

**Town of Mount Carmel-  
Mitchell's Brook-St. Catherines  
Municipal Plan, 2020-2030**

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MC-MB-SC-Section 15-June-2021

**TOWN OF MOUNT CARMEL-MITCHELL'S BROOK-ST. CATHERINES  
RESOLUTION TO APPROVE  
MUNICIPAL PLAN (2020-2030)**

Under the authority of Section 16, Section 17 and Section 18 of the Urban and Rural Planning Act 2000, the Town Council of Mount Carmel-Mitchell's Brook-St. Catherines:

- a) Adopted the Town of Mount Carmel-Mitchell's Brook-St. Catherines Municipal Plan (2020-2030) on the \_\_\_\_\_ day of \_\_\_\_\_, 2021;
- b) Gave notice of the adoption of Municipal Plan (2020-2030) by advertisement .....
- c) Scheduled the \_\_\_\_\_ day \_\_\_\_\_, 2021 for the public hearing to consider objections and submissions to the Municipal Plan (2020-2030).

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000, the Town Council of Mount Carmel-Mitchell's Brook-St. Catherines approves the Municipal Plan (2020-2030).

SIGNED AND SEALED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

(Council Seal)

MC-MB-SC-Section 15-June-2021

**TOWN OF MOUNT CARMEL-MITCHELL'S BROOK-ST. CATHERINES  
RESOLUTION TO ADOPT  
MUNICIPAL PLAN (2020-2030)**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Town of Mount Carmel-Mitchell's Brook-St. Catherines adopts the Town of Mount Carmel-Mitchell's Brook-St. Catherines Municipal Plan.

Adopted by the Town Council of the Town of Mount Carmel-Mitchell's Brook-St. Catherines on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

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

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: \_\_\_\_\_

Member, Canadian Institute of Planners (MCIP)

MC-MB-SC-Section 15-June-2021

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## 1.0 INTRODUCTION

### 1.1 The Purpose of the Municipal Plan and Community Vision

The purpose of the Municipal Plan is to enable the community to pursue sustainable choices to meet the needs of the Town for the next 10 years. This plan provides a policy framework to influence, manage, and regulate future growth and change in the Town of Mount Carmel-Mitchell's Brook-St. Catherines.

The Town of Mount Carmel-Mitchell's Brook-St. Catherines initiated the Municipal Plan builds on the Town's' Vision as set in the Integrated Community Sustainability Plan (ICSP):

*Mount Carmel-Mitchell's Brook-St. Catherines will maintain its attractive, traditional small-town character while supporting development, rural living, and respect for local heritage to ensure its future as a self-sustaining community.*

This Vision statement is based on the following community values that were summarized eloquently in the ICSP set out as follows:

- “We the residents, cherish and protect the ways of our forefathers. With a strong sense of pride, they carved from the landscape of this beautiful valley, a livelihood built on the core industries of farming; the fishery and the lumber trade creating a heritage legacy and determination which will shape our future and futures to come.
- We are a closely-knit community in scale and nature; we are physically small enough to maintain a strong sense of community closeness and from which we can develop a shared understanding and vision of our community.
- We endeavour to protect and preserve our sensitive natural resources
- We possess many natural scenic spots engulfed in cultural richness yet to be documented.
- We have a culture of community inclusiveness; yet, we willingly open our community to visitors and newcomers from near and far.
- Economic conditions of the past brought about a necessity for residents to diversify their skills from the traditional ways of their forefathers and to

forge into new areas. Today, the men and women of our Community are members of the iron-workers and boiler makers trades and are recognized internationally for their high level of skill.

- Today we take pride in the Community's leadership, restoring and managing our resources responsibly and sustainably, ensuring that, like our forefathers, we leave a vibrant and resilient community legacy like our forefathers to those that follow us.”

## **1.2 Authority**

The Municipal Plan and Development Regulations are legal documents created under the authority of the *Urban and Rural Planning Act, 2000*. The policies and development requirements contained in the documents and mapping are binding upon the Town Council, residents and on any person undertaking a development within the Municipal Planning Area boundary (Section 12 of the Act).

The Municipal Plan guides the future growth and physical improvement of the Town by identifying locations and setting out policies for various types of land use development. These locations are shown as land use designations on the Future Land Use map found in Appendix A.

The Municipal Plan provides the basis for the Development Regulations which provide more refined zoning within the land use designations indicating permitted and discretionary uses in each zone, development standards and conditions, and criteria for the evaluation of subdivision and development applications.

The Municipal Plan authorizes Council to prevent the undertaking of any development that contravenes a policy stated in the Municipal Plan.

The *Urban and Rural Planning Act, 2000* requires the preparation of Development Regulations to ensure that land is controlled and used in compliance with the Plan (Section 35). The Development Regulations enable the Council to administer the policies of the Municipal Plan.

The Municipal Plan (2020-2030) that comes into legal effect upon publication of the notice of registration in the Newfoundland and Labrador Gazette, and at that point the 2008 Municipal Plan is repealed and replaced by the new plan.

## **1.3 The Municipal Planning Process**

The process for preparing a plan is set out in Part III of the Act (Sections 14 – 25) which must be undertaken by a certified planner in good standing with the Canadian Institute of Planners.

A Background Report for the Town of Mount Carmel-Mitchell's Brook-St. Catherines was prepared to inform the Municipal Plan review. It provides the key findings of statistical research, community site visits and discussions with the Town, Provincial agencies and with community representatives, including public consultation. The Background Report contains a review of land use, development and infrastructure servicing issues and a socio-economic profile of the Town of Mount Carmel-Mitchell's Brook-St. Catherines.

The plan and development regulations are prepared in consultation with Council, Town staff and the public. In particular, the residents and stakeholders in the Town were invited to public consultations throughout the planning process. Upon completion of the review and comment phase, Council accepts (by Resolution) the draft Plan and Development Regulations recommends submission to the Provincial government for (Section 15) review and release from Provincial legislative and regulatory requirements.

