

Town of Fortune MUNICIPAL PLAN 2012-2022



Map Source: Natural Resources Canada

In Effect: August 21, 2014

Consolidation: No amendments as of January 12, 2015

**HMJ Consulting Limited
Project 12-005**

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Future Land Use Maps 1 and 2

Municipal Plan for 2012-2022, Town of Fortune
As approved 20 February 2014

1.0 ADOPTION AND APPROVAL

1.1 COUNCIL RESOLUTION TO ADOPT; CLERK'S CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Fortune adopts the Municipal Plan for 2012 to 2022.

Resolved by the Council of the Town of Fortune on the 16th day of September, 2013.

Signed and sealed this 31 day of March, 2014.

Mayor: 

Clerk: 

(Council Seal)

Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2012 to 2022, adopted by the Council of the Town of Fortune, on the 16th day of September, 2013.

Clerk 

Municipal Plan for 2012-2022, Town of Fortune
As approved 20 February 2014

1.2 COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE

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

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Fortune approves the Municipal Plan for 2012 to 2022, as released by the Department of Municipal Affairs.

Resolved by the Council of the Town of Fortune on the 20th day of February, 2014.

Signed and sealed this 31 day of March, 2014.

Mayor: _____

(Council Seal)

Clerk: _____

Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2012 to 2022, approved by the Council of the Town of Fortune, on the 20th day of February, 2014.

Clerk _____



Municipal Plan for 2012-2022, Town of Fortune
As approved 20 February 2014

1.3 PLANNER'S SEAL AND SIGNATURE

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

Member of the Canadian Institute of Planners



Jens Jensen, P.Eng., MCIP

Date: 6 June 2014



seal



2.0 FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION

2.1 The Municipal Plan

This document and the maps contained with it, form the Municipal Plan for the Town of Fortune. It has been prepared in accordance with the *Urban and Rural Planning Act, 2000*. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the community's Municipal Plan which came into effect in 1985, including all amendments thereto.

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

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Fortune Planning Area Boundary. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

This Municipal Plan has been prepared following the preparation of a special purpose document, an Integrated Community Sustainability Plan (ICSP). The ICSP is a document prepared in accordance with a requirement that municipalities prepare an Integrated Community Sustainability Plan in order to qualify for revenue from the Gasoline Gas Tax Fund, pursuant to the Gas Tax Agreement signed between the Province and Local Governments.

The research and public consultation processes involved in preparing the ICSP were very useful in revising the former Municipal Plan, as many topics and interests are common to both. The process of preparing the ICSP has enhanced the depth of the Municipal Plan as it touches on matters not directly related to land use, such as social conditions, cultural matters and governance. However, the Integrated Community Sustainability Plan is not part of this Municipal Plan, nor is it subject to the statutory status and procedures affecting Municipal Plans.

2.2 Ministerial Approval

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 23 of the *Act*.

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, it is submitted to the Department of Municipal Affairs for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial and other government

agencies' interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the community's area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the Public Hearing.

The Public Hearing is conducted by a Commissioner appointed by the Council. A deadline date for the submission of any written objections or representations is specified in the Act (two days before the hearing). If no objections are received by the deadline, Council may cancel the hearing and proceed directly to approve the Plan. If the hearing proceeds, the Commissioner conducts the meeting and subsequently prepares a report including recommendations. Council then considers the report and either approves the Plan (with or without changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

An approved Plan then is submitted to the Minister for review and registration, pursuant to Section 24 of the *Act*. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted and approved by Council, the Commissioner's report, and all written objections and representations that may have been submitted at the Hearing. After reviewing the document and determining that it is not contrary to law or a policy of the government of the Province, the Minister will register the Plan in the Minister's planning registry and Council will publish a notice to that effect in the *Newfoundland and Labrador Gazette* and in a newspaper circulating in the community's area. The date of the publication of the notice in the *Newfoundland and Labrador Gazette* is the date upon which the Plan comes into effect.

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

It is important to recognize that a new Plan does not come into legal effect until the notice of the Minister's registration appears in the *Newfoundland and Labrador Gazette* and the newspaper ad has appeared. Once in effect, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Planning Area Boundary.

A concurrent and parallel process is involved in the preparation, review, adoption, approval, and coming into effect of Development Regulations.

2.3 The Effect and Amendment of the Municipal Plan

The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Planning Area, unless specifically exempted by superior legislation. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2012 through 2022.

The Municipal Plan may be amended at any other time, in whole or in part, for legitimate reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment must be consistent with the Municipal Plan as the amendment will be read together with and become part of the Municipal Plan.

2.4 Municipal Plan Administration; Role of Development Regulations

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with the Development Regulations. The Development Regulations are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement regulations. After adoption by the Council, these regulations must be submitted to the Minister for approval in like manner to the process for Municipal Plans.

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act, 2000*, and standard Provincial Regulations have been developed to form the basis of these regulations. The standard regulations currently are Newfoundland Regulation 3/01 made by the Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan, and subsequent Development Regulations, is in the hands of staff members authorized by the Council. Staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the Municipal Planning Area.

3.0 INTRODUCTION

3.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Fortune, 2012 - 2022*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the Fortune Planning Area.

3.2 Review and Amendments

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are not intended to remain static but are subject to continuous review and alteration as required in the light of changing economic, social, and technological developments, as well as at the required five year reviews.

3.3 Purpose of Plan

A Municipal Plan guides growth and development within a Municipal Planning Area. It provides a means of preventing problems that could occur if conflicting land uses are developed too close to each other. It directs future growth so that it occurs in a manner whereby municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. Further, it may also set out information and policies on matters affecting social conditions, cultural matters and governance.

3.4 Municipal Planning Area

The territory subject to this Municipal Plan is that which is included within the boundaries of the Fortune Planning Area. The Planning Area is far larger than just the area defined by the Town boundary. It includes part of the area of the protected water supply of the Town of Grand Bank, which is a matter of some concern in the context of governance, to be further specified in this Municipal Plan.

3.5 History

It is appropriate to first provide an overview of the history of the community. It is not intended to be more than a brief sketch, to establish an appreciation of the way in which the community developed. The following is a concise but complete account which is quoted from the Town's Integrated Community Sustainability Plan (ICSP), written in 2010:

The name “Fortune” is believed to have come from the Portuguese word “fortuna”, which apparently means “a place of good fortune”. The name also appears on a 1505 map by Pedro Reinal as “Y. Da Fortuna”.

An exact date of settlement is difficult to pinpoint as most early records are sketchy, but French Captain Parat reported 73 men living here in 1687. However, Fortune has actually been in existence as far back as 1527, when it was recorded on both Spanish and Italian maps. A 1693 French census lists inhabitants of Fortune as Millou, LeManquet and Chartier.

