subdivisions will be subjected to evaluation for conformity with the goals, objectives and policies of this Municipal Plan and the requirements set out in the Development Regulations.

The developer shall be responsible for the cost of development, including all road, water and sewer extensions in accordance with Policy CW-6. Preparation of land for subdivision development will be carried out in a way that respects the environment and provides for proper site drainage, avoids erosion, and does not contribute to pollution on or off site.

Policy MD-3 Ocean View Drive Extension

It is Council's intention to plan for future development of the Ocean View Drive subdivision where there is demand for additional residential building lots.

Development shall generally be in accordance with a concept plan and street layout prepared for the site

shown on page 20, and subject to the following conditions:

- 1) Notwithstanding Policy MD-1, non-residential uses in this area will be limited to home-based businesses and daycares.
- 2) The land shall be developed in phases in accordance with the concept development plan, beginning at the end of Ocean View Drive, and progressing in adjacent phases towards Kingman's Cove Road and eventually connecting back to Lumley Cove Road;
- 3) No new phase of development shall commence until the previous phase is substantially built up;
- 4) Each phase of development shall be subject to a subdivision development agreement between the Town and the developer;
- 5) Historic public access to streams and ponds and trails is to be maintained, although in order to accommodate the residential development, certain paths and trails may be altered and/or incorporated into the recreational trail network of the development - these are to be identified on the approved subdivision plan;
- 6) Waterways and wetlands are to be identified and shall be separated from development by an undisturbed buffer of natural vegetation of at least 15 metres.

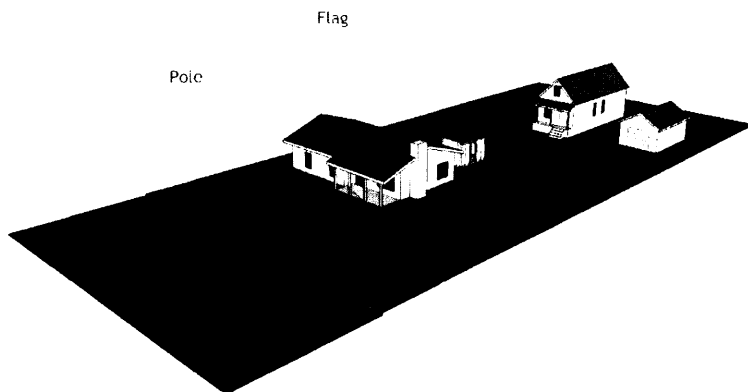
Ocean View Drive Extension Concept Plan and Street Layout



Policy MD-4 Back Lot Development

Notwithstanding Policy CW-4, lots that have access to, but insufficient frontage on a public street may be considered for development. Typically referred to as “back lots” or “flag lots”, they may be considered on a limited basis in areas designated for Mixed Development where:

- 1) There is sufficient land for a lot to be developed, but topography or other constraints preclude development of adjoining lands on a more comprehensive basis;
- 2) The lot will be serviced by municipal piped water;
- 3) The lot will have adequate access to an existing public street;
- 4) There is no objection from abutting property owners who may be affected by the proposed development; and
- 5) The development would not prevent future development of adjoining undeveloped lands.



Non-Residential Uses

Policy MD-5 Compatibility with Adjoining Uses

It is Council’s intention to encourage non-residential development along the Southern Shore highway, and along streets around the harbour. Where there are adjoining residential uses that may be affected by a non-residential use, Council may, when considering applications for development, require a buffer between the development and adjoining residential uses in the form of a fence, a separation distance, or other means. Adequate off street parking and loading space must be provided and pedestrian and vehicular access well-designed to ensure safety and efficient flow of traffic.

Council shall ensure that all areas for outdoor storage associated with commercial and industrial uses, including the storage of waste, is appropriately located in rear or side yards, with appropriate screening and containment.

5.2 Marine Industrial

Land around Lumley Cove to Sheep's Head that are proposed for development of a marine supply base are designated Industrial Marine. The designation is also applied to the area of the public wharf and the Marine Service Centre. Lands along Lumley Cove Road near the fish plant and along a proposed road off the Southern Shore Highway that will provide access to the supply base are also included. These areas are intended to be used for commercial and industrial uses that service the supply base and other marine industries in the harbour.

