

**Municipal Plan for 2015-2025, Town of Woody Point
As Approved by Council 11 January 2016**

Town of Woody Point
MUNICIPAL PLAN
2015-2025



photo credit: Town of Woody Point web site

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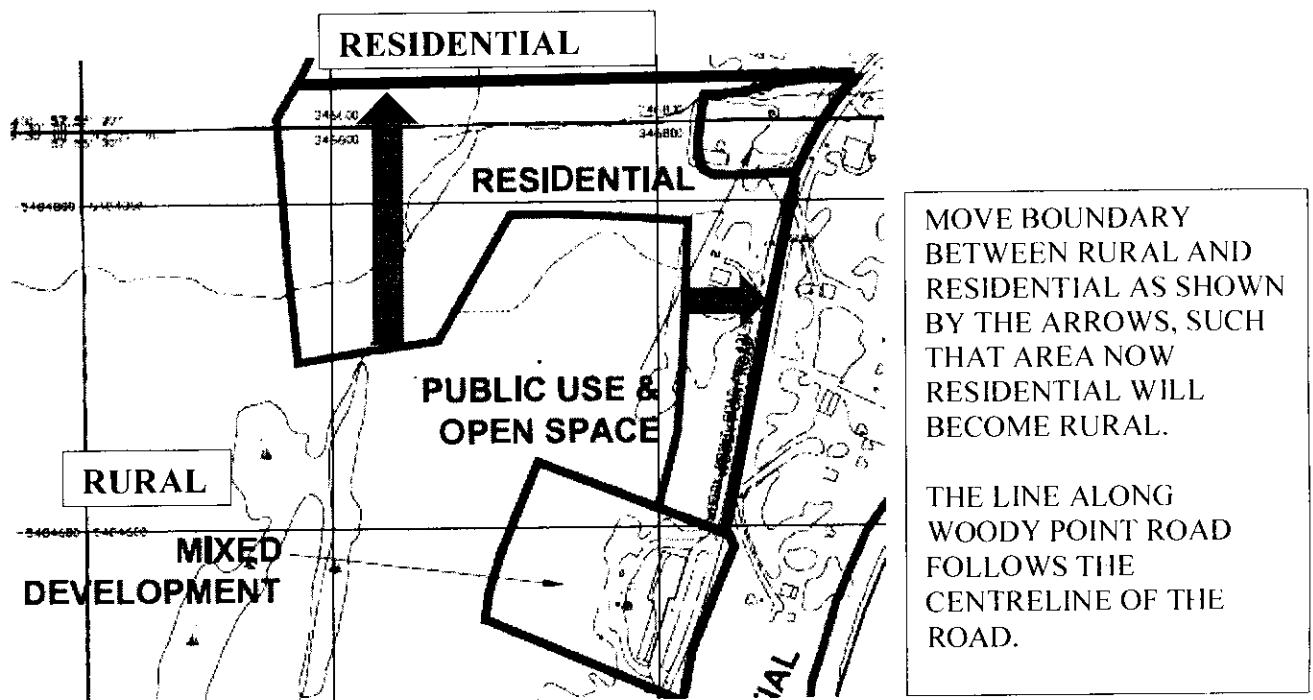
1.0 ADOPTION AND APPROVAL

1.1 COUNCIL RESOLUTION TO ADOPT; CLERK'S CERTIFICATE.

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*:

BE IT RESOLVED that the Town Council of Woody Point adopts the Municipal Plan for 2015 to 2025 as released by the Department of Municipal and Intergovernmental Affairs except that an area of land as shown on the attached map will be designated as Rural rather than as Residential.

Attached map:



Signed and sealed this 23 day of February, 2016.

Mayor: Ken Thomas

(Council Seal)

Clerk: J Blanchard

Clerk's Certificate: Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2015 to 2025, as adopted by the Council of the Town of Woody Point, on the 26th day of October, 2015.

Clerk J Blanchard

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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 Woody Point approves the Municipal Plan for 2015 to 2025.

Resolved by the Council of the Town of Woody Point on the 11th day of January, 2016.

Signed and sealed this 23 day of February, 2016.

Mayor: Ken Thomas

(Council Seal)

Clerk: J. Blanchard

5470-2016-001
June 9, 2016
Allen

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 Woody Point, on the 11th day of January, 2016.