Sources indicate that George and Ann Lake moved to Fortune from Paradise Sound, Placentia Bay, sometime around 1763. They brought with them at least two sons, George and John. It is to John’s large family that many present-day residents can trace their ancestry.

There is also strong evidence to suggest that a number of other people settled at Fortune in 1863 when the Treaty of Paris forced them to leave St. Pierre. Morgan Snook Sr., his son Morgan Jr., and a family named Anderson are reported to have moved to Fortune. This is supported in part by the fact that Captain Cook hired “Morgan Snook of Fortune” as his pilot when charting the south coast in 1765.

Fishing has always been the mainstay of the town’s economy. Its close proximity to the best fishing grounds was why the Portuguese and others first came here and it was the reason people settled here. The normally ice-free harbour provides easy access to the fishing grounds. In addition to the OCI fish processing facility, there is a Fisherman’s Wharf for fishermen which is a very unique attraction for its quaint fishing stages. Most of them are built in the same manner as they were more than 100 years ago, using “lungers”.

Within a 60 km radius residents can avail of shopping centres, hospitals, a golf course, provincial and private parks, colleges and numerous recreational areas.

The historic Town of Fortune holds the distinction of being “The Gateway to St. Pierre et Miquelon”. As many as 20,000 tourists pass through our community each year on their way to the French islands. The connection between the two communities is very strong and centuries old.

Where once Fortune Head and its lighthouse played a significant role in the past, the area is now a beacon in our future. It is the home to one of the richest fossil sites in the world—the Fortune Head Ecological Reserve. Dubbed by international geologists as the “Golden Spike”, the shale cliffs of Fortune Head contain Pre-Cambrian and Cambrian trace fossils that date back 500-600 million years. Chosen as a “Global Stratotype”, it is an international reference point for determining the earth’s age.

3.6 Public Consultation

This document, the 11 September, 2012, draft, is the first draft of the Municipal Plan to be considered. It is to be reviewed by Council and staff to endeavor to identify revisions needed to make the document reflect Council's initial thoughts on the new Municipal Plan. It is specifically intended to be revised as needed to do so, as Council may desire.

In the first step in the planning process, the Town's consulting planner came to the community in the summer of 2012. He carried out much of the basic background information gathering and consultation with staff and local public agency representatives as well, to build the initial information needed for the assignment.

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

On the conclusion of the first steps above, a Planning Background Report was prepared, and is to be made available to all concerned as a resource document. It is not a part of the Municipal Plan, but provides information of interest related to it.

Once a satisfactory draft for discussion is prepared, the next step was an opportunity for consultation in which residents were invited to meet with Town officials and the consultant for an advertised public meeting held on 15 November, 2012. Following that, revisions were made as needed, and Council proceeded to consider adoption and approval, following the steps set out earlier.

4.0 KEY FACTORS AFFECTING PLANNING POLICIES

The key factors which affect planning policies have been derived from the information and consultative processes described above, as follows:

4.1 Economy and Demographics

The situation of the community in 1984, now over 25 years ago, was considerably different from the realities of 2012. Principally, the word “moratorium” had not yet entered the vocabulary of everyday speech. Employment in the fishery, either on the boats or the onshore processing and related enterprises, was the fundamental economic engine in the community, as it was for the majority of coastal Newfoundland.

It is important to understand the relationship between the state of the local economy and demographics, as these are the fundamental matters affecting the future of the community. It is well known that the populations of most areas of Newfoundland island outside the capital city are declining in numbers and generally aging. The Town of Fortune is no exception: the latest available numerical data is from the 2011 Canadian Census, wherein the population for the town was determined to be 1,442, a decline of 1.1% since 2006, a pleasant break from the dramatic losses from 1991 to 2006.

The 2011 Census data shows that Fortune is experiencing less decline than some other communities in the region, and one may say that Fortune is more like Marystown and Burin, which are together quite stable. Overall, it can be said that Fortune’s situation is better than the typical experience of the Burin Peninsula, which overall declined by 4.2% over the period.

The reasons for the overall demographic trends are well known: declining birth rate, outmigration to other areas in search of employment in one’s skill, young people leaving for education and not returning, and limited job growth in emerging businesses and institutions. These factors operate throughout the rural areas of the province, and vary only in degree. The general trend is that employment and population are concentrating in the larger urban centres.

Although the fishery continues in a diminished form and focused on different species and processing methods, its future strength and structure are evolving in an uncertain path. Diversification of employment opportunities is possible as Fortune and similar places on the Burin Peninsula are within commuting distance of the marine industrial centre of Marystown and the remaining fish processing plants such as the plant in Grand Bank. Industrial development unrelated to the fishery or indeed any natural resources is taking place, such as the Dynamic Air Shelters Ltd factories opened in Grand Bank and Fortune.

Fortune itself does have diverse local enterprises in addition to the fishery and marine industrial activity: tourism, construction, education, business and personal services, and as well public

service in customs, border security, and St. Pierre ferry ticketing and administration. There is recognition that for Fortune, the proximity to the French islands of St. Pierre et Miquelon and ecotourism assets represent unique opportunities to draw more visitors to the area. Coordination and cooperation in regard to this unique asset amongst provincial, regional, local, and St. Pierre et Miquelon agencies and businesses appears to be more often spoken of than accomplished. Also, among other assets in the immediate Fortune area is that of Fortune Head Ecological Reserve, described earlier. Other assets related to ecotourism, such as development and promotion of hiking trails and heritage sites, are found throughout the southern half of the Burin Peninsula, which combined represent a potent resource upon which to build.

Finally, and very importantly, a substantial number of people work away from their home communities, commuting on a longer work cycle to opportunities outside the province and in the capital region. Although the incomes brought to the home communities is very important, an unfortunate side effect is that the social fabric of the community is weakened, as some adults who travel away become naturally not much connected to the events and organizations at home.

Though these factors and examples give reason for optimism, the fact is that the local economy has never recovered from the decimation of the fishery, but has stabilized in a different form.

The forward look concerning population numbers in the short run is not likely going to be much different—it will be a matter of degree and not of general trend. Strengthening the local economic base depends very much on the expansion of employment opportunities in existing industries and services, including tourism. The future is naturally difficult to forecast, but there is reason to be optimistic. There are opportunities which can be pursued, and the municipal governments on the Peninsula have important roles to play in that regard. On that positive note, it can also be said that the Town of Fortune and development agencies have been doing excellent work in searching out opportunities, stimulating economic initiatives, and supporting existing enterprises and institutions.