Objectives

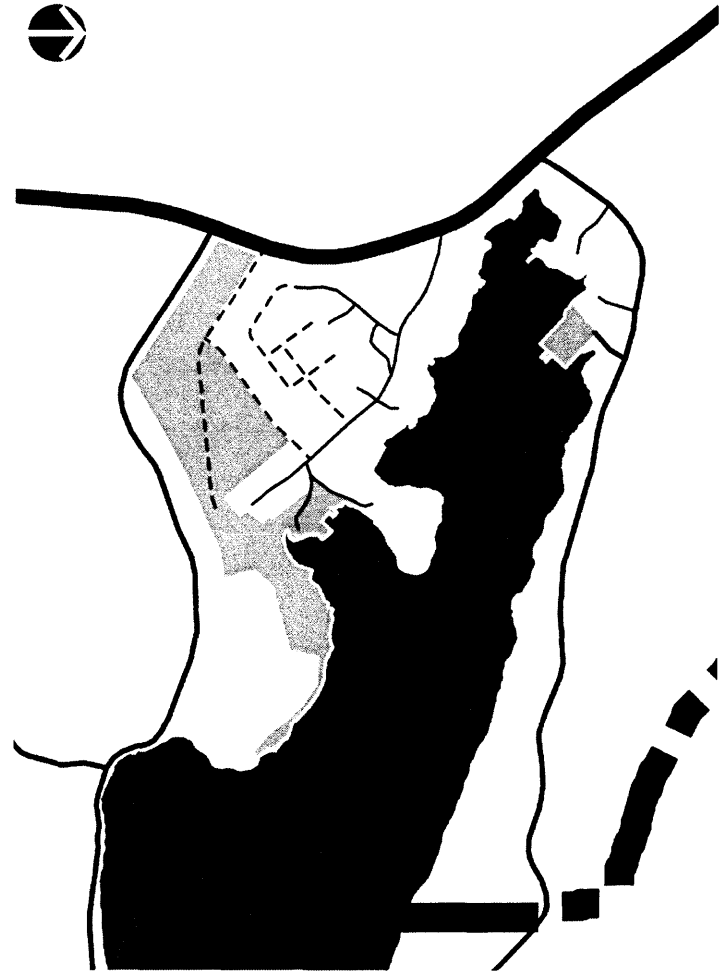
1. To ensure sufficient land is available around the harbour to continue to support activities associated with the fishing industry.
2. To develop the Harbour in a manner that encourages and supports economic development.

Marine Industrial Policies

Policy MI-1 Permitted and Discretionary Uses

It is Council's intention to support development of a marine supply base that is proposed around Lumley's Cove, and permit uses that are normally part of such developments. These would include the provision of port and marine related services, the carriage of goods and passengers, the fabrication, repair and servicing of vessels and equipment for land-based and marine-based industry. Other uses that include docking, warehousing,

storage, processing and offloading facilities for large ships will be permitted in this area. Uses that include the processing and/or storage of hazardous materials may be permitted in this area only.



Lands outside the proposed Marine Supply Base along Lumleys Cove Road, and along the access road to the proposed supply base are meant to accommodate Industrial and commercial activities that could service and support supply base operations.

Policy MI-2 Marine Supply Base Development

The design and development of an Offshore Supply Base at Lumleys Cove shall take into account the comfort and security of residents during development and operation. In reviewing an application to develop the supply base, Council will ensure that roads, lighting, and infrastructure are designed and constructed to minimize any negative impacts on the community during construction and operation. Council will ensure that the development is carried out in accordance with all federal and provincial permits and approvals.

A development agreement between the Town and the developer will be required that addresses any issues associated with servicing the site, construction of roads, provision of emergency services and any other matters of concern to Council arising from the development proposal.

Council may require separation buffers between the development and surrounding residential areas.

Policy MI-3 Industrial Park Development

Lands along the proposed access road to the marine supply base are designated Marine Industrial to encourage

commercial and industrial uses that support activities at the supply base. No development may occur in this area until an access road, constructed to standards acceptable to Council is in place. A treed buffer between uses in this area and the future subdivision extension to Ocean View Drive will be required as well as pathways that will provide pedestrian access to the Ocean View Drive subdivision in accordance with the concept plan prepared for this area.

