

Town of Mount Moriah: Municipal Plan for 2017-2027  
AS APPROVED BY COUNCIL 20 JUNE 2018

# TOWN of MOUNT MORIAH

## MUNICIPAL PLAN 2017-2027



AS APPROVED BY COUNCIL ON 20 JUNE 2018

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**1.0 ADOPTION AND APPROVAL**

**1.1 RESOLUTION TO ADOPT; CLERK & MCIP CERTIFICATES**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Mount Moriah adopts the Municipal Plan for 2017 to 2027.

Resolved by the Town Council of Mount Moriah on the 18<sup>th</sup> day of April, 2018

Signed and sealed this 18 day of July, 2018

Mayor: 

Clerk: Carol Skeard

(Council Seal)



**Clerk's Certificate:**


Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2017 to 2027, adopted by the Council of the Town of Mount Moriah, on the 18<sup>th</sup> day of April, 2018.

Clerk Carol Skeard

**MCIP Certificate**

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, P.Eng., MCIP

Date: 24 July 2018

MCIP seal



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

*[resolution of Council to approve the Municipal Plan, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]*

Under the authority of Sections 16, 17, 18 and 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Mount Moriah approves the Municipal Plan for 2017 to 2027, as released by the Department of Municipal Affairs and Environment other than to revise matters concerning the T'Railway as recommended by the commissioner.

Resolved by the Town Council of Mount Moriah on the 20<sup>th</sup> day of June, 2018.

Signed and sealed this 18 day of July, 2018

Mayor: \_\_\_\_\_

Clerk: \_\_\_\_\_

  
Carol Skeard

(Council Seal)



**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2017 to 2027, approved by the Council of the Town of Mount Moriah, on the 20<sup>th</sup> day of June, 2018.

Clerk Carol Skeard

<b>Municipal Plan/Amendment</b>	
<b>REGISTERED</b>	
Number	<u>3340-2018-001</u>
Date	<u>January 4, 2019</u>
Signature	<u>Mindy Okey</u>

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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 Mount Moriah for 2017 to 2027. 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 Town of Mount Moriah Municipal Plan for 1994-2004 and all amendments subsequently made to it.

The document presents statements regarding the Council's intentions with respect to the location and manner in which development within its Planning Area shall take place. The map(s) show the Planning Area divided into various land use designations. Within each one only specified kinds of development may take place.

### **2.2 *Ministerial Approval***

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 24 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, a process which should include an early opportunity for public input, it is submitted to the Department of Municipal Affairs and Environment 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 Planning Area, in which Council states its intention to seek the

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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 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 provincial government's *Newfoundland and Labrador Gazette* and in a newspaper circulating in the Planning Area. The date of the publication of the notice in the *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.

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 *Gazette*. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Planning Area.

A concurrent and parallel process is involved in the preparation, adoption, approval, and coming into effect of the Development Regulations for 2017-2027 and supercession of the predecessor Development Regulations for 1994-2004 and amendments made thereto.

### ***2.3 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. 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 2017 through 2027.

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. Development Regulations must comply with the requirements of the *Urban and Rural Planning Act, 2000*, and include standard Provincial Regulations which currently are in the form of Newfoundland Regulation 3/01 made by the then Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001. Councils are also advised to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan and accompanying Development Regulations may involve Council employee(s) if they are appointed by Council pursuant to Section 109 of the *Urban and Rural Planning Act, 2000* to approve or reject applications to develop land and if they are so appointed, to outline conditions applicable to the development. Staff so appointed may issue orders concerning a development, including to stop work or to demolish construction and restore a site to its original condition, subject to confirmation by majority vote of Councillors present at their next meeting (if not confirmed, the order is cancelled). Executive staff also have a professional duty to advise Council on planning matters generally development in the 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 Mount Moriah, 2017 - 2027*. The following text and Future Land Use Map 1 contained herein constitute the Municipal Plan for the Mount Moriah Planning Area.

### **3.2 Review and Amendments**

In the course of reviewing the predecessor planning documents, substantial research was carried out concerning planning topics, and the data, literature, analysis and recommendations are compiled in a Planning Background Report. Though that report is not an official part of this Municipal Plan, it is a useful reference document for those who wish to more fully understand the background information and thought leading to finalization of this official Municipal Plan.

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are subject to periodic review and occasional amendment as required in the light of changing economic, social, and technological developments.

### **3.3 Purpose and Objectives of Plan**

A Municipal Plan guides growth and development within a Planning Area. It provides a means of preventing problems that could occur if conflicting land uses are developed too closely. It directs future growth so that 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.

The overall objective is to provide appropriate policies which Council will observe together with the more specific requirements of the Development Regulations as they evaluate development proposals that come before them, and as they formulate their own plans for civic works and programs. The policies themselves provide the basis for the detailed development standards and conditions found in the Development Regulations.

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### ***3.4 Planning Area***

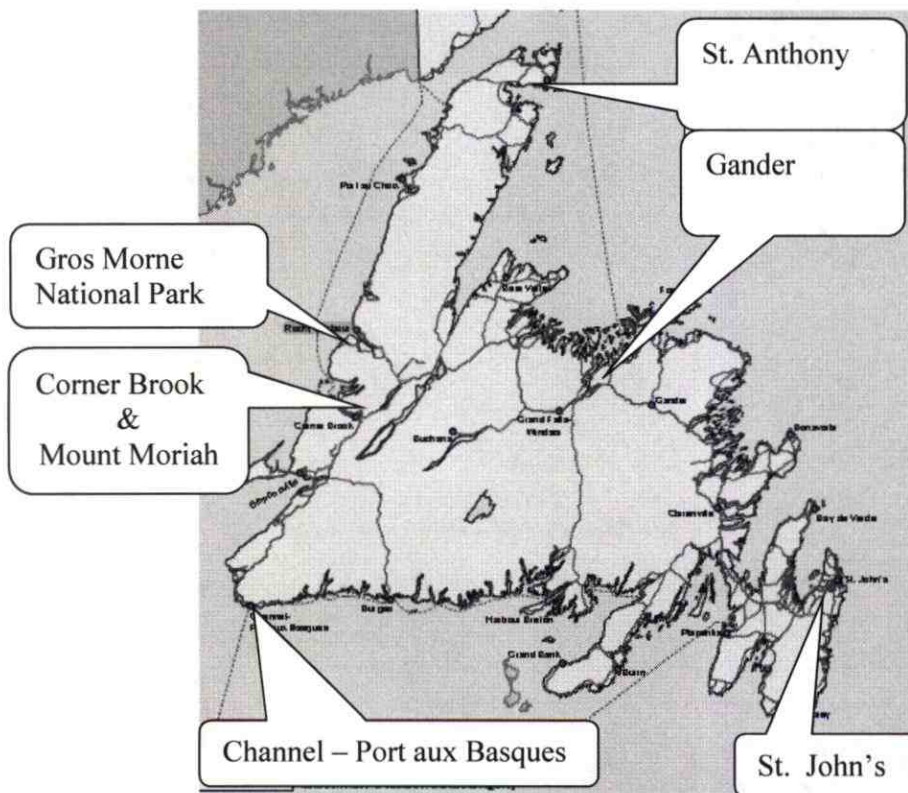
The territory subject to this Municipal Plan is that which is included within the boundaries of the Mount Moriah Planning Area, which coincide with the municipal boundary of the Town of Mount Moriah as shown on Future Land Use Map 1.