4.2 Physical Development

The ICSP process and more recent consultations revealed that the economic factors cited above have seen a relatively stable local economy though of a different form than in 1984, with justifiable optimism that the community will continue to be a viable place in which to live, earn income (though for some not from nearby employment), retire, and visit. It is important that the new planning documents be supportive of local economic development while at the same time ensuring that physical development enhances the quality of life enjoyed by residents.

It would be easy to be overly restrictive in an effort to keep the community much as it is now, or to impose daunting, time consuming administrative processes to deal with applications for development. However, the opportunity to accommodate desirable new development and enable entrepreneurship will be missed if the new Municipal Plan and Development Regulations do not

strike the right balance of interests. The Planning Background Report includes a full discussion of the factors influencing revision of the 1984 Municipal Plan and Development Regulations.

The key factors concerning physical development which are recognized in this Municipal Plan are as follows:

1. There is a gradual but steady demand for land for building and for improvements and extensions to municipal central water and sewer infrastructure. The current rate of new housing starts and commercial or industrial development each year over time represents a significant demand for land for development of all types. There is a very limited availability of building lots for new development of all types by way of infilling along existing streets.
2. Development within the urban area features certain opportunities and restraints, including:
 - a. The existing marine industrial area is essentially confined by the adjacent commercial and residential areas, but it is anticipated that there will be proposals to expand beyond the present industrial area by acquisition of adjacent lands. The proposed marine shipping facility on the west side of the harbour is supported in this Municipal Plan.
 - b. The stretch of Highway 220 from Confederation Street to the easterly limit of the Planning Area (which is also the Town of Fortune boundary, contiguous with the Town of Grand Bank boundary in that area) is the only area in or near the community which has the potential to accommodate large scale commercial and industrial development. Good highway access and presence of trunk central water service are key assets in this regard.
 - c. The area along Highway 220 from the Dynamic Air Shelters Inc. factory to the Town boundary at Grand Bank could be entirely designated for commercial and industrial development. However, there is also a competing demand for more land for residential development, which can alternatively be accommodated there. Land ownership there is vested in the Crown, which would facilitate a municipally lead initiative to establish large scale residential subdivisions off the highway. The only other areas in the Planning Area which offer land for residential development are described in the next two points, and they do not offer the quantity of lots or are not as easily serviced or opened for development.
 - d. An area lying off the ends of Bradley Crescent and Evergreen Avenue and to the south and southwest of the Arena has potential for residential development, but an engineering assessment of the site needs to be made to determine the technical feasibility and the business case. In any event, that area is not large enough for development of many more than about 50 residential building lots, not enough for much longer term.
 - e. The area along Highway 220 to the west, from Benson Street to the former Wal-Ber-Lee Inn and beyond that to Horse Brook Road and up that Road, has potential for substantial new development, and it is already well established as a predominately single dwelling area. Part of the area has the unusual feature of

having a central water system of a limited extent, operated by the Town but not connected to the distribution system of the main urban area. Development of new residential subdivisions in this area is complicated by the already established low density pattern of lot sizes and accesses and limited capacity of the small central water system operating there. In order for subdivisions featuring central water and sewer services, a large investment would be needed to extend trunk water and sewer lines from the core of the community to the area, and that is a daunting but not insurmountable challenge. However, development need not be serviced by central water systems, and could as well build up by use of on-site water and sewer systems.

3. Development in rural areas has to do with development of scattered dwellings and rural land uses in locations remote from the urban area. The approach taken in the 1984 documents essentially prohibited new residential development with access directly to Highway 220, but permitted them in other rural areas. Today, the need to treat access to Highway 220 in that way is seen to be no longer relevant, and the restriction is lifted in this Municipal Plan. Also, the distinction made between seasonal and permanent dwellings in the old documents should be removed, as there is no practical way to enforce the matter should a permit be granted for a seasonal use but the premises become occupied year-round. Development in the rural areas could be left as a matter in which the Town is not very much concerned, as water and sewer services could be on-site systems and motor vehicle access would be via private roads or directly to provincial highways, both matters which are regulated by the provincial health, environment and highway authorities.
4. Aside from the above, the general scheme of designated land uses and zones and requirements applicable to new development, as found in the 1984 Municipal Plan, continue to have merit. The arrangement of zones for land areas not indicated above, and the policies and requirements for development in many aspects in the other areas, are sound, and require only modest changes to the Development Regulations, including its maps, to bring them up to date.
5. The importance of protecting residential areas from encroachment by large scale commercial or industrial development will continue. Housing demand can be somewhat met by favourable treatment of subsidiary apartments (apartments developed within existing housing, sometimes called “granny or in-law flats”), multiple unit residential structures, and use of “flag lots” to facilitate use of otherwise alienated land lying behind existing road frontage lots. Favourable treatment of small scale home businesses can enable some entrepreneurs to start and sustain gainful employment. However, suitable safeguards against undesirable development need to be included in the Development Regulations.
6. The Town’s municipal infrastructure in the form of central water and sewer works and streets is aging and requires increasing attention and expenditure to maintain its functionality. Although most of the Town is serviced with central services, numerous improvements throughout the system are in order. These improvements require a large expenditure of capital funds, which should be pursued as resources and opportunities

permit. The current capital works plan is found in the ICSP. When the program has been eventually completed, the community infrastructure will be in reasonably good condition.

5.0 GOALS AND OBJECTIVES

5.1 Goals, Objectives and Policies

Goals are frequently employed as the essential foundation for any planning endeavour whether it is a personal career, a community plan, or a corporation's growth and facility strategy. The formulation of goals, toward which efforts and resources are directed, and objectives, the more precise and measurable steps needed to achieve the goals, can make the difference between wasted effort and success. Policies are the courses of action that a government takes to achieve its objectives.

By way of example in the Fortune case, one goal concerning the environment would be to protect and enhance the quality of the natural environment, within which an objective (amongst others) to follow from this goal is to protect and prevent contamination of the community water supply area. The obvious related policy would be to pursue the enactment of protective regulations applied to the water supply area, amongst other policies.

The Town's ICSP includes a "vision" statement, which says the following:

The Town of Fortune values its sense of community, historic and cultural resources. Most of all we value our citizens and the safe and caring atmosphere in our rural area of Newfoundland and Labrador.

The ICSP goes on to describe goals and actions under the headings used in the ICSP reports. These have been reviewed and adapted to the particular purposes of this Municipal Plan, as given in the next section.

5.2 Goals for the Town of Fortune

This Municipal Plan endeavours to deal with development concerns following these more specific goals and objectives related to land use:

A) Growth and Urban Structure

Goal: To provide for orderly growth and development within the community.

