

Registered - May 27 2005

TOWN OF DEER LAKE MUNICIPAL PLAN
2004 – 2014

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF DEER LAKE MUNICIPAL PLAN**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Deer Lake adopts the Deer Lake Municipal Plan 2004 - 2014.

Adopted by the Town Council of Deer Lake on the ____ day of _____, 2005.

Signed and sealed this ____ day of _____, 2005.

Mayor: _____
Harold Ball

Clerk: _____
Maxine Hayden

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: Arvo McMillan

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF DEER LAKE
MUNICIPAL PLAN 2004 - 2014**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Deer Lake:

- a) adopted the Deer Lake Municipal Plan on the _____ day of _____, 2005.
- b) gave notice of the adoption of the Deer Lake Municipal Plan by advertisement inserted on the _____ day and the _____ day of _____, 2005 in the Western Star newspaper.
- c) set the _____ day of _____, 2005 at _____ p.m. at the Town Hall, Deer Lake for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Deer Lake approves the Deer Lake Municipal Plan 2004 - 2014.

SIGNED AND SEALED this _____ day of _____, 2005

Mayor: _____
Harold Ball

Clerk: _____
Maxine Hayden

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1 INTRODUCTION

1.1 *The Plan*

This document, called the Deer Lake Municipal Plan Review 2004 - 2014, is a review of the Plan approved in 1986 and subsequently consolidated with amendments in 1989. Prepared pursuant to the Urban and Rural Planning Act 2000, the Deer Lake Municipal Plan contains policy statements and maps approved by Council and registered by the Minister of Municipal and Provincial Affairs to guide community growth and development for the next 10 years.

The Municipal Plan is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten-year period.

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of Land Use Zoning, Subdivision and Advertisement Regulations. These are also known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

Development Regulations must comply with the requirements of *the Urban and Rural Planning Act*, and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, *further implement the Municipal Plan and Development Regulations* with more detailed designs, design strategies and policies for roads and other facilities and development.

While capital works programming does not affect the day to day regulation of land uses under the Development Regulations, it does over the long run affect how and when lands will be developed and the standards of

development. Capital Works programming is left to the five-year capital works budgeting process.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. Council may also specify the manner in which any particular area of land is to be used subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

Material pertaining to land use, population change, history and other matters relevant to the background of the Municipal Plan is contained in a separate document – *Town of Deer Lake Municipal Plan 2004 – 2014 – Background Report*.

1.2 Municipal Planning Area

The Deer Lake Municipal Planning Area is the area set out under the Urban and Rural Planning Act for planning and regulatory purposes, which along with the Town of Deer Lake, includes the Local Service District of St. Jude's and forested lands to the east and south of the Humber Canal.

The Town of Deer Lake exercises full planning and zoning control within the Deer Lake Planning Area. However, Deer Lake does not levy taxes and provide municipal services or administrative services to St. Jude's.

The Town of Deer Lake and its Planning Area is located in the Humber Valley along the eastern slopes of the Long Range Mountains. It is situated at the junction of the Trans Canada Highway and the Great Northern Peninsula Highway – the Viking Trail, some 50 kilometres north east of Corner Brook and 637 kilometres west of St. John's. Gros Morne National Park is located only 30 kilometres to the north.

The Deer Lake Municipal Planning Area has an area of approximately 137 square kilometers (13,700 hectares). The Town of Deer Lake itself has an area of approximately 7.7 square kilometres.

While the Municipal Planning Area has not changed since the last Plan Review, the Town (2001 population 4,769) has expanded by incorporating the communities of Lake Siding/Spillway and Nicholville. The other communities of the Planning Area are St. Jude's and Little Harbour (2001 population 128) to the immediate west of Deer Lake. St. Jude's is a Local Service District with its own chairman and council.

The Background Report states that the population of Deer Lake and its Planning Area are projected to remain stable in the 4,700 to 5,000 range, and that there is more than sufficient serviced land to accommodate its housing and business requirements for the foreseeable future.

