

**Municipal Plan for 2014-2024, Town of Garnish**  
Approved by Council 31 August 2015

**Town of Garnish**

**MUNICIPAL PLAN**

**2014-2024**

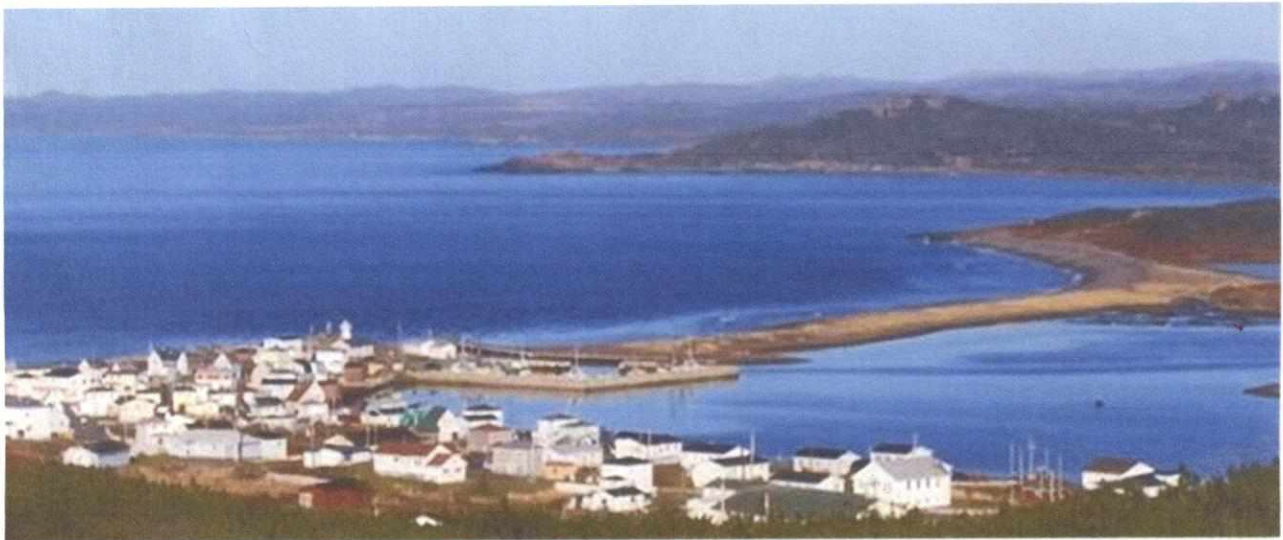


Photo credit: Town of Garnish ICSP

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**1.0 ADOPTION AND APPROVAL**

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

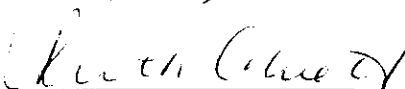
Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Garnish adopts the Municipal Plan for 2014 to 2024.

Resolved by the Council of the Town of Garnish on the 9<sup>th</sup> day of June, 2015.

Signed and sealed this 29 day of Sept, 2015.

Mayor: 

(Council Seal)

Clerk: 

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2014 to 2024, adopted by the Council of the Town of Garnish, on the 9<sup>th</sup> day of June, 2015.

Clerk 

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1780-2015-001  
February 1, 2016  
*[Signature]*

**1.2 COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE**

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Garnish approves the Municipal Plan for 2014 to 2024.

Resolved by the Council of the Town of Garnish on the 31<sup>st</sup> day of August, 2015.

Signed and sealed this 29 day of Sept, 2015.

Mayor: *[Signature]*  
(Council Seal)

Clerk: *[Signature]*

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2014 to 2024, approved by the Council of the Town of Garnish, on the 31<sup>st</sup> day of August, 2015.