Objectives:

- a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the community.
- b) Land uses will be allocated so as to encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of the community, while also recognizing natural constraints and limitations, in order to improve quality of life in the community and protect life and property, and to minimize effects on the natural environment.
- d) Compact development of the community will be promoted, in order to provide municipal services to properties as efficiently as possible.

B) Housing

Goal:

To provide for the long-term housing needs of the community.

Objectives:

- a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the community and to facilitate the greatest development of available land resources, and to accommodate a wide variety of housing forms provided that the currently appealing character of residential neighbourhoods is not significantly diminished.
- b) To provide for a small number of new building lots each year, by way of infill and in new subdivisions designed so as to present a pleasant appearance and an efficient arrangement of street, water and sewer services.

C) Employment and Economic Development

Goal:

To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and in particular to press for strengthening the economic base and employment opportunities in the Town and surrounding communities.

Objective:

- a) To monitor developments concerning the fishery and other economic sectors, with a view to representing the community promptly and responsibly on points affecting investment, government regulation, environmental impact and community development.
- b) To provide for flexibility and rapid response to development proposals, particularly those related to small business startups and expansions, so as to facilitate business development.
- c) To designate sufficient lands suitably located and serviced for commercial and industrial development, to achieve an adequate land base for economic development and a more efficient land use pattern.

D) Environment and Natural Resources

Goal:

To protect and enhance the environment and natural resources of the community.

Objectives:

- a) To limit development and use of lands outside of the community's built-up area and areas designated for future servicing and development, to those of a rural nature and those which cannot be reasonably carried on within the built-up area.
- b) To provide and protect a safe and sustained drinking water supply by restricting non-compatible development in the Town's present protected water supply area and that portion of the Grand Bank protected water supply area lying in the Planning Area of Fortune.
- c) To control development in order to minimize its detrimental effect on the environment and to preserve the natural resources within the community.
- d) To severely limit development on wetlands, beaches, lands prone to flooding, unstable slopes and sensitive inland waters fish habitat.
- e) To work in conjunction with the new regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by

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

E) Recreational Open Space and Cultural Facilities

Goal: To establish, preserve and improve natural and public uses and spaces, recreational facilities, and cultural expression to meet local needs.

- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
 - b) To designate areas now established as open space areas for outdoor recreational purposes, public buildings and uses, and cemeteries, to guide improvement projects and to endeavour to preserve these assets from encroachment by buildings and other activities.

F) Transportation and Highway Safety

Goal: To provide a safe and efficient transportation network to move people and goods into, out of and throughout the community.

- Objective:**
- a) To develop a list of priorities for road improvements and work toward maintaining the public streets in good condition.
 - b) To work constructively with the provincial government to secure adequate funding to maintain roads in good condition.

G) Municipal Services and Finance

Goal: To effectively manage municipal services and the financial resources and commitments of the community.

- Objectives:**
- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the community.

- b) To improve the cost effectiveness of municipal servicing by fostering compact, carefully planned development and to carefully assess the feasibility of extension of central water and sewer services and the opening of new areas for urban development.

6.0 DEVELOPMENT CONCEPT AND POLICIES

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

6.1 Overall Development Pattern

Fortune is a significant community located on the Burin Peninsula. It is well over a three hour drive from St. John's and the nearest principal town is Marystown, about 60 km distance. The community is located on a coastal plain at the mouth of Fortune Brook which drains into Fortune Barasway, an inlet on Fortune Bay. The relatively level area which now is occupied by the built up area of the community provided good land for the original development of the urban area of town. That relatively level, developable land has practically reached its limit going directly inland from the harbour, and the only lands capable of supporting large areas of new development are found both east and west of the community in strips along Highway 220 in both directions. This restricts the further large scale development of the urban area to extension along Highway 220 in both directions.

The harbour has been developed only on the east side. This was historically adequate for the marine traffic of the day, and the fishery continues with both a fishing fleet and onshore processing being supported by harbour facilities. However, the development of a marine service centre and other busy harbour uses such as a customs office and ferry terminal have made the shore facilities crowded. The ferry to St. Pierre et Miquelon travels from Fortune to St. Pierre, which necessitates location of customs, border security, ticketing offices, and travellers' vehicle long term parking activity, as well as the opportunity for a tourist information centre and gift shop. A new development related to marine shipping, principally to serve the marine transport link with St. Pierre, is being planned for the west side of the harbour.

The community has developed in a fairly compact pattern focused on the harbour. A central commercial area adjacent to the harbour works historically provided most of the needed goods and services for the community and immediate area, but the era of modern highways and universal use of automobiles has seen a concentration of many major retail goods and services in larger centres, including some in Grand Bank, but much more so in Marystown. Residential and institutional development such as schools and churches developed in a network of streets which gradually spread over the landscape directly inward from the harbour.

For many years, the pattern of development remained unchanged, as little new building occurred. Some new streets have been opened in recent decades, such as Confederation Street and Sunset Crescent, in response to demand for residential building lots. The potential for infilling available building lots on streets with central water and sewer services is coming close to exhaustion, and very few such lots remain.

On the outskirts of the community, going in both directions on Highway 220, development has gradually taken place along the highway, but not in the usual form of urban building lots in close proximity to their neighbours.

Going eastward toward Grand Bank, a stretch of the highway from Confederation Street to the Dynamic Air Shelters Inc. factory is now developed with larger commercial and industrial buildings as well as several dwellings, a tourist viewing point (the “Gaze-boat”), and a gravel pit/quarry. There is a stretch of undeveloped land between the last building (Dynamic Air) and the Town boundary, along which the trunk water line which joins the Grand Bank and Fortune central water systems; that stretch of land has high potential for development of urban uses, as the topography and drainage are favourable and development could be supported by central water and on-site sewer systems.

Going westward toward Fortune Head, relatively recent new development along the highway has occurred beyond Benson Street, comprising single family residential and the former Wal-Ber-Lee Inn (now converted to a single family residence). The settlement pattern from Benson Street to the former Inn could be characterized as “ribbon development”, ie. buildings developed a single tier deep off the road, occupying the whole frontage, with some potential for further infilling on the west side and along the whole of the east side. Further afield westward, scattered single family dwellings and a number of cabins have been built along Highway 220 and up a short distance on Horse Brook Road.

Also westward but still close to the community is the Fortune Head Ecological Reserve, established by the Province of Newfoundland and Labrador in 1996. The Reserve is an ecological reserve established under the Province’s *Wilderness and Ecological Reserves Act*. The Reserve’s scientific and educational interest, quoting the Order which established the Reserve, relates to “... a unique and internationally significant fossil assemblage which marks the boundary between the Precambrian and Cambrian eras...” The geological boundary is regarded as an extremely important “Global Stratotype”, an internationally recognized reference point with regard to measuring the earth’s age. The land established as the Reserve excludes the lightstation and the road leading to it. An interpretation centre and controlled access to the area should provide protection of the natural resource while enabling the public to appreciate its significance.

