

Municipal Plan for 2016-2026, Town of Flower's Cove
As approved by Council 6 June 2017

Town of Flower's Cove

MUNICIPAL PLAN

2016-2026



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Future Land Use Maps 1, 2 & 3: Map 1 is bound into the document at the last page and Maps 2 and 3 are in map pockets at the rear of document.

Note: Council’s resolution to approve this document resulted in revision of a certain part of the text. The text which is substituted in place of text which appeared in the document as adopted affects pages 17 to 20 inclusive, on which the beginning and the end of the substituted text is identified.

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1.0 ADOPTION AND APPROVAL

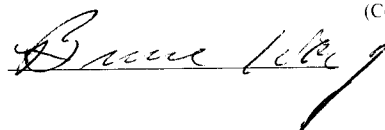
**1.1 COUNCIL RESOLUTION TO ADOPT; TOWN MANAGER'S/CLERK'S
CERTIFICATE.**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Flower's Cove adopts the Municipal Plan for 2016 to 2026.

Resolved by the Council of the Town of Flower's Cove on the 9th day of May, 2017.

Signed and sealed this 21 day of June, 2017.

Mayor: 

Town Manager/Clerk:  (Council Seal)

Town Manager's/Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2016 to 2026, adopted by the Council of the Town of Flower's Cove, on the 9th day of May, 2017.

Town Manager/Clerk 

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Number: 1625-2017-001
Date: Sept 8/17
Signature: Eddie Joyce

**1.2 COUNCIL RESOLUTION TO APPROVE; TOWN MANAGER'S/CLERK'S
CERTIFICATE**

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Flower's Cove approves the Municipal Plan for 2016 to 2026, as released by the Department of Municipal Affairs and Environment and revised as recommended by the public hearing commissioner to the effect that the population figures from the 2016 federal census be incorporated in the draft released by the Department, as the said census information had not been promulgated at the time the draft Municipal Plan was sent for review and release.

Resolved by the Council of the Town of Flower's Cove on the 6th day of June, 2017.

Signed and sealed this 21 day of June, 2017.

Mayor: K. Bilal

(Council Seal)

Town Manager/Clerk: Bruce Way

Town Manager's/Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2016 to 2026, approved by the Council of the Town of Flower's Cove, on the 6th day of June, 2017.

Town Manager/Clerk Bruce Way

1.3 PLANNER'S SEAL AND SIGNATURE

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

Member of the Canadian Institute of Planners

Jens Jensen
Jens Jensen, P.Eng., MCIP

Date: 14 July 2017 MCIP seal



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2.0 STRUCTURE, APPROVAL, REVIEW AND ADMINISTRATION

2.1 Municipal Plan Parts

This document, comprising the text and the maps constituting its parts, forms the Municipal Plan for the Town of Flower's Cove.

2.2 Municipal and Ministerial Approval

The Municipal Plan has been prepared in accordance with the *Urban and Rural Planning Act*, 2000. Upon completion of the required steps to bring it into legal effect, it will become the first Municipal Plan for the Town.

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 23 of the *Act*. These steps follow the establishment of the Municipal Planning Area, for which the responsible Minister accepted the request of the Town Council and ordered the Municipal Planning Area and its boundary to be established in May, 2016.

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, it is submitted to the Department of Municipal Affairs for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial and other government agencies' interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the community's area, such as the *Northern Pen* currently, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the Public Hearing.

The Public Hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the Act (two days before the hearing). If no objections or representations are received by the deadline, Council

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may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts the meeting and subsequently prepares a report including recommendations, if any. Council then considers the report and either approves the Plan (with or without changes as may be recommended by the commissioner) or withdraws the proposed Plan. Council's approval is made by resolution pursuant to Section 23 of the *Act*.

The Council-approved Plan then is submitted to the Minister for registration, pursuant to Section 24 of the *Act*. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted and approved by Council, the Commissioner's report, copies of all written objections and representations that may have been submitted at the Public Hearing, and a statutory declaration by the Clerk as to the steps taken in compliance with the *Act*. After checking the documents, the Minister will register the Plan in the Minister's planning registry and Council will publish a notice to that effect in the *Newfoundland and Labrador Gazette* and in a newspaper circulating in the community's area, such as the *Northern Pen* currently. The date of the publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect.

If the Minister chooses to not register the Plan due to defect in process or changes made subsequent to Departmental release, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Plan in the same manner.

It is important to recognize that a new Municipal Plan does not come into legal effect until the notice of the Minister's registration appears in the *Newfoundland and Labrador Gazette*. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Municipal Planning Area boundary.

The Municipal Plan may be amended at any other time, in whole or in part, for legitimate reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment must be consistent with the Municipal Plan as the amendment will be read together with and become part of the Municipal Plan. Amendment of the Municipal Plan follows the same process described above.

A concurrent and parallel process is involved in the preparation, Departmental review and release, adoption, approval, and coming into effect of the Development Regulations.

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2.3 Review of the Municipal Plan

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2016 through 2026.

2.4 Municipal Plan Administration

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with the Development Regulations. The Development Regulations are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement (signage) regulations.

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act*, 2000, and standard Provincial Regulations have been developed to form the basis of these regulations. The standard regulations currently are Newfoundland Regulation 3/01 made by the Minister of Municipal and Interprovincial Affairs and which came into force on January 1, 2001. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan and accompanying Development Regulations is in the hands of staff members authorized by the Council. Staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and Development Regulations, regarding all development in the Municipal Planning Area.

3.0 REGULATORY STATUS OF MUNICIPAL PLAN

3.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Flower's Cove, 2016 - 2026*. The text and Future Land Use Maps 1, 2 and 3 contained herein constitute the Municipal Plan for the Flower's Cove Municipal Planning Area.

3.2 Municipal Planning Area

The territory subject to this Municipal Plan is that which is included within the boundaries of the Flower's Cove Municipal Planning Area. The Area boundary is defined to be the Town boundary plus that part of the French Island Pond Protected Water Supply Area lying outside the Town boundary plus some lands along the Viking Trail in both directions which represent lands ready for development.

The French Island Pond Protected Water Supply Area, so regulated under the Newfoundland and Labrador *Environment Act*, can be seen to comprise over half of the Municipal Planning Area.

These boundaries are given legal descriptions for official purposes and are all illustrated on the Future Land Use Maps.

3.3 Review and Amendments

As indicated in Part 2.0, the policies and land use designations described in this Municipal Plan are subject to review and amendment as required in the light of changing economic, social, technological and other developments affecting the community, as well as at the required five year reviews.

3.4 Purpose and Legal Effect of Municipal Plan

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Flower's Cove Planning Area Boundary. All development must conform with the applicable policies of the Municipal Plan and accompanying Development Regulations after the date upon which they come into effect.

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This Municipal Plan and accompanying Development Regulations are the first of such documents for the Town. Interim Development Regulations prescribed by the Minister of Municipal Affairs will expire when these documents come into effect as described earlier.

The Municipal Plan guides growth and development within a Municipal Planning Area. Future Land Use Maps show the Flower's Cove Municipal Planning Area divided into various land use designations. Within each designation only specified kinds of development may take place.

It provides a means of preventing problems that could occur if conflicting land uses are developed too close to each other. It directs future growth so that it occurs in a manner whereby municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. Further, it may also set out information and policies on matters affecting social conditions, cultural matters and governance.

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The origins of European settlement of the coasts of the province relate largely to the European fishing industry from its beginnings in the New World in the 1700s. Like many areas on the west coast, The French initially had legal rights to the fishery, and were able to prevent fishing by others, hence the name "French Shore". Indeed, the offshore islands in the vicinity are called the French Islands and the community was called French Island Harbour.

As permanent settlement was essentially forbidden, many years passed before anything resembling outport settlement evolved. Eventually, French privileges gave way to the British, who also discouraged permanent settlements. Later yet, permanent settlements were permitted and the familiar coastal pattern of outport fishing communities was established.

The recently completed ICSP includes a succinct modern history of the community, which is quoted below (various items of information are current as of 2010; changes made where items needed updating are underlined):

Flower's Cove is the major regional service center for surrounding communities with public and private sector facilities and services such as RCMP, Department of Transportation and Works, Motor Vehicle Registration, NL Hydro, hospital, schools, banking, pharmacy, restaurant, grocery stores and others. The Town of Flower's Cove also provides water service to the neighbouring community of Nameless Cove, a Local Service District.

The Town of Flower's Cove has been incorporated since 1979. It has four duly elected councillors who are actively involved in running the affairs of the community. The council consists of one full time Town Manager/Clerk, one full time Secretary and a seasonal (permanent Snow-clearing Operator). The population currently stands at 275 with 110 households.

The town has been experiencing a slowly aging population, but still have a few new houses going up from time to time. The main objective of the Town is to provide Municipal Government to residents. In doing so the Town works with various departments of the Provincial and Federal Government to improve the economy.