## 4.0 KEY FACTORS AFFECTING PLANNING POLICIES

The key factors that influence land use planning for the community are its origins, the changing local economy and population, the existing pattern of streets and land uses, infrastructure, physical barriers, sensitive lands and the expected effects of climate change, and community amenities.

### 4.1 History, Economy and Demography

Mount Moriah is a coastal community lying on Humber Arm and abutting the eastern boundaries of the City of Corner Brook, on the west coast of the island of Newfoundland. By automobile, the City centre is only minutes away. The community's location relative to other west coast communities and sites may be appreciated from the map below.



Compared to the many other coastal communities in Newfoundland and Labrador, the Town of Mount Moriah has had a different history. Most of those other communities can relate their origins to the historic fisheries of France and Britain, going back to the 1700s, but significant

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settlement and fishing on the Bay of Islands began only around the mid-1800s. In the 1900s, a good herring fishery operated, together with related on-shore industrial activity such as a large cooorage, and also considerable farming, but those activities are long gone.

The early 1900s saw the founding of the base of the modern economy of the area, focused on the vast forest resources on the west coast, which attracted investment in paper making after World War I. A mill built in Corner Brook by the International Paper Company of Newfoundland Limited began to produce paper in 1925, and through corporate succession continues to operate today.

The mill and its many directly related enterprises, together with the services and goods industries which are supported by them, became the initial mainstay of the emerging regional economy. In later years, economic activity unrelated to the paper industry grew in the health and public services and tourism sectors, and now their employees outnumber those in papermaking and other manufacturing. The distribution of employment across additional economic sectors has brought strength from diversification.

Review of the population projections produced by the provincial government's Economic and Projects Analysis Division in the Department of Finance confirms a belief that the region's population will be at least stable for the foreseeable future. The most pessimistic scenario for Economic Zone 8, the region in which Corner Brook is centred and where Mount Moriah is located, shows a forecast of a decrease of about 2.5% over the next 20 years. The most optimistic scenario shows a forecast increase of about 4.1%. The medium scenario forecasts a little bit better than flat rate stability.

In short, the region should expect to have a stable population, largely based on the region's industries, institutions and services which relate to a broad trading area, plus localized services to residents and tourists. The region should continue to have a diversified economy for which even a middling forecast indicates stability.

The population of Mount Moriah has not increased by large numbers over recent years, as indicated by the following census numbers:

1986	692
1991	726
2011	785
2016	746

What had seemed like an upward trend approaching 2016 seems to have dropped in the last five years. However, even though the population has not advanced, it is important to note that new housing has continued to be built in the community. There is good reason for the community to anticipate an ongoing, steady but small, demand for building lots for new housing.

The almost complete lack of commercial and industrial development is not surprising. The close proximity to the City and other communities directly on the TransCanada Highway presents investors with opportunities that will often be seen as more viable there than in the outlying suburban communities like Mount Moriah. The state of the fishery and farming is such that those industries are not reckoned to need land for use in Mount Moriah. These trends are expected to continue.

However, the high lands in the southerly part of the Planning Area do include forest resources (some of the lands are apparently owned by the mill operators), and potentially may include aggregate sources if not more valuable minerals. Extraction of those resources would require heavy trucking of product through the community, via Serpentine Road to Highway 450.

#### ***4.2 Settlement Pattern***

The community is built along a through highway, Provincial Highway 450, the Bay of Islands South Highway, which runs from Corner Brook to Lark Harbour along the south side of Humber Arm. Highway 450 represents the only motor vehicle access to the community. The built-up core area includes a number of side streets running off the highway, beginning on the east side directly at the City of Corner Brook boundary, and westward about halfway across the Town's width to Cook's Brook. Going further west beyond Cook's Brook, there are a number of houses along the highway, but no side streets.

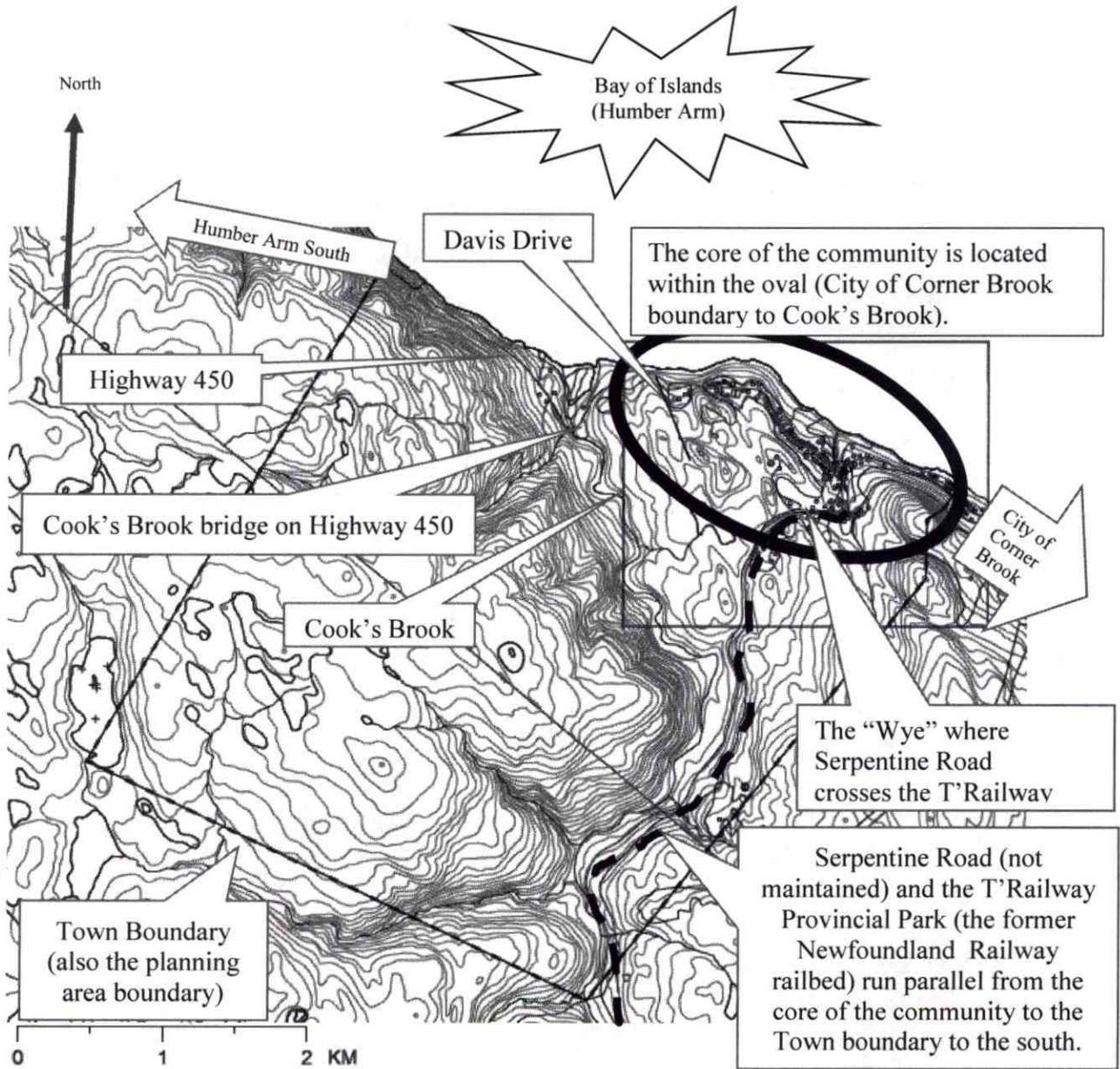
The developed core area in the Town of Mount Moriah at present occupies only a small fraction of the whole area of the Town. The railbed of the former Newfoundland Railway has been kept as part of the TransCanada Trail, part of which is now the T'Railway Provincial Park. It, together with Serpentine Road, run from the north side of the community to the southern boundary of the Town.