THE MUNICIPAL PLAN - GOALS AND POLICIES

SECTIONS 2 - 20

2 GENERAL GOALS AND DEVELOPMENT POLICIES

GOAL

The goal of the Deer Lake Municipal Plan is to accommodate and encourage constructive change that will foster the community and region's economic and social development while adhering to basic principles of economically sound and environmentally appropriate urban and rural development within the Municipal Planning Area and the Town of Deer Lake.

DEVELOPMENT POLICIES

All development within the Deer Lake Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

2.1 *Future Land Use Designations and Policies*

To identify land for the future development needs of Deer Lake, the following land use designations are established in the Plan and designated on Future Land Use Maps:

Residential	– Section 3
Rural Community	– Section 4
Town Centre	– Section 5
Resort	– Section 6
Public	– Section 7
Open Space	– Section 8
Commercial Highway	– Section 9
Commercial Industrial	– Section 10
Transportation	– Section 11
Mineral Working	– Section 12
Public Utility	– Section 13
Rural	– Section 14
Agriculture	– Section 15
Forestry	– Section 16
Environmental Protection	– Section 17
Urban Reserve	– Section 18
Flood Risk Areas	– Section 19
Protected Water Supply	– Section 20

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

2.2 General Development Policy

- (1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.
- (2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is permitted in a given area.
- (3) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.
- (4) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

2.3 Conditions – All Development

(1) Services and Access

Services and access must be appropriate to the type and scale of development.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Within the municipal servicing limits, development shall be connected to municipal water and sewer services. If deemed feasible by the Town, development adjacent serviced areas may be connected to the Deer Lake municipal water and sewer systems provided that there is sufficient capacity in the existing systems and provided that the developer agrees to pay for the cost of the extension of the services.

Unless otherwise required, outside the servicing limits development does not have to be connected to municipal water and sewer services.

Development lacking either municipal water and/or municipal sewer services shall be approved by the Department of Government Services before a permit is issued by the Town.

(2) Uses Allowed In All Designations

Accessory buildings and uses, conservation, public utilities, recreational open space and trails are allowed in all designations as either permitted or discretionary uses.

(3) Compatibility of Uses, Buffers and Screening

The Town shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects.

2.4 Advertisements and Signs

Signage should facilitate orientation within the Planning Area and help promote its human and physical resources in a way that contributes to the overall attractiveness and distinctiveness of Deer Lake and its environs.

Regulations shall ensure that signs are not hazardous to traffic and are in compliance with Provincial policy.

Standards for signs may vary in different parts of the Town and Planning Area in order to reflect and enhance the special character of any area, such as the Nicholville and Townsite.

2.5 Agriculture

The Town's policy is to protect agricultural operations and resources by ensuring that a viable land base is retained in the Nicholville area and protecting such agricultural activities from developments that could hinder their successful operation.

Higher intensity livestock and related agricultural uses shall be separated by an adequate buffer between existing and proposed residential developments. These agricultural uses shall conform to Provincial Government policies and guidelines with respect to such operations.

In general, all agricultural operations shall be approved by the Department of Natural Resources.

2.6 Archaeological and Heritage Resources

The Town shall endeavour to conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest in Deer Lake proper, Nicholville, and St. Judes – Little Harbour, through regulation and/or other suitable means, including the designation of selected buildings and sites, and the development of a trail network that links heritage sites and landscapes.

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

2.7 Comprehensive Development

At the discretion of the Town a comprehensive development containing one or more individual developments may be permitted as a single comprehensive development.

- While the use classes and overall density of the comprehensive development must comply with the use zone schedule of the zone in which it is located, other standards can be modified or waived.
- The development must be compatible with adjacent development.
- The Town may require that a comprehensive development be connected to municipal water and sewer services.

2.8 Discretionary Uses

Unless it is specifically set out as a discretionary use in the Municipal Plan, the Town may decide that a use should be set out as a discretionary use under the Development Regulations, where:

- (a) it determines that the use could 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, issuing subject to conditions, or refusing, a permit;
- (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.

