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**TOWN OF MILLTOWN HEAD  
of BAY D'ESPOIR  
MUNICIPAL PLAN  
2017-2027**

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**PLAN-TECH**



**ENVIRONMENT**

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## **1.0 INTRODUCTION**

### **1.1 MUNICIPAL PLAN PREPARATION**

The Milltown Head of Bay d'Espoir Municipal Plan is Council's comprehensive policy document for the management of growth within the municipal planning area over the ten-year planning period of 2017-2027. The Plan repeals and replaces the Milltown Head of Bay d'Espoir Municipal Plan 1993-2003.

The Milltown Head of Bay d'Espoir Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various land use categories. Its aim is to promote the well-being of the community and efficiently utilize land, water, and other resources. The Milltown Head of Bay d'Espoir Municipal Plan consists of written text and Future Land Use Maps.

### **1.2 PLAN APPROVAL**

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After

this consultation, Council must adopt the draft Plan and allow for further input from the general public through a Public Hearing.

Council shall appoint a qualified Commissioner to conduct a formal hearing to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner shall formally report his findings to Council as a result of the public hearing. Council may adopt the report in whole, in part or reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to the Department of Municipal Affairs and Environment for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Newfoundland and Labrador Gazette, the Plan is legally binding on Council and any person or group proposing to develop, or to change the use of land, anywhere within the Planning Area.

### **1.3 PLAN REVIEW AND AMENDMENT**

Every five years from the date on which the Municipal Plan first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with, and become part of the Municipal Plan and so must not conflict with any other of its policies. If circumstances do not permit a Plan review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan review is completed and fully approved.

When the Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement Regulations*. These are also known as the Development

Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

#### **1.4 PLAN ADMINISTRATION**

The day-to-day administration of the Municipal Plan and Development Regulations is administered by staff members authorized by Council. Council staff issue all necessary permits approved by Council, make recommendations to Council in accordance with the Municipal Plan, and enforce the regulations. The Department of Municipal Affairs and Environment may be consulted on any development matters.

#### **1.5 MILLTOWN HEAD OF BAY D'ESPOIR**

Milltown and Head of Bay d'Espoir were incorporated as Community Councils in December, 1952 and February, 1953, respectively. In 1969, they amalgamated to form an appointed Local Improvement District. This became an elected Rural District Council in 1972 and finally, a Town on April 1, 1980. The preceding Milltown Head of Bay d'Espoir Municipal Plan was drafted in 1990 and this is the first comprehensive review of that Plan. The 2017-2027 Municipal Plan updates and accommodates various amendments made to the original documents.

##### ***History and Regional Context***

Milltown Head of Bay d'Espoir is located on the Connaigre Peninsula near the end of Route 360, on the South Coast of the island portion of Newfoundland approximately 120 kilometers from the Trans-Canada Highway (TCH) near Bishop's Falls. Milltown Head of Bay d'Espoir Island is a hilly and heavily forested island with significant rock outcrop.

The Town is located near the head of Bay d'Espoir, a 50 kilometre long bay about midway along the Province's southern coastline. The Town has the community of Morrisville to the south and Conne River to the east, all within a 5 kilometre radius of Milltown Head of Bay d'Espoir. On the other side of the Bay, running from north to south, are the communities of St. Veronica's, St. Joseph's Cove and St. Alban's, the largest Town in the region, which with Milltown Head of Bay d'Espoir, acts as a regional service centre.

All communities are connected by road, Route 360, which provides connection to the Trans-Canada Highway, 120 kilometres to the north and to the Connaigre Peninsula, 45 kilometres to the south. Most day-to-day goods and services can be obtained locally. For more retail shopping and healthcare, can be found in the regional centres offering of Grand Falls-Windsor and secondly Gander.

The Bay d'Espoir Hydroelectric Generating Station, the largest of its kind on the Island, and one of the major economic generators for employment, can be found inland from the head of Bay d'Espoir.

## 1.6 COMMUNITY PROFILE

### ***Vision Statement***

The Town of Milltown Head of Bay d'Espoir Strategic Plan, 2004, defined a vision for Milltown Head of Bay d'Espoir as:

*"Milltown Head of Bay d'Espoir is a progressive and caring community guided by its culture, values and history. Building on the natural beauty and resources of the area, sustainable growth will be achieved through:*

- *Economic development*
- *Well developed infrastructure*
- *Environmental stewardship*

- *Strategic partnerships*
- *Strong commitment to its life-long learning and technological development*
- *Community involvement*

### ***Population Characteristics 1996-2011***

The 2016 census population of Milltown Head of Bay d'Espoir is 749, representing a -5.1% decrease from the 2011 population. The 2011 census population of Milltown Head of Bay d'Espoir is 789, representing a -8.8% decrease from the 2006 population which was 865, a slight decrease of -2.1% from its 2001 population of 884 and a -21.4% decrease from its 1996 population of 1124. This figure reflects a significant decrease in growth rate compared to the provincial population increase of 5.4% during the 2006-2011 census period.

**Table 1: Population Change**

Year	Population	Change	% Change
1996	1124		
2001	884	-240	-21.4%
2006	865	-19	-2.1%
2011	789	-76	-8.8%
2016	749	-50	-5.1%

### ***Housing***

The 2011 census recorded 379 dwellings, while the 2006 census recorded 362 dwellings. Council has been issuing an average of 12 new dwelling permits since 2006. New housing development may be challenging for Milltown Head of Bay d'Espoir as there are no new planned residential subdivision areas. The Town is close to being fully serviced and all new developments require the same services. Milltown Head of Bay d'Espoir is built on rock outcrop

with very little soil cover. New road construction and housing must be blasted from the rocky outcrop. A substantial proportion of new dwelling construction has occurred primarily in two residential subdivision areas. This new housing trend is expected to maintain at current levels.

### ***Economy and Labour Force***

The 2011 Census Data do not provide labour force data. While less accurate, the 2006 census data for labour force is used. In 2001, the employable workforce of Milltown Head of Bay d'Espoir numbered 365 people. This figure increased to 735 in 2006, of which the majority worked outside of Town. In Milltown Head of Bay d'Espoir, there is work in service sector businesses, primary industries and processing. The construction trades have a healthy work force. The following three Tables shows the labour force based on occupations, types of industry and place of work status in which these people worked.