Clerk *[Signature]*

**1.3 PLANNER'S SEAL AND SIGNATURE**

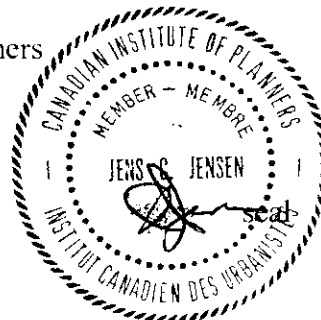
CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

*[Signature]*  
Jens Jensen, B.Eng., MCIP

Date: 3 December 2015



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## **Municipal Plan for 2014-2024, Town of Garnish**

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## **2.0 FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION**

### **2.1 The Municipal Plan**

This document and the maps contained with it, form the Municipal Plan for the Town of Garnish. It 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.

The document presents statements regarding the Town's intentions with respect to the location and manner in which development within its community shall take place. The Future Land Use Maps 1 and 2 show the Garnish Planning Area divided into various land use designations. Within each designation only specified kinds of development may take place.

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Garnish Planning Area Boundary. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

This Municipal Plan has been prepared following the preparation of a special purpose document, an Integrated Community Sustainability Plan (ICSP). The ICSP is a document prepared in accordance with a requirement that municipalities prepare an Integrated Community Sustainability Plan in order to qualify for revenue from the Gas Tax Fund, pursuant to the Gas Tax Agreement signed between the Province and Local Governments.

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 touches on matters not directly related to land use, such as social conditions, cultural matters and governance. 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.

### **2.2 Ministerial Approval**

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 23 of the *Act*.

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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, 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 are received by the deadline, Council 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. Council then considers the report and either approves the Plan (with or without changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

An approved Plan then is submitted to the Minister for review and 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, and all written objections and representations that may have been submitted at the Hearing. After reviewing the document and determining that it is not contrary to law or a policy of the government of the Province, 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. 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, 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.

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It is important to recognize that a new Plan does not come into legal effect until the notice of the Minister's registration appears in the *Newfoundland and Labrador Gazette* and the newspaper ad has appeared. 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 Planning Area Boundary.

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

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### **2.3 The Effect and Amendment of the 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 Planning Area, unless specifically exempted by superior legislation. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

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 2014 through 2024.

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.

### **2.4 Municipal Plan Administration; Role of Development Regulations**

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 regulations. After adoption by the Council, these regulations must be submitted to the Minister for approval in like manner to the process for Municipal Plans.

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 subsequent 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 implementing regulations regarding all development in the Municipal Planning Area.

## **3.0 INTRODUCTION**

### **3.1 Title and Components**

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Garnish, 2014 - 2024*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the Garnish Planning Area.

### **3.2 Review and Amendments**

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are not intended to remain static but are subject to continuous review and alteration as required in the light of changing economic, social, and technological developments, as well as at the required five year reviews.

### **3.3 Purpose of Plan**

A Municipal Plan guides growth and development within a Municipal Planning Area. 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.

### **3.4 Municipal Planning Area**

The territory subject to this Municipal Plan is that which is included within the boundaries of the Garnish Planning Area. The Planning Area boundary is defined to be the Town boundary and is illustrated on Map I.

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### **3.5 History**

The recently completed Planning Background Report includes a succinct history of the community, which is quoted below:

*Like most of Newfoundland's coastal areas, the Garnish area was inhabited by French fisherman beginning in the 1600s, and thrived on the fishery. The location of the community on the shore of Little Barrisway (on some maps named Garnish Barasway) was advantageous, providing a harbour naturally protected by a spit and two constructed breakwaters. The community can attribute much of its past and present growth and prosperity to its proximity to the prosperous inshore fishing grounds and its good harbour. As the French departed, English rule and commercial links were developed and sustained the community for many years.*

### **3.6 Public Consultation**

At the outset, the consulting planner came to Garnish in June, 2013, to meet with Town Councillors and staff, to discuss the Town's planning issues and to assess land use needs and development opportunities first hand. This information was also 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 winter of 2014, the Town's consulting planner, Council and staff developed a first draft of the Municipal Plan and Development Regulations for 2014-2024. Those drafts were presented at an advertised public meeting held in the community on 26 June, 2014. The proposed planning documents were discussed, and notes taken on suggestions for consideration.