Non-Industrial Uses

Policy MI-4 Residential Uses

Within the area designated for Marine Industry, there are existing residential properties which may continue. New residential uses shall not generally be considered in this land use designation. However, Council may approve residential uses where it can be shown that such uses will not create potential for conflicts with marine industrial uses. Where permitted, residential development shall be in accordance with Policies MD-1 and MD-2 and other applicable policies of this Plan.

Policy MI-5 Planning for Sea Level Rise

Construction of wharves and other docking facilities in the Industrial Marine designation, will be designed to take into account and withstand predicted sea level rise and resulting susceptibility of the coastline area to storm surges and other climate-induced changes.

5.3 Conservation

The Conservation designation is applied to areas where development should not be permitted as a means of protecting environmentally sensitive areas such as watercourses and wetlands.

Along the watercourses, waterbodies, and wetlands, the Conservation designation is applied to lands within 15 meters of the feature's edge.

Objectives

1. To identify and protect areas that are environmentally sensitive, or represent important natural features of importance to the community.

Conservation Policies

Policy C-1 Land Use

The intent of the Conservation designation is to protect and conserve environmentally sensitive and important lands in the community. In these area non-building uses, such as recreational trails and associated infrastructure such as trail signage may be permitted.

It is recognized that there are existing structures in areas that are identified for conservation. Such structures, may be permitted to expand or change provided that the change or expansion can be done safely and in a manner that is not detrimental to the adjacent watercourse or

wetland, and subject to approval by the appropriate federal and/or provincial environmental authority.

5.4 Rural

The Rural designation includes areas outside the built-up area of the community and those lands identified for future development. Rural lands are set aside for rural resource uses such as agriculture, forestry and mineral working uses. Rural lands, where undisturbed, also provide wildlife habitat and opportunities for passive recreation activities.

Objectives

1. To permit existing natural resource lands and associated uses to continue, and to preserve land for future development within the Town.
2. To allocate lands for resource development in a manner that is sustainable, ensuring their use by future generations.
3. To ensure that natural resource uses occur in a manner that is environmentally acceptable and does not conflict with the visual aesthetic of the community.
4. To address the visual impact of pits and quarries by requiring their rehabilitation once the aggregate material has been removed.

Rural Designation Policies

Policy R-1 Permitted and Discretionary Uses

Lands designated Rural are reserved for rural and resource based uses, such as wind energy, forestry, agriculture, mineral exploration and extraction. Within the Rural Land use designation recreational uses such as hiking trails and parks will also be permitted. Other uses, such as cemeteries, general industry, mineral workings and assembly uses may be permitted.

Policy R-2 Mineral Workings and Mineral Exploration

It shall be the policy of Council to allow continuation of mineral workings at Ghannies Pit and work with the Mineral Lands Division, Department of Natural Resources to ensure that pits are rehabilitated as material is removed.

As aggregate material is removed and pits rehabilitated, consideration may be given for use of this area for general industrial uses. Such uses will be required to front on a street that is constructed to Town standards prior to any development taking place.

Council may require a separation buffer between a proposed gravel pit or quarry, or any commercial or industrial development permitted in the Rural Land use designation to minimize land use conflict and reduce the visual impact of such uses from the Southern Shore Highway.

Policy R-3 Seasonal Dwellings

Small seasonal residences, wharves and stages may be developed on lands along the coastline beyond the last homes in Kingman's Cove, where access can be provided by boat, or, notwithstanding Policy CW-4, by a privately maintained access, constructed and approved by Council.

Policy R-4 Conversion of Rural Lands for Residential Development

Rural lands may be considered for Residential development subject to the following conditions:

1. The area proposed for development is adjacent to, and a logical extension of, the existing pattern of development in the community;
2. The area is rezoned to an appropriate Land Use Zone to accommodate the proposed development.
3. The development fronts onto a publicly maintained street designed and constructed to standards set by Council and in accordance with the Town's subdivision regulations.
4. Where development is proposed that fronts onto an existing public right of way that is not part of the Town's publicly maintained street network, but connects to it, the right of way shall be upgraded to a street standard set by Council, and no building permits shall be issued until such time as the street work is completed to Council's satisfaction.

