

# **TOWN OF LEWIN'S COVE MUNICIPAL PLAN**

**IMPORTANT:** To see if there were any changes to this plan since it came into effect, please refer to:

**List of Municipal Plan Amendments**



**Municipal Plan for 2015-2025, Town of Lewin's Cove**  
Approved by Council 18 June 2015

# **Town of Lewin's Cove**

## **MUNICIPAL PLAN**

**2015-2025**



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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 Lewin's Cove adopts the Municipal Plan for 2015 to 2025.

Resolved by the Council of the Town of Lewin's Cove on the 25<sup>th</sup> day of May, 2015.

Signed and sealed this 25<sup>th</sup> day of May, 2015.

Mayor: John Moore

(Council Seal)

Clerk-Manager: Barbara Mullett

#### **Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2015 to 2025, adopted by the Council of the Town of Lewin's Cove, on the 25<sup>th</sup> day of May, 2015.

Clerk-Manager Barbara Mullett





## 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 Lewin's Cove approves the Municipal Plan for 2015 to 2025.

Resolved by the Council of the Town of Lewin's Cove on the 18<sup>th</sup> day of June, 2015.

Signed and sealed this 18<sup>th</sup> day of June, 2015.

Mayor: John Moore

(Council Seal)

Clerk-Manager: Barbara Mullett

### Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2015 to 2025, approved by the Council of the Town of Lewin's Cove, on the 18<sup>th</sup> day of June, 2015.

Clerk-Manager Barbara Mullett

## 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: 17 July 2015



MCIP seal

Municipal Plan/Amendment <b>REGISTERED</b>
Number <u>2710-2015-002</u>
Date <u>July 29, 2015</u>
Signature <u>[Signature]</u>

## **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 Lewin's Cove. 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 repeals and replaces the community's Municipal Plan for 1987-1997, including all amendments thereto. As the former Municipal Plan and Development Regulations came into effect circa 1987, they will be referred to as the 1987 planning documents.

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 maps show the Lewin's Cove 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 Lewin's Cove 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 revising the former 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.

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**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*.

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 and Intergovernmental 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.

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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.

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 2015 through 2025.

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 Intergovernmental 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 Lewin's Cove, 2015 - 2025*. The following text and Future Land Use Map 1 contained herein constitute the Municipal Plan for the Lewin's Cove 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 Lewin's Cove Planning Area. The Planning Area boundary is defined to be the Town boundary.

The built up community area lies in the eastern part of the Planning Area, along Highway 220 along the shore of Burin Inlet. This is illustrated on Map 1.

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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 Lewin's Cove area was inhabited by French fisherman beginning in the 1600s, and thrived on the fishery. The location of the community on Burin Inlet was advantageous, being a well sheltered harbour and relatively not remote from St. John's. The community takes its name from Lewin's Cove, a cove on Burin Inlet, which connects to the Atlantic through a winding waterway.*

*The community can attribute much of its past and present growth and prosperity to its proximity to the fishing grounds and its fine harbour. Original settlers thrived on trade with the French and a vigorous inshore fishing industry. As the French departed, English rule and commercial links were developed, including the role of the area as a shipbuilding and marine logistics centre, roles which continue today in the greater Marystown area.*

### **3.6 Public Consultation**

In the first step in the planning process, the Town's consulting planner came to the community in January, 2014. He carried out much of the basic background information gathering and consultation with staff and Council, to build the initial information needed for the assignment.

In addition, the usual step of contacting the Department of Municipal and Intergovernmental Affairs to arrange for the circulation of a letter to all affected government departments and agencies, requesting that they identify any plans or policies which would have a bearing on the review, was followed. This is a routine procedure which the Department organizes to assist municipalities when planning revisions to these documents. As those results came in, they have been considered in the work on the Municipal Plan.

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 2015-2025. Those drafts were presented at an advertised public meeting held in the community on 24 March, 2014. The proposed planning documents were discussed. An advertisement was made requesting any person with comments or suggestions to bring them forward by 18 April, 2014.

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As none were received and Council was content with the draft documents, no changes have been made such that the documents presented at the public meeting are those sent in for Department of Municipal Affairs review, except that the map was properly drafted following the public meeting to replace the rough map presented in the Planning Background Report.



## **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**

Lewin's Cove is a coastal community located on the Burin Peninsula on the south coast of the island of Newfoundland, and lies immediately proximate to the Town of Marystown, which is the principal service centre on the Burin Peninsula. The nearest other principal centres are Clarenville (172 km) and St. John's (305 km). Highway access to the community is via Highway 210 down the length of the Peninsula, to the TransCanada Highway at Goobies (about a 90 minute drive).