Clerk J. Blanchard

1.3 PLANNER'S SEAL AND SIGNATURE

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

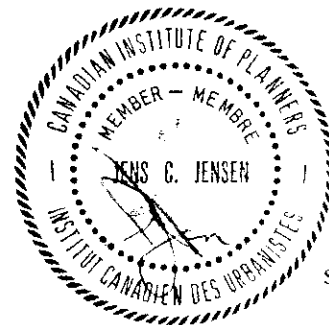
I certify that the attached *Municipal Plan* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

Jens Jensen

Jens Jensen, P.Eng., MCIP

Date: 23 February 2016



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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 Woody Point. 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 1985-1995, including all amendments thereto. As the former Municipal Plan and Development Regulations came into effect circa 1985, they will be referred to as the 1985 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 Woody Point 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 Woody Point 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 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

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publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect.

If the Minister chooses to not register the Plan, the document is returned to the Council with information as to the reason for its unacceptability, and Council may then make changes and resubmit the Plan in the same manner.

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 Provincial and Municipal 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

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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 Woody Point, 2015 - 2025*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the Woody Point 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 Woody Point Planning Area. The Planning Area is larger than just the area defined by the Town boundary.

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The built up community area lies in the central and eastern part of the Planning Area, and the community water supply and other undeveloped lands lie in the western and surrounding part of the Planning Area. These are illustrated on Map 1.

3.5 History

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

In common with most of the coastal communities of Newfoundland, the European settlement of Woody Point relates to the evolution of the fishing industry beginning in the 1700s. Initially, the French had rights to the fisheries off the western shores of Newfoundland, hence the name "French Shore". Woody Point and area became an important port on the west coast due to its strategic location and favourable harbouring assets including deep drafts. During the first many years, shore settlement was essentially discouraged and those who wintered over related exclusively to the fishing activities. Eventually, the French presence was superseded by the British.

By the mid 1800s, permanent shore settlement was established, and the economy diversified. The herring fishery was the dominant economic sector for many years, though Woody Point also featured a role in public administration. The courthouse was established there and the community became the principal commercial centre for the region. The fishery diversified toward the end of the Nineteenth Century with the development of a lucrative lobster fishery.

However, a disastrous fire in 1922 destroyed the commercial section in the community, a blow from which the local economy never recovered. Businesses were relocated elsewhere, and the development of the forestry industry focused on Corner Brook and of power generation in Deer Lake. In later years, the near collapse of the cod fishery had a severely adverse effect on the provincial economy, and few communities were spared the downturn. The population never recovered to the numbers of the early Twentieth Century, and an economic dormancy continued until the establishment of Gros Morne National Park in 1973.

The creation of the National Park has had a greatly beneficial influence on the viability of the enclave communities, and recent developments affecting tourism have brought a new sense of confidence in the future.

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3.6 Public Consultation

In the first step in the planning process, the Town's consulting planner came to the community in September, 2013. He carried out much of the basic background information gathering and consultation with staff and local public agency representatives as well, to build the initial information needed for the assignment.

In addition, the usual step of contacting the Department of Municipal 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 fall of 2013, 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 26 November, 2013. The proposed planning documents were discussed, and notes taken on suggestions for consideration. This Municipal Plan, with the accompanying Development Regulations, were revised subsequent to the public meeting as Council considered public input and reviewed the final products. They were then accepted for submission to the Department of Municipal Affairs for the statutory review and release process.

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

Woody Point is a significant community located on the Northern Peninsula on the west coast of the island of Newfoundland, and lies embedded in Gros Morne National Park. The nearest principal towns are Corner Brook and Deer Lake, about 120 km and 71 km distance, less than an hour's drive to the latter.

The community is located on the South Arm of Bonne Bay, which is a fjord connecting to the Gulf of St. Lawrence, lying along a narrow coastal shoreline backing onto a steep, large escarpment. The escarpment limits development from extending far from the shoreline in the areas south of the community, but the area capable of development in Woody Point widens considerably. Woody Point lies closest to the entrance to the Gulf and is located opposite the community of Norris Point.

The community has developed in a fairly compact pattern focused on the harbour. A central commercial area adjacent to the harbour historically provided most of the needed goods and services for the community and immediate area, but the era of modern highways and universal use of automobiles has seen a concentration of many major retail goods and services in larger centres, particularly in Deer Lake and Corner Brook. As a result, the role of the commercial sector in Woody Point has diminished, but basic goods and services are still available.

Within the community, some mixture of residential and institutional development such as schools and churches developed in a network of streets which spread over the landscape directly inward from the harbour. The steep topography of the escarpment has prevented construction of buildings up its slopes. The high lands lying up the escarpment provide for the central water supply of the community.