5.5 Protected Water Supply

The Town of Fermeuse obtains its water supply from Bear Cove Pond, which is designated a Protected Water Supply Area under the Department of Environment Act. This important designation protects the water supply and its surrounding watershed. Martin's Pond Watershed has also been identified by the Town as a potential future water supply area which is also included in this land use designation. An area around the wellhead of a community well on Port Kirwan Road is also included in this land use designation.

Objectives

1. To ensure that Fermeuse has an adequate supply of safe, high quality potable water.
2. To ensure the quality of water in the community well is protected by managing land use around the well.
3. To identify and protect future water supply areas.

Protected Water Supply Policies

Policy W-1 Permitted and Discretionary Uses

Within the Protected Water Supply land use designation, only uses that are directly related to the functioning of the water supply system will be permitted. Within the Bear Cove Pond Watershed, natural resource uses or passive recreation may only be permitted with the approval of the Department of Environment and Conservation Water Resources Management Division.



Policy W-2 Martin's Pond Watershed

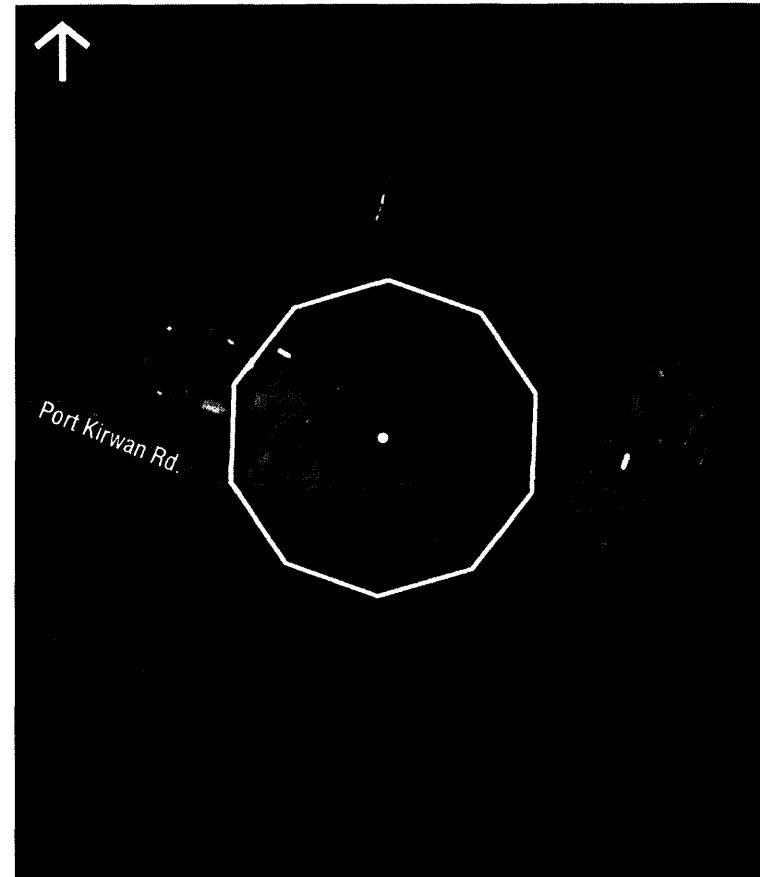
Over the planning period, it is Council's intention to review the adequacy of the Bear Cove Pond water supply to service the future population of the community and to determine the feasibility of using Martins Pond as a source of potable water. Until that time, it is Council's intention to limit land use in the watershed of Martin's Pond.

Policy W-3 Well Protection - Port Kirwan Road

The Conservation designation is applied to an area around the drilled well that serves several homes on Port Kirwan Road. Surface land use and geology have potential to impact the well.

Council recognizes that there are at present several dwellings within the area of influence of the well. Notwithstanding Policy W-1, no further development shall be permitted within 100 metres of the wellhead. Council will work with property owners in this area to develop a plan to ensure the safety of this water supply.

Should municipal water service be extended along Port Kirwan Road such that use of the well is no longer required, development in the protected area shall be permitted without amendment to this Plan in accordance with the policies of the Mixed Development land use designation.





6.0 Services & Infrastructure

The provision of municipal infrastructure such as streets, sidewalks, water and wastewater systems, and solid waste collection and disposal are the primary responsibilities of municipal government. This infrastructure supports growth and development of the community and contributes to community safety, health, and well-being.