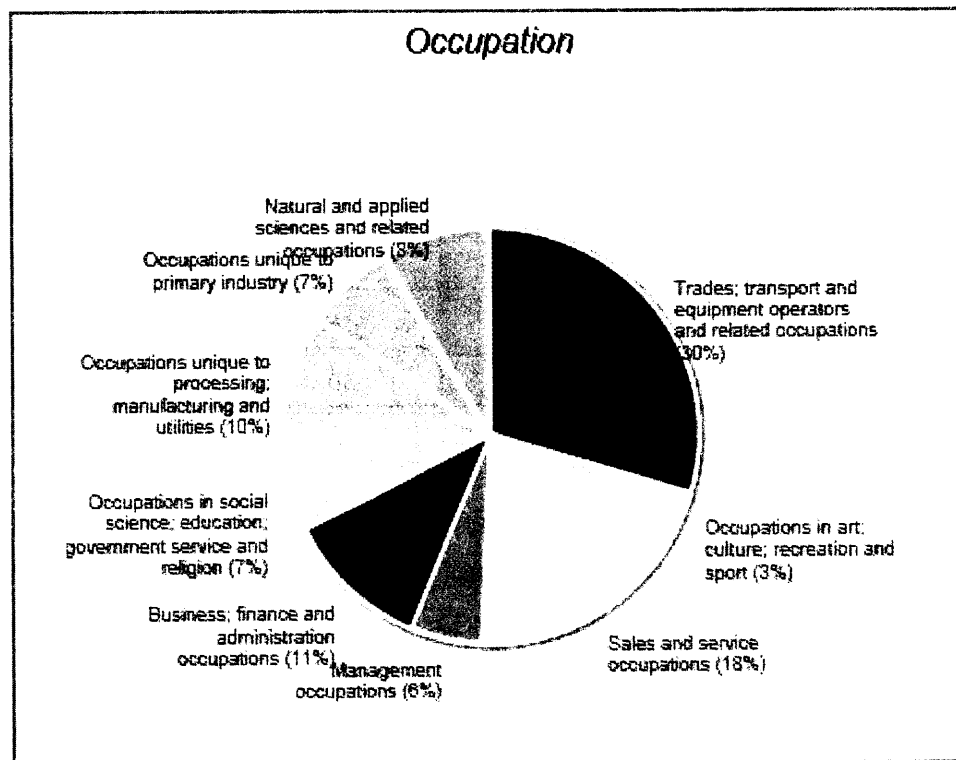


Table 1: Milltown Head of Bay d'Espoir Occupation

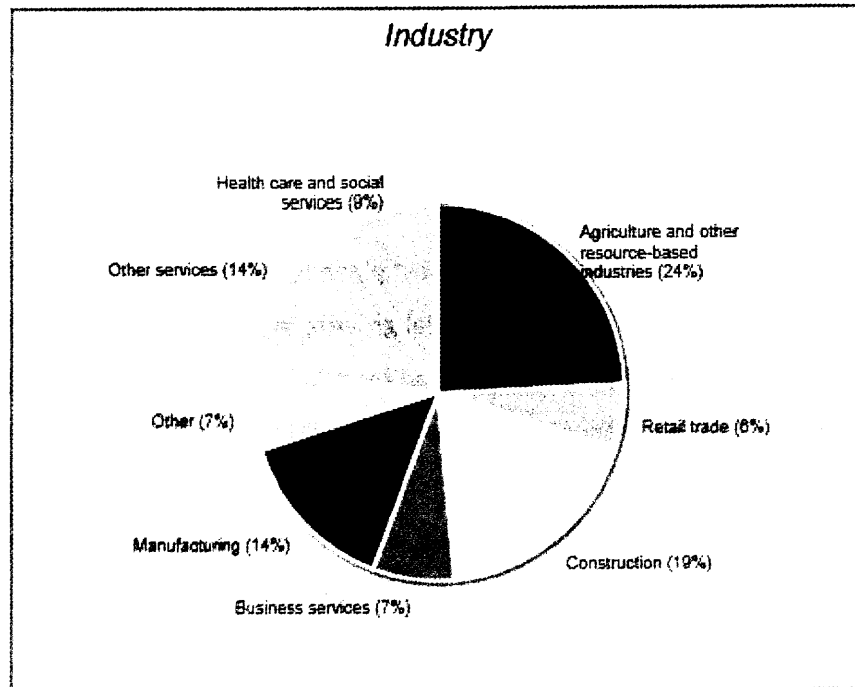


Table 2: Milltown Head of Bay d'Espoir Industry

### Land Use

Milltown Head of Bay d'Espoir may be considered as a low-density rural community, it is now undergoing minimal growth, urbanization with density increasing in the past decade. The predominant housing form is the single-family detached house with a small percentage of apartments and a few outdated mobile homes. Most dwellings are located on single lots. In 2011, the Municipal Assessment Agency showed an increase of approximately 10% in residential property value.

The settlement pattern for Milltown - Head of Bay d'Espoir has developed at the base of hills paralleling the shoreline and where suitable flat or sloping lands are available. Toward the centre of Town, the terrain is very steep where the hills part and Southeast Brook runs out into

the Bay. The Southeast Brook Bridge, which spans Southeast Brook near the intersection of Route 361 and Main Street, links the two communities. Small streams draining marshes and ponds on the plateau also run through the Town. The Town has developed in the form of a long and narrow ribbon along Route 361 and Main Street.

### ***Planning Issues***

With a decrease in population over the last planning period, Milltown Head of Bay d'Espoir still has demand for land for future residential growth, in particular along Card's Harbour and Jim's Harbour. However, with availability of land for development in the adjoining Town of St. Albans, Milltown Head of Bay d'Espoir appears to be content with minimal housing demand. A new residential area is being developed in the area of Forest Road. However, all Towns are constrained by the availability of land suitable for large scale subdivision development. Therefore, the Town may experience a marginal demand in residential growth.

## **1.7 INTERPRETATION**

The following sections and the Future Land Use Maps constitute the legally effective parts of the Milltown Head of Bay d'Espoir Municipal Plan. In this Municipal Plan:

- "Council" shall mean the Council of the Town of Milltown Head of Bay d'Espoir.
- "Development Regulations" shall mean the Milltown Head of Bay d'Espoir Land Use Zoning, Subdivision and Advertisement Regulations.
- "Municipal Planning Area" shall mean the Milltown Head of Bay d'Espoir Municipal Planning Area.
- "Town" shall mean the Town of Milltown Head of Bay d'Espoir.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category.

Nothing in the Plan shall affect the continuance of land uses which are lawfully established on the date that this Plan comes into effect.

## **2.0 GOALS AND OBJECTIVES**

It is the intention of the Municipal Plan to establish a number of goals and objectives. A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Milltown Head of Bay d'Espoir Planning Area, the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten year planning period.