Upon release, there is further opportunity for public input through a formal Public Hearing chaired by a qualified Commissioner appointed by Council to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner formally reports his findings to Council as a result of the public hearing. Council may adopt the Commissioner report in whole, in part or reject the report in its entirety.

Council can approve (by Resolution) the Municipal Plan and Development Regulations, and apply to the Minister of Environment, Climate Change and Municipalities for registration. Upon registration, the Council arranges for a notice to be published in the Newfoundland and Labrador Gazette which becomes the date of legal effect. A notice must also be published in a local newspaper to inform the public.

Amendments can be made the Municipal Plan and Development Regulations at any time. Amendments must follow the procedure (sections 14-25) set out in the *Urban and Rural Planning Act, 2000* (section 25). Note that a *Resolution of Council alone* cannot amend (or circumvent) a requirement contained in the Municipal Plan or Development Regulations.

The Municipal Plan is to address the development of the Municipal Planning area for a 10-year period. The Municipal Plan must be reviewed every five years (section 28), and reviewed comprehensively again at 10 years.

#### **1.4 Organization of the Plan**

The Municipal Plan is organized into four chapters:

- Chapter 1 sets the legal context and the organization structure of the plan;

- Chapter 2 sets out the objectives of the Municipal Plan that apply generally throughout the community;
- Chapter 3 sets out the land use objectives and policies by land use classification (as required under Section 13 of the Act); and,
- Chapter 4 sets out the implementation of the Plan.

The Future Land Use Map in Appendix A indicates the land use designations corresponding to the land use policies set out in the plan.

## **2.0 OBJECTIVES OF THE MUNICIPAL PLAN**

The following sections outline objectives of the Municipal Plan that apply throughout the Town of Mount Carmel-Mitchell's Brook-St. Catherines Planning area (as required by Section 12 (2) (a) of the *Urban and Rural Planning Act, 2000*).

### **2.1 A SUSTAINABLE FRAMEWORK**

The objectives of the Municipal Plan articulate the aspirations and needs of the residents of the Town of Mount Carmel-Mitchell's Brook-St. Catherines.

These objectives provide a sustainable framework for the land use and development policies set out in this plan.

These policies can then be implemented through the regulations set out in the Development Regulations.

#### **2.1.1 Community character**

The objectives for community character include:

1. To provide a healthy, pleasant and safe living and working environment in Mount Carmel-Mitchell's Brook-St. Catherines;
2. To encourage future growth in a manner that ensures land use compatibility and orderly development for a 10-year planning period.;
3. To control future growth of the town in such a manner as to develop a balanced and attractive community by considering its physical characteristics and location.
4. To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism and the preservation of the rural character of the Town.
5. To foster an attractive community particularly for growing families by promoting greenbelts, passive parks and walking/hiking trails and landscaping options in the Development Regulations.
6. Encourage public participation in the planning of recreational open space lands and encourage events such as festivals or events, and ensure that zoning allows development of recreation attractions suitable for both residents and tourists.

### **2.1.2 Economic sustainability**

The objectives for economic sustainability include:

1. To make land available for employment-generating activities, such as, commercial development including tourism-related initiatives so that new businesses will be attracted to Mount Carmel-Mitchell's Brook-St. Catherines;
2. To encourage home-based businesses by including provisions in the Development Regulations regarding home business that will help residents augment their personal income and also provide products for seasonal tourism;
3. To provide development conditions to ensure compatibility of non-residential and residential development in a Town with of the size a geography of Mount Carmel-Mitchell's Brook-St. Catherines;
4. To encourage the continued operation of existing businesses through appropriate land use regulations;
5. To encourage the development of new employment opportunities to serve the present and future population.
6. Promote the Town as a tourist attraction and encourage travelers to visit Mount Carmel-Mitchell's Brook-St. Catherines and support the development of facilities and attractions in promoting the tourism industry within Mount Carmel-Mitchell's Brook-St. Catherines.

### **2.1.3 Environmental sustainability**

The objectives for environmentally sustainability include:

1. To protect the natural environment, including soil, water, vegetation, wetlands, wildlife, plant and fish habitats and to ensure that environmentally sensitive or hazardous areas, such as waterbodies including wetlands, shorelines, and steep slopes are protected from development.
2. To manage the Town's natural resources, such as agriculture, forestry, mineral resources, and to promote the sustainable development of these resources.
3. To protect and enhance the natural environment for its aesthetic, recreational, and resource values;

4. To encourage recycling and participate in the Provincial Waste Management Program;
5. To provide municipal services at environmentally acceptable standards;
6. To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development;
7. To protect natural resources from degradation including water, air, soils, agricultural land, forests and scenic areas;
8. Restrict development in environmentally sensitive areas such as steep slopes and areas prone to landslides and rockfall and set out conditions in the regulations to address site suitability;
  - a. 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.
  - b. Permit development only on lands having soil and drainage conditions which are suitable for the proposed uses.
9. To encourage the use of alternative renewable energy sources.

#### **2.1.4 Municipal governance**

The objectives for sustainable municipal governance include:

1. To provide municipal administration and services effectively, efficiently, and equitably to all residents, in a transparent manner and within the fiscal capacity of the Town;
2. To provide opportunities for public participation in municipal governing processes, including Council elections, committee activities, and public participation in decision-making by increasing community awareness;
3. To take an active role to encourage a more diversified economic base to generate more revenues;
4. To collaborate with other municipalities in the region, government and community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.