The Town has been involved in community economic development for many years both on a local community level and acting on behalf of the larger regional community. The Town's objectives are to maintain the town and develop the regional assets for economic

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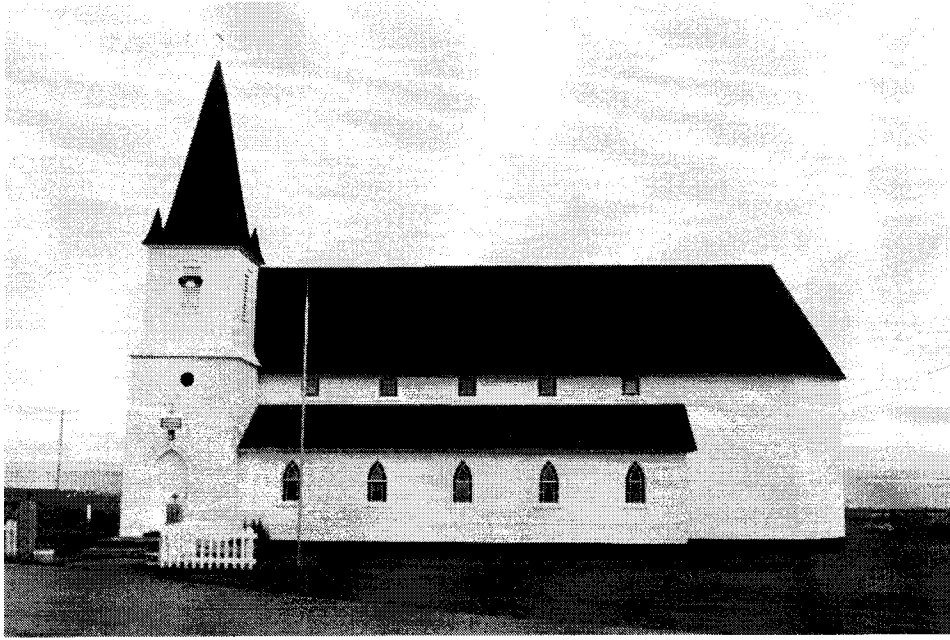
diversification and overall growth in the hopes of providing stability to the region's economy.

There is much to recommend the Town of Flower's Cove as a place where initiative and innovation have done much to improve and publicize the community, continuing the quote from the ICSP, followed by a few photographs to illustrate the point:

- *The Skin Boot Church (St. Barnabas) is an historic site. Started in 1920, the church building funds were raised by the sale of sealskin boots made by women from the Straits area. The church is currently one of the major tourist attractions in the region.*
- *The Flower's Island Lighthouse built in 1899 was renovated by the Straits Development Association as a tourist attraction. The lighthouse is situated on an island adjacent to Flower's Cove and Nameless Cove.*
- *The Marjorie Bridge and Thrombolites Walking Trail was developed when funding was secured through a JCP program with Service Canada in 2004. This bridge was put over a brook which leads you to the well known tourist attraction the "Thrombolites".*
- *The White Rocks site of the Limestone Barrens is located in Flower's Cove and it would take approximately 20-minute to 40-minute, semi-precarious walk off the road over an unusual rock formation. The White Rocks is a worthwhile tourist sight -- a place to stop in Flower's Cove and is a major section of the limestone barrens that extends the peninsula.*
- *The ATV trail was constructed in 2002 with help from government funding. In 2008, some of the ATV users paid a local contractor to upgrade the ATV trail. This trail takes you 5-6 miles into the backcountry where numerous cabins are located and fishing and hunting takes place. The LTO #104613 is now governed by Flower's Cove Recreation Committee.*
- *The multi-purpose courts, playground and ball-field were made possible when a recreation committee was formed as an arm of council. With various fundraisers and government funding these services were enhanced over the years so children and adults can come and enjoy days of activities. This infrastructure is used by all communities in the region.*

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The historic Skin Boot Church dominates the skyline of the community:



The Thrombolites are easily accessible on the Walking Trail:



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The entrance to the White Rocks on the Limestone Barrens is well presented:



Historically, the economic base was the fishery and little else. When Gros Morne and L'Anse aux Meadows National Parks were established in the 1970s, an important new component of the west coast's economic base was added. At about the same time, the 1970s, fairly good road links were developed up the Northern Peninsula, making the Viking Trail from Deer Lake to St. Anthony (and beyond via ferry to Labrador) a busy highway transportation route. The recently developed road link from the Red Bay shore in Labrador to Happy Valley-Goose Bay has opened a through highway route to Quebec and Upper Canada. Those highway linkages together with the Town's proximity to the Labrador ferry terminal, and the continuing attraction of the National Parks, have put Flower's Cove in a favourable place with respect to tourism and commercial freight travel.

Also, there has been a dramatic recent growth in the number of households who have their principal residence in Flower's Cove while one or more members work at places far away,

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sometimes on long rotations, and, the feasibility of commuting to nearby communities is facilitated by good roads.

The fishery has continued, with boats operated out of the town, but the employment represented by fishing has greatly diminished. More recently, the local economy has given the community an important economic role as a service centre, and the community has interesting attractions and a strategic location for tourists, a history of initiatives in making civic improvements, possessed of good recreational infrastructure, and, last but not least, is the comfortable and secure home for its residents.

In short, though there is still activity in traditional sectors, tourism related employment and investment have grown steadily. However, there are challenging, great economic and demographic forces affecting most of the province's small communities, forces from which Flower's Cove is not immune.

4.2 Research Supporting the Municipal Plan

The consulting planner conducted a research program to determine or estimate the situation of the community in the planning context, including information on trends and opportunities in demographics and the local economy, land development trends and raw land demand, streets and highways, water supply and distribution, method of sewage disposal (by on-site systems), buildings and sites with high natural or heritage values, and, adapting to natural hazards and the expected effects of climate change.

The results are summarized later in this Part of the Municipal Plan. Often, a planning background report would be prepared to compile background information, but in this case all of the material that otherwise would have been put in such a report has been provided within this Municipal Plan and thus there is no separate planning background report.

This Municipal Plan has been prepared several years following the preparation of a special purpose document, an Integrated Community Sustainability Plan (ICSP) in 2010. The ICSP is a document prepared in accordance with a requirement that municipalities prepare an ICSP in order to qualify for revenue from the Gas Tax Fund, pursuant to the Gas Tax Agreement signed between the Province and Local Governments. In the case of Flower's Cove, the ICSP was developed as a Collaborative ICSP, in which Flower's Cove, Bird Cove and Anchor Point worked together to prepare the document. Although some of the background material is

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common to the region, such as history and the general basis of the local economy, the specific concerns and circumstances of each community were addressed individually.

The research and public consultation processes involved in preparing the ICSP were very useful in preparing this Municipal Plan, as many topics and interests are common to both. The process of preparing the ICSP has enhanced the depth of the Municipal Plan as it touched on matters not directly related to land use, such as social conditions, cultural matters and governance. Research done for this Municipal Plan has updated information on population and recent developments. However, the Integrated Community Sustainability Plan is not part of this Municipal Plan, nor is it subject to the statutory status and procedures affecting Municipal Plans.

4.3 Municipal and Public Consultation

At the outset, the consulting planner came to Flower's Cove in mid-2015, to meet with Town Council and staff, to discuss the Town's planning issues and to assess land use trends and development opportunities first hand. This information was important to preparing the request to the Minister to do with establishing the planning area boundary. It was certainly helpful to read the Town's ICSP, but greater insight into conditions in the community was gained by interviewing staff and Council. Other documents were located and have been informative as well.

During the summer of 2016, the Town's consulting planner, Council and staff are undertaking to develop a first draft of the Municipal Plan and Development Regulations for 2016-2026, with a target deadline of the end of August. Those drafts are to be presented at an advertised public meeting held in the community in September, 2016. The proposed planning documents will be discussed, and notes taken on suggestions for consideration. Council will then consider the inputs from this process and may make revisions to produce drafts with which they are satisfied.

The resulting drafts of the Municipal Plan, with the accompanying Development Regulations, will be then sent to the Department of Municipal Affairs for their statutory review and release process. Sometimes, minor technical corrections are needed and more rarely, there may be a matter of policy where provincial regulations or practice suggest reconsideration by Council. When the documents are eventually released, the process of official Council adoption, a mandatory formal public hearing, and approval, all as described in Section 2.2, is followed to bring the documents into legal effect.

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4.4 Key Factors Affecting Municipal Plan

The key factors affecting the concept and detail of the Municipal Plan include the following.

4.4.1 Demographics and Economic Development

It is important to understand trends in population numbers, in particular to discern the influential factors, as this heavily influences future demand for municipal services and infrastructure, even if all else remained unchanged.