The resulting drafts of the Municipal Plan, with the accompanying Development Regulations, were sent to the Department of Municipal and Intergovernmental Affairs for the statutory review and release process, and their comments were received and reviewed. Aside from minor revisions suggested for clarity, one significant change was made in regard to designation of the protected public water supply area (Witchazel Pond). In the initial drafts, that area was included in the surrounding Rural designation, and special restrictive conditions were included to complement the water supply function.



## **4.0 KEY FACTORS AND APPROACHES AFFECTING DEVELOPMENT**

The key points arising from the information and consultative processes described above are as follows:

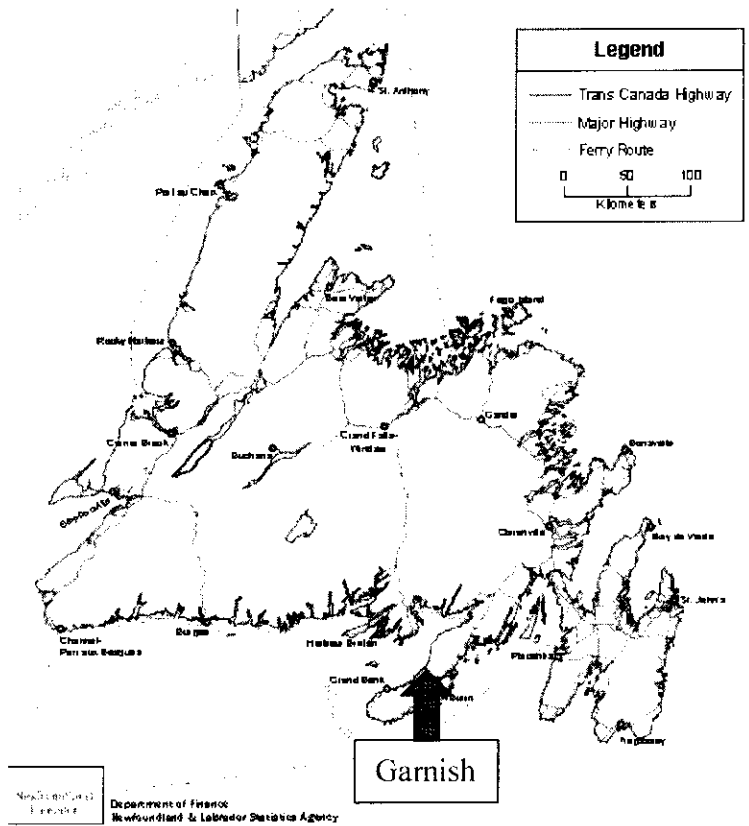
### **4.1 Geographic Setting and Settlement**

Garnish is a coastal community located on the westerly shore of Burin Peninsula on the south coast of the island of Newfoundland, and lies close to the Town of Marystown, which is the principal service centre on the Burin Peninsula. The nearest other principal centres are Clarenville (about 200 km) and St. John's (about 320 km). Highway access to the community is via Highway 210 which runs down the length of the Peninsula from the TransCanada Highway at Goobies (about a 90 minute drive), bypassing Garnish as it runs from Marystown to Grand Bank. The core of the community is accessed by Highway 213, which runs in a loop off Highway 210, through Garnish and Frenchman's Cove.

The community's location relative to other communities in Newfoundland, as well as the ferry connections to Nova Scotia and Labrador, may be appreciated in the map on the next page.



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Its development pattern is essentially that of a long strip of structures built on the water and along the through Highway 213, fronting on both the Little Barrisway and Fortune Bay, with a few side streets giving access to wharves and shorelines. There is a mixture of residential, public buildings, commercial and industrial land uses in the core of the community, but virtually no development outside the core. The land uses, infrastructure and features are further described later in the report.

The Town boundary encompasses a large area extending beyond the core of the community. It includes the community water supply in the form of Witchazel (sometimes spelled with two “h”s or as two words) Pond supply area, which is designated a Protected Water Supply Area under the Newfoundland and Labrador Environment Act.