A visitor's first impression of the community is certainly one of a tranquil and attractive community, with many wooded areas and a clean appearance, as well as spectacular views of Humber Arm up and down the Bay of Islands.



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These basic features are illustrated on the map below:



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The now abandoned rail line of the Newfoundland Railway runs through the community. The rail bed now is owned by the provincial government and part of it is designated as the T'Railway Provincial Park. Within the Town of Mount Moriah, there are no buildings associated with the Park.

Serpentine Road is a street owned by the Town. It runs generally alongside the alignment of the rail bed from the City of Corner Brook boundary on the east side of the community and then southerly to the Town boundary. It is maintained for only a few hundred metres as it runs to the south of the "Wye".

In the core of the community, the side streets are almost entirely occupied by residential development. Practically all of the non-residential land uses are on Highway 450, comprising the Town Hall and a playground behind it, a small grocery store, a take-out food service, the post office, a mechanical services business, the fire hall, and a small industrial building (part used for a cabinetry business, part vacant).

A large antenna operated by the federal government is located on a hill in the interior of the settled area, somewhat removed from other buildings. Tower Road accesses the antenna from Serpentine Road; only the first short length of Tower Road is a public street. There are no industrial or public wharves along the shoreline, which is quite steep.

The whole Planning Area is very hilly aside from a gently sloped terrace area on which the core of the community is located. The landscape is dominated by the mountain called Mount Moriah, from which the community takes its name. Once well south of the currently occupied core of the community, the terrain becomes very mountainous and lacks year-round public road access.

### **4.3 Infrastructure**

Municipal infrastructure comprises the systems of streets, water supply and distribution, and sewage collection and treatment. The provincial government owns and maintains Highway 450 across the community, whereas the side streets are owned and/or maintained by the Town.

Most existing development is served with both central water and sewer systems. Essentially, almost all development east of Cook's Brook in the core of the community is on central water and sewer services, whereas the development to the west of Cook's Brook is on private water and sewage disposal services. The central services were almost all installed in the 1970s.

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Sewage from the central system is discharged to Humber Arm through three outfalls, each of which is equipped with a septic tank type of primary treatment. Eventually, treatment of all sewage will be required, and to a higher standard, but the timing is very uncertain due to the huge resources required, which are far beyond the financial capacity of Council. There are no specific issues concerning the capacity and condition of the collection system or the private sewage disposal systems.

Potable water is supplied from the City of Corner Brook water system. It is purchased in bulk and measured automatically at a meter near the eastern boundary of the Town. For many years, water was supplied free of charge until the Town entered into an agreement in 2016 for supply of water until 2025. For land use planning, the implications are as follows:

- The City may terminate water supply to the Town at the City's discretion, for any reason affecting the City system, including finding that the City needs the water for its own consumers or that the expense to the City of supplying water exceeds the fees paid by the Town.
- Use of the water for industrial uses is prohibited, unless the City consents,
- The Town cannot increase pumping capacity without City consent.

This new arrangement, for reasons related not just to cost but other factors, has a major influence on Council's planning policies. Council cannot count on the City to be a reliable supplier of water, as the City can terminate the agreement if the City finds that it needs the water or is otherwise not prepared to continue. This will affect the confidence of investors in developing new residential subdivisions using central water service, as the uncertainty as to supply of this necessary service will be an inhibiting factor. As the new agreement runs only until 2025, with no assurance of renewal or on what terms, this will continue to be unsettling for would-be builders and buyers.

#### ***4.4 Sensitive Lands and Adaptation to Effects of Climate Change***

Good community planning must concern itself with adaptation to environmentally sensitive lands and natural hazards. For many years, topics such as geological stability, landslides, flooding, wetlands, mineral workings (pits and quarries, as well as ore extraction and hydrocarbons), and coastal erosion have been familiar. In recent years, predictions of the effects of climate change have become clearer and measures are being taken in forward looking communities to adapt to those which threaten the environment and human settlements.

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A high priority topic is development in the vicinity of (or in) water bodies. Though the federal government generally has jurisdiction over ocean waters, management of inland waters are a matter of provincial jurisdiction. To do with sea level rise, the current expectations are that development (other than wharves and such) should be located at least two metres above current sea level, and also not on any known floodplains; this will have little effect in Mount Moriah due to the steep slopes falling into Humber Arm, which means that only minimal areas along the shore would be affected.

The developed areas in the community are generally relatively free of these sensitive lands and hazards, and thus one may say that these are concerns largely relevant to outlying areas. However, some of the topics are relevant to all areas, such as mineral workings, geotechnical risks associated with steep slopes, sea level rise and coastal erosion, and thus requirements are given in the Development Regulations to provide measures for all areas.