2.9 Environment

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment adhered to.

A number of these issues are addressed under separate sections of the Municipal Plan.

2.10 Flood Risk Areas

See Section 19.

2.11 Forestry

Commercial forestry (as opposed to domestic cutting) is jointly managed by the Department of Natural Resources and the Corner Brook Pulp and Paper Company.

Forestry activities are regulated by the Department, and activities on Company lands can only occur with the permission of the Company.

2.12 Mineral Exploration

- (1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (2) Mineral exploration which is classed as development shall be permitted in the Agriculture, Forestry, Mineral Workings and Rural designations, provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained. Also, mineral exploration under this clause may be permitted as a discretionary use in the Transportation, Public Utility and Protected Water Supply designations.
 - (a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
 - (b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.
 - (c) Where there is ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

2.13 Mineral Workings

The Town may provide for mineral workings in areas where there are known aggregate supplies and where there is less likely to be conflict between mineral workings and other uses. Such mineral workings shall be accommodated under designations and zones specifically designed to accommodate mineral workings and certain compatible uses, and/or they can be accommodated in the rural portions of the Planning Area, subject to controls that will minimize environmental damage and conflict with other land uses.

2.14 Seismic Station and Solid Waste Disposal Area Buffers

The buffer of the seismic station located just off the Great Northern Peninsula Highway overlaps into the Deer Lake Planning Area as shown on Future Land Use Map 1.

Any activity or development likely to create a major soil disturbance is to be referred to the Department of Natural Resources Canada before the activity or use starts.

The Deer Lake Solid Waste Disposal Site has a 1.6 kilometre radius buffer as shown on the Future Land Use Map 1. Residential development within this buffer is to be referred to the Department of Environment and Conservation for review before a permit is issued by the Town.

2.15 Trails

At present there are both hiking and snowmobile trails that provide access within the Town proper and to the backcountry of the Planning Area and throughout the Region and up the Northern Peninsula.

Extending from St. John's to Port Aux Basques, the Trans Canada T'Railway follows the former railway track through the Deer Lake Planning Area. It parallels Main Street in Deer Lake, and runs along Deer Lake in St. Judes.

The Town may require that any development within a specified distance of a significant well-established and clearly demarcated trail be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail.

2.16 *Trans Canada Highway and Great Northern Peninsula Highway*

Both the Trans Canada Highway (Highway 1) and the Great Northern Peninsula Highway (Highway 430) are designated as Protected Roads under the Urban and Rural Planning Act. Within the Town boundary any development within 100 metres of either side of either highway within the Town requires the approval of the Department of Government Services. Outside the Town boundary, but within the Municipal Planning Area, namely St. Judes, approval of the Department of Government Services is required for any development within 150 metres of either side of the Trans Canada Highway.

Signage within these Protected Road corridors is subject to the approval of the Department of Government Services.

Any building, fence, shrub or hedge within 45 metres of the centre-line(s) of the Trans Canada Highway cannot be approved until permission is given by the Department of Transportation and Works. This requirement is reduced to 20 metres for the Great Northern Peninsula Highway. Access to both highways is subject to the approval of the Department of Transportation and Works.

For the most part, the corridor of the Trans Canada Highway is protected by the Environmental Protection designation, in particular around the Northern Peninsula Highway, Nicholville and St. Judes interchanges and along the St. Judes Bypass. In these areas direct access is either controlled or prohibited outright.

2.17 *Waterways and Wetlands*

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect all waterways and wetlands of the Deer Lake Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

- (a) Subject to the appropriate approvals and reviews, only trails and accessory uses and uses requiring direct access to a body of water may be permitted in these buffer areas. However, in addition to the foregoing, buildings accessory to permitted or discretionary uses may be permitted in the 30-metre buffer of a designated waterway or wetland provided that the accessory building is located at least 15 metres from the ordinary high water mark.
- (b) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
- (c) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.