Objectives

1. Provide a safe, convenient, and efficient street network in the community
2. Investigate appropriate solutions for the collection and treatment of municipal sewage wastes.
3. Ensure continued safety, supply, and distribution of potable water in the community.

Municipal Services Infrastructure Policies

6.1 Transportation

Policy MSI-1 Street Standards and Function

Council shall adopt road design standards specified in the Development Regulations in implementing this plan. All new road development shall conform to these standards. It is Council's intention to ensure the safety, maintenance, and upgrading of Town streets as a priority for municipal capital works programming.

6.2 Water and Wastewater

Policy MSI-2 Drinking Water Distribution System

Council will monitor the capacity and quality of water in the Protected Water Supply Area of Bear Cove Pond to ensure that the system provides an adequate supply of potable water to the community.

Policy MSI-3 Fire Flows

Council will ensure that the water distribution system in the community is maintained to provide sufficient water pressure in the event of a fire.

Policy MSI-4 Waste Reduction Measures

The Town will continue to participate in provincial waste management strategies. To minimize costs of transporting and disposing garbage, Council will undertake initiatives to reduce household garbage encouraging residents and businesses to compost and recycle.

development purposes. Such projects generally entail the Town acquiring parcels of land from private landowners or other levels of government for a variety of reasons including:

- To facilitate new growth and development in an area which is actively being revitalized or redeveloped where such land assemblies cannot by virtue of time or money be assembled privately;
- To facilitate the development of municipal parks, recreation and conservation areas;
- To facilitate development of municipal parking lots;
- To encourage or make available lands which by virtue of ownership are not available for development but which are necessary for logical and contiguous growth of the community; and
- To facilitate redevelopment of a major non-conforming use where the redevelopment is either a conforming use or is consistent with the Municipal Plan.

During the planning period, Council may undertake land assembly projects and transactions which are consistent with the objectives of this Plan.

7.6 Professional Advice

Council may obtain professional advice in regard to any proposed amendment to the Municipal Plan or Development Regulations or in regards to the evaluation of proposals for development within the community,

where, in the opinion of Council, such advice is warranted.

7.7 Municipal Budget and Capital Works Program

Like most businesses, the Town has a budget which directs annual expenditures. Where and how the Town chooses to spend funds each year can have a significant impact on the future development. The various policies related to servicing in the Municipal Plan will be implemented through expenditures.

- That the proposal is in conformance with the intent of this Plan and with the requirements of all other Town by-laws and regulations.

7.3 Public Consultation

Council is committed to consultation with citizens and will seek input from the public on planning and development matters that:

- Require an exercise of Council discretion in arriving at a decision on a development application;
- Involve significant development proposals that are of interest to the community at large;
- Would require a change of Town policy, amendment to the Plan or Development Regulations; and
- Would result in significant expenditures of town resources for implementation.

Council shall follow the procedures and processes for public consultation as set out in the Development Regulations consistent with the requirements of the Urban and Rural Planning Act, 2000.

7.4 Amending and Reviewing the Municipal Plan

Since conditions in the Town may change during the planning period, amendments to the Municipal Plan may be adopted by Council from time to time. Council may consider amendments to the Municipal Plan when:

- There is an apparent need to change policy due to changing circumstances;

- Studies have been undertaken which contain recommendations or policies which should be incorporated into the Municipal Plan;
- A Provincial Land Use Policy has been released that requires a change in policy by the Town; and
- There is a development proposal which provides sufficient information and rationale to support a change in the Municipal Plan.

After five years from the date on which this Plan comes into effect, Council shall review the Plan and revise it if necessary. Revisions will take account of development which can be foreseen during the following 10 years. Amendment and review of the Plan shall be carried out in the same manner as this Plan was brought into effect.

In accordance with Section 27 of the Urban and Rural Planning Act, 2000, Council will charge a proportion of the cost of carrying out an amendment to the person or association of persons, who request an amendment. The proportion to be charged will be set by Council as part of its annual budget process in setting its Schedule of Rates and Fees. The costs may include, but are not limited to research and preparation of amendments, public notices and consultation, administrative processing costs and the costs associated with a Public Hearing.

7.5 Municipal Land Assembly

Municipalities are empowered by the Municipalities Act to acquire lands for municipal works or economic

to the provisions of this Plan and the accompanying Development Regulations may be appealed to the appropriate Appeal Board established under Part VI of the Urban and Rural Planning Act, 2000.