#### ***4.5 Potential for Suburban Growth***

As said earlier, the community lies in very hilly terrain, and it has naturally developed on the more easily developable, gently sloped terrace between high hills to the south and the shoreline of the Humber Arm. Its urban development potential is largely limited to areas south of the T' Railway but only as far as gently sloped land is found, plus the area south and west of Davis Drive.

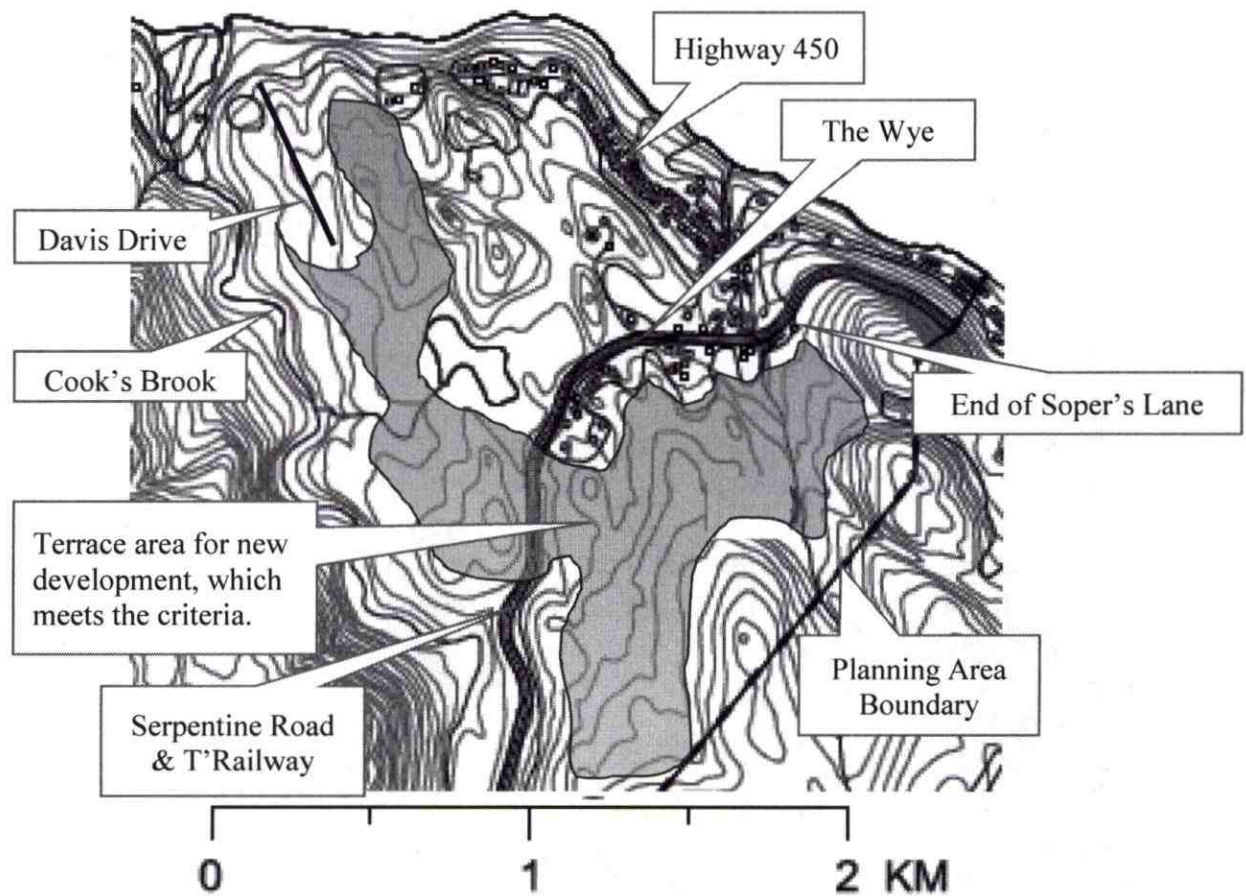
An analysis of limiting features and opportunities to access new residential areas by way of subdivision streets into back land revealed that the following were the key factors:

- The areas already developed are well established, and there is limited potential for a significant number of new lots by infilling in those areas.
- Sensitive lands, especially water bodies in this community, and expected sea level rise. Major water bodies and streams, including wetlands, all of which are protected by provincial legislation from intrusion, must be avoided. These cannot be filled in or significantly disrupted for new development.
- Areas having slopes exceeding a 20% grade are excluded from consideration as such slopes make it impractical to use on-site private sewage disposal systems and also, such building lots are difficult to build houses and streets upon. The areas west of Cook's Brook are also excluded as the topography there is generally too steep to meet this criteria.

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- Locations of new street entrances from existing streets are possible at only a few places where gently sloped topography and open areas are available.
- The generally accepted principle that new streets should not exceed a certain length in the form of cul de sacs, for safety reasons (emergency access for fire suppression and medical emergencies). The new streets in some cases would need to exceed the normal limit for cul de sacs, but that could be tolerable until such time as the connection to other streets is achieved.

The results of the analysis show that the areas shown on the map below meet the criteria. The representation below is quite approximate, and is shown in better detail on the large map in the Planning Background Report. Even that representation needs to be refined at the design stage as detailed engineering is done for specific projects but for the purpose of this Municipal Plan, the map shown below is sufficient to explain the policy. This concept is embedded in this Municipal Plan to ensure that proper street reserves are provided as each subdivision proposal is brought forward.



Building opportunities may also be found along Highway 450 west of Cook's Brook and along Serpentine Road beyond the current extent of Town maintenance, in both cases where small areas of suitably sloped land may be located where additional subdivision roads might enter. However, those opportunities will likely not produce significant numbers of new building lots.

#### **4.6 Recreation and Amenities**

The Town of Mount Moriah has gradually built up recreational features and amenities, using available resources. At present, public recreation and social meeting space facilities include a playground below the Town Hall and a part of the Town Hall which features a good quality meeting room where social activities organized in the community are supported.

The T'Railway, part of which is designated as a Provincial Park, is owned and operated by the provincial government without direct involvement of the Town, other than for the Serpentine Road crossing at the "Wye" and a water and sewer line crossing at about the midpoint of Soper's Drive. Although Council has no direct involvement in its use, it is an amenity for those in the community who wish to avail themselves of the trail for hiking, bicycling, and off road vehicle and snow machine travel. By way of local action to exploit these assets, there is opportunity to develop hiking trails which could intersect with the T'Railway and loop up from the south from Serpentine Road and over the high land on which Davis Drive is located, down to Highway 450, and onward, or in whichever way opportunities, interest and resources come together.

In addition to the above assets, the Town owns an area of unused land on the east side of the Cook's Brook bridge, and has pondered its future use. Some discussions have mentioned a possible day park, but the first need was to replace the old Highway 450 Bridge so that access could be considered. With that now planning for the use of the site can take place.