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

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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 relationship between the state of the local economy and demographics, as these are the fundamental matters affecting the future of the community. It is well known that the populations of most small communities on Newfoundland island outside the capital region are significantly declining in numbers and generally aging. The Town of Woody Point is no exception: the latest available data is from the 2011 Canadian Census, wherein the population for the town was determined to be 281, down from 353 in 2006, continuing a long, generally steady decline over the decades back to the 1920s.

The fishery and forest resources represented the economic base of the community for many years. Although the fishery continues in a diminished form and is focused on different species and processing methods, its future strength and structure are evolving on an uncertain path. Forestry work is similarly not likely to offer expanded substantial economic development opportunities. Offsetting that trend is the positive influence of the National Park and tourism in general, which has provided for a certain level of sustained employment. Also, the community of Woody Point and similar nearby places are within commuting distance of the commercial and industrial centres of Corner Brook and Deer Lake, as well as the remaining fish processing plants in the area.

Those established local employment opportunities, plus a certain number of public administration jobs in schools and other institutions, plus the incomes brought home by itinerant workers employed far away, provide for a fairly stable economic base. However, the ICSP and much of the other documentation make it abundantly clear that that the growth and stability of the community are very much tied to the growth of tourism. There is good reason for optimism, as the larger geographic area in which the community is situated, which includes southerly to Corner Brook and Deer Lake and northerly beyond the National Park, is forecast to see stability or better experience in population growth, and Woody Point will share the experience.

The 2010 ICSP, quoted as follows at page 24, seems to capture the spirit of the community's vision very well:

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Woody Point is a naturally beautiful, safe, and historic town located along the shore of Bonne Bay and nestled within the Gros Morne National Park. Woody Point respects its rich history with the fishery and embraces the growth and development of an already vibrant tourism economy. With an ideal natural setting, and a variety of attractions, we look to remain an authentic community as we further market and develop the town for residents and visitors alike.

The vision refers to a “vibrant tourism industry” and the area's outstanding natural attractions, and the need to deliberately market its amenities. This is a vision of sustainability based on good management and respect for history and nature.

Achievement of the vision involves much more than just the good will, imagination and hard work of Council and its staff in concert with relevant agencies. It is true that only the Town as a municipal government has the administrative capacity and the regulatory authority that can deal with infrastructure and control of development, but only the business community and senior levels of government can initiate major investments and interventions in commerce and institutional services.

This Municipal Plan will endeavour to facilitate and direct Council's own activities, advocate for investments and improvements requiring “outside” involvement, and regulate development in the spirit of partnership reflected in the vision statements. More specifically, the Municipal Plan will respond to the strategy that economic development and community sustainability will relate directly to successful exploitation of the tourism potential of the area, particularly in ecotourism, arts and culture.

The significance of the Municipal Plan and associated Development Regulations in supporting the community's pursuit of those economic development opportunities 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 and the downtown heritage district.

Review of the 1985 documents and their amendments, and consideration of the information and insights gathered in the early stage of the review process, suggest several revisions. Many of the objectives reflected in the 1985 documents are applicable today just as well as it was then, such as respect for residential areas and natural environmental features, as well as for municipal infrastructure needs. However, the need to proactively accommodate growth for tourism and

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other commercial and industrial development has become dominant. Also, it has been seen that the capacity of existing areas for infilling vacant land for residential development is soon enough going to be limited, and expansion beyond the built up community area is going to be needed.

Also, 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, 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 Woody Point case, one goal concerning the environment would be to protect and enhance the quality of the natural environment, within which an objective (amongst others) to follow from this goal is to protect and prevent contamination of the community water supply area. The obvious related policy would be to introduce stringent requirements in the Development Regulations with that objective in mind, and to pursue the enactment of provincial government protected water supply area regulations, amongst other policies.

5.2 Goals for the Town of Woody Point

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 encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of the community, while

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also recognizing natural constraints and limitations, in order to improve quality of life in the community and protect life and property, and to minimize effects on the natural environment.

- c) Compact development of the community will be promoted, in order to provide municipal services to properties as efficiently as possible. Development along existing highways outside the core of the community will be permitted, so as to make the best use of their potential to accommodate new development. Development outside the areas serviced by municipal central services 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 the serviced area and by way of new subdivisions 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, recognizing that the best prospects in this respect lie in the tourism sector.

- Objective:**
- a) To monitor developments concerning tourism, the National Park, forestry, fishing and other economic sectors, with a view to representing the community promptly and responsibly on points

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- 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 startups and expansions, so as to facilitate business development.
- c) To designate sufficient lands suitably located and serviced for commercial and industrial development, to achieve an adequate land base for economic development and a more efficient land use pattern.