Away from the above described urban land uses, the rural areas are the locale of two protected water supply areas on the south and west of Fortune, that of the Town itself and a portion of that of the Town of Grand Bank. Those watersheds have a common boundary as can be seen on Future Land Use Map 1. A significant feature in the rural landscape is that of Fortune Head, which is the site of a historic light station, now preserved as a heritage asset, and on the same head of land, a very important geological feature now the focus of the Fortune Head Ecological Reserve.

6.2 Policies Specific To Land Use Designations

The following policies apply only to development within the respective land use designations under which they appear, unless stated otherwise. The land use designations correspond with those on the Future Land Use Maps (at the back of the document). Where classes of uses are described as “permitted” or “discretionary” classes of uses, the classification table in the Development Regulations is to be used to interpret the meaning of the use classes when referenced in the policies.

All policy sets include consideration of certain types of development as discretionary uses. In evaluating applications for such uses, Council shall consider the policies set out for the respective land use designation as well as more general policies expressed in this Municipal Plan, and shall call for and review information as may be needed to evaluate proposals, as listed in the Site Plan Evaluation Criteria Appendix to this Municipal Plan.

6.2.1 Industrial

As said in the historical sketch given earlier in this document, the focus of the initial settlement pattern of the community was naturally the harbour and the fishery infrastructure that grew up on the waterfront. In later years, a marine service centre was developed in a contiguous area along the eastern bank of the Fortune Barasway, continuing the marine focus, and other industrial development which was not dependent on access to salt water emerged elsewhere in the community: the Dynamic Air Shelters Inc. factory, for example, on the eastern outskirts of the community.

In this Municipal Plan, one area is designated for future industrial development: the marine industrial area focused on the harbour, including the proposed development of a cargo facility on the west bank of the Fortune Barasway. Industrial land is a scarce resource in the community, and must be developed responsibly so that its potential is not squandered on development which could just as well have located elsewhere in the community.

Uses which are to be permitted as of right in the Industrial Zone will include transportation, light industry and general industry. Discretionary uses may be permitted, provided that they are not of a scale of building or amount of land required which would deter from the efficient functioning or potential for development of industrial uses. Discretionary uses will include hazardous industry, service station, assembly, institutional, commercial residential, business and personal service, and mercantile. Hazardous industry will be permitted only upon satisfactory evidence of acceptable impact on other uses and the environment. Antenna uses are not permitted as discretionary uses due to their requirement for large land areas which are more importantly needed for industrial or commercial development.

The industrial area on the harbour is confined by the adjacent commercial and residential areas, and can expand very little more except in two areas: on the west side of the Fortune Barasway and to the south of the marine service centre, between the back lot lines of lots on Sunset Crescent and water's edge. The access road to the new cargo facility on the west side of the harbour will require space to the south of the existing marine service centre, and in addition room will be needed on the east side of the harbour for marshalling or laydown of freight; the area designated Industrial on the Future Land Use Maps (and reflected in the Development Regulations) provides substantial room for the expansion. If and when further expansion of industrial uses in those two additional areas should be contemplated, Council will consider the specific proposals and if favourably inclined, amend the Municipal Plan and Development Regulations accordingly. It would be premature at this time to designate and zone more than those areas for industrial development, as more information is needed as to servicing, access, and impact on the environment and nearby land uses.

An unusual feature is found in the Industrial area on the harbour: a concentration of fishing sheds along a short length of shoreline which is designated as a Municipal Heritage Site. The sheds have aesthetic value as good examples of intact fishing structures in the region. The designation has not been made pursuant to the Urban and Rural Planning Act, but rather the enabling clauses in the Municipalities Act. Consequently, the administration and enforcement of the designation do not arise from the Development Regulations. In order to minimize the risk of overlooking the Heritage Site regulations when dealing with permitting under this Municipal Plan, the Heritage Site regulations will be quoted in the part of the Development Regulations which indicate development requirements in the Industrial zone, referring the reader to the regulations made pursuant to the Municipalities Act.

6.2.2 Residential

The planning policies of the former Municipal Plan recognized the value of the residential areas in the community, and consequently the requirements of in the regulations were very restrictive. Only single and double dwellings (and recreational open space) were permitted as of right. That general objective and approach to regulation is continued in this Municipal Plan.

In the areas designated Residential on the Future Land Use Maps, only single and double dwellings and recreational open space are permitted as of right. Other types of residential development and home businesses and subsidiary apartments in all types of residential development will be considered as discretionary approvals. Non-residential uses including assembly, special care institutional, convenience store, medical and professional, personal service, and cemetery uses may also be permitted by way of discretionary approval, but evaluation of the applications shall give primacy to the residential role of the area.

Council will consider the impact of the general aesthetics, hours of operation, traffic volumes, and the bulk and scale of proposed uses in the Residential areas to ensure that development does

not adversely affect the residential character and amenity of the area. Adequate space for on site parking, loading, and buffering must be provided.

Residential growth shall be accommodated in approved subdivisions and through the orderly infilling of existing serviced streets in the community to ensure the efficient use of available lands. Subdivisions will be located adjacent to existing built up areas where municipal central water and sewer service can be easily and economically provided, except where specifically exempted as follows.

The Residential area along Highway 220 to the west, from Benson Street to the end of the ribbon development at the former Wal-Ber-Lee Inn, has potential for substantial new development. The area has the unusual feature of having a central water system of a limited extent, operated by the Town but not connected to the distribution system of the main urban area. The feasibility of rationalizing the servicing of this area with a view to new residential subdivisions will be studied when resources permit, to determine the technical feasibility and the business case for expansion of some or all of the area, to be serviced with central water services. From the former Inn to Horse Brook Road and to the extent of the Residential designation some distance up that Road, development would be serviced with on site water and sewer services; the Town would have no intention of developing central servicing that far afield. As it is intended that the Residential area west of Benson Street will develop on permanent on-sewage disposal systems, the regulations concerning adequacy of soil and drainage conditions will be applicable to ensure the development is served by an adequate means of sewage disposal.

An area along Highway 220 beyond the Dynamic Air Shelters Inc. factory beginning at a point about half way from that factory to the Town boundary of Grand Bank, will be used for future serviced residential-only development, as its physical characteristics and availability of adequate central water service are certain. An engineering assessment of the feasibility of servicing the area is needed and will be carried out when resources permit. Development there may be at a lower density and supported by central water and on-site sewage disposal systems, if there is not a better business case to install central sewer as well.