Also, it is important to recognize that the community is fortunate in being so close to the City of Corner Brook and other regional features, in that many cultural and recreational facilities and opportunities can be found in the region. This is a strong asset in the quality of life in the community, and for the Town's financial situation: the Town does not need to be all things to all people, and can focus its limited resources on the gaps. The community's focus could be on supporting active lifestyles by taking advantage of the natural features of the immediate area and opportunities for local facilities not requiring travel outside the community.

## **5.0 DEVELOPMENT CONCEPT**

This Section presents a general development concept for the community, including brief descriptions of approaches to key issues. The next Section provides the policies applicable to land use designations in the Planning Area, which are named in the Municipal Plan text and marked on Future Land Use Map 1. Some policies apply uniformly to the entire Planning Area. The policies have been devised so as to fulfil Council's goals and objectives and to respect any overriding interests of the provincial government in land use planning.

Most of the available, easily serviced land has already been built on or committed to residential subdivisions, and very few building sites are available by infilling on existing streets and services. Identification of available land areas shows that much of the new development will take place at the upper levels of the existing sewer system, and higher elevations in the water distribution system. The implication is that new sewage flows will add to the flows in existing lines and potentially overwhelm their capacity. Providing adequate water pressure at high elevations would require expensive boosting of pressure. Also, if many new consumers are added to the existing lines, the flow capacity of existing lines may be inadequate, also leading to expensive upgrading. Either of those eventualities would require expensive remedies, which would have to borne by the whole number of water consumers.

The community is at risk of being denied potable water from the City of Corner Brook waterworks, though this is not likely to take place on short notice. Mount Moriah is dependent on the good will of the City and/or the City's legitimate requirements to supply increasing volumes of water needed by their own consumers. Since Council wishes to be able to support population growth as people continue to value the good lifestyles and natural surroundings available in Mount Moriah, this factor alone has precipitated much discussion about how best to provide for infrastructure needed for new development.

The selected concept is that new subdivisions and development on existing lots should in future be accessed by public streets but served by private on-site water supply and sewage disposal systems. Building on streets where central water and/or sewer lines are already available and have capacity should continue concurrently in the usual way, so that the infilling potential of existing infrastructure is maximized.

This approach will free the community from having to be concerned about the vulnerability of water supply from the City for new subdivision development, and from being faced with ever larger sewage flows from new subdivisions discharging to the central system, which would

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require more extensive treatment later. The financing of subdivision development in this strategy continues to be from entrepreneurs but the new subdivisions would be free of infrastructure requiring Town maintenance other than the streets.

In that context, the overall development concept for the Planning Area is as follows:

- Mount Moriah's human geographic function has been and will continue to be essentially that of a suburban community for which most employment and practically all major services are found in the City of Corner Brook and elsewhere in the region.
- The community is not expected to be attractive to investors interested in large commercial and industrial developments.
- The community's appeal to settlers is its fine quality of life as a family-oriented residential area, set in a beautiful natural environment and the prospect of enjoying active lifestyles in the community and in the nearby region.
- The community is expected to continue to attract newcomers, mostly families with stable employment in the area, to buy or build homes, but in fairly small numbers.
- There is an expectation of continued interest on the part of investors in residential subdivision land, which Council wishes to encourage in order to support those who wish to move to the community and contribute to the healthy lifestyle and diversity of the community, as well as for residents who wish to build new housing.
- The predominant building form will continue to be almost entirely single dwellings, which can include subsidiary apartments and home businesses. Only small scale, benign non-residential development in the core of the community would be allowed and then only along Highway 450 in order to prevent traffic issues on side streets.
- Resource extraction activities involving forest and minerals products are anticipated to be located in the high lands well south of the core of the community and the terrace areas which are suited to expansion of the urban form of the community core. Extraction activity will involve heavy truck traffic on Serpentine Road, a Town street. Council will anticipate and address concerns about the effects of heavy traffic and traffic safety concerns on the neighborhoods along that Street and also physical loading deteriorating the street.
- New development will be serviced by private water supplies and private sewage disposal systems, ie; using on-site water wells and on-site sewage disposal systems, installed and operated by each owner, except where existing central water and/or sewer service is available.
- Suitable standards and conditions will be applied to address the expected effect of sea level rise, coastal erosion, and geotechnical risks associated with steep slopes.



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- Development of new subdivisions will feature public streets which will be conveyed to the Town once constructed to a high standard. Private streets (except in mobile home parks or condominium arrangements for land and/or buildings) will not be permissible.
- Subdivision designs will be required to integrate their streets with those in later subdivisions, through leaving practical street reserves to provide street continuity into new subdivisions.
- Development of seasonal residential uses will be prohibited as Council gives priority to the need to reserve scarce developable, accessible land for permanent, year round occupancies, and, is concerned that allowing development on private lanes will very likely eventually see the owners petitioning Council to provide road maintenance and improvement.
- Council will continue to provide playground facilities at the Town Hall site and space in the Town Hall for social functions, to support recreational and social activity in the community.
- Council will consider the potential for future public amenity use of the Town's Cook's Brook property, now that the bridge works have been finished.
- The presence of the T'Railway in the Town, including that part of it which is designated as a Provincial Park, will be supported and respected by Council, though no specific action is indicated other than to promote the preservation of its entire route as a public amenity.

## **6.0 MUNICIPAL PLAN POLICIES**

The policies in this Municipal Plan are organized in two sets: the first to do with specific areas which are designated and for which area-specific policies are written, the second to do with policies affecting all areas uniformly. The first set has the entire area of the Planning Area covered, such that there are no areas which are excluded from area designations.

These policies, together with more detailed requirements and procedural matters which are set out in the Development Regulations, will provide direction for Council decision-making in municipal planning. Numerous topics of varying degrees of precedence and detail will be stated in the Development Regulations to fulfil the goals, objectives and policies of the Municipal Plan.

### **6.1 Area Allocations and Area-Specific Policies**

The Planning Area is geographically divided into areas, designated by name as follows):

- Mixed Development
- T’Railway (the entire railbed property)

The respective boundaries of these areas are shown on Future Land Use Map 1.

The factors affecting planning policies and the rationale for the overall development concept have been described earlier in this Municipal Plan, so the preambles to the policies in this Section are brief.

The meanings of “groups, divisions and classes” of land uses as used in this Municipal Plan are to be interpreted according to the classification of uses found in the Development Regulations.