5. To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act, 1999* and the *Urban and Rural Planning Act, 2000*.
6. To provide timely decision-making and implementation, including enforcement, by developing a procedures manual;
7. To undertake regular review of Municipal Plan and Development Regulations to provide a flexible, clear and fair planning process, and monitor compliance;

#### **2.1.5 Municipal services**

The objectives for providing sustainable municipal services include:

1. To ensure that on site services meet the standards of the Service NL and the Water Resources Management Division; for example, no on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse;
2. To reserve land for future access to backlands for future development needs of the community.
3. To prohibit alterations to a lot which will adversely affect adjacent property, for example, where there is concern that development may contribute to excessive storm-water increase;
4. To ensure that municipal services and utilities, such as telecommunications, pollution control and electric utilities, 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;

### **2.2 GENERAL DEVELOPMENT POLICIES**

#### **2.2.1 Objective**

1. To administer the existing built community and manage future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal resources.

#### **2.2.2 Policies**

The following policies apply throughout the Mount Carmel-Mitchell's Brook-St. Catherines Planning area (Section 13 (2) 2) of the *Urban and Rural Planning Act, 2000*:



## **Administration of the regulations**

1. Establishment of a transparent application review process that enables Council to more comprehensively evaluate proposed development, involve the public, and consider alternatives during the review process of development proposals. The regulations will address: when a permit is required, the obligations of the applicant and Town in the application process for all applications, discretionary use and comprehensive planned development applications;
2. The Development Regulations will set out options for when a proposal doesn't fit the development standards or zoning use table, including: variances, infill, nonconforming use, and the amendment process for the plan and/or development regulations. The regulations will also address special conditions for development, such as variances, legally non-conforming uses, comprehensive planned developments, Development Agreements, Planning Impact Analysis and Service levies
3. The Development Regulations will set out the application decision-making process including, but not limited to, the decision-making authority of Council, including premature development, written reasons for refusal and the responsibility to inform applicants of the appeal process.
4. In considering an application for a permit to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, Council may, in its discretion, and as a result of its consideration of the matters set out in these Development Regulations, conditionally approve or refuse the application;

## **Comprehensive Planned Development**

5. Provision of development standards for comprehensive development in the Development Regulations, including a residential, commercial or industrial development containing one or more single or individual developments (i.e., condominium or townhouses which can be sold as separate units or a shopping complex containing separate retail units which are leased as individual spaces) may be treated as a single development where services are to be provided and maintained privately and internally. It must have frontage on a public road and meet the Town standards for roads and servicing.

6. The Development Regulations will specify requirements for a comprehensive planned development application;

### **Planning Impact Analysis**

7. Where an application for development or an application for an amendment to the Municipal Plan and/or Development Regulations is considered by Council to potentially have a significant effect on the community, Council may require that a Planning Impact Analysis be undertaken to address Council concerns;

### **Compliance with federal and provincial regulations**

8. The Development Regulations must state the responsibilities with regard to compliance of land use and development within the Municipal Planning Area boundary with the policies and land use classes of the Municipal Plan and Future Land Use Map, and the conditions and standards set out in the Development Regulations, subject to all relevant Federal and Provincial legislation, regulations, policies and guidelines.
9. The Development Regulations will incorporate specific compliance requirements as set out in Section 2.3 – Interdepartmental Land Use Committee (ILUC) – at the request of these government agencies.

### **Existing Non-Conforming Use**

10. Nothing in the Plan shall affect the continuation of a use which was legally existing or development that was legally non-conforming on the day that this Plan is registered by the Minister of Environment, Climate Change and Municipalities except as outlined in Section 108 of the Act regarding discontinuance and resumption of use, alterations, repair;

### **Development to Front onto a Publicly Maintained Road**

11. All development must front on to a publicly maintained road (Provincial or Municipal) and have independent, approved access; however, with the exception of development within a Comprehensive Planned Development where there may be an internal road plan (which will be set out in the Development Regulations).

### **Site requirements**

12. The Development Regulations shall provide standards and conditions regarding lot siting, buildings and landscaping.

### **Character of town and compatible development**

13. Require that non-residential land uses located near and/or within residential areas will laid out and designed in a manner that is:
  - a. compatible with the neighbourhood; and,
  - b. minimizes potential nuisance factors such as, 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.

### **Signs**

14. Include standards and conditions in the Development Regulations pertaining to the design and location of advertisements and signage that will promote the amenities, natural and cultural resources and businesses of the community.
15. Ensure that signage will enable people to quickly and easily locate services and contribute to the overall attractiveness and distinctiveness of Mount Carmel-Mitchell's Brook-St. Catherines;

### **Parking, Off-street Loading**

16. Include requirements for adequate off-street parking, loading and safe access to the street in the Town's Development Regulations.

### **Access to streets**

17. Set out standards in the Development Regulations regarding access points to the public street in terms of number, location, and design in order to keep the street safe and efficient for both vehicles and pedestrians.

### **Future Development**

18. Reserve land for future road access to back-lands (showing access protection on the land use zoning mapping of the Development Regulations);
19. Allocate land for future development, such as, comprehensive development area designations on the basis of its best use considering its physical characteristics and location;
20. Ensure that new development makes efficient use of existing roads and infrastructure and does not place an unsustainable maintenance burden on the Town;
21. Provide requirements for the subdivision of land and the standards of development, including a Subdivision Agreement, in the Development Regulations in order to achieve compliance with the Municipal Plan;

### **Roads, Parking, and Off-Street Loading**

22. Ensure that the local transportation system adequately and safely provides access to meet the needs of residents and businesses;
23. Aim for a proper road system with connecting streets by ensuring that streets do not exceed the maximum length before providing a second access for emergency access purposes;

24. Adequate off-street parking and loading facilities shall be set out in the Development Regulations;

#### **Require Land Conveyed for Public Work Purpose**

25. Council may, for a development not involving a subdivision, require a portion of the land to be developed to be conveyed to the Town for a public purpose where public works are required to accommodate the proposed development.