**4.2 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.

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It is well known that the populations of most areas of Newfoundland island outside the capital city 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. The economic factors affecting the Town of Garnish do not operate in isolation from its neighbours on the Burin Peninsula, as it is feasible for community residents to commute daily to employment anywhere on the Burin Peninsula.

Garnish is no exception to the general trends in rural areas of the province: the latest available numerical data from the 2011 Canadian Census reveals the situation. The statistics since 1991 for the town and for some other Burin Peninsula communities within the economic influence of Marystown are summarized in the following table:

<b>Burin Peninsula Census Populations 1991-2011</b>					
<b>Community</b>	<b>1991</b>	<b>2001</b>	<b>2006</b>	<b>2011</b>	<b>% change 2006 - 2011</b>
Garnish	715	670	595	545	-8.4%
Lewin's Cove	609	575	566	555	- 4.3%
Marystown	6,739	5,908	5,436	5,506	+ 1.3%
Burin (Town)	3,259	2,712	2,483	2,424	- 2.4%
St. Bernard's- Jacques Fontaine	852	657	525	470	- 10.5%
Grand Bank	3,528	2,841	2,580	2,415	- 6.4%
Fortune	2,177	1,615	1,458	1,442	- 1.1%
St. Lawrence	1,743	1,558	1,349	1,244	- 7.8%
Census Division 2	28,495	24,371	22,298	21,351	- 4.2%

Note: Census Division 2 is all of the Burin Peninsula up to but not including Clarenville.

It can be seen that Garnish has recently experienced higher population loss compared to most other communities in the region. One may say that Marystown itself is quite stable and other towns vary somewhat, though all of the other towns are seeing losses.

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The forward look in the short run is not likely going to be much different—it will be a matter of degree of decline and not of the general trend. The latest forecasts published by the provincial government show that the area covered by Rural Secretariat Region 8, Burin Peninsula, which runs up to but not including Swift Current on Highway 220, will decline to the mid-17,000s level by 2026, from 20,908 in 2011. Garnish may not decline as much proportionally, as it is adjacent to the Marystown centre of economic activity and will be less affected compared to the more isolated communities.

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 agencies 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 the spirit reflected in the vision statements. 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. At the same time, it would be important to be open to considering commercial or industrial development of certain types.

The significance of the Municipal Plan and associated Development Regulations in supporting the community’s pursuit of these objectives is obvious: the regulations which will govern new development need to be sensitive to the objective of encouraging and facilitating desired new development while at the same time protecting the assets of the community, such as the quality of existing residential development. The vulnerability of the coastal areas in the context of climate change also need to be appreciated and appropriate measures included in municipal programs of all kinds.

Finally, the administrative mechanisms by which development applications are processed, considered, and approved need to be efficient and clear. The ICSP explicitly says 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.

## **5.0 GOALS AND OBJECTIVES**

### **5.1 Goals, Objectives and Policies**

Goals are frequently employed as the essential foundation for any planning endeavour whether it is a personal career, a community plan, or a corporation's growth and facility strategy. The formulation of goals, toward which efforts and resources are directed, and objectives, the more precise and measurable steps needed to achieve the goals, can make the difference between wasted effort and success. Policies are the courses of action that a government takes to achieve its objectives.

By way of example in the Garnish case, one goal concerning the role of the community as a quiet, safe community in which quality of residential life is highly valued, would be to enhance and protect that quality, within which an objective (amongst others) to follow from this goal is to carefully limit new non-residential development that may be proposed. The obvious related policy would be to introduce stringent requirements in the Development Regulations with that objective in mind, amongst other policies.

### **5.2 Goals for the Town of Garnish**

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 will be allocated 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 community.

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- c) Compact development of the community will be promoted, in order to provide municipal services to properties as efficiently as possible. Development will concentrate in the established developed areas of the community, so as to make efficient use of existing infrastructure. In addition, urban reserves which are suited to development will be designated to accommodate new, properly serviced residential subdivisions. Urban reserves will be serviced by extensions of the existing central water and sewer services.
- d) Development outside the areas serviced by municipal central services may be serviced by on-site sewer and water services.
- e) Measures shall be taken to prevent development in areas which are expected in time to be very adversely affected by climate change, in particular to do with expected sea level rise and inundation 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 within designated urban reserves, designed so as to present a pleasant appearance and an efficient arrangement of street, water and sewer services.