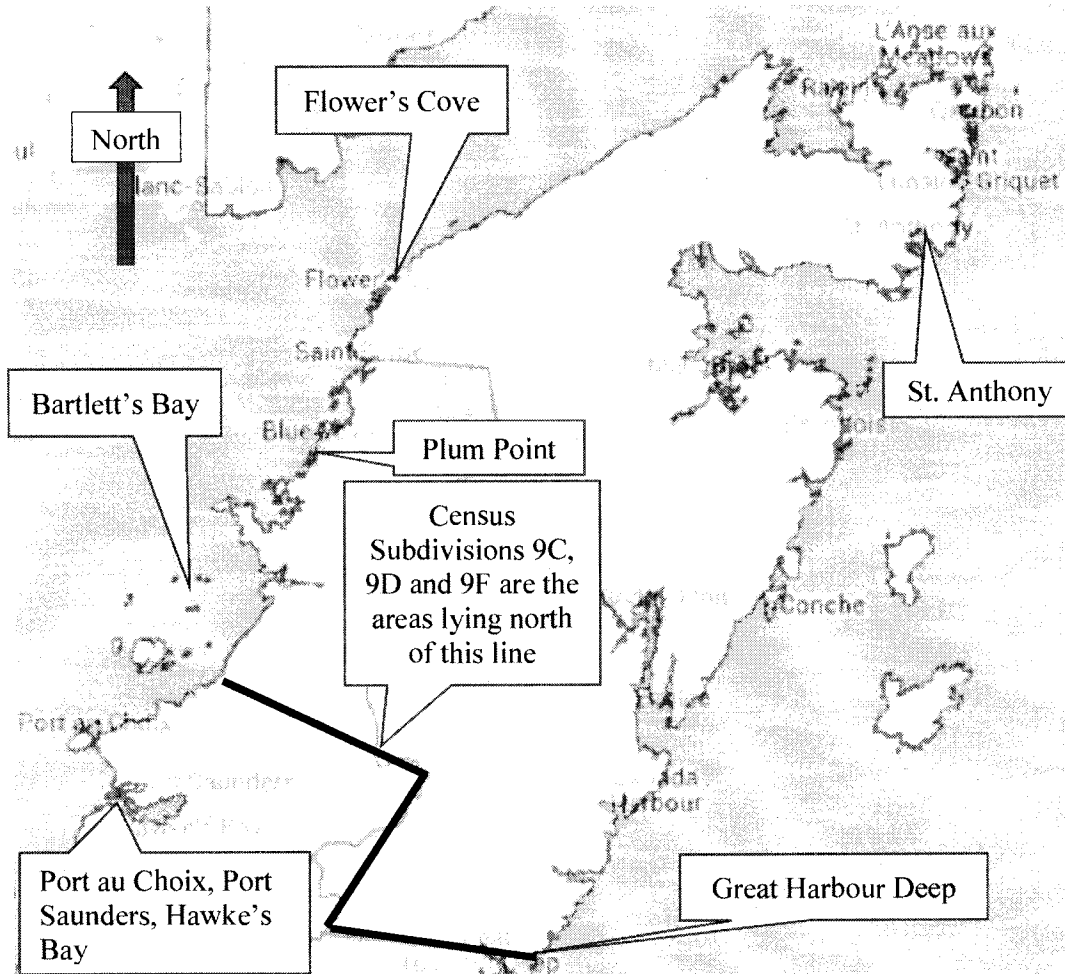
It is well known that the populations of most areas of Newfoundland island outside St. John's and a very few other major centres, are declining in numbers and are generally aging. The reasons for the demographic trend are well known: declining birth rate, outmigration of all ages to other areas in search of employment in one's skill, young people leaving for education and not returning, and limited job growth in emerging businesses and institutions. These factors operate throughout the rural areas of the province, and usually vary only in degree. The general trend is that employment and population are concentrating in the larger urban centres.

It must also be recognized that factors influencing population change and the local economy do not operate on the scale of a community alone but rather in a larger regional setting in a longer term sense. The economic factors affecting the Town of Flower's Cove do not operate in isolation from its neighbours on the west coast.

BEGINNING OF SUBSTITUTED TEXT AS PER RESOLUTION TO APPROVE

Statistics concerning the community itself should be considered in light of the immediate region in which it functions, as today's highway system enables commuting considerable distances. The region to which Flower's Cove relates is the upper half of the Great Northern Peninsula, for which census data can be derived. That area is approximated by the combination of census subdivisions 9 C, D and F, together with the incorporated towns in that area, as shown on the map on the next page.

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The southern line of the area begins at Bartlett's Bay on the west, so the communities around Port aux Choix are not included, but Plum Point and Saint Barbe are included. The communities of Roddickton-Bide Arm and area are also included, as are the lands southward down the east coast of the Great Northern Peninsula as far south as Great Harbour Deep.

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In the table below, all incorporated towns and unincorporated areas in the census area shown on the map are included:

Incorporated Town or Area	2006	2011	2016	Change from 2011-2016
Arranged in order, from smallest % decrease to largest, for population changes from 2011 to 2016.				
Bird Cove	210	182	179	-1.6%
Anchor Point	320	326	314	-3.7%
Roddickton-Bide Arm	1,103	1,057	999	-5.5%
Conche	225	181	170	-6.1%
St. Anthony	2,476	2,418	2,258	-6.6%
Hawke's Bay	391	338	315	-6.8%
UNINCORPORATED AREAS				
Census subdivisions 9 C, D & F totalled NOT including incorporated towns and Goose Cove East*	4,013	3,521	3,243	-7.9%
REGIONAL POPULATION				
Census subdivisions 9 C, D & F totalled including incorporated towns and Goose Cove East*	11,265	10,428	9,596	-8.0%
Main Brook	293	265	243	-8.3%
St. Lunaire-Griquet	666	661	604	-8.6%
Englee	625	583	527	-9.6%
Raleigh	248	201	177	-11.9%
Flower's Cove	270	308	270	-12.3%
Goose Cove East *	235	211	174	-17.5%
*formerly incorporated, but still reported separately in census				
Cook's Harbour	190	176	123	-30.1%

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Referring to the 2011-2016 figures, it is noteworthy that the regional population changed by minus 8.0% whereas that of Flower's Cove was considerably more at minus 12.3%. Regardless of the relative position, it is clear that the overall picture of the region is one of population decline. Notwithstanding the general conditions in the province or more particularly in its own economic zone, Flower's Cove has an important role in regional services and enjoys attractions of interest to tourists, and that bodes well for continuity of economic activity.

END OF SUBSTITUTED TEXT AS PER RESOLUTION TO APPROVE

So much depends on the continuation or improvement of employment opportunities in existing industries and services, and that is difficult to forecast other than to say that there is some reason to be optimistic. On that positive note, it can also be said that the municipalities and development associations need to work hard in searching out opportunities, stimulating economic initiatives, and supporting existing enterprises and institutions. This will be discussed further in the section of this report which relates economic conditions to land use planning considerations.

The Municipal Plan should endeavour to facilitate initiatives of the Town, advocate for investments and improvements requiring "outside" involvement, and regulate development in a manner encouraging to new investment and development but without threatening the quiet enjoyment which residents have in respect of their residential properties. Said in a different way, there is a balance between maintaining a high quality of life while at the same time, being open to considering commercial or industrial development of certain types. More specifically, the Municipal Plan should reflect the reality that community sustainability will relate directly to successfully maintaining and improving the quality of life of the community as a place to live.

Finally, the administrative mechanisms by which development applications are processed, considered, and approved need to be efficient and clear. It is important that the approval processes need to be timely, so that desirable development is not held up more than necessary for review of requirements, and prompt decision making should be an explicit objective.

4.4.2 Land Development Trends and Raw Land Demand

The community historically developed in a fairly compact pattern focused on the harbour. Residential and institutional development such as schools and churches developed in a network of streets which gradually spread over the landscape directly inward from the harbour. A central

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commercial area adjacent to the harbour in the early days provided most of the needed goods and services for the community and immediate area, but the era of modern highways and universal use of automobiles has seen a concentration of many major retail goods and services in larger centres, particularly in St. Anthony, Deer Lake and Corner Brook.

As the desirability of municipal water systems and sanitary sewerage became evident for public health reasons, and resources for these systems became available, many communities installed central water and/or sewer services. In the case of the Town of Flower's Cove, practically all of the built-up area of the Town has been serviced with a central water system, with sewage disposal needs provided entirely by on-site sewage disposal systems (such as septic tanks and disposal fields) which are privately installed and operated and inspected by SNL and Department of Health.

These circumstances have enabled development of new housing and commercial development within the Town boundary, by way of building in areas served by the central water system. Overall, the demand for land for new development has not until recently been great. However, significant commercial development has taken place recently on the Viking Trail (Route 430), which passes through the Town and in effect forms its main street. Those new commercial developments focus primarily on the travelling public, such as automotive service stations and eating establishments. The reasons for the significant recent growth on the Viking Trail provide encouragement for a credible view of the Town as a community having promise for significant economic growth.

The economic factors influencing the community were described in Part 4.1. Industries and businesses which require buildings invoke the need to regulate their locations and supporting infrastructure. Also, there has been a dramatic recent growth in the number of households who have their principal residence in Flower's Cove while one or more members work at places far away, sometimes on long rotations, and, the feasibility of commuting to nearby communities is facilitated by good roads. Further, dramatic developments in recent years in information technology permits some businesses to operate from a fixed base in the community, with their customers located literally around the world. Many of such small enterprises, including small scale manufacturing, can very well be co-located at one's home without adverse effects on the neighbours. The above described factors are resulting in genuine demand for more serviced land and for redevelopment of dwellings in whole or part for non-residential uses.

Within the Town boundary, there is very little land available for development in any significant amount. As there is a pressing demand for building lots for dwellings, Council has searched for

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land outside the currently serviced areas to acquire and subdivide for residential development, and has located an area to the south of the town boundary, accessed from the Viking Trail (its approximate area is shown on the Municipal Plan and Development Regulation maps as the "proposed subdivision"). To the north, a frontage strip along the Viking Trail beyond the town boundary could provide suitable land for highway oriented commercial and light industrial development. These areas have the potential to provide for new development, and this was an important element in shaping the Town's suggested Municipal Planning Area boundary request.