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 provide and protect a safe and sustained drinking water supply by severely restricting non-compatible development in the present water supply area, which is based on the watershed of Winterhouse Brook. That watershed is not protected as a public water supply, and steps are to be taken to make it subject to regulations pursuant to the *Water Resources Act*. The former water supply watershed (Crawley's Brook) will eventually be removed from its protected status.
 - 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 use of the shorelines of Bonne Bay for berthing.
 - 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

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establishing efficient and effective means of minimizing the amount of waste from the Town directed to final disposal, by recognizing the resource values of recyclable and compostable materials and establishing local programs related to them.

E) Recreational Open Space and Cultural Facilities

- Goal:** To establish, preserve and improve natural spaces, recreational facilities, and cultural expression to meet local needs.
- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
 - b) To designate areas now established as open space areas for outdoor recreational purposes and cemeteries, in and through the town, 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 work toward maintaining the public streets in good condition.
 - b) To work constructively with the provincial government to secure adequate funding to maintain roads in good condition.

G) Municipal Finance

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

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Objectives:

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

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6.0 DEVELOPMENT CONCEPT AND POLICIES

This section presents a general view of the development pattern followed by policies specific to the various land use designations set out in this Municipal Plan, as well as policies applicable to all areas in the community.

6.1 Development Concept

Much of the vision of the 1985 documents is applicable today just as well as it was then, such as respect for residential areas and natural environmental features, as well as recognition of municipal infrastructure needs. The fundamental structure of streets, major highways, and use of land has not changed much in the developed areas of the community. The built-up area, or core, of the community, where development is distributed in a grid of streets, begins at the south end in the vicinity of the intersection of Bonne Bay Road and Trout River Road (both are part of Highway 431), and northward as far as Crawley's Brook. Development is more thinly spread along the public highways in a linear pattern, both southerly and northerly outside the core.

The focal point of the community comprises the downtown commercial district, with a variety of mercantile, cultural and industrial uses located along Cox's Lane and Water Street. The commercial district includes a designated Heritage District running along the whole length of Water Street. The Heritage District is a very appealing precinct of vintage buildings lying along the waterfront, nicely maintained and occupied by interesting businesses and attractions. At its northern end, the iconic Woody Point lighthouse occupies a site with a commanding view of the South Arm.

The downtown area is the heart of the community, and though it is already an attraction which can be promoted as is, considerably more can be done to improve it. The buildings along Cox's Lane are largely more recent in construction and less architecturally interesting, where streetscape beautification would be helpful. The presence of a large fish plant on the shore at the midpoint of Water Street in its own right is interesting to tourists because it reflects the marine heritage of the community. The Heritage District along Water Street and the waterfront are strong economic development assets in the community and this Municipal Plan recognizes their strategic role, as well as the role of all of the downtown business, cultural and industrial establishments in the sustainability of the community.

Behind Water Street and Cox's Lane, ie: going inland, a large open area lies up to Back Road and over to Cross Lane. A new street, Robert's Lane, has been recently built from Water Street to Back Road, bisecting the open area. A parking lot has been developed at the lower end of Robert's Lane, near Water Street. That undeveloped area represents expansion room for

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commercial and cultural development related to the tourism sector and other opportunities which would best be located close to the waterfront and existing tourism-oriented downtown development. It is also suitable for residential development, as much of that area can be easily integrated into and serviced by existing streets and municipal water and sewer services. As such, it will be designated for Mixed Development uses.

Still within the main area of the community, residential and institutional development such as schools, recreational and cultural structures, municipal buildings, bed and breakfast accommodations, cemeteries, and churches have been developed in a network of streets which spread over the landscape directly inward from the harbour. Thus Main Road, Back Road, Lodge Lane, and Church Lane provide access to those land uses.

That area now accommodates the school, municipal building, arena, ballfields, and two cemeteries. It is bounded decisively on its western edge by the sharp rise of the escarpment. There is considerable land as yet undeveloped in that area, which represents an opportunity for future residential use, as its physical features are favourable and the existing uses are compatible with residential uses.

As noted earlier, there is a need at this time to designate ample areas for future residential development. While in 1985 there seemed to be no need to do so, it is now clear that the available land in and amongst the existing streets is not going to last long. The obvious areas for long term expansion for residential development are most logically adjacent to the areas above Back Road and Crawley's Cove Road, as mentioned above, from which streets and central services can be extended, and that general approach is intended. The additional areas were selected so as to be able to drain sewage by gravity down to the existing municipal system. They are designated as Residential. Those areas also have the potential to support further community uses as well as future residential subdivisions, and those other uses will be considered favourably.