### **2.1 PHYSICAL STRUCTURE**

#### **Goals:**

- To provide for development and allocate land for its best use which will enhance the viable functioning of the community.
- To encourage future growth in a manner that ensures land use compatibility and orderly development.
- To control future growth of the town in such a manner as to develop a balanced and attractive community.
- To preserve the rural character of the Town, allowing residents to maintain activities such as small-scale traditional uses without creating problems for neighbouring residents.

- To protect the natural environment and natural resources throughout the Planning Area.

**Objectives:**

- To allocate land for future development on the basis of its best use considering its physical characteristics and location.
- To ensure that natural areas such as drainage courses, rocky outcrop and rugged shorelines, and steep slopes are protected from development to preserve environmental resources and the rural character of the Town.
- To preserve scenic views of the shoreline and hills, recognizing their value to residents and visitors for recreation and tourism.

**2.2 ECONOMIC OPPORTUNITIES****Goal:**

- To encourage the continued operation of existing businesses through appropriate land use policies.
- To encourage the development of additional employment opportunities to serve the present and future population.

**Objectives:**

- To allocate land so that new businesses will be attracted to Milltown Head of Bay d'Espoir.
- To support the development of facilities and attractions in promoting the tourism industry within Milltown Head of Bay d'Espoir.
- To encourage home-based businesses.

## **2.3 HOUSING**

### **Goals:**

- To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- To provide good quality residential site design and a high standard of municipal services.

### **Objectives:**

- To provide an adequate amount of land to accommodate residential development within the municipality.
- To encourage improvement of existing dwelling standards.
- To provide for a mixture of housing types within the municipality.
- To encourage the development of residential infilling lots within built up neighbourhoods.

## **2.4 TRANSPORTATION**

### **Goal:**

- Ensure that the local transportation system adequately and safely provides access throughout the Planning Area.

### **OBJECTIVES:**

- To undertake continued improvements to the municipal roads through a regular maintenance program.

- To aim for a proper road system by connecting streets which require a second access.
- To reserve land for future access to backlands.

## **2.5 COMMUNITY AND SOCIAL SERVICES**

### **Goal:**

- To provide a full range of community and social services to Milltown Head of Bay d'Espoir.

### **Objectives:**

- To ensure that land is reserved throughout the town for recreation and open space.
- To ensure public access to the major natural features of the planning area such as the vistas, ponds, streams, and ocean shoreline.
- To encourage the multi-functional use of existing community buildings (schools, churches, community halls, etc.).

## **2.6 Environment**

### **Goals:**

- To provide a pleasant and safe living and working environment in Milltown Head of Bay d'Espoir.
- To provide for the health, safety and welfare of the general public.
- To protect and enhance the natural environment for its aesthetic, recreational, tourism and resource values.

**Objectives:**

- To promote a regular community “clean-up” program.
- To discourage development in areas with slopes greater than 15 percent, recognizing that development in such areas can result in environmental damage and higher costs for servicing and maintenance.
- To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, streams and shorelines to be kept generally free from development.
- To protect natural resources from degradation including water, air, soils, traditional agricultural land, forests and scenic areas.

**2.7 MUNICIPAL FINANCE****Goal:**

- To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

**Objectives:**

- To manage municipal expenditures with restraint, aiming for maximum return on investment.
- To manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
- To encourage a more diversified economic base to generate more revenues through business taxes.

## **2.8 RECREATION AND TOURISM**

### **Goal:**

- To provide recreation facilities and develop new facilities to accommodate recreational and social needs for all age groups in the Town.

### **Objectives:**

- Encourage public participation in the planning of recreational open space lands and encourage events such as summer festivals, sporting events, and other attractions.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town.
- Promote the ice arena as a Regional asset and encourage cooperation with adjoining Towns for maintenance and promotion.

## **2.9 SUSTAINABLE DEVELOPMENT**

### **Goal**

- To encourage the preservation of natural resources and to promote the development of sustainable development activities.

### **Objectives:**

- To promote the development of industries that use clean renewable sources of energy.

### **3.0 THE LAND USE PLAN**

The following policies with accompanying Future Land Use Maps constitute the land use component of the Milltown Head of Bay d'Espoir Municipal Plan, 2017-2027. Included are all policies which are seen as necessary by Council to ensure that the physical development of Milltown Head of Bay d'Espoir is undertaken in an efficient and economic manner during the ten-year (2017-2027) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.

#### **3.1 GENERAL LAND USE POLICIES**

The following policies can be categorized as general in scope in that they can be applied to more than one land use and to different sections of the Town of Milltown Head of Bay d'Espoir. They are therefore presented as a separate section of this Land Use Plan.

##### **3.1.1 GENERAL POLICIES**

###### **1. Physical Structure:**

Land uses will be allocated in accordance with the Future Land Use Map attached to this text. Development within the Planning Area will be managed in accordance with the regulations of Council, in adherence with the policies, acts, and regulations of the Province.

Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan is registered by the Minister of Municipal Affairs and Environment. Where a building or use exists which does not comply with the intent of the Plan and the designated u

se, then it shall not be permitted to expand substantially. Minor extensions of such properties may be approved provided there will be no adverse effects on surrounding properties or the environment.

Municipal and public utility works such as telephone, pollution control and electric utility facilities are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses.

## **2. Town Structure**

The future form of the Town will likely not change during the next decade. It's linear pattern, with the main road paralleling the coast and bounded on the opposite side by hillsides and bog lands, leaves little leeway for lateral expansion. The areas south of Main Street and in the Forest Road area is the best option for new residential development.

Future residential development will be in the form of small roads south of Main Street and connecting with additional roads. Where possible, the Town should restrict dead end streets only if they identify a connection with another street.

## **3. Subdivision Policies:**

Land which borders developed residential areas may be suitable for future residential development. All proposed subdivision developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Milltown Head of Bay d'Espoir Development Regulations and will include:

- An investigation of physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- An outline of how the proposed subdivision will integrate with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;
- Ensure compatibility between the subdivision and surrounding land uses, both existing and future; and
- Review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.

#### **4. Conveyance to Council of Private Roads**

New subdivision streets shall be constructed and upgraded to the Town's road standards before Council shall assume ownership and responsibility for future maintenance. All new streets shall have a legal land survey and a Deed of Conveyance before Council assumes ownership.

#### **5. Access and Public Street**

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

#### **6. Easements and Emergency Access**

Where land is required for utility easements or emergency access, the land may be obtained for the appropriate agency (such as Newfoundland Power) in the course of approving subdivision or other development applications.