The community's location relative to other communities on the Burin Peninsula may be appreciated in the map on the next page.



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Its development pattern is essentially that of a ribbon of structures built on the water along both sides of Highway 220, with a few short side streets. Highway 220 is the Burin Peninsula Highway which connects the Marystown area southwards to the Atlantic coastal communities of St. Lawrence, Lawn etc. and continues on around the end of the Peninsula to Fortune, Grand Bank etc and back to Marystown. The land uses, infrastructure and features are further described later in the report.

The Town boundary encompasses an area to the north, in the long pointed shape that includes undeveloped lands. The area in the northern tip is locally known as "...the sou'west..." a term which will be used in this report as it is an important area in land use planning for future development.

An important factor affecting the ability of the Town to grow is that of water supply. At present, and for the long term, the Town draws its water from the neighbouring Town of Burin central water system. That system fortunately provides ample, high quality water under an agreement with the Town of Burin. Increasing the draw of water significantly requires liaison with the Town of Burin, to ensure that mutually agreeable terms are achieved.

An important feature in the community is Freshwater Pond Park, which is a former Newfoundland and Labrador Provincial Park located on the bank of Freshwater Pond, a large pond which was used for recreational boating, swimming and sport fishing. It was disposed to private ownership some time ago.

The 1987 planning documents and the ICSP identify Lewin's Cove as a bedroom community of Marystown, and the pattern of development in the community reflects that role. The community is largely residential in form, with very little else other than some home businesses, recreational facilities, and public uses such as the municipal building.

The land uses developed in the community have been adequately accommodated as there has been sufficient land to do so to date. However, increasing demand for land for development is creating some new pressures to identify suitable lands for expansion and a plan for implementation. The economic and demographic factors which lie behind the demand will be discussed in the next section.

## **4.2 Demographics and Economic Development**

It is important to understand the trends in population numbers, in particular to discern the influential factors. It is well known that the populations of most areas of Newfoundland island outside the capital city are declining in numbers and generally aging.

Lewin's Cove is no exception: the latest available numerical data is from the 2011 Canadian Census reveals the situation. The statistics since 1991 for the town and for other Burin Peninsula communities within the economic influence of Marystown are summarized in the following table:

It is helpful to see what other communities in the same economic sphere are experiencing. The following data for the Burin Peninsula is drawn from Statistics Canada census data:

<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>
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 Lewin's Cove is experiencing typical population changes compared to other communities in the region. One may say that Marystown is quite stable and Lewin's Cove is not as substantially declining as St. Lawrence and St. Bernard's-Jacques Fontaine. Overall, it can be said that Lewin's Cove is very close to the typical experience of the Burin Peninsula.

The reasons for the demographic trends are well known: declining birth rate, outmigration 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.

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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 Lewin's Cove 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.

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 from the 20,908 in 2011. Lewin's Cove will likely 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.

The Municipal Plan will 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 will respond to the strategy that community sustainability will relate directly to successfully maintaining and improving the quality of life as a place to live. At the same time, it would be important to be open to considering non-residential 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 new development while at the same time protecting the assets of the community, such as existing residential areas. 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 approval process needs to be timely,

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so that desirable development is not held up more than necessary for review of requirements and prompt decision making.

## **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 Lewin's Cove case, one goal concerning the role of the community as a bedroom community in which quality of residential life is paramount, 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 Lewin'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 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. The existing developed area along Highway 220, and an adjacent area held as an urban reserve, will provide for fully serviced, ie: with central municipal water and sewer services, mixed development. In addition, the "sou'west" will be available for development of mixed uses, largely serviced by central water service supplied from the Town of Burin and on-site sewage disposal systems.
- d) The remainder of the Town's area lying outside the areas indicated in c) above is to be developed as a rural area, in which development may be serviced by on-site sewer and water services.

**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 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,



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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 support and encourage measures taken by the Town of Burin concerning mutual interests in a sustained high quality water supply.
  - 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.
  - 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

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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 220, 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) 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.

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- b) To improve the cost effectiveness of municipal servicing by implementing compact, carefully planned serviced development.

## **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 general development concept in the 1987 documents is continued: as said above, the concept is based on the primacy of the role of the community as a bedroom community of the Marystown area, in which continuing and improving residential quality of life is the primary objective.

In order to provide for expeditious decision making on development applications, the entire existing built up area (including some immediately adjacent areas which could be developed without the need for significant extension of the Town's central water and sewer services) will be designated as a Mixed Development area. In addition, a Mixed Development area will be anticipated to develop in the "sou'west"; it will be serviced with central water service extended from the Town of Burin, across Highway 222 [subject to agreement with the Town of Burin on water supply, or except as waived for "straddling lots" below] and on-site sewage disposal systems.