Waterways and wetlands designated on the Future Land Use Maps and below are protected by a buffer of 30 metres as measured from the ordinary high water mark as shown on the Future Land Use Maps of the river, stream, pond, lake or other body of water and wetland. If the embankment is steep, then the buffer is measured from the top of the embankment.

These designated bodies of water are:

- Deer Lake
- Grand Lake
- Upper Humber River
- Junction Brook
- Glide Brook
- Humber Canal and Spillway Brook
- Nichol's Brook
- Lane's Brook.

Where a waterway or wetland is deemed to be significant by the Town, but is not specifically designated on the Future Land Use Maps and in this section, then the minimum buffer shall be 15 metres as measured in the previous paragraph.

If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

3 RESIDENTIAL

The Residential Designation applies to the fully serviced and serviceable residential areas of the Town of Deer Lake. This designation allows for

various types of dwellings, together with residential and non-residential uses that are compatible with the predominant dwelling types, such as businesses, shops, and, places of worship and schools.

The permitted uses in this designation shall be: conservation, double dwelling, mobile home in a mobile home park or subdivision, recreational open space and trails, and single dwelling. A subsidiary dwelling in the rear yard of a single dwelling is also permitted.

The discretionary uses in this designation shall be: antenna, apartment building, bed and breakfast, boarding house, child care, commercial – residential (tourist cabins), convenience store, educational, family and group care centre, classes related to home occupations – businesses which can be carried out in a dwelling without affecting the neighbours, marina, medical treatment and special care, mobile home park, office, place of worship, public utility and row dwelling.

Mobile homes shall be located in mobile home parks or subdivisions.

Free-standing businesses or businesses located in dwellings or the accessory buildings of dwellings shall be compatible in use, scale and appearance with the surrounding area. Such a use shall not impose a nuisance or hazard on adjacent residential properties. Council may require the business to be suitably buffered or screened so as to minimize its impact on nearby residential properties and the character of the residential area.

All development in this designation shall be connected to municipal water and sewer services.

4 RURAL COMMUNITY

The Rural Community Designation takes in the residential portion of the Local Service District of St. Jude's.

Subject to the approval of the Department of Government Services, development is allowed on private water supply and waste disposal systems.

This designation allows for single dwellings and mobile homes, together with compatible non-residential uses such as agriculture, forestry, shops, campgrounds, certain other businesses and places of worship.

The permitted uses in this designation shall be: conservation, public utility, recreational open space and trails and single dwelling. A subsidiary dwelling in the rear yard of a single dwelling is also permitted.

The discretionary uses in this designation shall be: agriculture, antenna, bed and breakfast, boarding house, campground, child care, commercial – residential (tourist cabins), convenience store, educational, family and group care centre, forestry, home occupations – businesses which can be carried out in a dwelling without affecting the neighbours, marina, mobile home, outdoor market, place of worship and public utility.

Free-standing businesses or businesses located in dwellings or accessory buildings shall be compatible in use, scale and appearance with the surrounding area and shall not impose a nuisance or hazard on adjacent residential properties. Council may require the business to be suitably buffered or screened so as to minimize its impact on nearby residential properties and the character of the residential area.

Development in this designation is allowed on public and private water supply and waste disposal systems.

5 TOWN CENTRE

As set out on Future Land Use Map 2, the Town Centre is designated to provide the basis for the conservation and development of the residential, commercial and historic core of Deer Lake – the company town - that is focussed on the former Newfoundland Railway.

The development of the Town Centre will take place in tandem with other heritage and cultural initiatives that include designation and protection of heritage buildings and landscapes, including the Power House and the fishing hole next to the Power Plant.

The Town Centre designation takes in the Power House, Immaculate Conception Church, the company housing along Upper Nicholasville Road, Main Street South, Main Street, Main Street North, the T’Railway, Farm Road and Chapel Hill. It includes examples of log houses erected for the Town’s woods workers and power plant employees (Chapel Hill), company houses along Upper Nicholasville Road, the old Masonic Hall, the Power House, Immaculate Conception Church, Main Street commercial buildings, and the track. The unique pattern of streets and streetscapes strongly defines the character of this area.