#### **Open Space/Recreation**

26. Section 37 of the Act allows Council to be able to require up to 10% of the subdivision or land to be developed shall be dedicated to the Town as public open space. 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.

#### **Cost/Benefit analysis for development proposals**

27. In considering proposals for development, Council will consider the costs and benefits to the Town: maximize efficient use of municipal infrastructure and minimize the fiscal impact of ongoing operations and maintenance;
28. Refuse development that is premature, or that adds unnecessary financial burden to the Town where public costs exceed public benefits; and,

### **2.3 INTERDEPARTMENTAL LAND USE COMMITTEE CONDITIONS**

In preparation for the Municipal Plan Review, the Local Governance and Planning Division referred the Town of Mount Carmel-Mitchell's Brook-St. Catherines review notice to the Interdepartmental Land Use Committee (ILUC). ILUC consists of about 16 government departments and agencies with land use and development jurisdiction.

#### **2.4.1 Objective**

1. To incorporate the recommendations of the ILUC (#1751) report into the Development Regulations in order to facilitate compliance with the recommendations of the report.

#### **2.4.2 Policies**

It is the policy of Council to:

#### **Archaeology**

1. Any public works project or major land development that results in ground disturbance must be sent to PAO for review. As well, any accidental discoveries of historic resources should also be reported to the Provincial Archaeology Office.

### **Climate Change Impacts**

2. Take into consideration available data regarding provincial climate change projections for Argentia (nearest regional site) when considering land for future developments that are in close proximity to a river, floodplain or coastline. These projections suggest that extreme precipitation events will become more intense, by about 4%. Climate change is expected to result in more precipitation and more frequent extreme weather events that may result in increased flooding, sea surge and coastal erosion. These factors should be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline;

### **Electricity – NL Hydro**

3. There are overhead distribution lines and a main transmission line that fall within the planning area boundary (to be shown on land use zoning map in the Development Regulations). The Town will consult with Newfoundland Power and Newfoundland and Labrador Hydro to avoid any potential conflict.

### **Work near Survey Control Monuments**

4. Inform the Surveys and Mapping Division of the Department of Fisheries, Forestry and Agriculture when a proposed development is proposed in the vicinity of a Survey Control Monument. There are 4 monuments in the planning area and these will be shown on the land use zoning map in the Development Regulations.

### **Agriculture**

5. Ensure that existing agricultural granted and leased land, 'Areas of Interest' and the Agricultural Development Area identified by the Land Resources Stewardship Division of the Department of Fisheries, Forestry and Agriculture are shown on the land use zoning map of the Development Regulations and future agricultural development opportunities are preserved;

### **Mineral Resource Lands**

6. Avoid residential development near the areas identified with aggregate potential by the Mines Branch and consider implementing the quarry buffer in the regulations to prevent conflict between incompatible uses;
7. Designate the areas identified with as having natural hazard potential as 'environmental protection' areas, including the coastal erosion hazards and slope movement hazards.

8. Indicate that Mineral exploration that is not a development is allowed as a permitted use in all zones and that Mineral exploration that is a development is indicated as a discretionary use; and development requirements regarding potential mining should be incorporated into the regulations; Mineral working will be a permitted use in areas zoned 'Rural'.

### **Municipal Affairs – Local Governance and Land Use Planning**

9. The Town will ensure that the public consultation requirement under the *Urban and Rural Planning Act, 2000* are fulfilled and that the ILUC requirements are integrated into the planning documents as well as the *Highway Sign Regulations* under the Act.

### **Service NL**

10. Ensure that applicants for a development or building permit from the Town are aware of Service NL requirements which can be researched through Bizpal; (<https://bizpal.gov.nl.ca/?b=10>)

### **Water bodies**

11. Protect rivers, streams, ponds, wetlands, riparian areas, and shorelines by ensuring conformance with requirements of the Water Resources Management Division of the Provincial government under the *Water Resources Act, 2002* and the Environmental Protection Act including Policy Directives: W.R.91-1-Infilling Bodies of Water, W.R. 97-1-Development in Shore Water Zones and W.R. 97-2-Development in Wetlands, the Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses; and, Environmental Control Water and Sewage Regulations, 2003 for any effluent or runoff from a site.
12. Where fish habitat is affected, requiring appropriate approvals from Fisheries and Oceans Canada;

### **Wildlife**

13. Consider the services of staff involved with in the Eastern Habitat Joint Venture to discuss the incorporation of wildlife and conservation values in municipal plans and associated development regulations.
14. The land abutting the Avalon Wilderness Reserve is to be managed to protect park values and ensure appropriate compatible activities.
15. Where the Wildlife Division identifies rare plant habitat, Council shall require appropriate protection, such as a buffer, as recommended by Wildlife. As well, Council will advocate the protection of yellow birch trees which are the habitat

for lichen, some of which are listed as vulnerable under the Endangered Species Act, 2007.

16. Wherever possible, particularly in the Rural zone, Council will consider general wildlife habitat and landscape connectivity during application review, such as:
  - a. a riparian buffer of 30 m minimum undisturbed natural vegetated along wetlands and waterbodies (ponds, rivers, creeks etc.). or more for riparian areas near agricultural areas.
  - b. green belts connected to forested areas or other habitat patches to create wildlife travel corridors;
  - c. incorporate a minimum percentage of forests to be maintained during lot clearing, for example. Vegetation clearing should always be done outside the May 01 to July 31 period (note that some raptors start breeding in March) to minimize disturbance during that sensitive breeding/ young rearing;

### 3.0 LAND USE CLASS DESIGNATIONS

#### 3.1 INTERPRETATION

In accordance with Section 13 (2) (c) of the *Urban and Rural Planning Act, 2000* the land in the Planning Area of the Town of Mount Carmel-Mitchell's Brook-St. Catherines is divided into land use classes. Each class of land use is described by the objectives that reflect the vision of the community.