#### **6.1.1 Mixed Development**

Mount Moriah’s function is that of a suburban community for which most employment and practically all major services are found in the City of Corner Brook and elsewhere in the region. As such, large scale commercial and industrial development is not expected. The overall objective in Council’s policies is to preserve, enhance and expand development compatible with and supportive of the community’s fine quality of life as a family-oriented, suburban residential

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area, set in a beautiful natural environment, and with the prospect for residents of enjoying active lifestyles in the community and in the nearby region.

Specific policies pertaining to the Mixed Development areas are:

1. Permitted uses are those in the single dwelling and mobile home classes, including home businesses of a benign nature, and subsidiary apartments.
2. Uses which may be approved subject to Council's discretion include any other use except for the classes of:
  - a. Hazardous industry
  - b. Agriculture involving keeping of animals
  - c. Scrapyards
  - d. Solid waste
  - e. Seasonal residential
3. Discretionary uses may be free-standing (being the sole use of the lot) or take the form of home based businesses which operate as accessory uses in dwellings.
4. In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with the existing and intended future developments in the area, such that the proposed land use can operate without any significant adverse effect on the surrounding neighbourhood. Further, adequate screening shall be provided between non-residential land uses and any abutting residential uses. Such screening may include among other measures the provision of grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers.
5. The Development Regulations will detail requirements related to home businesses, retaining walls, accessory buildings, minimum dimensions of yards, and other topics with the purpose of developing and maintaining a high quality, aesthetically pleasing, low density suburban ambiance.
6. Any development featuring large industrial or commercial uses must not impose traffic volumes or heavily loaded vehicles which would deteriorate the Town's streets or traffic safety.
7. All development must be serviced by the Town's central water and/or sewer systems where the development is located on a serviced street. If not so located, the development is to be serviced with private water supply and/or a private sewage disposal system.
8. For cases where unusual circumstances are anticipated or revealed, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Municipal Plan.

### **6.1.2 T’Railway**

The T’Railway, including that part of it designated as a Provincial Park, is an asset to the community, and Council is generally supportive of its presence and amenity value. The specific policies for the area are:

1. The permitted uses in this area are recreational open space and conservation.
2. Uses permitted at Council’s discretion include any other uses which may be accepted by the Province of Newfoundland and Labrador and which would be benign in their impact on the community and the T’Railway.
3. Council will promote the preservation of the entire route of the T’Railway as a public amenity.

### **6.2 Policies Applicable to All Areas**

The following policies pertain to all of the Planning Area.

#### **6.2.1 Natural Hazards to Building**

The following policies are intended to prevent or mitigate exposure of buildings and lands to natural hazards:

1. Professional review and advice will be required to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including sea level rise, flooding, unstable slopes, or any other physical hazard.
2. Any proposal for development on the shores of or in the Ponds or other water bodies or streams, of wharves, slipways or other structures, and for any infilling or dredging or other work in or near the waters, shall follow the provincial government *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses* and any other requirements pertaining to work in water bodies.
3. Any proposal for development of a site having a slope in excess of 15% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall.
4. Council will endeavour to be well informed on the expected effects of climate change as the science evolves, particularly concerning the frequency and severity of extreme weather events such as heavy rainfalls and snowfalls, droughts, wind gusts and the like, as they affect public safety and vulnerability of infrastructure and properties to damage.

### **6.2.2 Municipal Services**

Public works and utilities located throughout the community are needed in order to provide the community with a safe and healthy environment. Some of the costs of running a municipal government are proportional to the overall length of municipally maintained streets that are usually provided with some or all of street lights, water and sewer services, drainage, signage and landscaping. Generally, the more spread out a settlement becomes, the more these costs increase disproportionately in relation to the number of dwellings or other buildings served.

Council intends to control these costs through implementation of the following policies:

1. New public works will be constructed in a staged and orderly manner to provide an economic and logical sequence for growth related to the needs of the community and the financial resources available.
2. Infrastructure, including streets and services, which are intended to be conveyed to the Town shall be designed and constructed to modern engineering standards, and shall be subject to approval by Council.
3. Municipal street, water and sewer works, including associated structures for such purposes, may be developed at any location provided due consideration is given to potential hazards and aesthetics.
4. All buildings shall have motor vehicle access to a publicly owned and maintained street, unless other policies and requirements of this Municipal Plan or the Development Regulations specify otherwise.

### **6.2.3 Temporary Uses**

Generally, the Municipal Plan contemplates developments of a permanent nature. Council wishes to be able to consider, at their discretion, situations involving the placement of a motor vehicle or travel trailer or equipment or use of land for short term events such as community festivals or for a laydown or equipment yard for a construction project. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases.

### **6.2.4 Protection of the Natural Environment**

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

Under the authority of the *Water Resources Act*, the provincial Department of Municipal Affairs and Environment is responsible for the management of water resources of the Province of Newfoundland and Labrador, and coordinates with the federal Department of Fisheries and Oceans. The provincial department has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province on topics including but not limited to the following:

1. Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;
2. Discharge of any effluent off the subject property;
3. Work in any body of water;
4. Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
5. Construction of wharves, breakwaters, slipways and boathouses;
6. Infilling or dredging associated with marine structures or other works;
7. Any development in a protected public water supply area;
8. Providing waste receptacles in work areas;
9. Waste diversion actions including recycling, reuse or resale programs;
10. Open burning of waste;
11. Pesticide and halocarbons use, purchase and storage;
12. Petroleum (including used oil) storage and dispensing;
13. Effects of climate change; and,
14. Energy efficiency in buildings.

These matters will be identified in the Development Regulations as a reminder that such requirements may apply to proposed developments. In order to ensure that the requirements of the provincial *Water Resources Act* are respected in Council exercising its planning authority pursuant to the *Urban and Rural Planning Act, 2000*, the Development Regulations will provide detailed requirements about development near or in any water body, including ponds, streams, rivers, and wetlands, regardless of the zone in which they are located.

Further to the above:

1. As a general principle, proposed development should not pollute or degrade any part of the community. In cases of large or special types of projects where environmental protection concerns are complex, the proposals should be carefully studied and any concerns brought to the attention of the appropriate provincial or federal authorities.
2. Garbage, refuse, abandoned vehicles and any other discarded materials of any kind should be disposed of only at an authorized waste disposal site or facility outside the Planning Area. Such material shall not under any circumstances be used as fill for buildings and lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.
3. All development sites should be landscaped where possible. The exteriors of buildings should be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures or unsightly yards will be required to remedy the situation if they present a safety hazard.

### **6.2.5 Antennas and Wind Turbines**

Tall antennas and wind turbines (windmills) represent an aesthetic and safety concern. Tall antennas are a familiar sight in the community and elsewhere in the region, and their visual effect and the large areas of land required to accommodate their guy wires and access roads can be easily appreciated. Council anticipates proposals for antennas and possibly wind turbines to be located in the Planning Area.