Those added Residential areas are intended to be developed on central water and sewer services, so as to make efficient use of those areas. There are no other areas which can offer the same benefit: there is not a lot of reasonably sloped land for construction of dwellings: the steep topography of the escarpment prevents construction of buildings up its slopes.

Existing residential precincts in the core of the community and clusters of housing outside the core will also be designated Residential and stringent requirements put in place to protect the amenities and quiet enjoyment of those areas as well as the future Residential areas. Those attributes are highly significant to the quality of life of residents of the community, whether seasonal or permanent.

Areas outside the developed core of the community feature the regional highways, principally Highway 431 leading to the Viking Trail southward and westward toward Trout River.

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Development along that Highway toward the Viking Trail is largely linear in form, featuring some residential, industrial and commercial development. Along the westward run of the Highway toward Trout River, the only significant development is the Parks Canada Discovery Centre. Similarly, the road running north from the core of the community through Curzon Village gives access to a similar mix of uses. Undeveloped areas are largely wooded or wetlands, with many steeply sloped areas, and everywhere are found views of great natural beauty.

The areas outside the core are largely to be undeveloped beyond the immediate frontage along the highways, as the goal is to maintain the compact form of development and natural beauty which now define the community. Existing industrial and commercial developments will be designated Industrial and Mixed Development, respectively, and as noted above, existing residential uses will be designated as Residential.

Scattered throughout the designated areas noted above are a variety of public uses, such as churches and the Heritage Theatre and open space for parks and playgrounds, and also, public works and utilities uses. There is value in designating them with their own titles, so as to make their important purposes clear and to discourage hasty decision making should alternative uses be considered.

A substantial part of the high lands, the Winterhouse Brook watershed, lying up the escarpment, also provides for the central water supply of the community. Sensitive shorefronts, watercourses and wetlands are designated as Environmental Protection. Unless otherwise designated, the remaining lands will be designated Rural.

Though the foregoing treatment of the areas designated Rural may suggest that not much further development would be expected there, it would be important for Council to be able to consider developments which are logically required to locate in the rural areas, such as mineral workings, livestock farming, or animal kennels, should they come to pass.

The various areas referenced above are shown on the Future Land Use Maps. In summary, the designations are:

<i>Residential</i>	<i>Public Works & Utility</i>
<i>Public Use & Open Space</i>	<i>Environmental Protection</i>
<i>Mixed Development</i>	<i>Water Supply</i>
<i>Industrial</i>	<i>Rural</i>

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6.2 Policies Specific To Land Use Designations

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

There are several locations designated Mixed Development: the downtown area and scattered individual businesses outside the core.

As said above, the downtown area along Cox's Lane and Water Street and the open area up to Back Road, and northerly to the back lot lines of dwellings on Cross Lane are designated as Mixed Development, with the exception of the fish plant property on Water Street and a general garage on Cox's Lane. It is expected that this area will be the focal point for future commercial and cultural development of types catering to the tourism industry and local needs. The few existing residential uses in this area may over time be superseded by commercial development.

The designated Heritage District occupies part of the downtown Mixed Development area. There, criteria for approvals of alterations to existing buildings and development of new structures should place the priority on the Heritage District requirements. Outside the Heritage District, consideration should nevertheless be given to the potential conflicting appearances of a new development with nearby established individual designated heritage buildings.

The Mixed Development designation will be applied to the several existing scattered businesses located outside the downtown area, to facilitate their redevelopment or change of use as business conditions evolve.

As Mixed Development areas have the potential to accommodate small business start-ups in existing buildings, and redevelopment of existing larger commercial and light industrial buildings to other uses, Council needs great flexibility to be able to promptly consider approval of applications for non-residential uses related to economic development and non-traditional residential uses. This will be accomplished by permitting single and double dwelling uses.

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which are felt to be benign in effects on surrounding areas, and controlling the details of other desired uses by means of discretionary approvals.

It is thus the intention of Council to permit a wide variety of development types, while ensuring the amenity and safety of existing residential uses. The following policies will guide the growth and development of the Mixed Development area:

1. The Mixed Development areas are established as indicated on the Future Land Use Maps.
2. Development of these lands for single and double dwelling residential uses as well as recreational open space will be permitted. Assembly, special care institutional, all other residential uses, all Group D business uses; mercantile uses, service stations; 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 other criteria in this policy are satisfied.
3. Small scale business uses may be permitted to occupy up to a half part of a residence.
4. Non-residential uses must be compatible in scale, proximity and appearance to adjacent development in the areas designated Residential.
5. 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.
6. All new development and all new lots created shall have direct frontage onto a publicly—maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. All infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of providing services to any new subdivision development shall be the responsibility of the developer.
7. Consideration of approvals for new development in the Heritage District downtown shall place priority on the objectives and the criteria set out in the regulation respecting that District, pursuant to the *Municipalities Act*. For convenient reference, the current regulation is appended to the Development Regulations; for clarity, it is noted that the regulation made pursuant to the *Municipalities Act* may be amended or repealed, including amendment of its boundary, without necessity of amending the Municipal Plan or Development Regulations.