## **7. Building Setback**

Adequate building setback from roads shall be required in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the abilities of the Towns snow clearing program. In certain circumstances where topography restricts the development of a lot, a larger setback may be permitted to accommodate the development.

## **8. Soil and Drainage**

Development shall only be permitted on lands having soil and drainage conditions which are suitable for the proposed uses.

## **9. Infill Development**

Council will monitor all infill development to ensure that appropriate standards are maintained with respect to lot size, frontages, road widening, alignments, and any other matter concerning current or future public works. In older developed sections of the Town infill lots may not meet current standards. Council shall review any proposed development on a lot by lot basis. Lots that do not meet current frontage development standards may be approved for infill residential development under Councils discretion provided there are sufficient lands for the safe development of the lot.

## **10. Environmental Preservation and Enhancement**

Council shall place high importance on environmental preservation and enhancement, given its importance to residents and to Council's intention of preserving the local environment.

***Natural Environment***

The policy of preserving the natural environment will be extended to all natural systems within the Planning Area, including natural drainage systems, wetlands, bogs, plant and fish habitats. The preservation of watercourses and shoreline areas will be a priority within the Planning Area.

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property shall not be permitted.

***Built Environment***

Council shall encourage partnerships and initiatives aimed at changing environmental attitudes, awareness and promoting projects which will enhance the built environment. Examples will include the following:

- preservation of trees on sites for new development (i.e., to discourage the traditional practise of clearing development sites of all trees and vegetation);
- development and expansion of recreation lands;
- development of walking trails along shoreline; and
- Encourage the reduction and recycling of solid waste within the Town.

**11. Open Space and Recreation**

Not more than 10% of the gross area of land developed for subdivision purposes or 25 m<sup>2</sup> for every dwelling unit shall be dedicated to the Town as public open space. This land would be suitable for walking trails, tot lots, green belts, etc. Council may accept

from the developer in lieu of such area of land, payment of a sum of money equal to the market value of the land which would otherwise be required to be dedicated.

Council shall ensure the preservation of scenic viewpoints such as the Trout Hole Falls Municipal Park, the Jersey Point Walking Trail and the Southeast Brook Walking Trail to ensure long-term stewardship. Public access to these natural areas and open spaces shall be maintained.

It is the intent of this Plan to designate open space areas within the Town for active, outdoor community recreation and passive, outdoor recreation needs. Council shall maintain and wherever, improve the integrity of natural recreational systems such as walking and hiking trails as described above.

## **12. Development Criteria for Non-Residential Sites**

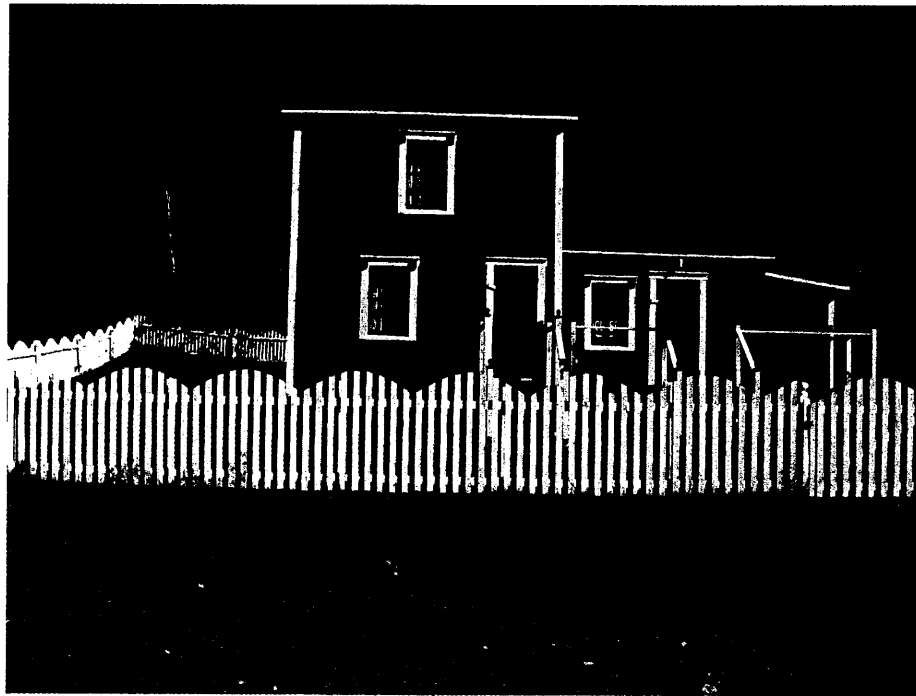
All built-up development of non-residential land uses, excluding resource uses. Shall conform to the following criteria:

- Each site will have direct frontage on a public road.
- Development will be located and designed in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening will be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.
- Properties will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- Access points to the public street will be limited in number and designed for maximum safety for pedestrians and vehicles.
- Each site will provide space for adequate off-street parking and loading facilities to meet the needs of the proposed development.
- Adequate municipal services must be available to meet the needs of each proposed development.

Development must be in accordance with the Town's Development Regulations and where applicable the regulations of Service NL and the Departments of Municipal Affairs and Environment, Transportation and Works, Fisheries and Oceans Canada and other relevant agencies.

### **13. Heritage Structures and Sites**

Houses such as the Piercy Heritage Home, figure below, and any other buildings or structures which were built in a traditional or distinctive architectural style (or otherwise are deemed to have historic or aesthetic value by Council, or a department or agency of a higher level of government) may be considered heritage structures.



It is Council's intention to protect heritage structures for aesthetic and historic reasons and for their historic value as a heritage and tourist attraction. Council may enact regulations for such purposes. Historic sites shall also be protected by Council for their historical value and as tourist attractions.

#### **14. Protected Road**

A portion of St. Alban's Road, Route 361, from the Town's eastern municipal boundary to the intersection of Route 361 and Main Street, is designated as a Protected Road and forms part of the Bay d'Espoir Protected Road Zoning Plan. Any development along this corridor of Route 361 must be referred to Service NL for approval prior to development. The Protected Road is identified on the Future Land Use Map.

#### **15. Non-conforming Uses**

The Town recognizes that there may be a number of existing established uses which do not conform to the Municipal Plan. Over the planning period it is Council's intention that non-conforming uses should be discontinued and will be converted to uses that conform to the land use zone in which they are located.