Each land use class is further refined into zones which set out the permitted, discretionary and prohibited land uses that reflect the various desired outcomes for each zone. The regulations will set out how the zones, uses and conditions are to be interpreted.

The Town of Mount Carmel-Mitchell's Brook-St. Catherines Future Land Use Designations will reflect the following land use classes:

- Residential
- Mixed
- Commercial
- Public Use
- Industrial
- Recreation Open Space
- Conservation
- Rural
- Comprehensive Development Area – Mixed Use

The Future Land Use designations are illustrated on the Future Land Use Map found in the Appendix.

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.

Note that the paper copy of this map with the signed registration stamp is the legal version. One copy of the registered map is kept at the Council Office, Town of Mount Carmel-Mitchell's Brook-St. Catherines and a second copy is in the Minister's Registry with the Department of Environment, Climate Change and Municipalities .

Council shall establish zones in the Development Regulations that indicate permitted, discretionary and prohibited uses in each zone. The regulations shall set out the standards and conditions for uses and development in each land use zone based on the objectives and policies of the Municipal Plan.



The Development Regulations shall:

1. Set out permitted uses in each zone and that can be approved, with or without conditions; note that any decision of Council is subject to section 2.2.2.(4);
2. Set out discretionary uses in each zone where Council determines that:
  - a. the use may negatively affect the predominant uses of the zone and that in order to mitigate this impact, it is desirable to consult with the public and possible affected parties prior to issuing (with or without conditions) or refusing a permit; and/or,
  - b. it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone;
3. Indicate the following considerations when accepting or refusing a discretionary use and attaching conditions to a discretionary use:
  - a. whether these is appropriate for the site and the immediate surrounding area;
  - b. the policies of the Municipal Plan as it pertains to the Town in general and as they pertain to the designation show shown on the Future Land Use Maps in which the use is located.
4. Set out the uses permitted in all land use designations which will include: conservation uses, mineral exploration that is not a development (as defined under the Urban and Rural Planning Act, 2000), and public utilities and municipal services.

The objectives of the Municipal Plan as articulated in Chapter 2 are also implemented by the policies for following Land Use Classes in the Mount Carmel-Mitchell's Brook-St. Catherines Planning area.

### **3.2 RESIDENTIAL**

#### **3.2.1 Objectives**

The objectives of the residential land use class are to:

1. Allocate sufficient land to meet anticipated requirements for the next ten years;

To provide opportunities for the development of an adequate quality, quantity and mix of housing to serve the needs of the present and future population considering the needs for current and future residents for a range of age,

income, abilities, and family status with a range of housing types to satisfy market needs;

2. Preserve and enhance the amenity of existing residential areas and protect rural residential quality of life and property values;

### **3.2.2 Residential Policies**

It is the policy of Council to:

#### **General**

1. Provide for a Residential land use designation on the Future Land Use mapping; and provide a corresponding a Residential zone in the Development Regulations which allow for a range of housing options to meet the needs and desires of residents.
2. The Residential zone will have the following Uses:
  - a. Permitted Uses: Single detached dwelling, Semi-detached (double) dwelling, Subsidiary apartment; This reflects the traditional housing pattern of this rural community.
  - b. Discretionary residential uses include: Townhouse, Garden suite, Mini-home (not mobile homes), Apartment building, Group home and Backlot residential development; these options provide alternative housing for an aging population or more affordable new housing for prospective full-time residents.
  - c. Discretionary non-residential uses: Convenience store, Urban agriculture, Public Gathering Places-Indoor, Energy generating facility – residential only, Accessory Uses, Accessory Buildings and Home business; These uses are compatible in a rural residential setting and provide opportunity economic benefits by income generation, cost-savings, and promote healthy lifestyles.
3. Provide regulations for a range of discretionary uses, such as home-based businesses, urban agriculture, subsidiary apartments, backlot development and garden suites; and ensure that the primary use of the lot remains residential.
4. Preserve the scenic quality of the community by having landscaping requirements, for example, for new development limit tree cutting to that necessary for construction and provide landscaping.

5. Include provisions in the Development Regulations regarding alternative energy within a built-up residential area which will be limited to a single energy-generation unit that serves an individual property;
6. Require all development to front on to a public street with the only exception being for Backlot development and a Comprehensive planned development which a road agreement has been reached between the Town and the developer.
7. Require conformance to the Development Regulations for (1) Individual Lot layouts and the siting of buildings, and (2) Subdivision Plan. This includes conformance to site development standards, engineering site plans, landscape plans and building design which must meet the approval of Council;
8. Require prior approval of the Service NL for on-site water supply and sewage disposal system for each lot for non-serviced lots, before development permits are issued.

#### **Garden Suites**

9. Garden suites or a secondary detached residential dwelling may be permitted as a discretionary use in the Residential zone at the discretion of Council;
  - a. It must meet the Residential development standards;
  - b. Can only be 75 m<sup>2</sup> in size;
  - c. Must be able to have its own servicing according to the standards of Service NL;

#### **Back lots**

10. In the residential zone, where the configuration of existing parcels of land does not support traditional residential subdivision of land where each lot has a minimum frontage to a street, the Council may consider a proposal to subdivide land and develop new parcels through the creation of Back lots, where a driveway from the street provides access to the larger developable portion of the parcel. The Development Regulations will specify development conditions regarding access width, length and the application of the building line, sideyard and rearyard requirements.
11. Backlot development may be permitted as a discretionary use in the residential zone only 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. Standards for backlot development shall be established in

the Mount Carmel-Mitchell's Brook-St. Catherines Development Regulations, which will include, but is not limited to, the following requirements:

- a. Appropriate, approval for onsite servicing must be obtained from the Service NL (Government Service Centre);
- b. The development of the lot must not prejudice the use of adjoining backlot. Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
- c. To ensure that Council can meet its responsibility for public safety and emergency access by limiting the location of a dwelling on a backlot which shall be a maximum of 100 m from a public street.