The significance of the foregoing outline is that the development concept for the community needs to respect the desirability of enabling development of benign commercial and light industrial land uses in the existing fabric of the community and in rural areas outside the currently built up areas, as mixed use areas. The opportunity to allocate land along the Viking Trail for light industrial and commercial uses, primarily related to highway services, suggests that priority should be given in that area to those developments which have a natural affinity to locating on the busy highway (some of those uses, like service stations, also make poor candidates for location in established residential areas). The development concept will be further detailed and given life in policies in the next Part of the Municipal Plan.

4.4.3 Streets and Highways

Before the construction of the Viking Trail, the through route through the community lay closer to the water. The Viking Trail now has effectively become the main street of the community, and as said above has attracted investments and buildings oriented toward through traffic as well as providing local services. The landscape is quite flat, and there are no steep hills or hazards of avalanches or landslides to threaten the street network.

The other streets in the community essentially provide access to properties in a looping grid pattern. The street system is adequate for its purpose, though there is an ongoing challenge of finding resources to maintain them in a satisfactory condition.

4.4.4 Water Supply and Distribution

As said earlier, practically the entire community is served by a central, municipally operated water system. The system also extends outside the town boundary (and the Municipal Planning Area) to serve a number of consumers in the community of Nameless Cove.

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The water supply is drawn from a surface water supply, protected under the *Environment Act* as the French Island Pond Protected Water Supply Area. At present, the water supply and distribution systems are generally adequate for the community's needs, but any proposals for development which would involve substantial water consumption need to be closely reviewed to ensure that the supply and distribution systems have capacity. Two trails (for ATVs and snowmobiles) pass through the watershed; fortunately, Council is able to monitor their use and deal with any environmental concerns because they are managed by Flower's Cove Recreation Committee as an arm of council.

4.4.5 Sewage Disposal by On-Site Systems

As said earlier, the method of sewage disposal is entirely by way of privately provided and operated on-site sewage disposal systems. At present, the existing installations are operating without significant issues. New development approvals are subject to current provincial government regulations, and the approvability of specific cases is highly subject to satisfaction of physical criteria for suitability of soils, slopes, proximity to watercourses and the like.

There is little land left in the core of the community for new development, considering the large lots sizes required and the physical criteria of the on-site sewage disposal system regulations. In order to provide more building lots, the Council has been exploring the possibilities of going outside the core of the community to locate an area capable of supporting a significant number of lots serviced by on-site sewage disposal systems; that area is shown on the Municipal Plan and Development Regulations maps as the "proposed subdivision".

4.4.6 Recreational Lands and Trails

Although it could be said that the great outdoors is a vast resource of recreational space, it is also important that indoor community space, play areas and walking trails in the area be available for residents and visitors.

The community under Council's leadership has developed a large play area in the north end, featuring indoor space for sports and gatherings, as well as outdoor multi-purpose courts, a playground and a ball-field. These facilities are enjoyed by residents of other communities as well as the local population.

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Walking trails, some on boardwalks, have been developed for the benefit of visitors and residents alike. The well known Marjorie Bridge and Thrombolites Walking Trail are fine examples of formal trails, and there are other informal walks that are known to residents. There are two developed motorized vehicle trails running through and out from the community: Flower's Cove ATV Trail and the Snowmobile Traditional Trail. They are valued for providing safe and convenient access to the vast interior of the Great Northern Peninsula.

All of these facilities have been enabled by initiative and hard work by volunteers, including actions in building and fund raising. Government grants in aid have of course helped to good effect. In the case of trails, protection from encroachment by buildings and landscape changes would be desirable, and that topic can be pursued in the Development Regulations.

4.4.7 Buildings and Sites with High Natural or Heritage Values

The heritage of the community includes unique buildings such as the Skin Boot Church. The keen world class paleontological interest in the Thrombolites is deserved, as it is a marvel which can be appreciated with interpretation, which is provided through panels and literature. The Marjorie Bridge and Thrombolites Walking Trail provide convenient access to these features. Also, the White Rocks on the Limestone Barrens is a natural geological occurrence which is rare, and is accessed by a fine trail.

It is important that the Municipal Plan include policies that would protect these valued features from intrusion, as they not only represent ongoing evidence of the culture and physical history of the region, but also are tourism assets which can be sensitively promoted.

4.4.8 Natural Hazards and Adaptation to Effects of Climate Change

Good community planning must concern itself with adaptation to natural hazards. For many years, topics such as geological stability, landslides, flooding and coastal erosion have been familiar. In recent years, predictions of the effects of climate change have become clearer and measures are being taken in forward looking communities to prevent or adapt to those which threaten key building sites and infrastructure.

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On the subject of these hazards related to building, the provincial Geological Survey reports as follows:

“Landslide and Rockfall

Rockfall and landslide are common in Newfoundland. They are commonly triggered by heavy rainfall on steep slopes. Any development at the base of a steep slope should consider rockfall potential. These are slope processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to gravity. The slope angle and sediment characteristics are important factors that influence slope stability. Rockfalls are the downslope movement of boulders, either by free fall, rolling or sliding. These boulders may be dislodged by freeze-thaw activity, erosion beneath the boulder, bedding plane failure or through human activity. Rockfall may also impact a slope below and trigger a landslide. Rockfalls tend to occur repeatedly, forming a talus cone of boulders at the foot of a steep slope. For single-block rock falls, the concept of a 'shadow angle' is well established. The shadow angle is defined by the angle below horizontal formed by the line lying between the apex of the slope subject to rock fall and the extreme position of rock fall debris (boulders). Numerous studies have shown this to be between 22° and 30°.

Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and are capable of producing widespread damage. In Newfoundland and Labrador landslides are commonly triggered by heavy rain or snowmelt, which introduce large quantities of water to the slope. Sediment becomes saturated beyond its shear strength, at which point, movement occurs. This movement may be rapid (e.g., debris flows) or slow (e.g., creep).

Avalanches

Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice which may break off, falling to the slope below and triggering an avalanche.

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Flooding

Flooding affects both inland and coastal areas. River flood plains are those areas adjacent to modern rivers that overflow their banks during storm events or as a result of ice jams. Low-lying coastal areas may be inundated by the sea during storm surge events, especially if coastal protection (including beaches) is breached. Areas at river mouths are particularly vulnerable during river flooding during periods of unusually high tide or storm events.

Coastal erosion

Large parts of the coastline of Newfoundland and Labrador are composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.

Although there are Provincial regulations regarding development in relation to the high water mark, in areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, set back from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 15 cm per year and a 100 year life span for a structure, we recommend a setback of at least 30m (twice the average erosion rate times 100 years) from the cliff top to any planned residential or commercial development. A longer limit should be considered in those areas where more active recession is noted.

Climate Change

Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is be expected to rise by over 1 metre in eastern Newfoundland, 80-90cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099.

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Rising sea level will increasingly threaten our coastline and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on the coast for residential development. Based on the potential future impact of sea level rise and storm surge, areas below the present 2 m contour are considered to be highly vulnerable to coastal flooding. Development within this area should be restricted to ensure that appropriate mitigation measures are employed. These could include coastal protection measures or enhanced engineering standards, although communities may choose to remove these areas from development. Areas above the present 2 m contour may also be at risk from coastal flooding, including storm surge.

The Government of Newfoundland and Labrador (Office of Climate Change and Energy Efficiency) commissioned a study of the projected impacts of climate change in the province for the period 2038-2070. The 2013 report, prepared by Dr. Joel Finnis of Memorial University, incorporated data from 7 regional climate model (RCM) simulations provided by the North American Regional Climate Change Assessment Project (NARCCAP). Model projections were compared against observations collected by Environment Canada (EC) climate stations in the province. With regards to predicted changes in temperature and precipitation the report highlights that the climate will become warmer (especially winter temperatures) and wetter (both intensity and duration) and that an increase in rain-on-snow events is likely. The latter could lead to an increased potential for flooding and landslides/ avalanches."

The core areas in the community are generally those lands which are relatively free of these hazards, and thus one may say that these are concerns largely relevant to outlying areas. However, the hazards are relevant to all areas, such as sea level rise and coastal erosion, and thus policies are given in the section in the Municipal Plan which provides policy guidance for all areas.

5.0 GOALS AND OBJECTIVES

5.1 Goals, Objectives and Policies

One method of systematic planning is to use a hierarchy of statements, from the most general to the most specific. In Municipal Plans in this province, these statements typically follow a progression of goals (the most general) to objectives to policies (the most specific).

By way of example in the Flower's Cove case, one goal could be to try to keep the character of the community as a quiet, safe community in which the good quality of residential life is highly valued. Under that goal could be an objective of taking steps to prevent incompatible development from locating in well established residential areas. Policies which follow could include a policy to permit businesses in the home which would not significantly change the external appearance of the dwelling, and/or to permit apartment buildings only after careful review to make sure they would not intrude on the appearance of the nearby dwellings and would have adequate parking etc. Another policy with sweeping effect could be to ensure that the rules are not so severe that desirable new development would be discouraged.

5.2 Goals for the Town of Flower's Cove

Complementing the vision, this Municipal Plan endeavours to deal with development concerns following these more specific goals and objectives related to land use:

A) Growth and Urban Structure

- Goal:** To provide for orderly growth and development within the community.
- Objectives:**
- a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the community.
 - b) Land uses in the historic core of the community and along the southern part of the Viking Trail will be allocated for mixed development, so as to support the residential quality of life of the community and to preserve and enhance positive features, including the natural environment and amenities of the

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community, while at the same time being open to considering proposals for new investment and business.