### **3.1.2 SERVICING POLICIES**

#### **1. Municipal Services**

Within and near serviced areas, new development shall only be permitted in areas which can be provided with full municipal water and sewage services.

#### **2. On-Site Sewerage Disposal**

On-site sewerage disposal system shall be in compliance with the requirements of the Service NL. Sub-service sewerage disposal systems shall be no closer than 30 metres from a waterbody or watercourse.

### **3.1.3 ENVIRONMENTAL POLICIES**

#### **1. Protection of Watercourses, Wetlands, and Waterfowl Habitat**

Rivers, streams, ponds, and shorelines shall be protected from pollution and development. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within 15 metres of a watercourse without approval from the Department of Municipal Affairs and Environment and, if fish habitat is affected, from Fisheries and Oceans Canada.

Council shall encourage the preservation and protection of sensitive wetlands that are valuable for controlling flooding; habitat for water fowl or have important aesthetic value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department of Municipal Affairs and Environment, Water Resources Management Division, prior to Council approving any development proposal.

#### **2. Waste Disposal**

Protective measures shall be taken to prevent or minimize pollution when disposing of sewage and solid waste.

#### **3. Alterations to the Natural Environment**

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property or

watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

#### **4. Environmentally Sensitive Areas**

Development shall be prohibited in environmentally sensitive areas such as steep slopes and bogs. Development shall also be prohibited in areas prone to landslides and rockfall. Development shall be prohibited in conservation areas within 30 metres of the rock cliff along sea wall areas known for coastal erosion. This policy applies to environmentally sensitive areas in other land use designations.

### **3.2 SPECIFIC POLICIES - LAND USE DESIGNATIONS**

The land within the Milltown Head of Bay d'Espeir municipal planning area shall be managed according to the designations shown on the Future Land Use Map and the policies of this Municipal Plan.

The Future Land Use Map divides the Planning Area into the following designations:

- Residential
- Mixed Use
- Commercial-Industrial
- Public Use
- Recreation Open Space
- Conservation
- Watershed
- Rural

### **3.2.1 RESIDENTIAL**

The purpose of the Residential designation is to preserve the amenity and character of existing residential areas and to reserve undeveloped lands for future residential use. Anticipated new housing throughout the Planning Area over the ten year planning period is in the order of 40 dwellings, most of which will be single detached houses. If past trends continue, about 2/3 of this should occur in the main part of Milltown Head of Bay d'Espoir as infilling on existing developed roads, or as incremental extensions to existing development. Two areas presently being developed for residential use are Infill areas south of Main Street and Forest Road.

There are undeveloped backland areas throughout town which may be suitable for future residential development as small residential subdivisions, and these areas should be reserved for such purposes.

Infill development on existing roads within built up areas of the town shall be encouraged to increase the density of development and to make efficient use of municipal services such as snow clearing, garbage collection and reduce operating costs.

#### **Residential Policies:**

##### **1. Land Designation**

The Residential land use district is reserved primarily for residential uses and other development compatible with residential uses. In the Residential Zone, building lots shall be in keeping with the traditional development pattern of those areas.

Residential subdivisions may be developed in Residential designated lands, subject to policy 3.2.1.9, Residential Subdivisions, and in accordance with the requirements of the development standards within the appropriate Land Use Zone Table, Schedule C.

## **2. Land Use**

Within lands designated Residential, single dwellings and double dwellings shall be permitted. Discretionary uses such as row dwelling, apartment building, boarding house (includes tourist home, and bed and breakfast), convenience store, medical and professional, medical treatment and special care, personal service, child care, recreational open space, office, shop, place of worship, education, agriculture (hobby farming), cultural and civic, professional service, light industry, and antenna, or a small scale business use where they are part of a residence may be permitted throughout the area under the discretion of the Council. Transportation uses such as wharves, boathouses and docks may be permitted.

Council shall consider the impact of the scale of proposed uses in the residential designation to ensure that new development does not adversely affect the residential character and amenity of the area; provision of adequate space for on site parking, loading, and buffering is provided; and the primary use of the lot remains residential. A compatible use such as child care will occupy only a minor part of the floor area of the dwelling.

Residential growth shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of existing areas serviced in the town to ensure the efficient use of available lands.

All new development and all newly created residential lots 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. The costs of providing services to any new subdivision development shall be the responsibility of the developer.

## **3. Environmental Aesthetics**

Residential development, as well as other discretionary uses that are developed, shall

preserve the scenic quality of the community, with emphasis on building design and landscaping of new development. Tree cutting and removal shall be limited to that necessary for construction, space around the building.

#### **4. Recreation Uses**

Permitted recreation uses such as playgrounds and tot lots may be located within Residential areas provided that adequate screening from nearby properties is provided, and safe setback distances from public roads can be obtained.

#### **5. Bed-and-Breakfast**

Bed-and-breakfast operations may be permitted in the residential land use designation and shall clearly be subsidiary to the residential use and shall not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

#### **6. Office Use**

Office use (home office) shall be limited to a home based business which may be permitted if contained inside the residence, is clearly subsidiary to the residential use, and there shall be no open storage of materials, equipment or products, and do not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations.

## **7. Childcare**

Group or Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Any Group or Family Childcare business shall operate in accordance with provincial *Child Care Services Act* and all applicable Regulations.

## **8. Convenience Store**

Within the Residential designated land, new convenience stores may be permitted as a subsidiary use to a residential dwelling or as a separate structure on its own lot. Council shall encourage the even distribution of convenience stores in appropriate areas throughout the Town. Development standards shall ensure that the size of the convenience store is limited so that it will not interfere with neighbouring residential uses.

When reviewing applications for a new or expanded convenience store, Council shall consider factors such as access to the site; amount of parking to be provided; any adverse impacts upon adjoining neighbours or the neighbourhood in general, and effects of the business on traffic flow.

## **9. Residential Subdivisions**

In order to ensure efficient use of land and future provision of services, avoid a proliferation of individual cul-de-sacs that are costly to service, and ensure that development is properly located so as not to interfere with optimal future development of adjacent lands, subdivision proposals will be considered only if they conform to the following:

- Conformity to the goals, objectives, and policies of this Municipal Plan;
- Conformity to an area concept plan as approved by Council, which accounts for the

development of lands abutting the site;

- A description of the subject lands;
- Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- Access to the site from existing roads and internal road layout;
- Extension and development of municipal piped services for new subdivision;
- Demonstration of the long-term viability of any proposed on-site servicing system through soil analysis and other appropriate site evaluation. Council may require a site assessment as part of a area concept plan which shall accurately depict the conditions of the proposed subdivision site;
- Phasing scheme;
- Provision for lotting;
- Provision for 10% recreation lands or alternative measures if requested by Council;
- Adherence to the Town's engineering and development standards for streets designs, grades, storm drainage, building line setback, access, landscaping, buffers, development standards for each lot, etc.