### **Subdivisions**

12. Require a permit from Council for all subdivision of land; For subdivision development with 5 lots or more, a Subdivision Plan must be submitted to Council which addresses all issues related to the development of the site including but not limited to:
  - a. Conformity to the goals, objectives, and policies of this Municipal Plan;
  - b. Conformity to a Comprehensive Planned Development plan or a Development Scheme as approved by Council, which accounts for the development of lands abutting the site;
  - c. A description of the subject lands;
  - d. Consideration of land ownership as it will affect the layout of streets and access to the site from existing roads and internal road layout;
  - e. Provision of potable water, storm runoff management and sanitary waster services;
  - f. Provision for lot layout scheme including the phasing of development;
  - g. Provision for 10% recreation lands or alternative measures if requested by Council;

## **3.3 MIXED DEVELOPMENT**

### **3.3.1 Objective**

1. To provide lands for a mixture of different kinds of development consisting predominantly of residential uses interspersed with commercial uses. 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.

### **3.3.3 Policies**

1. Provide for a Mixed use designation on the Future Land Use mapping and provide for a Mixed Development zone in the Development Regulations;
2. The Mixed development zone will have the following Permitted Uses: all residential uses in the Residential Land Use Class and all commercial uses in the Commercial Land Use Class except for Amusement Park/attraction, Campgrounds, and Resort; and Discretionary Uses include: Public Gathering-Indoor, Accessory uses, Accessory buildings and Home Business.
3. For Residential development, the standards in the Residential zone apply;
4. For Commercial development, the standards in the Commercial zone apply;
5. Onsite servicing must meet requirements of Service NL.

## **3.4 COMMERCIAL**

### **3.4.1 Objectives**

The objectives for the Commercial designation are to:

1. Stimulate economic development in order for the Town of Mount Carmel-Mitchell's Brook-St. Catherines to be able to continue to provide local jobs and expand the level of services and programs to the residents by facilitating growth of existing businesses and attracting new businesses.
2. To provide for an adequate quality, quantity of commercial land to serve the present and future needs of the community;

### **3.4.2 Policies**

It is the policy of Council to:

1. Provide for a commercial land use designation on the Future Land Use mapping and provide for a Commercial zone in the Development Regulations;
2. Provide that the Commercial zone will have the following Permitted Uses: all commercial uses in the Commercial Land Use Class except for Amusement Park/attraction, Campgrounds, and Resort; and Discretionary Uses include:

Public Gathering-Indoor, Accessory uses, Accessory buildings and Home Business.

3. Set out commercial use development standards, including open storage, in the Development Regulation;
4. Ensure that lands within areas identified for commercial use are developed in a manner that maximizes the use of land and be located with maximum exposure to traffic on the Irish Loop, Route 90 and Route 93 which goes through the Town Centre;
5. Prevent or minimize the adverse effects of any commercial development on adjacent residential uses by requiring proper site layout and buffering, such as separation distances, fencing, landscaping or any combination of these.

### **3.5 PUBLIC USE**

#### **3.5.1 Objectives**

The objectives for the Public Use designation are to:

1. To protect the Public Use land near the Town Hall including the recreation area and community gardens to provide a focus to the community and serve the present and future needs of the community;

#### **3.5.2 Policies**

It is the policy of Council to:

1. Provide for a Public Use Future Land Use designation on the Future Land Use mapping; and provide for Public Use zone in the Development Regulations;
2. Provide development standards in the Development Regulations to maximize use of the land and accommodate efficient provision of services, and appropriate buffers, fences, and separation distances to avoid conflict;
3. Permitted Uses include: Institutional Uses (Town office and town depot, school), Public Gathering-Indoor; and Discretionary Uses include: Club and lodge, Outdoor Market, Accessory Uses and Accessory Buildings;
4. Determine the need for and implement appropriate buffers, fences or separation distances, and provide signage along trails;

## **3.6 INDUSTRIAL**

### **3.6.1 Objective**

To protect land for existing industrial development use.

### **3.6.3 Policies**

It is the policy of Council to:

1. Provide for an Industrial designation on the Future Land Use map; and establish an Industrial zone in the Development Regulations;
2. Allow for the following Permitted Uses: General industrial; and the following Discretionary Uses: Industrial-Heavy and Hazardous, Salvage/scrap yard, Accessory uses and Accessory buildings.

## **3.7 RECREATION OPEN SPACE**

### **3.7.1 Objectives**

To provide protection for areas where the Town has made investment in providing recreation amenities for the residents. Land designated as Recreation Open Space 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.

### **3.7.2 Policies for Recreation Open Space**

1. To provide areas for recreation open space that are protected for this use only; (note that these uses are permitted in every other zone, but while permitted, they have no zoning protection); and provide public access;
2. Permitted Uses include: Open Space, Parks and Trails, Environmental Protection; Discretionary Uses include: Public gathering places-outdoor, - Restaurant – Mobile Take Out, Street Vendor only, Outdoor Market, Accessory Uses and Accessory buildings.
3. Development standards shall be at the discretion of Council pending recommendations generated through specific research regarding best practices for trail development, playground and park design and landscaping;

4. To allow for a network of trails throughout the Town by allowing this development in all zones upon approval of Council.

### **3.8 CONSERVATION**

The Conservation land use designation may be comprised of public and private open space; water bodies including buffers around ponds, shorelines, and wetlands, and flood plain lands, recognized by Council as having natural significance; lands that contribute to important ecological functions and lands containing other natural physical features which are desirable for open space use or preservation in a natural state. It also includes landscapes with natural hazards such as shorelines susceptible to erosion or slopes with potential for landslides.