Aesthetic considerations are quite subjective, but not to be discounted: tall wind turbines can reach as high as 100 metres from the ground to the tip of the top blade when it is vertical (some have tower heights over 50 metres and blade lengths currently are up to 42 metres). Antennas can be much taller than that, and involve widespread guy wire arrays which severely compromise the development potential of large areas of land.

Short antennas can be integrated in urban development in some cases, because the aesthetic effects are not extreme; the massing of the towers is not overly prominent in short antennas, as the structures are thin and there are few large attachments on them. Land consumption for self-supporting towers is negligible, but even a short antenna with guy wires has a considerable

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footprint which cannot be further developed. Wind turbines present the added issue of noise and safety related to operation of the machinery and shedding of ice from the blades.

Council's policies concerning these developments are as follows:

1. Council's balancing of safety, land consumption and aesthetic considerations calls for a categorization of those with tower heights over 15 metres as "tall" and those under that height as "short".
2. Tall antennas and wind turbines are viewed as incompatible with existing uses in the core of the community as described in this Municipal Plan, and thus will not be approvable in that area nor in the developable terrace lands as shown on the map in the Planning Background Study. They will be approvable at Council's discretion in areas south of those areas.
3. Short ones may be considered as discretionary uses in all areas.
4. Guy wires and anchors are to be located on the same lot as the tower.

### **6.2.6 Advertisements (Signage)**

In the long-practiced official language of the Development Regulations, signs are called 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. Detailed requirements are found in the Development Regulations.

### **6.2.7 Keeping of Animals**

People keep animals as pets for the companionship and enjoyment of them. Keeping of small animals as pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating as far as land use is concerned.

Municipal planning laws such as a Municipal Plan and Development Regulations are not intended to be used to deal with situations where pets are dangerous or nuisances to others, or are not properly housed or not given appropriate care. In those cases, regulations concerning public health, public safety, dangerous animals, running at large, cruelty to animals, noise and other such matters better enable authorities to deal with offending behaviour.



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However, keeping large animals presents risks to the health, environment, and amenity of nearby people and lands, and thus keeping of large animals is prohibited except in association with approved agricultural uses where suitable provisions are in place to deal with the expected effects.

Further, the Development Regulations will consider keeping of small animals as pets to be an acceptable accessory use to the main use of a property where it is appropriate. A reasonable maximum number of small animals of acceptable types will be defined in the Development Regulations for clarity.

### **6.2.8 Removal of Quarry Materials**

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

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

### **6.2.9 Non-Conforming Uses**

Section 108 of the *Urban and Rural Planning Act 2000* concerns non-conforming uses, ie: those uses which do not conform to a regulation, scheme or plan, and, which existed before this Municipal Plan and Development Regulations are registered. Owners of such uses are entitled to a statutory right to continue such non-conforming uses, and to modify a structure subject to certain conditions.

Council can not alter those rights, but there are a few matters in which Council can make certain provisions, as follows:

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1. Section 108(2): the right to continue the non-conforming use expires after 6 months of discontinuance unless otherwise extended in a regulation under the *Act*, ie: in the Development Regulations. Council's policy is to extend this period to 3 years, and to so indicate in the Development Regulations.
2. Section 108(3): a Council may approve changing the use to another use where the new use would be more compatible with the Municipal Plan and Development Regulations, notwithstanding that the new use would otherwise not be permissible. The Minister's Development Regulations require that Council provide for newspaper or other form of public notice of intent to consider the varying of a non-conforming use to another use, and consider any representations or submissions received in response to the notice. Council will provide in the Development Regulations a provision that such notice be made at the expense of the applicant and that the notice be sent to all persons whose land is in the immediate vicinity of the land that is the subject of the proposal, at least ten days prior to the date upon which Council will consider the matter.

## **7.0 IMPLEMENTATION**

### ***7.1 Implementation Policies***

The policies of the Municipal Plan for the Mount Moriah Planning Area will be implemented by the exercise of appropriate Development Regulations, site plan control for larger or more complex development proposals, and a planned sequence of public works.

All amendments to the Development Regulations will be checked against the Future Land Use Map 1 and the policies of the Municipal Plan for the purpose of conformity. This requires proper professional advice and documentation prepared by a qualified planner and due process prior to being submitted to the Minister of Municipal Affairs and Environment for approval.

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 or authorized staff have reviewed the application and issued a permit. If the application is to be considered as a discretionary use or if it is for a variance, the proper process of notice and Council deliberation as detailed in Development Regulations shall be carried out.

Council will consider the application to determine whether 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 will either confirm the decision or require that Council's decision be varied or reversed.

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.

Council has authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a quantified 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 significantly negatively impact adjoining properties, by virtue of grant of a variance.

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Where Council deems it useful and necessary so as to better consider the details of large or complex projects, 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 at the same time, and the Town may integrate information requirements on a common application form. However, the approval of a building or construction permit under the National Building Code does not signify an approval of a development permit pursuant to the Development Regulations, and vice versa.

Also, Council's policy is that the Town of Mount Moriah does not provide building inspection services related to the National Building Code; Council's or staff's observations of new construction will be only to ensure that the Development Regulations' requirements are met, such as those concerning location of structures on the lot, parking, driveway location and bridging roadside ditches and sidewalks, building height, and the use of the development. Those persons requiring building inspection related to compliance with the National Building Code will be advised to retain professional services at their own initiative and expense. Further, the Town does not review building plans except to ascertain matters related to the requirements of the Municipal Plan and Development Regulations, such as setbacks and yards of proposed buildings, and does not issue occupancy permits.

## ***7.2 Site Plan Evaluation***

Many of the land use conflicts associated with large residential subdivisions, multiple unit residential, commercial, industrial and public uses and the like can be avoided if sufficient concern for detailed design is incorporated in the development approval process.

In order to more fully exercise Council's powers to apply conditions to a development permit, Council may require a site plan to be prepared and approved by Council prior to approval of large or complex developments. The Appendix to this Municipal Plan contains the site plan criteria required for the preparation of a site plan.

### **7.3 Public Input in Planning**

Council recognizes the importance and value of public input concerning developments in the community. This Municipal Plan provides for the use of discretionary approvals for many types of development which are not in the “permitted” lists. Each of Council’s decision making processes in that regard involve notice to the community and the opportunity to be heard directly by Council on the specific nature of the proposals.

Further, other types of decisions also involve giving of public notices and the opportunity to be heard: variances and changes in non-conforming uses. And, should an amendment to the Municipal Plan and Development Regulations be considered, a process of notices and public hearing are also involved.