### **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 press for

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strengthening 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 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 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 limit development and use of lands outside of the community's built-up area and areas designated for future servicing and development, to those of a rural nature and those which cannot be reasonably carried on within the built-up area.
- b) To vigorously protect and enhance the management of the Witchazel Pond 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, use of forest resources, and trails and venues for outdoor recreation.
- d) To severely limit development on lands featuring steep slopes, wetlands, or watercourses.

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- e) To work in conjunction with the new 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.

### **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 maintain and protect areas now established as open space areas for outdoor recreational purposes and cemeteries, to guide improvement projects and to endeavour to preserve these assets from encroachment by buildings and other activities.
  - 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 Highway 213 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.
  - d) To seek to develop and improve means by which use of Highway 213 and town streets can be used by ATVs in a peaceful and safe manner.

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**G) 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.



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### **6.0 DEVELOPMENT CONCEPT AND POLICIES**

This section presents a general view of the development pattern followed 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 primary objective is to proactively accommodate growth and encourage economic development, recognizing the priority given to protecting and improving the quality of residential life as the paramount objective.

Residential development in the form of single or double dwellings will be encouraged and facilitated, as should recreational open space developments. Non-residential development which will be permitted should include obviously desirable developments such as marine industrial uses associated with harbour works, as well as churches, schools, recreation and cultural facilities, and home businesses. In addition, small scale, relatively benign uses should also be considered, such as convenience stores and personal service shops and light industry, but always with great care to control adverse effects on residential development in the immediate area.

In order to provide for expeditious decision making on development applications, the entire existing built up area of the community will be designated as a Mixed Development area, with a limited variety of possible uses permitted at discretion. Requiring non-residential development proposals to be subjected to lengthy approval processes is contrary to the objective of efficient and timely administration.

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.

Land for newly serviced development in the form of subdivisions will be designated as urban reserves in locations where access and servicing with extensions of the central water and sewer systems can be made efficiently. It is important to ensure a proper standard of design and construction of streets and services to avoid later issues which would inevitably involve the Town in solving them. Since the defined areas can be readily accessed, the Town should solicit and encourage developers to consider new residential subdivisions in those areas.

As the Urban Reserve lands become developed, they would be subject to “stand alone amendments” to the Development Regulations so as to zone them as Mixed Development, which

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would define the areas affected in each phase of development and which would incorporate provisions related to construction standards and access related to water, sewer and street services.

Rural lands that surround the community, ie: those that would not be designated for Mixed Development nor Urban Reserve, are used extensively by the local residents and visitors for recreational purposes and may provide a source of aggregate material used by the community for construction. Significant development has not occurred in the Rural areas to date, but should be capable of being considered though the Town should neither encourage nor discourage it. However, the Town will not be involved in assisting public street or municipal water and sewer services to any type of development in the Rural area as there are higher priorities on resources related to infrastructure.

The Witchazel protected water supply area will be designated as Water Supply,, with stringent controls on use of land it 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 at Council’s discretion.

The Mixed Development, Rural, Water Supply and Urban Reserve designations are shown on Future Land Use Maps 1 and 2.

### **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 1 and 2.

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 shall call for and review 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 designated Mixed Development comprises the existing developed area of the community, as shown on Future Land Use Map 2.

As the Urban Reserve lands become developed, they would be subject to “stand alone amendments” to the Development Regulations so as to designate them as Mixed Development, in which the policies related to that designation will apply.