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6.2.2 Residential

As said above, existing residential precincts in the core of the community, clusters of housing outside the core, and areas for future serviced residential development will be designated Residential. Stringent requirements will be put in place to protect the amenities and quiet enjoyment of those areas, and in the case of the future residential areas to ensure proper and efficient servicing of them with municipal water and sewer systems.

Land designated Residential shall be developed primarily for single and double dwelling residential uses. Uses permitted will comprise single dwelling, double dwelling, and recreational open space uses. Other types of development may be considered as discretionary uses, comprising general assembly uses except for passenger, catering, and amusement uses; all other Division 1 residential uses, including home businesses and subsidiary apartments in any type of residential development; medical and professional; and, personal service uses; wharves and docks, boathouses, and sheds.

The non-residential uses which may be permitted by way of discretionary approval are subject to evaluation of the applications, which shall give primacy to the residential role of the area. Council will consider the impact of the bulk and scale of proposed discretionary uses to ensure that development does not adversely affect the residential character and amenity of the area and that provision is ensured for adequate space for on site parking and loading, and where needed that buffering is provided.

Residential growth in the designated Residential areas in the core of the community shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of already serviced areas in the community, to ensure the efficient use of available lands. New development and subdivisions in the core, ie: above Main Road, Back Road and Crawley's Cove Road, shall be serviced with public streets and extensions of the municipal central water and sewer systems.

New development in areas designated Residential but located outside the core may be serviced by on-site water and sewer services, subject to approval of provincial authorities.

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. All water, sewer and street infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of providing services to any new subdivision development shall be the responsibility of the developer.

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6.2.3 Industrial

As time has passed, the original focus of industrial development in the community has largely continued to be focused on the waterfront. Today, these distinctly industrial areas comprise the wharf and lands associated with the Fishers' Wharf, the downtown fish plant, a general garage on Cox's Lane, and the marine centre south of the community core on Highway 431. Those areas will be designated Industrial in the Municipal Plan.

Industrial uses, including wharves, docks, boathouses, and sheds, will be permitted. Assembly, institutional, business and personal service, and mercantile uses may be considered as discretionary uses, provided that their specific features are compatible with the intended overall purpose of the designation. Small scale uses, especially those retail and service businesses related primarily to tourism, may be considered, though the intention of this Municipal Plan is that they would be better located in the downtown Mixed Development areas.

Developments located at the fish plant lot on Water Street and the general garage on Cox's Lane are to be serviced with municipal central water and sewer services.

At the other Industrial lands, ie: Fishers' Wharf and the marine centre on Highway 431, water and sewer services supplied via on-site systems will be acceptable. Development permits for development on on-site sewage disposal systems will only be granted by Council when it has been established by Services NL and/or the Department of Environment to Council's satisfaction that soil and drainage conditions are suitable to permit the installation of an adequate means of sewage disposal.

6.2.4 Environmental Protection

The key shorelines, sensitive watercourses and wetlands in the community will be designated Environmental Protection. This means generally that the lands along the watercourses leading down from the current and former water supply areas to salt water (Winterhouse Brook and Crawley's Brook) will be considered sensitive, as will a narrow strip of land along the shores of the South Arm. At present, there are no wetlands which have been identified in this context.

Exceptions to the shoreline strip designation will be made for the downtown Mixed Development area and the three Industrial areas located on the shore of South Arm, as they require intensive development right to the water's edge.

For the purpose of interpreting the boundary of Environmental Protection areas along the described shorelines, the Development Regulations will provide that it is deemed to lie at a distance of 15 metres horizontally from the salt water high water mark, and the same distance from the ordinary high water mark on each side of the two watercourses noted above, in order to

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harmonize with provincial government regulations. Only benign uses will be permitted. Specifically, only conservation uses will be permitted, and discretionary uses are limited to recreational open space not involving buildings, public works and utilities, and wharves and docks, boathouses, and sheds. It is noted that provincial government regulations affect development within 15 metres of any shoreline or watercourse (which includes wetlands), whether or not the Town of Woody Point has chosen to designate those areas as Environmental Protection; the approval of provincial authorities shall be made a condition of any Town approval of development in those areas.