An unusual situation on the boundary between the Towns of Burin and Lewin's Cove is found in the "sou'west", where the rear yards of some existing lots fronting on Highway 222 in the Town of Burin extend into the Town of Lewin's Cove. Provisions in this Municipal Plan will facilitate development on those "straddling lots" of uses permitted in the Mixed Development area in like manner, ie: serviced with either a Town of Burin water system extension or by individual, on-site water supply, and, individual on-site sewage disposal systems. Access roadway(s) to the "sou'west" will have to come across part of the abutting Town of Burin from Highway 222, and the development would be dependent on supply from the Town of Burin water system, other than for the "straddling lots" mentioned earlier.

Residential development in the form of single or double dwellings will be permitted in the Mixed Development areas, as will recreational open space developments. Those uses are characteristic of most of the existing development and character of the community as it is in 2014. Non-residential development which will be permitted at Council's discretion includes only a limited range of uses, to be detailed in Section 6.2.

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In order to ensure proper review of proposals, it is suggested that the Urban Reserve designation be kept largely as it was in the 1987 documents, to accommodate future fully serviced residential subdivisions, and applied to the hill terraces above Highway 220.

Rural lands that surround the community, ie: those that would not be designated for either 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. Since the Rural area represents some potential for beneficial development, perhaps of types not now envisioned, considerable flexibility should be available to Council to consider development there.

New development must 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 shoreline lands and steep or unstable slopes. In the meantime, elementary measures concerning sea level rise and steep slopes will 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 Burin Inlet, except for wharves, boatsheds, stages and the like that require access at water level, and that requirement will apply.

The Mixed Development, Rural, and Urban Reserve designations are shown on Future Land Use Map 1.

### **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 Map 1 (at the back of the document).

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 areas comprise the existing developed area of the community and the area in the "sou'west", as shown on Future Land Use Map 1.

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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.

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

1. Development of these lands for single and double dwelling residential uses as well as recreational open space will be permitted. Other uses in the assembly category (except amusement establishments), special care institutional, other types of residential, business and personal service, convenience store, and, wharves and docks, boathouses, and sheds, will be permitted as discretionary uses provided public safety and the amenity of established residential uses are protected, and, that other general criteria are respected.
2. Small scale business uses may be permitted to occupy a minor part of a residence.
3. Non-residential uses must be compatible in scale and appearance to surrounding residential uses, and will be limited to those that will not be a hazard or nuisance to residences and will be separated an adequate distance from adjoining residences.
4. Recreational open space uses such as public parks and playgrounds are permitted, provided that the amenity and privacy of nearby residential dwellings will be taken into consideration.
5. 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.
6. New development in the Urban Reserve area will be required to be serviced with central water and sewer systems and properly built streets. The same applies to development in the Mixed Development area in the "sou'west", except that in that area it is expected that sewer service would be by way of approved on-site sewage disposal systems, and central water service supplied by extension of the Town of Burin water system except for "straddling lots" described in 7 below. The Town will not use its financial resources to assist in these developments, but will take ownership and responsibility for maintenance once they are correctly built.
7. Development of land on the boundary between the Towns of Burin and Lewin's Cove in the "sou'west", where the rear yards of some existing lots fronting on Highway 222 in the Town of Burin extend into the Town of Lewin's Cove, will be enabled. The Town of Lewin's Cove will cooperate with the Town of Burin by recognizing that if the Town of Burin is prepared to approve development on such a lot, as if the entire lot were in the Town of Burin, the Town of Lewin's Cove will approve the development of uses

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permitted in the Mixed Development area, as needed. This provision will be available where the development is serviced with either Town of Burin water service or individual, on-site water service, and, individual on-site sewage disposal systems. If the existing lots of this type are large enough to be subdivided, the Town will similarly cooperate and the same provisions will apply to newly created lots.

8. Subdivision streets and water and sewer infrastructure shall be designed and constructed in accordance with proper engineering standards.

### **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 area will 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 should be provided. The following policies will guide development in the Rural areas:

1. Undeveloped lands surrounding the Mixed Development and Urban Reserve areas shall 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, some of which may be unusual but nevertheless desirable. Council will 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 may 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 will 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 are to 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 shall be buffered from adjacent development areas of the community. 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 is silent on the topic. However, the state of forestry operations will be monitored to determine whether there is a future need to consider amending this policy.



### **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.

### **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. 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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**6.3.7 Development Near Waterbodies**

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.

### **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 and dyking.

### **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 has 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.

### **6.3.15 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

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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 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 and the maps 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.

## **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 Lewin's Cove or its departments and agencies.

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