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The following policies shall apply to development in the Mixed Development area, including the Urban Reserve areas as they are developed and rezoned to Mixed Development:

1. The Mixed Development areas shall be indicated on the Future Land Use Map 2. They comprise the currently built up area of the community, and in the future will be expanded to include Urban Reserve areas as they are developed.
2. Development of these lands for single and double dwelling residential uses as well as recreational open space uses shall be permitted. Uses in the assembly category (except amusement establishments), special care institutional, other types of residential development including home businesses and subsidiary apartments in any type of residential development, business and personal service, mercantile, industry (except hazardous industry), cemeteries, and, transportation (including wharves and docks, boathouses, and sheds), will be subject to Council's discretion, provided public safety and the amenity of established residential uses are protected, and, that other general criteria are respected.
3. Small scale business uses may be permitted to occupy a minor part of a residence.
4. Non-residential uses must be compatible in scale and appearance to surrounding residential uses, and not be so close as to make a crowded appearance, and be limited to those that will not be a hazard or nuisance to residences.
5. New public uses may be permitted provided they respect residential amenity, safety and privacy. Public uses include recreational open spaces, religious, educational, cemeteries, and community or government services.
6. All new development and all new lots created shall have direct frontage onto a publicly—maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council.
7. New development shall be required to be serviced with central water and sewer systems and properly built streets. The Town will generally not use its financial resources to assist in these developments except where costs can be recovered promptly, but will take ownership and responsibility for maintenance once they are correctly built.
8. In the Urban Reserve areas, only conservation and forestry uses and maintenance and operation of existing uses shall be permitted. As these areas become rezoned to Mixed Development, the uses contemplated for that area shall be applicable. In the meantime, recreational open space developments may be considered as discretionary uses.

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- 9. New development shall be located and constructed in a manner which reflects the anticipated effects of climate change. Council will consider preparation of a climate change adaptation plan, in particular with regard to vulnerable shorefront lands and steep or unstable slopes. In the meantime, elementary measures concerning sea level rise should be included. On coastal Newfoundland, a rule of thumb suggests prohibiting development below an elevation of 1.5 metres above the high water mark in Fortune Bay, except for wharves, boatsheds, stages and the like that require access at salt water level.

**6.2.2 Urban Reserve**

As said above, Urban Reserve lands are intended for future residential subdivisions, in which uses would be those stated for the Mixed Development area. Until such time as development is implemented, the uses permitted in the Urban Reserve areas shall be limited to conservation and forestry, as well as maintenance and operation of existing uses, and discretionary uses shall be limited to recreational open space.

**6.2.3 Rural**

As said above, considerable discretion concerning development in the Rural areas shall be provided. The following policies will guide development in the Rural areas:

- 1. Undeveloped lands surrounding the Mixed Development and Urban Reserve areas should be designated Rural.
- 2. Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment.
- 3. In order to ensure full review of proposals for development in the Rural areas, the only permitted uses shall be agriculture, forestry and conservation uses. Any other uses except for solid waste uses may be considered as discretionary uses, in order to provide for consideration of a wide variety of proposed developments. Council shall evaluate each development proposal to determine environmental effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities
- 4. Council shall not extend municipal services to any development located in areas designated Rural. However, a developer could connect to municipal services if they

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should be available, at his own expense. Subdivision streets and water and sewer infrastructure shall be designed and constructed in accordance with proper engineering standards.

5. 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.
6. 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 and Urban Reserve 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.
7. 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.

### **6.2.4 Water Supply**

As said above, development in the public water supply area at Witchazel Pond shall be strictly controlled, and permitted uses restricted to public water supply purposes. Development of forestry uses and low impact recreational open space, including trails may be considered at Council's discretion, provided that the developments can be demonstrated to be fully compatible with the primary function of the area as the community's water supply. Forestry uses must be supported by a forestry management plan approved in advance by the Council.

### **6.3 General Land Use Policies**

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

#### **6.3.1 Surface Conditions**

Any proposal for erection of a structure on a site having a slope in excess of 20 percent, or which is potentially subject to flooding or any other hazard, must be certified by an engineer to ensure that development of the site can take place without danger to health or safety. Otherwise, the development will not be permitted.

#### **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 sewer services 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 and sewer 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 area that is not serviced, so that land that is, or will be, serviced can be used for more appropriate urban development.
4. Extensions to the water, sewer and road system which are not part of the Town's capital works program shall be the financial responsibility of the developer. 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.