Further, this Municipal Plan will include a simple provision concerning adaptation to climate change, specifically to do with sea level rise which is taking place globally. The Development Regulations will provide for prohibition of development (except for necessary intrusions such as wharves, docks, boathouses and sheds, stages and the like which must have connection to the ocean) below an elevation of 1.5 metres above the ordinary high salt water mark.

6.2.5 Water Supply

The community's municipal central water supply is based on the watershed of Winterhouse Brook, in the high lands of the escarpment. It is critically important that the watershed not be compromised by any inappropriate development or activity. As it has only recently become developed as the community's sole municipal water supply, it has not yet become a protected public water supply area and made subject to regulations made pursuant to the *Water Resources Act*.

The Town will seek to have the Winterhouse Brook watershed above the dam which impounds the stream so protected, and will act assertively to protect the water supply area from intrusion and inappropriate use, and cooperate and assist in any actions to that end taken by the provincial government.

The Winterhouse Brook watershed above the dam will be designated as Water Supply in this Municipal Plan and zoned under the same title in the Development Regulations. Only conservation uses and specifically only those developments which are complementary and supportive of the water supply role of the area will be permitted as of right. Forestry may be considered as a discretionary use, provided the development is beneficially related to the water supply function of the area and in accordance with a forestry management plan approved by the provincial authorities and the Town.

Further, the formerly used water supply was based on the watershed of Crawley's Brook. Its watershed is still a protected water supply area pursuant to regulations made under the *Water*

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Resources Act. Steps are to be taken to remove it from the protected status. As it is no longer relevant to the Town's water supply infrastructure, it will not be designated as Water Supply in this Municipal Plan nor zoned under the same title in the Development Regulations; the area will be designated and zoned in those documents, respectively, as Rural.

6.2.6 Public Use & Open Space

The Public Use & Open Space designation is applied to areas intended to be for public use as recreational open space and uses generally used for educational, cultural and spiritual activities, such as playing fields, sports grounds, parks and playgrounds, in some cases in conjunction with natural, undisturbed landscapes, churches, museums, interpretation and tourism information centres, medical and professional offices and the like.

The designation may be applied to lands held by governmental entities as well as privately. Although some privately owned lands are used for community use, it is under the control and discretion of the owners and nothing in this Municipal Plan or the Development Regulations is intended to impose on the owner's rights to use their lands privately for approved uses.

The value accorded these places, and the need to prevent hasty decision making should there be proposals to develop these lands for other types of uses, is to be respected. These uses often reflect many years of care and dedication by community members, for the benefit of the community. It follows that any other use of these lands which might be approved should be for equally desirable public amenities of a similar nature, such as cultural or civic assembly facilities.

For clarity, it is noted that public walking and cycling trails are not limited to locations only in this designation, as they are intended to run through all designations.

The following policies will guide the future growth and development of the Public & Open Space areas:

1. These areas are designated on the Future Land Use Maps.
2. Recreational open space and conservation uses are permitted as of right. Assembly uses; medical treatment and special care facilities; medical and professional offices; wharves and docks, boathouses, sheds may be approved as discretionary uses provided that they reflect community use of the site and are aesthetically compatible with nearby uses.
3. These sites and facilities are highly valued features in the community and are not to be changed to other uses without extremely careful review of the merits of the proposed changes.

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4. Change of these areas to a different designation shall only be by way of amendment to the Municipal Plan and Development Regulations.

6.2.7 Public Works and Utility

A variety of land uses related to operation of municipal public works and utilities are scattered through the community. They include pumphouses and the water storage tank. For clarity of purpose and to prevent hasty decisions should other uses of those sites be proposed, the only permitted uses will be uses directly related to operation of the public works and utilities of the Town of Woody Point. Recreational open space uses may be considered as discretionary approvals.

6.2.8 Rural

Rural lands that surround the community are used extensively by the local residents and visitors for recreational purposes and provide a source of aggregate material used by the community for construction. Significant development has not occurred in the Rural areas to date, and may be considered, but the Town will neither encourage nor discourage it. However, the Town does not, and does not intend to, provide public street or municipal water and sewer services to any type of development in the Rural area.

The following policies shall guide development in the Rural areas:

1. Undeveloped lands surrounding the built up area of the Town of Woody Point and within the Planning Area boundary shall be designated Rural as indicated on the Future Land Use Maps 1 and 2, except where special considerations have seen the application of other designations such as for the Water Supply area.
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

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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 should be available, at his own expense.