6.2.3 Commercial

The Commercial designation is applied to lands which are intended to function as the locations for new commercial development, as well as new industrial developments.

Commercial development is already established in three areas: the historic downtown commercial district adjacent to the marine industrial land uses focused on the harbour, along a length of Highway 220 between the pit/quarry near Confederation Street to the Dynamic Air Shelters Inc. factory on the Highway, and scattered local commercial sites each supporting a single commercial activity. Policies relative to these three types will vary somewhat, but the designation and zone applied to these properties will all be Commercial, and in all cases the

permitted and discretionary use classes are to be the same. Permitted uses include assembly, commercial residential, business and personal services, mercantile and service station uses. Discretionary uses include general industry, light industry and residential dwelling uses.

The commercial development downtown adjacent to the marine industrial lands is severely confined and cannot realistically expand very much without encroaching on the area designated for Residential development. Development in this area will therefore mostly take the form of redevelopment of existing buildings. Considerable flexibility in regulating new development in this area is needed, to maximize its potential for further commercial development. Residential dwelling use will be permitted only where the specific lot has little potential for commercial use. Expansion into the adjacent area designated as Residential may be considered if it is contiguous to the land in the Commercial designation, but only if the effect on the residential area is minimal. Such expansion may be permitted by way of stand-alone amendment to the dividing boundary between Commercial and Residential as shown on the Zoning Maps in the Development Regulations.

The area along Highway 220 has developed as a mixture of residential, commercial and industrial uses. An area to the east of the Dynamic Air Shelters factory, toward the area designated for future Residential development, is included to provide a substantial area of entirely undeveloped land for commercial expansion. In order to provide for room for expansion of commercial uses beyond the confined downtown area, this area along Highway 220 represents the only area suitable for new large scale commercial development. As said earlier, the area features ready access to the Town's central water system as the Grand Bank to Fortune trunk water line runs along the highway; on site sewage disposal systems would be used for management of sewage.

Local commercial development has not been a prominent feature in Fortune in the recent past. Indeed, the 1984 Municipal Plan notes that there were only three at that time. Existing local commercial uses will be spot zoned at the time of this Municipal Plan coming into effect, to reflect their status.

Where the scale of a proposed local commercial establishment is small and its effect on surrounding areas is judged to be of a minor nature, Council will consider approval of new local commercial uses anywhere in the Planning Area by way of stand-alone amendment to the boundaries shown on the Zoning Maps in the Development Regulations. The scale, hours of operation, landscaping and other matters related to the specific site and its surroundings may be set down as specific requirements in each case, applied to that property upon it becoming rezoned to Commercial.

Similarly to the rezoning of an area of land to Commercial to facilitate expansion of commercial development into the Residential designation downtown, or local commercial development anywhere, the reverse may be approved by stand-alone amendment to the Zoning Maps, so as to

change the Commercial zoning of land to a zone which would be in keeping with the policies of the Municipal Plan.

6.2.4 Cemetery

Cemeteries are areas of land in the community wherein their sanctity, peaceful aesthetics and quiet environment are highly valued. In this Municipal Plan, these areas are zoned as Cemetery uses to distinguish them from other areas, and to protect them from development of a nature which would be seen to be inappropriate, however unlikely that may appear to be.

Permitted uses are the cemetery use only, and discretionary uses include only conservation and recreational open space, as there may be cases where those uses could be compatible with the main use. Approval of those discretionary uses will be subject to satisfaction that the proposed use is benign, unobtrusive and constitutes only a minor fraction of the overall cemetery or graveyard.

6.2.5 Public Use

Fortune has a variety of public uses, ie: cultural and civic uses such as municipal buildings, churches, and schools. These are valued features in the community as they are important in the identity and sustainability of the community. While they could be simply included among the permissible uses in other designations of land use, it is appropriate to put in place measures which ensure an exceptionally deliberate and thoughtful process of decision making when considering changing their purpose. Those decisions will rarely need to be made, but when it is the case, the full process of amendment to the Municipal Plan and Development Regulations is called for.

The Public Use areas are designated on the Future Land Use Maps. Permitted uses include assembly, institutional other than penal and correctional, collective residential, police station, recreational open space, and conservation uses. Discretionary uses include penal and correctional institutional, and antenna uses.

6.2.6 Recreational Open Space

The Recreational Open Space designation is applied to playing fields, sports grounds, parks and playgrounds, in order to carefully control their redevelopment to other uses. The value accorded these places, and the need to prevent hasty decision making should there be proposals to develop these lands for other types of uses, is similar to the concern reflected in the Public Use

designation. Change of use out of the Recreational Open Space designation shall be by way of amendment to the Municipal Plan and Development Regulations.

These uses often reflect many years of care and dedication by community members, for the benefit of the community. It follows that any other use of these lands which might be approved should be limited to equally desirable public amenities of a similar nature, such as outdoor assembly uses. In some cases, a recreational open space use can be operated compatibly with conservation, outdoor assembly or cemetery uses.

The Open Space areas are designated on the Future Land Use Maps. The permitted use is only the recreational open space use. Discretionary uses include outdoor assembly, conservation, and cemeteries.

6.2.7 Conservation

Certain special areas in the community and surrounding lands include beaches, watercourses and wetlands, and steep, unstable slopes. These are areas not suitable for development of structures or intense land use of any type, and should be kept in as natural a state as possible. Also, certain areas are known to be prone to flooding, and strong measures are needed to prevent development there.

The Conservation areas are established as indicated on the Future Land Use Maps. Lands designated Conservation shall not be developed and their use shall be limited to human activities which are compatible with the intended function of these lands. The only permitted use shall be conservation use. Notwithstanding that strong intention, recreational open space, forestry, public utilities and antenna may be permitted as discretionary uses, subject to careful control of the specific nature of the proposed use.

6.2.8 Water Supply

The water supply area serving Fortune is entirely within the Planning Area, and as well part of the water supply area serving Grand Bank overlaps Fortune's Planning Area. Both are protected public water supply areas subject to provincial government regulations which severely restrict development in surface water catchments or groundwater recharge zones related to community water supplies. These areas will be so designated in this Municipal Plan and complementary requirements made in the Development Regulations.

The permitted use shall be conservation use. Discretionary uses will include only public works and forestry uses related to management and use of the water supply. Forestry uses shall be defined in a satisfactory forest management plan.

6.2.9 Rural

Rural lands that surround the community are used extensively by the local residents for recreational purposes and provide a source of aggregate material used by the community for construction. Also, a number of scattered residential uses have developed along Highway 220 and on side roads, and Fortune Head Ecological Reserve has been established.