- c) Compact development of the community will be promoted, in order to provide municipal central water services to properties as efficiently as possible.
- d) Commercial and light industrial development will be directed primarily to areas along the northern part of the Viking Trail.
- e) All development will be supported by on-site sewage disposal systems, to be provided and operated privately by property owners.
- f) Measures shall be taken to prevent or adapt development in areas which are expected to be adversely affected by natural hazards, including the effects of climate change, in particular to do with expected sea level rise and coastal erosion of low lying lands.

B) Housing

Goal: To provide for the long-term housing needs of the community.

- Objectives:**
- a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the community and to facilitate the greatest development of available land resources through a wide variety of housing forms.
 - b) To provide for new building lots by way of further subdivision in outlying areas, designed so as to respond to demand.

C) Employment and Economic Development

Goal: To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and in particular to strengthen the economic base and employment opportunities in the Town and surrounding communities.

- Objective:**
- a) To monitor developments concerning regional industries, including forestry, farming, fishing, marine services, tourism, and other economic sectors, with a view to representing the

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community promptly and responsibly on points affecting investment, government regulation, environmental impact and community development.

- b) To provide for flexibility and rapid response to development proposals, particularly those related to small business start-ups and expansions, so as to facilitate business development.
- c) To provide for commercial development in the community by way of carefully considering proposals, but giving primacy in the mixed development areas to the objective of protecting the quality of residential life, to encourage economic development.

D) Environment and Natural Resources

Goal: To protect and enhance the environment and natural resources of the community.

- Objectives:**
- a) To endeavour to adapt to natural hazards, including the expected effects of climate change, to minimize negative impacts on the community.
 - b) To vigorously protect and enhance the management of the community's protected public water supply area.
 - c) To control development in order to minimize its detrimental effect on the environment and to be good stewards of the natural resources within the community, in particular the extraction of minerals and aggregates and use of forest resources.
 - d) To severely limit development on lands featuring steep slopes, wetlands, or watercourses.
 - e) To work in conjunction with the regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by establishing efficient and effective means of minimizing the amount of waste from the Town directed to final disposal, by recognizing the resource values of recyclable and compostable materials and establishing local programs related to them.

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E) Recreational Open Space and Cultural Facilities

- Goal:** To establish, preserve and improve natural spaces, recreational facilities, and cultural expression to meet local needs.
- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
 - b) To endeavour to maintain and protect areas now established as heritage and open space areas for public appreciation of the community's history and for recreation.
 - c) To ensure ready public access to, and accord protective status to, valued trails when considering development applications

F) Transportation and Highway Safety

- Goal:** To provide a safe and efficient transportation network to move people and goods into, out of and throughout the community.
- Objective:**
- a) To develop a list of priorities for road improvements and traffic safety on the Viking Trail and town public streets, and represent the community's interests in an assertive liaison with the provincial government highways authorities.
 - b) To work constructively with the provincial government to secure adequate funding to maintain Town-owned roads in good condition.

G) Fire Protection Services

- Goal:** To help the Regional Fire Department maintain effective fire protection for the region.
- Objective:**
- a) To work in conjunction with the regional fire department to implement facilities, programs, equipment and training and to augment those improvements by establishing efficient and effective means of fire protection services.

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H) Municipal Finance

Goal: To effectively manage the financial resources and commitments of the community.

- Objectives:**
- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the community.
 - b) To improve the cost effectiveness of municipal servicing by implementing compact, carefully planned serviced development.

6.0 DEVELOPMENT CONCEPT AND POLICIES

This Part sets out the development concept to be achieved by policies specific to the various land use designations set out in this Municipal Plan, as well as policies applicable to all areas in the community.

6.1 Development Concept

The areas in the Municipal Planning Area will be designated as one of the following:

- Mixed Development
- Commercial/Light Industrial
- Water Supply

The primary objective is to proactively accommodate growth and encourage economic development, by allocating much of the Planning Area as Mixed Development. Priority in that area is given to protecting and improving the quality of residential life as the paramount objective. In the area along the northern part of the Viking Trail where commercial and light industrial development should be concentrated, primacy is given to those commercial and light industrial uses. The water supply watershed area is also to be strictly protected as it is a practically irreplaceable and critical asset needed for the community's sustainability.

Low density housing will be encouraged and facilitated in the mixed development area, as should recreational open space developments. Non-residential development which will be encouraged but closely reviewed on application should include obviously desirable developments such as business uses of a benign nature, as well as churches, schools, recreation, cultural facilities, and home businesses. A cautious approach will be taken to control adverse effects on residential development in the immediate area of such uses.

Requiring non-residential development proposals to be subjected to lengthy approval processes is contrary to the objective of efficient and timely administration, so discretionary approvals will be used to deal with classes of uses which will be considered, as opposed to those being outright permitted. The use of discretionary approvals will be employed to provide the needed scrutiny of applications, rather than amendments to the Development Regulations or Municipal Plan. This approach is intended to expedite decision making and encourage development of desirable types.

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The Commercial/Light Industrial area along the northern part of the Viking Trail will be allocated for those classes of uses, to reflect the intended economic development objectives. In rare cases, residential development may be approved where specific existing parcels of land are not of sufficient size or are otherwise unsuitable for non-residential development.

The protected water supply area will be designated as Water Supply, with stringent controls on use of land in its area, giving primacy to its public water supply function. Development of uses related to forestry management and concurrent use for trails or low impact recreational purposes, may be considered provided the water supply function is given priority.

The Mixed Development, Commercial/Light Industrial, and Water Supply designations are shown on the Future Land Use Maps.

6.2 Policies Specific To Land Use Designations

The following policies reflect the intended overall development pattern described earlier, and apply only to development within the respective land use designations under which they appear, unless stated otherwise. The land use designations correspond with those on the Future Land Use Maps.

All policy sets include consideration of certain types of development as discretionary uses. In evaluating applications for such uses, Council shall consider the intended development concept described above and the specific policies set out for the respective land use designation. Council may call for and review detailed information as may be needed to evaluate proposals, as listed in the Appendix to this Municipal Plan, the Site Plan Evaluation Criteria list.

6.2.1 Mixed Development

The majority of development in the community core is housing. A number of large and small commercial and institutional uses have developed over time, scattered among the dwellings. New development within this mixture of land uses has the potential to create significant land use conflicts and the regulation of this type of development is sometimes difficult.

It is the intention in this Municipal Plan to consider, on a discretionary basis, a broad range of small scale non residential uses in the Mixed Development area, including free standing developments (where the non residential use is the only use on the property) and operation of home based businesses.

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Opportunities may arise for larger scale non residential developments to locate in this area, and proposals will be considered on their merits. However, such matters may have substantial implications for nearby residents and for the community as a whole, and will be closely scrutinized.

The following policies will guide the growth and development in the Mixed Development areas:

- 1) Residential dwelling division and conservation class uses will be permitted.
- 2) At Council's discretion, the following uses may be permitted:
 - a. Assembly group
 - b. Institutional group
 - c. Business and personal service group
 - d. Mercantile group
 - e. Industrial group, excluding the class of hazardous industry
 - f. General residential division
 - g. Recreational open space class
 - h. Antenna class
 - i. Transportation class
 - j. Agricultural class
 - k. Animal class
- 3) Discretionary uses must respect residential amenity, safety and privacy; must not be a hazard or nuisance to residences; and, must be separated an adequate distance from residences. Limited outdoor storage and other business related activity may be permitted provided it is adequately screened from sight.
- 4) Home based businesses may be permitted at Council's discretion

6.2.2 Commercial/Light Industrial

Commercial/light industrial uses, which for the purpose of this Municipal Plan includes large scale retail, warehousing and storage, office uses, personal service, medical and professional service, and light industrial uses, are found throughout the community, with no predominant business area featuring these uses.

Several new commercial and light industrial developments oriented to highway commercial traffic and local services have been built along the northern part of the Viking Trail as it traverses the Planning Area. It is expected that there will be a strong demand for servicing and opening of more lots and developments in that area for this purpose. Those lands are intended to function as the primary location for new larger scale commercial development, as well as

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industries and large scale public uses such as colleges and community centres. That part of the Viking Trail is practically the only area of the Planning Area with locational and infrastructure attributes which favour that type of development, which is important to the economic development of the community.

Although the primary intended development in this area is not for residential use, some latitude will nevertheless be given to permitting through discretionary approval new residential uses if the proposed site is not practically useful for non-residential uses.

As development proposals come forward, it may be found that the boundary of the abutting Mixed Development area needs to be regarded as flexible and can be expeditiously changed to facilitate a proposed development. In such cases, the dividing boundary between the two designations may be revised by amendments to the Development Regulations.

The following policies apply to development in the designated Commercial/Light Industrial area shown on the Future Land Use Maps:

- 1) All new development shall front on the Viking Trail or a service street accessing it and where possible, new development shall be connected to the central water system. Sewage disposal shall be by way of on-site sewage disposal systems.
- 2) Adequate off-street parking shall be provided for all commercial and industrial uses in order to prevent parking and traffic problems.
- 3) The following uses will be permitted:
 - a) Assembly group excluding amusement class
 - b) Institutional group
 - c) Business and personal service group excluding take-out food service class
 - d) Mercantile group
 - e) Service station class
 - f) Light industry class
 - g) Antenna class.
- 4) At Council's discretion, uses in the general residential division and the following classes may be permitted: take-out food service, amusement, and animal.