#### **10. Open Space Requirements**

The provision for open space within a residential subdivision development shall be the responsibility of the developer, and if required by Council, shall dedicate not more than 10% of suitable land in new residential areas for recreational open space or alternatively or 25 m<sup>2</sup> for every dwelling unit shall be dedicated to the Town as public open space. Council may, as an alternative, require the developer to pay a sum of money equal to 10% of the assessed value of the area of land prior to any development of the subdivision.

## **11. Backlot Development**

Backlot development may be permitted at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. In such cases, the following requirements shall be met:

- The site is located in an area designated for Residential development in the Milltown Head of Bay d'Espoir Development Regulations;
- Approval for on-site water supply and sewage disposal must be obtained from Council and the Service NL;
- The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. In such cases, access to the public street must be of sufficient width (15 metres) to accommodate future public use;
- Where there is no potential for additional development, the access shall be treated as a private driveway and only one backlot development shall be permitted;
- Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
- Approval of any backlot development shall not affect the legal conformity of any existing lots;
- To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a minimum of 40 metres and a maximum of 100 metres from a public street.
- Standards for backlot development shall be established in the Milltown Head of Bay d'Espoir Development Regulations.

### **3.2.2 MIXED USE**

A mixture of different kinds of development may be found along Main Street, Route 361, and consists predominantly of residential uses interspersed with businesses, light industry and public buildings. Such areas are placed under the Mixed Use designation. This designation shall ensure that a viable combination of compatible uses can co-exist with the predominantly

residential development. Areas designated Mixed Use are intended for the continuation of a traditional mix of land uses.

Much of the Mixed Use designation runs through Milltown Head of Bay d'Espoir along Main Street. These areas are well established with a mixture of churches, schools and recreation facilities.

It is the intention of Council to permit this form of development to continue while ensuring amenity and safety between the different land uses in the Mixed Use land use designation. The Mixed Use area is designated on the Future Land Use map and applies to various locations along both sides of Main Street and Route 361. The following policies will guide the growth and development of the Mixed Development areas.

#### **Mixed Use Policies:**

##### **1. Land Use**

Within the Mixed Use area, single dwellings, double dwelling, row dwelling, childcare, group child care, boarding house (includes tourist home, and bed and breakfast), medical treatment and special care (home for the aged only), agriculture (root crops only) and personal services shall be permitted.

Other discretionary uses may be permitted such as apartment building, cultural and civic, general assembly, club and lodge, catering, indoor assembly, office, personal service, general service, communications, taxi stand, take-out food service, shop, office, convenience store, general and light industry, outdoor market, recreational open space, transportation and antenna may be permitted throughout the area under the discretion of the Council provided they are compatible with the character of the area and do not cause a nuisance by virtue of excessive noise, dust, odour, increased traffic or hours of operation.

## **2. Site Plans**

Council may require the developer to provide a comprehensive site plan for any proposed developments, indicating building locations, delivery areas, parking spaces, access, landscaping and buffer areas, and where other development components are to be located. In assessing proposals, Council shall be primarily concerned with aesthetic factors, scale and conformity with the desired character of the area, and compatibility with other land uses in the vicinity, in particular any residential development.

## **3. Adverse effects**

Adverse effects of any proposed development on adjacent residential uses shall be prevented or minimized through proper site layout, scale of development, and buffering. The type of buffer that may be required is subject to the site specifics of the particular proposed development.

## **4. Access to Street**

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

## **5. Parking**

Adequate off-street parking and loading facilities shall be provided for any non residential development.

## **6. Office Use**

Office use may be permitted as a home based business. The office use, if located within the home, shall be subsidiary to the residential use. The office use may be located in an accessory building on the same lot as the residence. There shall be no open storage of materials, equipment or products, and the use does not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations. Provisions for parking shall meet the standards as prescribed by Council.

## **7. Boarding House Residential**

Boarding House Residential uses such as Bed-and-breakfast operations shall be permitted and will not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

## **8. Medical Treatment and Special Care**

Medical Treatment and Special Care uses will be permitted provided they are limited to only homes for the aged for residence for seniors, and adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

## **9. Childcare**

Group or Family Childcare use shall not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Group or Family Childcare business shall operate in accordance with provincial Child Care Services Act and all applicable Regulations.

## **10. General Services and Light Industrial Uses**

General services uses and light industrial uses shall be small scale uses such as small workshops and warehouses. The use shall be carried out in a separate building from any residence. There shall be no outdoor storage of equipment or materials. Activities associated with the use shall not be hazardous and shall not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference.

### **3.2.3 COMMERCIAL-INDUSTRIAL**

The Commercial-Industrial designation is applied to local and highway commercial-Industrial uses. The intent of the Plan is to allow the continuation of these uses, most of which are long-standing.

Small-scale local and personal-service commercial uses may be permitted within residential areas (see the Residential policies). Commercial uses may also be permitted within the Mixed Use designation. Retail and service commercial uses which serve residents beyond the neighbourhood are intended to be located primarily along Route 361.

The Town has recently completed a feasibility study for a Marine Industrial Park. The Town also included the Industrial Park as part of its Integrated Community Sustainability Plan (ICSP). The Greenwood Industrial Park, is located south of Route 361 is primarily geared towards the Aquaculture industry.

Light industry uses may take place in Commercial-Industrial, Mixed Development designations, and in limited cases, Residential land use districts. General industry shall be allowed in Commercial-Industrial where acceptable to surrounding land uses.

The following policies will guide the growth and development of the Industrial areas.

#### **Industrial Policies:**

##### **1. Land Use**

Land designated Commercial-Industrial shall be developed primarily for such commercial uses as retail and service activities oriented toward highway users. Industrial uses shall be general industries, general services and light industries. The permitted uses shall include catering, office, medical and professional, personal service, shop, and convenience store passenger assembly (all use classes), business and personal service (all use classes), commercial residential, service station, cultural civic and shop, outdoor assembly, mercantile (all use classes), light industry and general industry, transportation and antenna. Other compatible uses that may be permitted include apartment building, catering (lounges and bars), clubs and lodges, amusement, general assembly, taxi stand, police station, funeral home, medical treatment, indoor and outdoor market, temporary workers housing and recreation open space.