The inclusion of privately-owned lands within the Conservation designation shall not imply that the land is accessible to the public. Permissions for public access to privately owned property within the Conservation designation shall be at the discretion of the property owner.

#### **3.8.1 Objectives**

The objectives for the Conservation designation are to:

1. To protect natural areas which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, have natural or recreation values or have been identified with potential natural hazard.
2. The Conservation zone shall be applied in areas where development must be restricted, such as shorelines, waterbodies, steep slopes, and development is unsuitable and environmentally unsustainable.

#### **3.8.2 Policies**

It is the policy of Council to:

1. Provide for a Conservation Future Land Use designation on the Future Land Use mapping and provide for a conservation zone in the Development Regulations;
2. Provide conservation uses as follows - Permitted uses: Environmental Protection; and Discretionary uses include: Open Space, Parks and Trails, Forest activities-domestic harvest only, Marina, Fishery use, and mineral exploration-not development;
- 3.



4. Reduce the potential for property damage and loss of life due to flooding or other natural hazard, by restricting development on lands known to flood, such as flood plain lands or areas with severe slopes or unstable soils;
5. Provide public access to identified environmentally significant areas and the shorelines;
6. Require that any development near a designated trail or water course be reviewed by the Town to ensure that development does not negatively impact such trail or watercourse. Where deemed necessary, the Town may require that the separation distance or visual buffer be provided by the developer.

### **3.9 RURAL LAND**

Lands designated as Rural lands are intended to be protected for the rural setting of the community, and used primarily by natural resource industries such as agriculture, forestry and mineral working operations,, conservation uses, and other uses which by the nature of size or activity is not suitable to be located in the built-up area of the community.

#### **3.9.1 Objectives**

The objectives for the Rural Use designation are to:

1. To set aside rural lands intended to be used primarily for resource and rural uses and associated development that needs a rural context or large areas of land, or are incompatible with the urban area;
2. To set aside rural lands historically used for the National Tree Nursery and sawmill at Back River for potential heritage interpretation and tourism development purposes as well as trails and outdoor use;
3. To set aside rural lands for traditional uses, such as local forestry, wildlife and cottage use and associated outdoor recreational pursuits in such a manner that is compatible with the adjacent Avalon Wilderness Reserve and also does not prejudice future potential use of waterbodies for a water supply for the Town;
4. Ensure environmentally responsible, sustainable management of natural resources, such as, forestry, mineral resources, wildlife and fish, water, and agriculture and areas of recreational value to the Town;
5. Retain the present rural character of the community.

6. Ensure consultation with Provincial government agencies, such as the Land Resource Stewardship Division, Forestry Resources Division, and the Mineral Lands Division which have jurisdiction under legislation to plan and control resources within the Planning Area Boundary for the Town.

### 3.9.2 Policies

It is the policy of Council to:

1. Provide for a Rural designation on the Future Land Use map and create the **Rural-Mixed** zone, **Rural-Traditional** zone, the **Rural-Heritage** zone to meet the objectives set out in 3.9.1.
2. In all Rural zones, where the Wildlife Division identifies rare plant habitat or endangered species, Council shall require appropriate development buffers or other measures as recommended by the Wildlife Division to be implemented.
3. In the **Rural-Mixed** zone that will allow for agricultural, forestry, and mineral development. Council will consult with the natural resource agencies regarding applications and management plans; Permitted Uses include: Commercial Agriculture, Forestry Activities, Mineral Working, Cottage, Contractor- General, Protective and Emergency Services, Recreation Open Space, Resort, Cemetery, Campground, Cottage; Discretionary Uses include: - Outdoor Market, Natural Resource-Related Use, Public Gathering – Indoor, Public Gathering–Outdoor, Amusement Park/Attraction, Salvage/scrap yard, Service Station, Kennel, Marina; Residential: (1) Single detached dwelling only in association with a permitted use. Single residential dwellings may only be permitted in conjunction with a permitted use such as commercial agriculture.
4. In the **Rural-Traditional** zone the Permitted uses include: Commercial Agriculture, Forestry Activities, Cottage, Cemetery, and uses allowed in all zones which includes Environmental protection, Open space, park, & trail uses, Mineral exploration not classed as ‘Development’, Development associated with public infrastructure and municipal services, including public infrastructure and utilities; and Discretionary uses include Residential: (1) Single detached dwelling only in association with a permitted use, such as commercial agriculture.
5. In the **Rural-Traditional** zone, lands will be managed to ensure appropriate compatible activities with the adjacent Avalon Wilderness Reserve and protect the park values.
6. In the **Rural-Heritage zone** the Permitted uses include: Forestry Activities, and uses allowed in all zones which includes Environmental protection, Open space, park, & trail uses, Mineral exploration not classed as ‘Development’, Development associated with public infrastructure and municipal services,

including public infrastructure and utilities; and Discretionary uses include: Resort-for 2. Resort development is restricted to heritage interpretation type facilities only, and Public Gathering-outdoor.

7. There is only one quarry on Route 93 at the northwest edge of the community; therefore, the Development Regulations will contain standards and conditions related to such development in order to assist Council in reviewing any future applications that may be referred to them by the Mineral Lands Division.
8. In the Rural zone a 30 m buffer on waterbodies is encouraged as A natural green belt along wetlands and waterbodies (ponds, rivers, creeks etc.). A 30m minimum undisturbed natural vegetated green belt could be a standard requirement when dealing with any type of land use activity; wider green belts are suggested when bordering land uses include for example agricultural practices.
9. For developments requiring vegetative removal, Council will consider measures to maintain landscape connectivity, green belts should be connected to forested areas or other habitat patches to create travel corridors for various wildlife species. Also, Council will ensure that yellow birch trees are retained as they are valuable habitat for lichens, some of which are designated as 'vulnerable' under the *Species and Risk Act, 2007*.
10. Council will encourage vegetation clearing to be done outside the May 01 to July 31 period (note that some raptors start breeding in March) as disturbance can be most detrimental during that sensitive breeding/ young rearing period.
11. Ensure that development of resource lands does not block future access for other future opportunities for land use and development;
12. Protect and enhance agricultural enterprises in consultation with the Land Resources Stewardship Division of the Department of Fisheries, Forestry and Agriculture and ensure compatible adjacent development in order to minimize potential conflicts;
13. Ensure that forestry activities including harvesting, road building and silviculture, are compatible with the other uses in the Rural zone and consistent with the 5-Year Forest Management Plan as prepared by the Forest Service in consultation with the Town;
14. Comply with Provincial government authority regarding mineral exploration and mineral lands development opportunities and ensure the procedures are in place to ensure that: appropriate environmental, public health and safety and fencing/landscaping measures are provided to avoid land use conflict.