6.2.3 Water Supply

Development in the French Island Pond Protected Public Water Supply Area shall be strictly controlled, and largely restricted to public water supply purposes.

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Consequently, the following policies apply:

- 1) The area related to the French Island Pond Protected Public Water Supply Area as shown on the Future Land Use Maps shall be designated Water Supply. Council will protect the Water Supply areas from existing uses and any future development that could adversely affect water quality. Testing and observation will be undertaken to monitor the quality of the water in order to ensure a safe and adequate supply for the community.
- 2) The only permitted use shall be uses related to the waterworks and in the conservation class.
- 3) Forestry class uses may be permitted at the discretion of Council, where they will not endanger or reduce the quantity or quality of water available for the community's current and future needs. A professional forestry management plan will be required to support such proposals.
- 4) No development shall be permitted within 15 metres of the shore except for waterworks purposes.
- 5) The existing use of motorized vehicles on the trails within the Water Supply will be permitted. In that regard, Council will allow operation of snow machines on the existing Snowmobile Traditional Trail and ATVs on the Flower's Cove ATV Trail, in neither case on the pond, for the purpose of accessing inland areas beyond the Water Supply area. Refuelling or storage of vehicles and cleaning of game in the Water Supply will not be permitted. The feasibility of relocating these trails to alignments outside the watershed will be explored.

6.3 General Land Use Policies

Unless otherwise stated, the following policies apply throughout the entire Planning Area:

6.3.1 Natural Hazards to Building

The following policies are intended to prevent or mitigate exposure to hazards of landslides, rock falls, avalanches, flooding, coastal erosion and climate change:

- 1) Professional review and advice will be required for Council to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards

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including flooding, sea level rise, coastal erosion or any other physical hazard near watercourses and the sea;

- 2) The specific requirement concerning sea level rise and coastal erosion is that new development must be above the current 2 metre contour, and set back at least 30 metres from the seashore to provide a buffer against coastal erosion, except development needing direct access to salt water and the following may be approved at Council's discretion:
 - a. public works and utilities;
 - b. municipal park;
 - c. mineral exploration.

- 3) Any proposal for development of a site having a slope in excess of 15% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall;

The Development Regulations will detail the specific requirements in regard to the policies.

6.3.2 Municipal Services

Some of the costs of running a municipal government are proportional to the overall length of publicly maintained roads that must be upgraded, maintained, provided with street lights, water, and electric utilities. Generally, the more spread out a settlement becomes, the more these costs increase.

Council intends to keep these costs from increasing through implementation of the following policies:

1. Vacant land and sites made suitable for additional development due to installation of municipal water servicing are intended to be almost fully utilized before public infrastructure services may be extended to new areas.

2. All new streets must connect to another street where applicable, preferably in a loop pattern, and dead end streets shall terminate in a cul-de-sac.

3. A use presently located in a predominantly residential area or along a serviced road, and which does not require municipal services shall be encouraged to relocate to an

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area that is not serviced, so that land that is, or will be, serviced can be used for more appropriate development.

4. Extensions to the water and road system which are not part of the Town's capital works program shall be the financial responsibility of the developer, although the Town may access senior government financial assistance where possible, to encourage and assist desired works. Nevertheless, any such infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering requirements, and shall be subject to approval by Council.

5. All buildings located in the Mixed Development designation and that have or are required to have plumbing systems will be required to connect to any available municipal water system or a properly designed and approved on-site sewage system.

6. With the exception of land uses associated with agriculture, forestry, saw milling, mineral workings or other resource or similar uses for which street frontage would be unnecessary or undesirable, all buildings shall have motor vehicle access to a publicly owned and maintained road, unless other policies and requirements of this Plan specify otherwise.

7. Municipal and public utility works (including associated structures) for such purposes as provision of telephone, pollution control and electric utility facilities may be allowed at any location throughout the community provided due consideration is given to danger, nuisance and aesthetics, and reasonable alternatives and then subject to such conditions as Council sees fit to secure an acceptable development. Where possible, location of pole lines at the rear of building lots will be encouraged, versus locating poles along streets.

6.3.3 Streets

Local streets will be designed to maximize the safety and efficiency of vehicular and pedestrian traffic. Council will continue to develop and improve the ways and means by which certain roadways may be used by ATVs in a peaceful and safe manner.

6.3.4 Heritage Structures and Sites

Houses and other buildings and structures and sites which were built and are used in a traditional or distinctive architectural style or otherwise, and deemed to have historic or aesthetic value by Council, may be considered heritage structures or sites. It is Council's policy to seek to protect

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heritage structures and sites for aesthetic and historic reasons and for their economic value as tourist attractions. Council may enact regulations under the *Municipalities Act* for such purposes.

6.3.5 Visual Effects of New Development and Property Maintenance

Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the creation of noise, smoke, dust, fumes or unsightliness), Council may hold an advertised public briefing to ensure interested persons are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made on a development application, whether or not the proposed use is permitted as of right. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

All properties shall be maintained in clean and orderly appearance. The exteriors of buildings, particularly commercial properties and any business catering to tourists, as well as yards and grounds, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair them or remove them if they present a safety hazard, on Council order pursuant to the *Municipalities Act*, Section 404.

Council will ensure that buildings and property owned by the Council are well maintained and landscaped, where possible, as a general example to the community.

Wrecked or inoperable vehicles, machinery, debris, or equipment of any kind shall not be stored or abandoned. Any vehicles or other machines that have value as a source of replacement parts, shall be stored out of sight from streets or adjacent development, and only at the rear of any buildings on the properties. Owners of such property shall be required to remedy the offence or remove the items, on Council order pursuant to the *Municipalities Act*, Section 404.

6.3.6 Development Near Waterbodies

The Development Regulations will require that development will not be permitted within 15 metres of the highwater mark of the seashore or any permanent or semi—permanent watercourse or waterbody within the Planning Area except for the following, and then only with the approval from the Water Resources Division, Department of Environment or Federal Department of Fisheries and Oceans:

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1. Wharves and docks, boathouses, and sheds to allow for traditional marine operations;
2. Public works and utilities.

6.3.7 Protection of the Natural Environment

Protection of the natural environment is a high priority. The quality of air, land, and water in and around the community, and aesthetic considerations, are important to the health, culture, and economy of the area. The role of a Council in this regard is intertwined with roles and authorities of the governments of Canada and the Province of Newfoundland and Labrador.

The provincial government regulates or provides guidelines for numerous activities concerning pollution prevention or environmental impact on topics including but not limited to the following:

- a) Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;
- b) Discharge of any effluent off the subject property;
- c) Work in any body of water;
- d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- e) Construction of wharves, breakwaters, slipways and boathouses as noted earlier;
- f) Infilling or dredging associated with marine structures or other works;
- g) Any development in a protected public water supply area;
- h) Providing waste receptacles in work areas;
- i) Waste diversion actions including recycling, reuse or resale programs;
- j) Open burning of waste;
- k) Pesticide and halocarbons use, purchase and storage;
- l) Petroleum (including used oil) storage and dispensing;
- m) Effects of climate change; and,
- n) Energy efficiency in buildings.

These matters will be identified in the Development Regulations as a reminder that such requirements may apply to proposed developments.

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Where Council is in a position to act or intervene or make submissions on proposed projects or policies of senior governments, the following policies will be observed:

1. A proposed development shall not pollute any part of the community. Permission or consent to develop may be conditional upon measures to prevent pollution. In cases where expert advice is needed to deal with large or special types of projects where environmental protection concerns are complex, the proposals will be carefully studied and as well brought to the attention of the appropriate provincial or federal authorities, or both, for review and comment.
2. Garbage, refuse, abandoned vehicles and any other discarded materials of any kind shall be disposed of only at the waste disposal site approved by the Department of Environment. Such material shall not under any circumstances be used as fill for buildings and lots.
3. All development shall be landscaped where possible. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to tourists, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair or remove them if they present a safety hazard.
4. Council will ensure that buildings and property owned by the Town are well maintained and landscaped, where possible, as a general example to the community.
5. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.
6. Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the production or creation of noise, smoke, dust, fumes or unsightliness) Council shall hold a public briefing or otherwise consult with surrounding residents to ensure they are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made.
7. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

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8. All fuel storage tanks larger than 2500 litres located within the Planning Area shall be required to have adequate containment by way of bunds, internal containment by double walls, dyking or similar engineered designs.

6.3.8 Public utilities

Municipal and public utility works (including associated structures) for such purposes as provision of telephone, water treatment, pollution control and electric utility facilities may be permitted at any location throughout the community provided due consideration is given to potential danger and nuisance, the effect on aesthetics, and provided there are no reasonable alternatives and then only subject to such conditions as Council sees fit to secure an acceptable development.

6.3.9 Archaeology Sites

It is important that archaeological findings are to be respected as they form a key part of the community's and province's heritage. All applications for development within the community must therefore be referred to the Provincial Government Archaeology Office for review before permits for development are approved.

Further, should any artifacts be discovered while approved construction is underway, work is to stop until the assessment has been conducted. This will be specified in the Development Regulations.