7.2 Development Regulations

To implement the goals, objectives and policies of the Municipal Plan, Council will prepare and adopt Development Regulations pursuant to Section 35 of the Urban and Rural Planning Act.

All land within the municipal planning area will be covered by land use zones which provide detailed requirements such as lot size, frontage, building setbacks and parking standards.

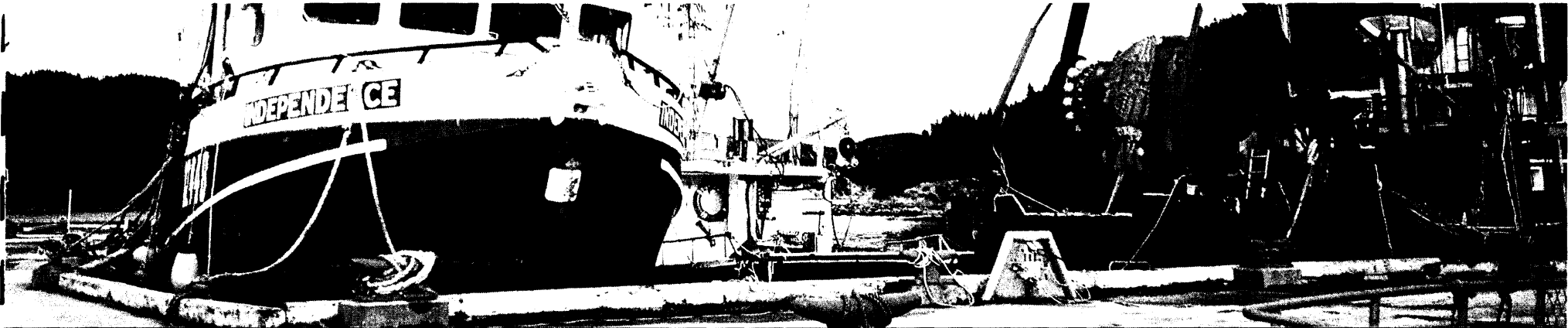
In order for consideration of any proposals for an amendment to the Development Regulations (i.e., a rezoning), Council shall require a formal proposal to be submitted. Such a proposal must clearly show:

- The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- The means by which the site is/will be serviced;
- The proposed location of all driveways and parking areas;
- Areas that are to be landscaped or left in a natural state to provide necessary buffers;
- The proposed location of all buildings on the site; and

- Existing land uses, including natural hazards or sensitive natural areas both on-site and on adjoining properties that may be affected by the development.

In its review of proposals for amendments to the Development Regulations, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

- The financial ability of the Town to absorb any costs relating to the development;
- The adequacy of municipal water and sewer services, or where on-site services are proposed, the quantity of groundwater and physical site conditions to accommodate development;
- The adequacy and proximity of schools, recreation and community facilities;
- The adequacy of the road network in, adjacent to, or leading to the development;
- The potential for the contamination or sedimentation of watercourses or for erosion;
- Environmental impacts such as air, water and soil pollution and noise impacts;
- Previous uses of the site which may have caused soil or groundwater contamination;
- Suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses and wetlands;
- Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties; and



7.0 Implementation

The Fermeuse Municipal Plan serves as the blueprint for the community's future development.

Successful implementation of the Plan involves:

- effective administration of the Plan;
- adoption of Development Regulations;
- adoption of annual municipal capital works budgets;
- preparing and implementing recommended studies;
- a consistent procedure for considering amendments to the Plan; and
- working in partnership with citizens, groups and organizations to achieve the collective goals of the Community.

7.1 Administration of the Municipal Plan

The Municipal Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies and programs which it contains.

The boundaries between land use designations on the Future Land Use Map coincide where possible with roads, fences, property lines or other prominent physical features. Where a property proposed for development straddles more than one land use designation, minor adjustments to the boundaries between the land use designations may be made without amendment to this Plan to accommodate the development.

All proposed development within the Planning Area must conform to the policies of the Plan and Development Regulations, and be approved by Council. Council will ensure that development proposals are given a comprehensive review, including circulation to appropriate public departments and agencies.

Council may refuse or approve applications, with or without conditions. Decisions of Council made according

Appendices

Appendix A Future Land Use Map