#### **6.3.3 Servicing Requirements**

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 and sewer system or a properly designed and approved on-site sewage system.

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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.

### **6.3.4 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.

### **6.3.5 Property Maintenance**

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 Visual Effects of Development**

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.

### **6.3.7 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:

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

### **6.3.8 Environmental Degradation**

Any proposed development shall not pollute any part of the community. Permission to develop may be conditional upon measures to prevent pollution during construction, operation, or occupation of a building or site.

Garbage, refuse, abandoned vehicles and any other discarded materials of any kind shall be disposed of only at a waste disposal site approved by the Department of Environment. Such material shall not under any circumstances be used as fill for buildings lots.

### **6.3.9 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.

### **6.3.10 Archaeology Sites**

There are no known archaeological sites within the Planning Area. The Town will inform prospective builders when applications are received for development permits, to be alert to finding any objects which may be archaeologically interesting. Any significant buried features or artifacts which are discovered must be reported to the Town and also Provincial Archaeology Office, Department of Tourism, Culture and Recreation.



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### **6.3.11 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.

### **6.3.12 Fuel Storage Tanks**

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.

### **6.3.13 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.

### **6.3.14 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.

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**6.3.15 Valued Trails**

A number of hiking and all terrain vehicle (ATV) trails have been or may be developed throughout the Planning Area. These represent considerable effort and investment, and are a valued recreational resource as well as an access to the community should highways or bridges be blocked. Measures will be included in the Development Regulations to prevent or mitigate encroachment on their alignments, which would reduce their amenity value or safety.

Trails that have been established at the time of preparation of this Municipal Plan are shown on mapping in the Development Regulations. Trails may be added or deleted by standalone amendments to the Development Regulations.

Concerning development of new public 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. Further, the Development Regulations will stipulate a minimum proximity from the corridors to structures and buildings and trees, and prohibit alterations to land elevations or creation of other obstructions in the corridors.

**6.3.16 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 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.

#### **III. Advertisement Regulations**

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and

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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.

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

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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.

### **7.4 Public Works**

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The community's water and sewer servicing 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. Water and sewer 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 and sewage 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 and sewer servicing program (or individual phases of it) improvements to local roads should be undertaken

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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.

**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 1 and 2 and the map(s) in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information. 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.

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.

**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. Amendments to the Municipal Plan will not be required for any minor deviation from any of the stated figures or quantities.

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### 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:

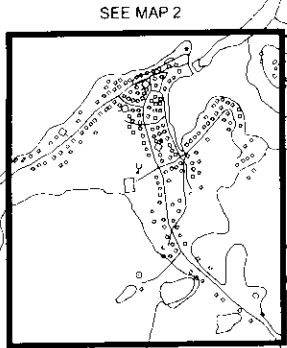
- (a) the dimension of the site;
- (b) the area of the site;
- (c) dimensions to indicate the location of all buildings;
- (d) dimensions of buildings to provide comprehensive information of their plan form, including future buildings or expansions;
- (e) the distance between buildings and all yards;
- (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 Garnish or its departments and agencies.

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



SCALE 1:50000 @8½" X 11"

1780-2016-001  
*February 17, 2016*  
*[Signature]*



WATER SUPPLY

RURAL

RURAL

RURAL



TOWN OF GARNISH

Dated at \_\_\_\_\_ this 29 day of \_\_\_\_\_

A.D. 20 15

*[Signature]*  
 Mayor, Town of Garnish

*[Signature]*  
 Clerk, Town of Garnish

LEGEND:

--- MUNICIPAL BOUNDARY

PLANNING AREA BOUNDARY IS IDENTICAL TO THE TOWN BOUNDARY

4	APPROVED BY COUNCIL	31 AUG 2015
3	FOR DMA REVIEW	30 APR 2015
2	TO DMA FOR REVIEW AND RELEASE	29 JUL 2014
1	FOR TOWN REVIEW	21 JUN 2014

TOWN OF  
**Garnish**

MUNICIPAL PLAN  
 FUTURE LAND USE  
 2014 - 2024  
 MAP 1