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 of Woody Point 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.

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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 Residential, Mixed Development and Industrial designations and that have or are required to have plumbing systems will be required to connect to any available municipal water and sewer system. This requirement does not apply to redevelopment of uses on

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lots that are not serviced by the municipal water and sewer system unless Council determines the development should not be permitted unless it connects to the municipal water and sewer system.

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 as of right. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

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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 several known archaeological sites within the Planning Area. The Town will endeavour to identify such sites to prospective builders when applications are received for development permits. Any person or company conducting development activities should be aware of the possibility of unearthing significant archaeology finds. Any significant buried

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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 will be quoted in the part of the Development Regulations which indicate development requirements applicable to all zones. Amendment or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

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6.3.15 Valued Trails

A number of hiking and all terrain vehicle (ATV) trails have been developed throughout the Planning Area. Some trails of interest to the Town are located on the alignments of public highways and streets and others pass over lands in both private and public ownership. The former (those on public highways and streets) are generally free of blockage or encroachment.

The latter, the off-road trails, are of particular concern in that their functionality could be compromised by future development by land owners. Those trails represent considerable effort and investment; they are a valued recreational resource as well as an access to the community should Highway 431 be blocked. Measures will be included in the Development Regulations to prevent or mitigate encroachment along their alignments, which would reduce their amenity value or safety.

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

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

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

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

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and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the community.

IV. Subdivision of Land Regulations

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

V. Land Uses Zones

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

In addition, the Development Regulations will now include certain standard content required by virtue of regulations made by the then Minister of Municipal 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.

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

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

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

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

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

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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.

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8.0 INTERPRETATION

8.1 Land Use, Boundaries, and Roads

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Maps and the maps in the Development Regulations be considered as 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, other than those for development standards for which variances may be considered in accordance with the *Urban and Rural Planning Act, 2000*, shall be considered as approximate only and not absolute.

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APPENDIX

Site Plan Evaluation Criteria

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

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

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

Dated at Woody Point this 23rd
day of FEBRUARY A.D. 2016

Ken Thomas
Mayor, Town of Woody Point

J. Blanchard
Clerk, Town of Woody Point

LEGEND:

FUTURE LAND USE DESIGNATIONS.

RURAL

ENVIRONMENTAL PROTECTION

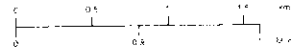
WATER SUPPLY

--- PLANNING AREA BOUNDARY
- - - MUNICIPAL BOUNDARY

NOTE:

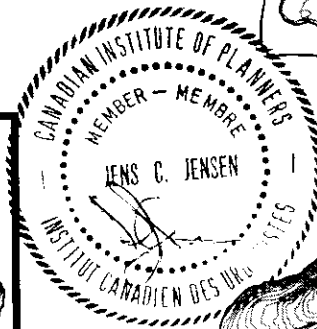
THE ENVIRONMENTAL PROTECTION STRIP ALONG THE SHORE OF BONNE BAY, WETLANDS AND WATERCOURSES IS 15M BACK FROM THEIR HIGH WATER MARKS, EXCEPT WHERE THE DOWNTOWN MIXED DEVELOPMENT AREA AND THE INDUSTRIAL AREAS LIE ON BONNE BAY

BOUNDARY OF WATER SUPPLY TO BE INTERPRETED TO BE THE NATURAL BOUNDARY OF THE WINTERHOUSE BROOK WATERSHED ABOVE THE DAM.



SCALE 1:50000 @ 8 1/2" X 11"

ENVIRONMENTAL PROTECTION



SEE MAP 2

ENVIRONMENTAL PROTECTION

Handwritten notes:
96 216
MAY 9 2016
CARR

HMJ CONSULTING LIMITED
PROJECT NO: 13-011
DRAWN BY: CB

CAD FILE NO: _____
CHECKED BY: JJ

CAD FILE DATE: _____
APPROVED BY: JJ

REV 7	APPROVED BY COUNCIL	11 JAN 201
REV 6	ADOPTED BY COUNCIL	26 OCT 20'
REV 5	FOR ADOPTION	9 OCT 20'
REV 4	FOR DMIA REVIEW	14 MAY 20'
REV 3	FOR TOWN REVIEW	22 APR 20'
REV 2	FOR TOWN REVIEW	12 DEC 20'
REV 1	FOR TOWN REVIEW	18 JUN 201

TOWN OF
WOODY POINT

MUNICIPAL PLAN
FUTURE LAND USE
2015 - 2025
MAP 1