### **3.10 COMPREHENSIVE DEVELOPMENT AREA – MIXED USE**

#### **3.10.1 Objective**

The objectives for the Comprehensive Development Area (CDA) – Mixed Use designation are to:

1. To protect land with development potential from ad hoc development in order to meet the future needs of the community
2. The CDA designation is intended to protect lands with development potential to be reserved for the future land needs of the community for residential uses.
3. To identify areas to be designated for protection as CDA – Mixed Use and indicate the primary purpose for these designations as mixed use.

#### **3.10.2 Policies**

It is the policy of Council to:

1. Identify the CDA-Mixed Use designation on the Future Land Use Map; and provide for a CDA-Mixed Use zone on the land use zoning map of the Development Regulations;
2. The Development Regulations will allow existing uses to continue in an area designated as a CDA;
3. A CDA application must be prepared in order to ensure orderly development and maximize use of land before any development occurs in this area.

### **3.11 COASTAL SHORELINE**

#### **3.11.1 Objective**

To provide opportunities for mobile accommodation on the shorefront for tourism and seasonal use that respects the coastal shoreline ecosystem and the environmental risks of flooding, storm surge and other potential climate change effects.

#### **3.11.2 Policies**

It is the policy of Council to:

1. Ensure that ‘mobile accommodation’ will be defined in the Development Regulations to control the type of moveable structures acceptable to Council;
2. Ensure that conditions regarding mobility, access, water and waste needs will be addressed in the Development Regulations with reference to Service NL jurisdiction and Water Resource Management Division policies;

### **3.12 CEMETERY**

#### **3.12.1 Objective**

To provide for an area for cemetery use that may or may not be associated with a church or place of worship.

#### **3.12.2 Policy**

1. A Cemetery land use designation will be include on the Future Land Use map and an associated Cemetery zone will be included on the Land Use zoning map of the Development Regulations. Cemetery use is the only permitted use.

## **4.0 IMPLEMENTATION**

### **4.1 DEVELOPMENT REGULATIONS**

In order for the Town of Mount Carmel-Mitchell's Brook-St. Catherines to achieve the Vision, Objectives and Policies articulated in their Municipal Plan, the Council will need to:

- Adopt Development Regulations as a tool for administration and implementation;
- Implement a Capital Works program to support Plan implementation;
- Ensure a clear and efficient approach to the development review, decision-making, and appeal processes; and,
- Undertake to conduct research to inform decision-making in Plan implementation.

Development Regulations are one of the main vehicles through which Plans are implemented. The Town will review, revise and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

### **4.2 AMENDMENTS TO THE PLAN**

Council may consider amendments to the Municipal Plan when:

1. There have been significant changes to the community since the preparation of the Background Report that provided the factual basis for the policies in this Municipal Plan;
2. Studies have been undertaken by the Town or the Provincial or Federal governments which contain recommendations or policies which should be incorporated into the Municipal Plan;
3. A development proposal is submitted to Council which provides sufficient information and rationale to support a change in the Municipal Plan;

In considering any proposed amendment to the Plan, the Council should evaluate the proposal for consistency with the strategy for growth of the Town, as established in the goals, objectives and policies of the Municipal Plan. Council may add or revise the uses, standards and conditions for development in any land use zone by an amendment to the Development Regulations, provided the changes are consistent with the objectives of this Plan.

An associated amendment may be required to the Development Regulations. As per Section 25 of the *Urban and Rural Planning Act, 2000*, an amendment to the Municipal Plan (and an amendment to the Municipal Plan and Development

Regulations) must follow the process set out in Sections 14 -25 of the *Urban and Rural Planning Act, 2000*.

A person may request to have the zoning of a parcel of land changed in order to accommodate a use or development not permitted under its' current zoning. This might only require an amendment to the Development Regulations without amendment to the Municipal Plan. Alternatively, a Development Regulations amendment may consist of a change to the text of the regulations. In considering requests for Development Regulation amendments, Council shall consider:

- all appropriate policies set out in this Plan;
- the provision of road, water and sanitary and storm sewer services and the impact on existing infrastructure;
- the fiscal impact of the development on the Town;
- community/neighbourhood context for the proposed development;
- environmental considerations, emissions, effluents, nuisance effects; and,
- site suitability: slope, groundwater, location of watercourses and wetlands.

The procedure for an amendment to the Development Regulations only is set out in the Development Regulations.

#### **4.3 REVIEW OF THE PLAN**

The Council for the Town of Mount Carmel-Mitchell's Brook-St. Catherines will undertake a review of the Municipal Plan every five years in accordance with the requirements of Section 28 of the *Urban and Rural Planning Act, 2000*. This review may be comprehensive or it may consist of an audit of progress that confirms that the Plan is still relevant. The review process is valuable to the Council and residents to ensure that the administration of the community achieves the objectives of its residents.

MC-MB-SC-Section 15-June-2021



**APPENDIX A: FUTURE LAND USE MAPS**

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