## **2. Location**

Industrial activity shall be located in areas of the Town that are suitable for such forms of development. The two present industrial locations include a proposed marine industrial site at the entrance to the Town along Route 361, and a dock and wharf facility of the north side of Main Street.

## **3. Environmental Concerns**

Tanks or apparatus connected with the storage of fuel shall be required to provide adequate containment and dykes. Council shall require that all fuel storage tanks greater than 2500 litres be approved and inspected regularly by the Service NL. Council shall require the siting of fuel storage tanks within the industrial designations in a manner that will not adversely affect the amenities or safety of the adjoining properties.

Any fuel storage tanks proposed for removal shall require compliance with the Pollution Prevention Division, Department of Municipal Affairs and Environment and Service NL. Environmental Audits may be required prior to site remediation to determine the presence of hydro-carbons in surrounding soils.

## **4. Restricted Development**

Industrial uses that are determined to be incompatible with the natural environment or nearby development through excessive emissions of noise, smell, chemicals or other pollutants, shall not be permitted.

## **5. Open Storage**

Property owners with unsightly uses shall not store their materials in the front yard. Similar uses will be screened from view of the road by high fences or some other form of buffer as required by Council. Screening and buffering using fences or trees may be required in order to preserve an attractive appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.

## **6. Parking**

Adequate off street parking, loading and safe access to the street shall be provided. Parking shall meet requirements as outline in Schedule D of the Town's Development Regulations.

## **7. Access to Street**

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

### **3.2.4 PUBLIC USE**

Land designated Public Use shall include government, church, educational and other uses for general or limited public access. Facilities required to deliver municipal services to residents, such as the Town Hall, are also within the intent of this designation.

There are a number of schools, churches, municipal buildings and recreational facilities in the Town which are necessary to the continued social and economic functioning of the community. It is important to protect and encourage development of these uses within the community.

## **Public Use Policies**

### **1. Land Use**

Within the Public Use designation, the predominant use of land shall be for community-oriented facilities such as schools, places of worship, child care, cultural and civic uses such as municipal buildings, general assembly, medical care and special treatment, recreation buildings, and their accessory uses.

Discretionary uses may be permitted, provided that they will not conflict with the operation of existing facilities or the future development of public uses. The discretionary uses may include recreational open space such as parks and playing fields, office, indoor assembly, outdoor assembly, catering, shop, club and lodge, antenna, and home for the aged.

### **2. Compatibility with Residential Uses**

The development and operation of new facilities and buildings for public use shall not impose adverse effects on adjacent residential areas in terms of traffic, noise, and hours of operation.

### **3. Location**

Public buildings and uses are encouraged to locate in the central part of the community and within easy walking distance of most residents.

#### **4. Access**

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

#### **5. Parking**

Adequate off-street parking shall be provided.

### **3.2.5 RECREATION OPEN SPACE**

The Town of Milltown Head of Bay d'Espoir has significant areas of natural scenic value and potential. The rugged coastline, inland waterways and in particular the Trout Hole Falls Municipal Park and Jersey Point Walking Trail provide residents of the Town with many opportunities for outdoor recreation.

The intent of this Plan is to designate lands used for active and passive recreation to meet the needs of Milltown Head of Bay d'Espoir residents and visitors. Passive recreational uses such as walking trails may be permitted, provided that they will have no adverse effect on the site.

Land designated as Open Space Recreation is for active and passive recreational non-building uses such as parks, playgrounds, outdoor swimming areas, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space Recreation uses.

**Policies:****1. Land Uses**

Permitted uses include recreation parks, linear trail systems, walking trails for pedestrians and cross-country skiers in winter shall be permitted. Examples include the Trout Hole Falls Municipal Park, Jersey Point Walking Trail and Southeast Brook Walking Trail. Indoor assembly uses (recreation facilities) such as an ice arena and outdoor facilities such as sports fields, community festival areas, and picnic and day use parks and conservation shall also be permitted.

Other uses that may be included within this designation are cultural and civic, catering (take-out food service), transportation, and antenna.

**2. Effects Surrounding Property**

Development and operation of recreation facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic and hours of operation.

**3. Recreation Uses**

Additional recreation facilities shall be provided in areas where they are needed and when the Town's financial resources permit. Since most of the regional and local recreational facilities are less accessible to the older age groups, the provision of additional facilities will give special consideration to these groups.

**4. Town Recreation Facilities**

Existing recreational facilities owned by the Town shall be properly equipped and maintained. New playgrounds and recreation areas shall be developed by both land developers and the Council to meet the future recreational needs of the community.

### **3.2.6 CONSERVATION**

The intent of the Conservation designation areas is to protect certain lands within the Town which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values. They include wetlands, watercourses, bodies of water, shoreline frontages, steep cliffs, as well as, open natural spaces such as woodlands, green belts, buffers, natural trails, areas of scenic attraction for public enjoyment, etc. In most cases, these areas are located where municipal services cannot be feasibly extended.

Cemeteries which are located separately from a church are designated as Conservation. Those cemeteries which are accessory to a church property are included in the Public Use designation.

#### **Conservation Policies:**

##### **1. Land Uses**

The Conservation designation shall protect and conserve environmentally sensitive and important lands from adverse development. Development associated with conservation shall be permitted. No permanent buildings or structures shall be permitted on lands designated for Conservation Uses, except those necessary for environmental protection (e.g., for erosion control). Permitted uses include conservation uses and cemetery. Passive recreational uses such as walking trails, parks and their accessory uses are permitted, provided that they will have no adverse effect.

##### **2. Discretionary Uses**

Uses that are complimentary to a recreational open space or conservation use may also be permitted at Council's discretion. Such use may include animal grazing, or other forms of agriculture, forestry, transportation (sheds and wharves along the coastline), and antenna.

Within the designated Conservation areas, uses that are complementary to a recreational open space use may also be permitted at the Council's discretion.

### **3. Cemeteries**

New cemetery sites are to be located in areas designated for Conservation at Council's discretion. Approval shall be contingent on the use having access to an existing public road, require no additional municipal services and is designed to facilitate public access.

### **4. Conservation Buffer Waterbodies**

Along the shoreline of all water bodies and water ways, a conservation buffer area shall be established which includes all land within 15 metres of the high water mark along shoreline. Proposed developments affecting water bodies or watercourses, such as stream crossings, watercourse alterations, and other public works, may be permitted in limited circumstances where it is shown they will have minimal adverse impact. The number and size of such activities will be minimized. Any such proposed development shall be referred for review and approval to the Department of Municipal Affairs and Environment, and the Department of Fisheries and Oceans, and any other relevant agencies before Council issues any permits for development.