6.3.10 Advertisements

All signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects, and must be approved by Council. More detailed requirements will be included in the Development Regulations.

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6.3.11 Forestry Land Uses

Regulation of forestry operations, including issuance of fire wood harvesting permits or consideration of resource management, is not a function which the Town wishes to undertake, and thus the Municipal Plan imposes no regulatory effect. However, the state of forestry operations will be monitored to determine whether there is a future need to consider amending this policy.

6.3.12 Mineral Exploration and Extraction

Undeveloped lands that surround the community core provide valuable resources and are used extensively by the local community for recreational purposes and resource uses, including aggregates. They are also the lands where minerals may be found, and the impacts of exploration and mining may be substantial.

The following policies will apply to mineral exploration and workings:

1. Council shall prohibit all but very small scale mineral workings and related activities from taking place within general view of developed areas of the community. Unless absolutely necessary, existing quarry sites should be exhausted before new sites are developed.
2. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and be buffered from adjacent water supply areas and the Mixed Development areas. All mineral operations will be required to complete a site rehabilitation plan as a part of the development application. Council, when issuing a permit for any mineral extraction or mining operation, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions in particular may refer to the following subjects and matters:
 - Landscaping, screening and fencing;
 - Rehabilitation;
 - Noise, dust and pollution control.

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6.3.13 Valued Trails

A number of walking, snowmobile and all terrain vehicle (ATV) trails have been developed throughout the Planning Area. These include trails for motorized off-road vehicles, the Flower's Cove ATV Trail and the Snowmobile Traditional Trail. Walking trails include those associated with the Thrombolites and the White Rocks site on the Limestone Barrens. They are valued for their recreational and cultural significance.

Some trails of interest to the Town are located on the alignments of public highways and streets and others pass over lands in both private and public ownership. Some parts of the trails cross through the protected public water supply area, a matter of some concern due to potential negative impact on water quality. The former (those on public highways and streets) are generally free of blockage or encroachment.

The latter, the off-road walking and motorized vehicle trails, are of particular concern in that their functionality could be compromised by future development by land owners. Those trails represent considerable effort and investment. Measures will be included in the Development Regulations to prevent or mitigate encroachment along their alignments, which would reduce their amenity value or safety.

In order to implement this policy, the valued off-road trails will be designated Public Trails for the purpose of the Municipal Plan and the Development Regulations, and will be marked on the Zoning Maps in the Development Regulations. Further, the Development Regulations will state a minimum distance from the centrelines of the designated trails within which development of buildings or alterations to land elevations or creation of other obstructions would be prohibited.

Revising, adding or deleting said Public Trails on the Zoning Maps may be accomplished by way of "stand alone" amendments to the Development Regulations and shall not require an amendment to the Municipal Plan.

Concerning development of new off-road trails, Council's policy is to work with land owners and recreational interests with the objective of peaceful and respectful co-location and maintenance and improvement of the quality of outdoor experience which they render.

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3.4.14 Uses Related to Keeping of Animals

People keep animals for a variety of reasons: as pets for the company and enjoyment of the animals, practically as members of the household, and as economic assets providing food, fur and other materials as well as labour for the benefit of the owner.

Keeping of pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating; when there is a concern, it generally arises out of public health and nuisance effects where pets are not properly housed or given appropriate care. In those cases, public health regulations and other laws enable authorities to deal with the sanitary and nuisance effects, and municipal planning laws such as the Development Regulations are not intended to be used as tools to deal with the situation.

The Development Regulations will therefore consider keeping of pets to be an accessory use where applicable to the main use of a property.

However, when animals are bred, raised or kept for economic gain or in larger numbers than customarily recognized as accessory uses, it is appropriate to regulate this activity in the Development Regulations. The Development Regulations will therefore include requirements related to keeping of animals for agricultural purposes and for pounds, kennels, zoos, veterinary establishments, and sanctuaries. In most cases, keeping of animals for these purposes will be regulated as discretionary uses; the principal case where such a use will be permitted will be that an agricultural class and animal class use will be permitted at Council's discretion in the Mixed Development Use Zone. The Development Regulations will include a requirement that the land area requirements for such developments be based on the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador*.

3.4.15 Removal of Quarry Materials

Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the Quarry Materials Act, 1998. For example, site preparation to construct a building involves removing topsoil, overburden, and possibly rock from the footprint area; these materials may be retained or re-used on the development site (no royalties due) or removed from the site (royalties due). Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, peat.

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In order to ensure that royalties due the province are paid, it is necessary that the Department of Natural Resources be made aware of approved developments where the removal of quarry materials is taking place or may take place. The Development Regulations will contain a statement to the effect that Council will notify the Department when such is the case.

6.3.16 Non-conforming Uses

Existing development which does not conform with the requirements of the Municipal Plan and Development Regulations may be continued as non conforming uses. Restrictions shall be designed to limit its potential for replacement and expansion (to be specified in the Development Regulations). Where a Non-Conforming Use is causing a nuisance or otherwise infringing on or preventing allowable development, Council will encourage its relocation or discontinuance.

6.3.17 Policies Extra to Municipal Plan for Information

The policies set out in this Municipal Plan are set out as enabled by the *Urban and Rural Planning Act, 2000*. The Town may, or has already, adopted other policies as enabled by other legislation, some of which relate to certain aspects of development. The administration and enforcement of those other policies do not arise from the Municipal Plan nor the Development Regulations.

In order to minimize the risk of overlooking those other policies when dealing with permitting under this Municipal Plan and the Development Regulations, the other policies (if any) will be quoted in the part of the Development Regulations which indicate development requirements applicable to all zones. Amendment or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

6.3.18 Temporary Uses

Generally, the Municipal Plan and Development Regulations contemplate developments of a permanent nature. Council wishes to be able to consider, at their discretion, these situations involving the placement of a motor vehicle or travel trailer or equipment for short term events such as community festivals, together with their appurtenances, for a short duration. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and

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maximum time periods applicable to these cases, applicable to locations anywhere in the planning area where residential uses are permissible or may be approved as discretionary uses.

7.0 MUNICIPAL PLAN IMPLEMENTATION

7.1 Introduction

In order to enforce and implement the policies of the Municipal Plan, **Land Use Zoning, Subdivision and Advertisement Regulations** (referred to as Development Regulations), and a capital works program, are required. The **Development Regulations** and the capital works program must conform to Municipal Plan policies.

7.2 Development Regulations

Development Regulations ensure that development takes place in accordance with the goals and objectives and within the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the *Urban and Rural Planning Act*. Like the Municipal Plan, the Development Regulations are binding upon the Council and all other persons and organizations unless specifically exempted by superior legislation.

Development Regulations consist of five parts: General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones. The first four are similar for all communities in the province, though variations are found. However, the Land Use Zone section (Schedule C), will be extensively tailored to conform to this Municipal Plan.

I. General Regulations

Among other things, the General Regulations govern matters relating to the power and authority of a municipality to regulate development within its community and establish conditions relating to the issuing of permits and local appeal boards.

II. General Development Standards

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.

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III. Advertisement Regulations

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the community.

IV. Subdivision of Land Regulations

Subdivision regulations govern the development and division of parcels of land into two or more lots for the purpose of development. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes, acceptance of proposed engineering works and other necessary requirements as prescribed.

V. Land Uses Zones

Zoning is a means of implementing Municipal Plan policies. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use zone a list of Permitted and Discretionary uses are listed.

In addition, the Development Regulations will now include certain standard content required by virtue of regulations made by the then Minister of Municipal and Intergovernmental Affairs to apply to all municipalities. That text, being Newfoundland Regulation 3/01, made under the *Urban and Rural Planning Act, 2000*, came into force on January 1, 2001, and is included in all municipal Development Regulations, to bring them more effectively to the attention of the reader.

7.3 Development Control

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. If the approval is considered as a discretionary use, the proper process of advertisement and hearing as required by the *Urban and Rural Planning Act, 2000*, shall be carried out.

Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

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Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan through the Development Regulations, refer development applications to outside agencies and to issue all required permits when approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the site of the proposed development and include a plot plan, showing the location of existing and proposed buildings and structures on the proposed site.

Council will consider the application to determine whether or not it conforms with the requirements of the Development Regulations and the policies of the Municipal Plan. If it conforms, Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Municipal Plan and Development Regulations, the application must be refused. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board. The Appeal Board shall either confirm the decision or require that Council's decision be varied or reversed.

Council has discretionary authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or negatively impact on adjoining properties, by virtue of grant of a variance. Where Council deems it useful and necessary so as to better consider the details of a complex project, a Site Plan may be required of the applicant. Site Plan evaluation criteria are appended to the Municipal Plan.

Municipalities in the province are encouraged to adopt the National Building Code. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both, and the Town may integrate information requirements on a common application form. However, the approval of a building permit under the National Building Code does not signify an approval of a permit pursuant to the Development Regulations, and vice versa.

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7.4 Public Works

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The community's infrastructure improvement program and any future capital works such as improvement of recreational facilities must conform with applicable policies and land use designations of the Municipal Plan. Infrastructure projects must not contribute to sprawl, since that would conflict with the Municipal Plan's goal of promoting compact development.