Land use policies for the Town Centre reflect its heritage character and wide variety of commercial, public and residential uses.

Policies

- (1) Council shall encourage the restoration, renovation and adaptive re-use of existing buildings and encourage appropriate infill development.

- (2) Council may pursue the preparation of a development scheme that includes an archaeological survey, an inventory of historic buildings, and streetscape design and improvements.
- (3) The permitted uses shall be:

apartment attached to a business, apartment building, boarding house residential and bed and breakfast, catering (restaurants), child care, commercial-residential, communications, conservation, convenience store, cultural and civic, double dwelling, educational, family and group care centre, funeral home, general service, indoor market, medical and professional, medical treatment and special care, office, outdoor market, passenger assembly, personal service, place of worship, police station, public utility, recreational open space and trails, row dwelling, shop, single dwelling and subsidiary dwelling, taxi stand, theatre and veterinary.
- (4) The discretionary uses shall be:

amusement, antenna, catering (bars and lounges), club and lodge, general assembly, light industry, service station, and take-out food service.
- (5) All development in this designation shall be connected to municipal water and sewer services.

6 RESORT

The Resort designation is applied to parcels of land containing one or more hectares within which a planned development containing a mixture of residential, commercial and recreational uses which occurs on publicly or privately maintained services and roads in a manner set out in the approval in principle under the Development Regulations.

However, permits and/or specific approvals shall be required from the Town and other relevant agencies before construction of a building or other work is commenced.

Within the Resort designation the following uses are permitted: antenna, catering, club and lodge, commercial – residential, including tourist cabins, conservation, double dwelling, marina, public utility, office, personal service, recreational open space and trails, shop and single dwelling.

7 PUBLIC

The Public designation is applied to sites where there are significant concentrations of public and institutional uses.

Within the Public designation the following uses are permitted: antenna, child care, collective residential, conservation, cultural and civic, educational, funeral home, general assembly, indoor assembly, marina, medical and professional, medical treatment and special care, office, outdoor assembly, passenger assembly, place of worship, police station, public utility, recreational open space and trails, and theatre.

Discretionary uses in this designation are: club or lodge and taxi stand.

All development in this designation shall be connected to the Town's water and sewer system.

8 OPEN SPACE

The Open Space designation is applied to sites where there are major public recreational open spaces and cemeteries. It includes the Humber River Golf Club and the Junction Trail Blazers Snowmobile Club which are located on Airport lands.

Within the Open Space designation the following uses are permitted: cemetery, conservation, marina, public utility, and recreational open space and trails. Discretionary uses are: antenna, campground, cultural and civic, Indoor assembly, outdoor assembly, and theatre.

9 COMMERCIAL HIGHWAY

The Commercial Highway designation is applied to the Trans Canada Highway commercial corridor that runs through the centre of Deer Lake.

Within the Commercial Highway designation the following uses are permitted: antenna, catering, civic and cultural, commercial-residential, conservation, funeral home, general garage, office, passenger assembly, public utility, recreational open space and trails, service station, shop, shopping centre, take-out food service and taxi stand. Amusement is a discretionary use.

The Development Regulations shall ensure that development, including signage, is attractive and conducive to safe and easy access from the Trans

Canada Highway and the Northern Peninsula Highway. There shall be a significant building line set back with provision for landscaping.

Development in this designation shall be connected to municipal water and sewer services.

10 COMMERCIAL INDUSTRIAL

The Commercial Industrial designation is applied to areas with a mixture of commercial and light industrial uses. The most prominent such area is around Old Bonne Bay Road which includes a planned industrial park.