Undeveloped lands surrounding the built up area of the community, and areas designated for future urban uses, shall be designated Rural as indicated on the Future Land Use Maps. Lands required for Conservation and Water Supply purposes shall be so designated in areas which otherwise would have been designated Rural.

The lands on which the lightstation at the Fortune Head Ecological Reserve, and the road leading to it, are designated Rural as they are not part of the Reserve. The Town of Fortune has an interest in the lightstation and access to it, as they represent cultural and economic development assets which may be developed in a manner compatible with the purpose of the Reserve. Also, it is recognized that it would be desirable to prevent development within a buffer strip along the Reserve boundary which may have a negative effect on the near-natural physical condition and ecology of the Reserve lands. Concerns have been expressed by the Department of Environment and Conservation about any physical or biological effects of development on nearby lands, such as on the hydrology of surface waters, drifting of sprays used in agricultural operations, contamination of groundwater or surface water from livestock operations, or such a close proximity of ATV or snowmobile trails that trail users would easily stray into the Reserve.

The following policies shall guide development in the Rural areas:

1. Lands designated Rural on the Future Land Use maps shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment. In order to ensure full review of proposals for development in the Rural areas, the only permitted uses shall be agriculture, forestry and conservation uses. However, any other uses may be considered as discretionary uses, in order to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable.
2. Council will evaluate each development proposal for a discretionary use to determine environmental effects and set development standards to reduce or eliminate any negative impacts and protect public safety and all amenities.
3. Council shall not extend municipal services to any development located in areas designated Rural. However, a developer may connect to municipal services if they should be available, at his own expense. Council neither encourages nor discourages such developments, and for clarity, will not provide water, sewer, or street services to the property unless the services

are extensions of the existing network of water, sewer, and/or streets. Further, the proponent is responsible for all of the necessary approvals and expenses for driveway intersections, on-site water supply, electrical power, telecommunications, and on-site disposal of sewage, as may be applicable.

4. Council will prohibit all but very small scale mineral workings and related activities from taking place within general view of developed areas of the community. Unless absolutely necessary, existing quarry sites are to be exhausted before new sites are developed.

5. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent development areas of the community. All mineral operations will be required to complete a site rehabilitation plan as a part of the development application.

6. Council, when issuing a permit for any mineral extraction or mining operation, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions in particular may refer to the following subjects and matters:

- Landscaping, screening and fencing;
- Rehabilitation;
- Noise, dust and pollution control.

7. A substantial buffer shall be maintained around any solid waste disposal site to protect against smell, rodents and other adverse effects of such an operation. Only those Rural uses not negatively impacted by the solid waste disposal site or a related use may be located within the buffer zone. This use shall be permitted only when the operation is fully under the control and management of a public authority.

8. Regulation of forestry operations, including issuance of fire wood harvesting permits or consideration of resource management, is not a function which the Town of Fortune wishes to undertake, and thus the Municipal Plan is silent on the topic, other than to limit forestry operations to certain areas.

9. Any proposal for a development located in the Rural designation and on lands within 500 metres of the boundary of the Fortune Head Ecological Reserve shall be referred to the Department of Environment and Conservation for review and comment to the Town of Fortune before Council considers approval. Only those developments which, in the opinion of Council, would not pose a significant threat to the Reserve in the form of negative biological or physical effects may be approved. The 500 metre offset line is illustrated on the Future Land Use Maps.

6.2.10 Fortune Head Ecological Reserve

The Province of Newfoundland and Labrador has reserved an area of land known as the Fortune Head Ecological Reserve to the west of the core of the community, as shown on the Future Land Use Maps. It is a Fossil Ecological Reserve established to preserve the world's best known example of the Precambrian-Cambrian boundary, and the Reserve is protected under the *Wilderness and Ecological Reserves Act* and the *Fossil Ecological Reserve Regulations*.

While the administration of the Reserve itself is in the capable hands of the Department of Environment and Conservation, it is also important to ensure that any development in close proximity to the Reserve is compatible with the values and plans for which the Reserve was established. Consequently, in view of the extremely high importance of the Reserve to the Town for its cultural, scientific and economic development value, the Reserve will be designated in this Municipal Plan as an area bearing its name, and, further, that the policy stated under the "Rural" caption in this part of the Municipal Plan to refer proposals for development in that area and within 500 metres of the Reserve to the Department of the Environment and Conservation will be strictly followed. It is noted that the lightstation and its access road are not part of the designated Reserve, and the Future Land Use maps will be so noted.

Some area of the community lying within the 500 metre offset is designated for urban uses, such as the Industrial area around the harbour. For clarity, it is not the intention that the policy to refer proposals will apply to any area other than the Rural area. As all of the area to which the policy applies is in the area designated Rural on the Future Land Use Maps, the policy concerning approval of development will be stated under the Rural caption and will be referenced in the Development Regulations as a condition applicable to the Rural Zone.

6.3 General Land Use Policies

Unless otherwise stated, the following policies apply throughout the entire Planning Area:

6.3.1 Surface Conditions

Any proposal for erection of a structure on a site having a slope in excess of 20 percent, or which is potentially subject to unstable slopes or flooding or any other hazard, must be certified by an engineer to ensure that development of the site can take place without danger to health or safety. Otherwise, the development will not be permitted.

6.3.2 Municipal Services

Some of the costs of running a municipal government are proportional to the overall length of publicly maintained roads that must be upgraded, maintained, provided with street lights, water and sewer services and electric utilities. Generally, the more spread out a settlement becomes, the more these costs increase. Council intends to keep these costs from increasing through implementation of the following policies:

1. Vacant land and sites made suitable for infilling due to installation of municipal water and sewer servicing are intended to be almost fully utilized before public infrastructure services may be extended to new areas.
2. All new streets must connect to another street where applicable, preferably in a loop pattern, and dead end streets shall terminate in a cul-de-sac.
3. An industrial or non-building use presently located in a predominantly residential area or along a serviced road, and which does not require municipal services shall be encouraged to relocate to an area that is not serviced, so that land that is, or will be, serviced can be used for more appropriate urban development.
4. Extensions to the water, sewer and road system which are not part of the Town's capital works program shall be the financial responsibility of the developer. Nevertheless, any such infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering requirements, and shall be subject to approval by Council.

6.3.3 Servicing Requirements

1. All buildings that have or are required to have plumbing systems will connect to the municipal water and sewer system where available. This requirement does not apply to redevelopment of uses on lots that are not connected to available municipal water and sewer system unless Council determines the development should not be permitted unless it connects to the municipal water and sewer system.