Council must also demonstrate its ability to cover its share of costs in any capital works requests. It should also be recognized that extensions of the water systems required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Upon completion of the water servicing program (or individual phases of it) improvements to local roads should be undertaken in accordance with the Town's financial capability (and in conformity with the Municipal Plan) on a prioritized basis.

7.5 Development Schemes

Sections 29 - 30 of the *Urban and Rural Planning Act, 2000* provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the community is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space.

Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan, and when approved, form part of the Municipal Plan.

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8.0 INTERPRETATION

8.1 Land Use, Boundaries, and Roads

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Maps and the maps in the Development Regulations be considered as somewhat flexible. Where feasible, the boundary lines of areas designated in this Municipal Plan are laid out to follow lot boundaries and prominent physical features, including roadways and shorelines, and shall be interpreted in that way. Where this does not apply, measurement from the maps and relative location on the ground shall be considered.

Therefore, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and areas. The intent and policies of the Plan are to guide the interpretation of the mapped information.

8.2 Figures and Quantities Approximate

It is considered that all figures and quantities herein shall be considered as approximate only and not absolute. Rounding off fractions of requirements shall be done in a manner which respects the intent of the underlying policies or requirements.

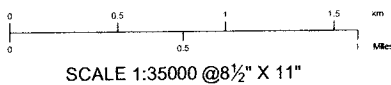
APPENDIX

Site Plan Evaluation Criteria

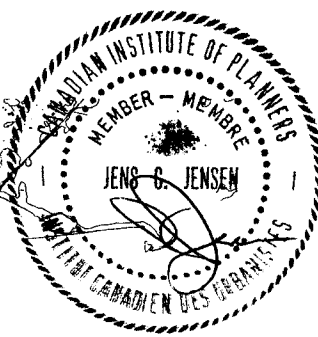
When Site Plan approval is required, the owner or proponent shall prepare site development plans, including landscaping, parking, lighting, roads and some or all of the additional items listed below, according to the nature of the proposed development and directions of Council:

- (a) the dimension of the site;
- (b) the area of the site;
- (c) dimensions to indicate the location of all buildings;
- (d) dimensions of buildings to provide comprehensive information of their plan form, including future buildings or expansions;
- (e) the distance between buildings and all yards;
- (f) other uses, a breakdown of floor area by proposed use;
- (g) gross floor area of buildings;
- (h) dimensions of all parking areas, access roads and driveways;
- (i) function and type of landscaped areas;
- (j) landscaping plan and specifications including:
 - ☒ surface treatment (asphalt, grass etc.)
 - ☒ tree and shrub types and sizes
 - ☒ location and number of trees to be retained or planted
 - ☒ dimensions of buffer zones, driveways, etc.
 - ☒ number and size of parking spaces and location
 - ☒ location and size of signage
 - ☒ location and width of all walkways, footpaths
 - ☒ location of loading zones
- (k) proposed contours and drainage of surface runoff ditching;
- (l) surrounding land uses;
- (m) site constraints, e.g. right-of-ways which exist on site or adjacent to it, easements, fire routes;
- (n) location and intensity specifications for lighting;
- (o) location and use of outside storage areas;
- (p) perspective drawings and plans showing 4 point building elevations and 2-way cross sections of all buildings shown on the Site Plan
- (q) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of Flower's Cove or its departments and agencies.

All site development plans shall be submitted to Council for approval.

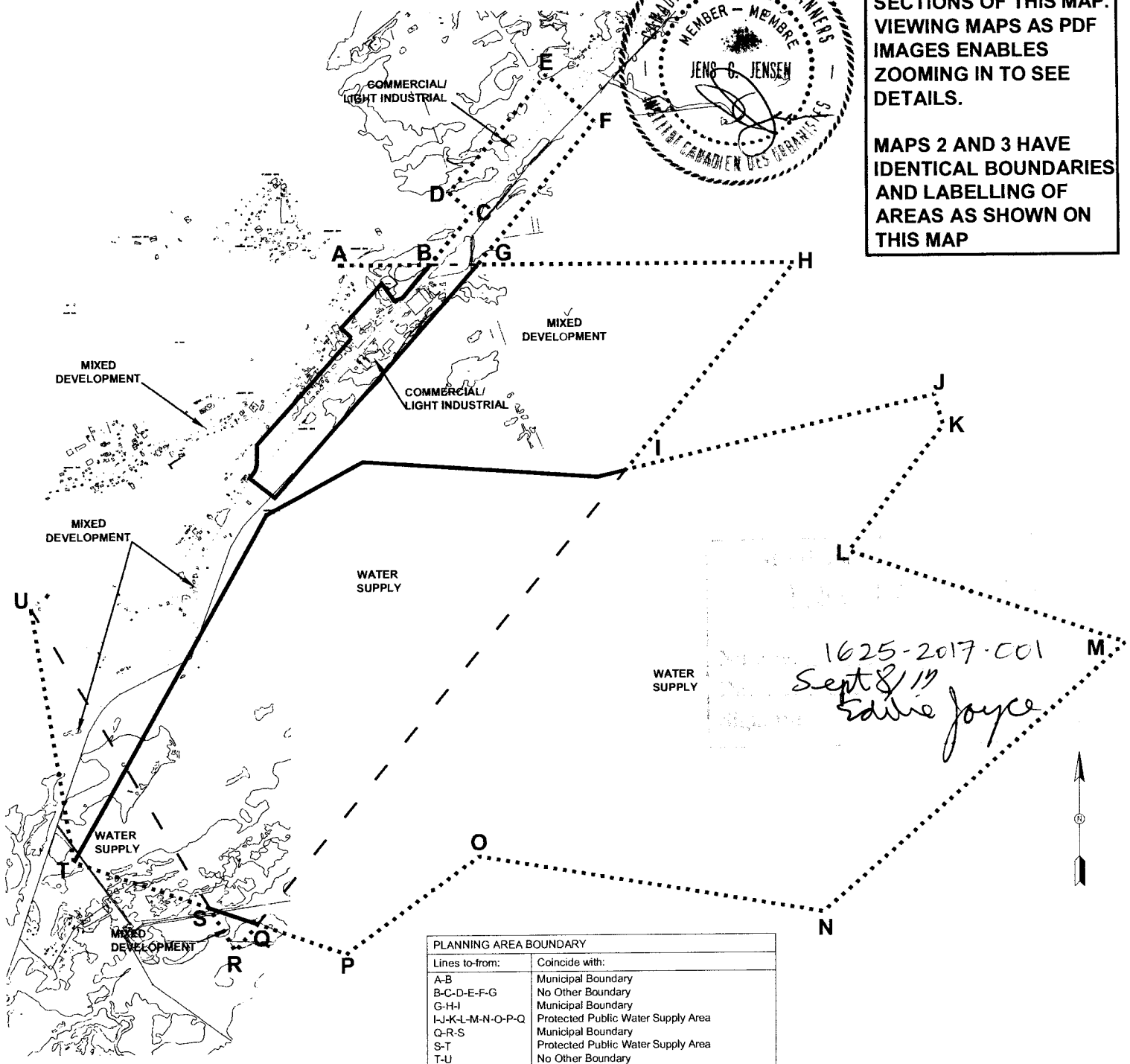


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PROJECT 14-012



SEE MAPS 2 AND 3 FOR GREATER DETAIL ON SECTIONS OF THIS MAP. VIEWING MAPS AS PDF IMAGES ENABLES ZOOMING IN TO SEE DETAILS.

MAPS 2 AND 3 HAVE IDENTICAL BOUNDARIES AND LABELLING OF AREAS AS SHOWN ON THIS MAP



PLANNING AREA BOUNDARY	
Lines to-from:	Coincide with:
A-B	Municipal Boundary
B-C-D-E-F-G	No Other Boundary
G-H-I	Municipal Boundary
I-J-K-L-M-N-O-P-Q	Protected Public Water Supply Area
Q-R-S	Municipal Boundary
S-T	Protected Public Water Supply Area
T-U	No Other Boundary
U-A	Municipal Boundary along the sinuosities of the high water mark along the shoreline, and not including any islands

TOWN OF FLOWER'S COVE
Dated at Flower's Cove, NL this 21 day of July A.D. 2017

[Signature]
Mayor, Town of Flower's Cove

[Signature]
Town Manager/Clerk, Town of Flower's Cove

LEGEND:

FUTURE LAND USE DESIGNATIONS AS SHOWN:

WATER SUPPLY
MIXED DEVELOPMENT
COMMERCIAL/LIGHT INDUSTRIAL

— — — — — MUNICIPAL BOUNDARY EXCEPT WHERE IT COINCIDES WITH PLANNING AREA BOUNDARY

..... PLANNING AREA BOUNDARY

————— DESIGNATED AREAS BOUNDARIES (EXTENDED TO PLANNING AREA BOUNDARIES)

REV 6	APPROVED BY COUNCIL	6 JUN 2017
REV 5	FOR ADOPTION BY COUNCIL	1 MAY 2017
REV 4	FOR DMA REVIEW AND RELEASE	6 OCT 2016
REV 3	FOR PUBLIC MEETING	20 SEPT 2016
REV 2	FOR COUNCIL REVIEW	23 JUL 2016
REV 1	FOR COUNCIL REVIEW	29 JUN 2016

TOWN OF
Flower's Cove

MUNICIPAL PLAN
FUTURE LAND USE MAPS
2016 - 2026
MAP 1