### **5. Preservation of Natural landscape**

It is also essential that all the visual amenities and undevelopable areas such as the shoreline, rivers, brooks, streams, flood plains, steep slopes, and rock outcrops are preserved and retained in their natural state. This can add to the open space system and complement the rural development patterns. Areas of scenic attraction and with recreational potential shall be preserved and protected.

## **6. Excessive Slope**

Extensive areas of land having slopes in excess of 15 percent are designated Conservation. Development is not considered feasible on such slopes because of excessive runoff and erosion and high costs to install and maintain services, and risk to public safety.

### **3.2.7 WATERSHED**

As the source of water supply to the Town, Upper Jersey Pond and Lower Jersey Pond and its drainage area are designated as Watershed. It is the intent of the Plan to protect it from existing and future uses and development that could adversely affect the existing and long term quality of water in these designated areas.

Any proposed development in the watershed area shall require approval from the Water Resources Management Division, Department of Municipal Affairs and Environment.

#### **Watershed Policies:**

##### **1. Land Use**

Land designated Watershed shall be protected and the only permitted uses shall be conservation and passive outdoor recreation uses. Forestry activities and silviculture, and antenna may be permitted within the Protected Watershed Area, subject to the approval of the Water Resources Management Division, Department of Municipal Affairs and Environment and the Department of Fisheries and Land Resources.

Established uses in the designated Watershed Area shall be limited to passive recreational activities such as hiking, fishing, and canoeing.

## **2. Continuation of Established Uses**

It is the policy of the Plan to allow the continuation and minor expansions of existing uses in the designated Watershed Area, provided that the future water quality in the area is not adversely affected.

## **3. Mineral Workings**

Mineral workings may be permitted and shall be limited to mineral exploration within the designated protected Watershed areas. Any exploration activities must be approved by the Water Resources Management Division, Department of Municipal Affairs and Environment, and Mineral Lands Division, Department of Fisheries and Land Resources, as well as Council.

## **4. Forest Harvesting**

Selective forest harvesting may be permitted within Watershed areas, subject to approval of the Water Resources Management Division, Department of Municipal Affairs and Environment. Maintaining water quality is the overriding priority.

### **3.2.8 Rural**

The remaining lands within the Milltown Head of Bay d'Espoir Planning Area are designated Rural and are intended to be used primarily for rural resource and open space uses. Uses such as public utilities or road construction and maintenance, consistent with the objective of retaining the qualities of the rural environment, may be permitted.

**Rural Policies:****1. Land Uses**

The uses permitted in the designated Rural areas include agricultural, forestry, outdoor recreation and conservation uses, provided these uses do not detract from the rural character of the area.

**2. Discretionary Uses**

Uses that may be allowed at the discretion of Council include single dwelling, veterinary, outdoor market, outdoor assembly, office, general industry, light industry, mineral working, cemetery, animal, utilities, transportation and antenna. This will apply particularly to uses that need to be located close to resources or for some other reason cannot be located close to the built up areas of the Town.

**3. Residential Use**

Single residential dwelling use may only be permitted in conjunction with a permitted use such as forestry or agriculture.

**4. Forestry**

The Rural area contains forests which provide a long-term domestic wood supply, recreational opportunities, and wildlife habitat. It is important that this resource be well managed. This Plan

will support initiatives of the Department of Natural Resources to manage the forests for continued use by the public during and beyond the planning period.

## **4.0 IMPLEMENTATION**

The Municipal Plan will be implemented over the ten-year planning period through the decisions of Council and agencies such as the Department Transportation and Works, Department of Natural Resources, Department of Municipal Affairs and Environment. Of particular importance to Council are the following:

- Effective administration of the Plan;
- approval of a Financial Evaluation for Municipal Capital Works;
- adopting Land Use Zoning, Advertisement and Development Regulations
- adopting Development Schemes and plans of subdivision, and
- The procedure for considering future Amendments to the Plan.

### **4.1 Plan Administration**

For the purposes of administering the Plan, the Future Land Use Maps shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications will be carefully evaluated as to their conformity to the Plan. The full conformity of all proposals to the Plan shall be required by Council.

The boundaries between land uses designations are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment to this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

All persons wishing to develop land for any purpose within the Milltown Head of Bay d'Espoir Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without conditions. The appeal of all Council decisions to the Regional Appeal Board shall be permitted.

Prior to the major development of land within the Planning Area, a development agreement may be required, which will be signed by both the developer and the Council. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing developments may also be enforced by being attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

## **4.2 Plan Implementation**

The preparation, adoption and approval of the Milltown Head of Bay d'Espoir Municipal Plan represent only a part of the planning process. The Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the *Urban and Rural Planning Act, 2000* as outlined below:

- control future development by enforcing the Milltown Head of Bay d'Espoir Development Regulations and the policies of this Plan;
- undertake the capital works program on a progressive basis geared to the available resources of the community and financial assistance from the provincial government;
- make necessary amendments to the Plan if conditions of the community change, and
- Undertake a review of the Plan every five years.

### **4.3 Development Regulations**

To implement this Plan, Council shall prepare and adopt Development (Land Use Zoning, Subdivision and Advertisement) Regulations on the basis of this Plan. These regulations are intended for Council's control over future use of land and development within the Planning Area and they outline land use zoning, development standards and application procedures necessary to implement this Plan.

### **4.4 Development Control**

The Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Council shall exercise proper control over development within the Planning Area in accordance with this Plan and the Development (Land Use Zoning, Subdivision and Advertisement) Regulations.

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed application form(s) and shall submit a detailed plot/sketch plan of the proposal indicating the location and dimensions of the land and of the development. Council shall examine the application on the basis of the Development Regulations, which reflect the policy of this Plan, may approve the application, approve it with conditions, or refuse it.

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Eastern Regional Appeal Board.

Development in areas under the control of Council as well as other government departments will be referred to the concerned departments for review.

#### **4.5 Public Works and Municipal Services**

In order to properly implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include a financial overview and preparation of a "Financial Evaluation for Municipal Capital Works Projects" which outlines proposed capital works to be undertaken by Council over a seven year period, subject to the availability of government funding.

The Town of Milltown Head of Bay d'Espoir provides the usual municipal services (water and sewer, road construction and maintenance, snow clearing, street lighting, garbage collection, volunteer fire brigade and recreational sites. The Town's major service expenditures are the water and sewer systems, followed by road construction and re-surfacing and recreation.