Those are the statutory requirements which Council must follow. In addition, Council will undertake to communicate its business and upcoming matters as well as it can reasonably be done, by posting agendas and minutes of public meetings and information on matters of interest on the Town’s notice board. The public are always encouraged to attend open Council meetings and communicate with Councillors concerning planning issues.

### **7.4 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 from time to time may adopt other policies as enabled by other legislation, such as operation and parking of commercial vehicles on its streets, 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 will be quoted in the appendices in the Development Regulations. 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.

## **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 Map and the Zoning Map in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information in some regards. Therefore, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and areas. The intent and policies of the Plan are to guide the interpretation of the mapped information.

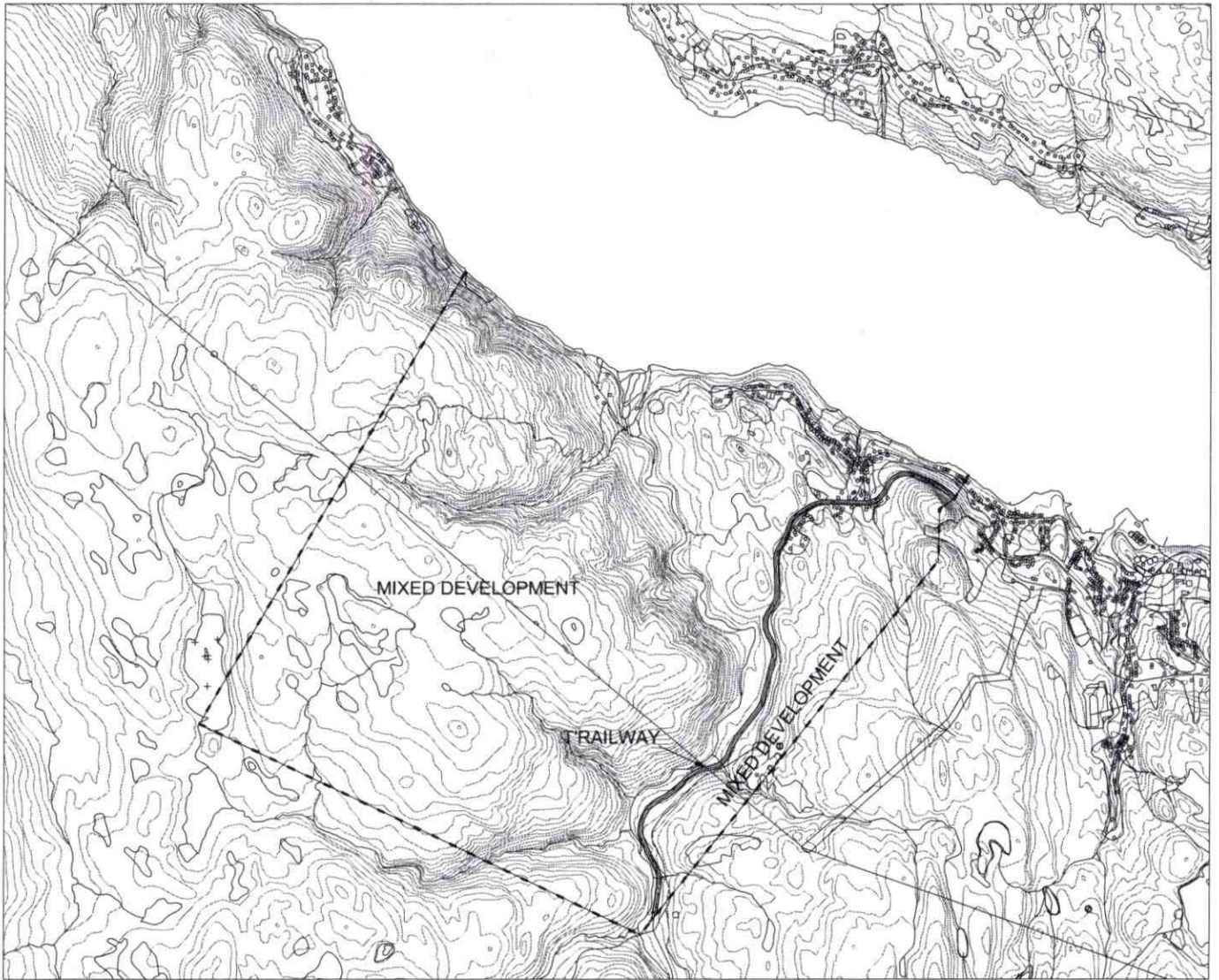
### ***8.2 Figures and Quantities Approximate***

Figures and quantities herein shall be considered as approximate on any matter not involving variances. Amendments to the Municipal Plan will not be required for reasonable interpretation of the meaning or precision of other figures or quantities.

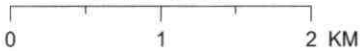
## **APPENDIX: Site Plan Evaluation Criteria**

When Site Plan approval is required, the owner or proponent shall prepare site development plans, including any or all of the 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) existing access constraints, e.g. right-of-ways which exist on site or adjacent to it, easements, or fire routes, and the means of satisfactorily addressing them;
- (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 buildings;
- (q) provisions for ongoing operation of features of the development which may involve commitments or obligations of the Town of Mount Moriah or its departments and agencies.



SCALE 1:50000



**Municipal Plan/Amendment**  
**REGISTERED**

Number 3340-2019-001  
 Date January 4, 2019  
 Signature Mandy Dwyer



TOWN OF MOUNT MORIAH

Dated at Mount Moriah this 18 day of

July A.D. 2018

*[Signature]*  
 Mayor, Town of Mount Moriah

*[Signature]*  
 Carol Sheard  
 Clerk, Town of Mount Moriah

LEGEND:

— — — — — MUNICIPAL BOUNDARY & PLANNING AREA BOUNDARY (COINCIDING BOUNDARIES)

FUTURE LAND USE DESIGNATIONS AS SHOWN

NOTE: WHERE THERE IS DISCREPANCY BETWEEN THE TRAILWAY BOUNDARY AS ILLUSTRATED ON THIS MAP AND THE LEGAL BOUNDARIES AS ESTABLISHED THROUGH SURVEY AND HELD BY THE DEPARTMENT OF TOURISM, CULTURE INDUSTRY AND INNOVATION, THE BOUNDARIES REPRESENTED ON THE SURVEYS SHALL TAKE PRECEDENCE.

5	APPROVED BY COUNCIL	20 JUN 2018
4	FOR DMAE REVIEW	7 DEC 2017
3	FOR PUBLIC HEARING	TBA
2	FOR DMAE REVIEW	1 AUG 2017
1	FOR TOWN REVIEW	16 MAY 2017

TOWN OF  
 Mount Moriah

MUNICIPAL PLAN  
 FUTURE LAND USE  
 2017 - 2027  
 MAP 1