2. With the exception of land uses associated with agriculture, forestry, saw milling, mineral workings or other resource or similar uses for which street frontage would be unnecessary or undesirable, all buildings shall have the appropriate frontage on a publicly owned and maintained road, unless other policies and requirements of this Plan specify otherwise.

6.3.4 Streets

1. Local streets will be designed to maximize the safety and efficiency of vehicular and pedestrian traffic

2. After installation of water and sewer services it is intended that all public streets will be maintained in good condition by the Town.

6.3.5 Property Maintenance

1. All properties shall be maintained in clean and orderly appearance. The exteriors of buildings, particularly commercial properties and any business catering to tourists, as well as yards and grounds, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair them or remove them if they present a safety hazard, on Council order pursuant to the *Municipalities Act*, Section 404.

2. Council will ensure that buildings and property owned by the Council are well maintained and landscaped, where possible, as a general example to the community.

3. Wrecked or inoperable vehicles, machinery, debris, or equipment of any kind shall not be stored or abandoned where it may be in general public view. Any vehicles or other machines that have value as a source of replacement parts, shall be stored out of sight from streets or adjacent development, and only at the rear of any buildings on the properties. Owners of such property shall be required to remedy the offence or remove the items, on Council order pursuant to the *Municipalities Act*, Section 404.

6.3.6 Visual Effects of Development

Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the creation of noise, smoke, dust, fumes or unsightliness), Council may hold a public briefing or otherwise consult with surrounding residents to ensure they are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made on a development application. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

6.3.7 Development Near Waterbodies

1. Development will not be permitted within 15 metres of the ordinary high water mark of the seashore or any permanent or semi—permanent watercourse or waterbody within the Planning Area except for wharves, slipways, sheds, and public works and utilities, and then only with the approval from the Water Resources Division, Department of Environment or Federal Department of Fisheries and Oceans.

6.3.8 Environmental Protection

1. Any proposed development shall not pollute any part of the community. Permission to develop may be conditional upon measures to prevent pollution during construction, operation, or occupation of a building or site.

2. Garbage, refuse, abandoned vehicles and any other discarded materials of any kind shall be disposed of only at a waste disposal site approved by the Department of Environment. Such material shall not under any circumstances be used as fill for buildings lots.

6.3.9 Public utilities

Municipal and public utility works (including associated structures) for such purposes as provision of telephone, water treatment, pollution control and electric utility facilities may be permitted at any location throughout the community provided due consideration is given to potential danger and nuisance, the effect on aesthetics, and provided there are no reasonable alternatives and then only subject to such conditions as Council sees fit to secure an acceptable development.

6.3.10 Archaeology Sites

There are no known archaeological sites within the Planning Area. However, any person or company conducting development activities should be aware of the possibility of unearthing significant archaeology finds. If any structurally significant items or artifacts are discovered it should be reported to the Town and also Provincial Archaeology Office, Department of Tourism, Culture and Recreation.

6.3.11 Advertisements

All signs and advertisements are to be tastefully presented (in terms of lettering and overall design), properly situated and well maintained in order to prevent unwanted visual effects, and must be approved by Council. Obsolete or dilapidated signs may be ordered to be removed.

6.3.12 Fuel Storage Tanks

All fuel storage tanks (larger than 2500 litres) located within the Planning Area shall be required to have adequate containment and dyking. Council shall require that all new fuel storage tank installations be approved by the Department of Government Services and Lands. Council shall also demand that fuel storage tanks be inspected annually by Department of Government Services and Lands and a copy of the inspection certificate be submitted to the Town.

6.3.13 Non-conforming Uses

Existing development which does not conform with the requirements of the Municipal Plan and Development Regulations may be continued as a nonconforming use. Restrictions shall be designed to limit its potential for replacement and expansion (to be specified in the Development Regulations). Where a Non-Conforming Use is causing a nuisance or otherwise infringing on or preventing allowable development, Council will encourage its relocation or discontinuance.

7.0 MUNICIPAL PLAN IMPLEMENTATION

7.1 Introduction

In order to enforce and implement the policies of the Municipal Plan, **Land Use Zoning, Subdivision and Advertisement Regulations** (referred to as Development Regulations), and a capital works program, are required. The **Development Regulations** and the capital works program must conform to Municipal Plan policies.

7.2 Development Regulations

Development Regulations ensure that development takes place in accordance with the goals and objectives and within the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the *Urban and Rural Planning Act*. Like the Municipal Plan, these Development Regulations are binding upon the Council and all other persons and organizations unless specifically exempted by superior legislation.

Development Regulations consist of five parts: General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones. The first four are similar for all communities in the province, though variations are found. However, the Land Use Zone section (Schedule C), will be extensively tailored to conform to this Municipal Plan.

I. General Regulations

Among other things, the General Regulations govern matters relating to the power and authority of a municipality to regulate development within its community and establish conditions relating to the issuing of permits and local appeal boards.

II. General Development Standards

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.

III. Advertisement Regulations

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and

convenience of the general public and neighbouring properties and the general aesthetics of the community.

IV. Subdivision of Land Regulations

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

V. Land Uses Zones

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

In addition, the Development Regulations will now include certain standard content required by virtue of regulations made by the then Minister of Municipal Affairs to apply to all municipalities. That text, being Newfoundland Regulation 3/01, made under the Urban and Rural Planning Act, 2000, came into force on January 1, 2001, and is included in all municipal Development Regulations, to bring them more effectively to the attention of the reader.

7.3 Development Control

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. If the approval is considered as a discretionary use, the proper process of advertisement and hearing as required by the *Urban and Rural Planning Act, 2000*, shall be carried out.

Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan through the Development Regulations, refer development applications to outside agencies and to issue all required permits when approval is granted.

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

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

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

7.4 Public Works

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The community's water and sewer servicing program and any future capital works program must conform with applicable policies and land use designations of the Municipal Plan.

7.5 Development Schemes

Sections 29 - 30 of the *Urban and Rural Planning Act, 2000* provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the community is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space.

Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan, and when approved, form part of the Municipal Plan.

8.0 INTERPRETATION

8.1 Land Use, Boundaries, and Roads

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Maps and the maps in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information. Therefore, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and areas. The intent and policies of the Plan are to guide the interpretation of the mapped information.

Where feasible, the boundary lines of areas designated in this Municipal Plan are laid out to follow lot boundaries and prominent physical features, including roadways and shorelines, and shall be interpreted in that way. Where this does not apply, measurement from the maps and relative location on the ground shall be considered.

8.2 Figures and Quantities Approximate

It is considered that all figures and quantities herein shall be considered as approximate only and not absolute. Amendments to the Municipal Plan will not be required for any minor variance from any of the proposed figures or quantities.

APPENDIX

Site Plan Evaluation Criteria

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

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

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