Within the Commercial Industrial designation the following uses are permitted: antenna, catering, commercial-residential, communications, conservation, convenience store, funeral home, general garages, general service, indoor market, light industry, marina, medical and professional, office, outdoor market, passenger assembly, personal service, police station, public utility, recreational open space and trails, service station, shop, take-out food service, taxi stand, transportation and veterinary.

Discretionary uses within this designation are: amusement, club and lodge, general assembly, general industry and outdoor assembly.

A club and lodge must be adequately separated from residential development. A scrap yard must be adequately screened and otherwise made compatible with the existing and proposed commercial and light industrial uses of the area. A scrap yard is not permitted next to a residential area.

Development in this designation shall be connected to municipal water and sewer services.

11 TRANSPORTATION

The Transportation designation is applied to Deer Lake Airport Authority lands that are devoted to the Airport and compatible commercial and industrial developments.

Subject to the approval of the Deer Lake Airport Authority, the following uses are permitted: antenna, catering, communications, conservation, convenience store, light industry, office, passenger assembly, police station, public utility, recreational open space and trails, taxi stand and transportation.

Mineral exploration is allowed as a discretionary use.

12 MINERAL WORKING

The Mineral Working designation is applied to areas where there is significant aggregate extraction taking place.

Within the Mineral Working designation subject to the approval of the Departments of Natural Resources and Environment and Conservation, the following uses are permitted: antenna, conservation, mineral working, mineral exploration and public utility.

Discretionary uses are: recreational open space and trails, scrap yard and solid waste.

13 PUBLIC UTILITY

The Public Utility designation applies to major public utilities and major substations and generating facilities. It is designed to protect these facilities from incompatible developments.

Within this designation antenna, conservation, general industry related to public utilities, public utility and recreational open space and trails are permitted uses.

Mineral exploration is allowed as a discretionary use.

14 RURAL

The Rural designation is applied to rural areas not specifically dedicated to agricultural or forestry purposes.

The following uses are permitted: agriculture, antenna, conservation, forestry, mineral exploration, public utility and recreational open space and trails.

The following use classes are discretionary: animal, bed and breakfast in a single dwelling, campground, cemetery, general industry, home business, marina, mineral working, outdoor assembly, outdoor market, place of worship, scrap yard, single dwelling, solid waste disposal and veterinary.

15 AGRICULTURE

The Agriculture designation is applied to areas where there are significant blocks of farm land and in the Goose Arm Agriculture Development Area. It accommodates agricultural and forestry uses together with uses that complement these primary uses and/or are essential to the primary uses.

Subject to the approval of the Departments of Natural Resources and Government Services, the following uses are permitted: agriculture, antenna, conservation, forestry, mineral exploration, public utility and recreational open space and trails.

Subject to the foregoing approvals, the following use classes are discretionary: animal, bed and breakfast in a single dwelling, general industry, home business, marina, mineral working, outdoor market, single dwelling and veterinary.

16 FORESTRY

The Forestry designation is applied to areas where there are significant blocks of forest land under the control of Corner Brook Pulp and Paper or other paper companies. Except for some domestic cutting and some lumber production these lands are used almost exclusively for the production of wood used in the production of paper and related products.

Subject to the approval of the Departments of Natural Resources and Government Services, and with the agreement of Corner Brook Pulp and Paper Limited, where applicable, the following uses are permitted: antenna, conservation, forestry, mineral exploration, public utility and recreational open space and trails.

Subject to the foregoing approvals, the following uses are discretionary: agriculture, general industry, marina and mineral working.

17 ENVIRONMENTAL PROTECTION

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These features can include certain streams, wetlands, and treed areas.

It is also applied to selected portions of the Trans Canada Highway corridor and interchanges where it is desirable to clearly delineate the corridor and control access.

Only conservation is a permitted use in this designation.

Discretionary uses are agriculture, antenna, forestry, public utility and recreational open space and trails and wharves and docks. These developments are subject to the approval of the Department of Environment and Conservation. Along the Highway corridor, development is also subject to the approval of the Department of Transportation and Works.

18 URBAN RESERVE

The Urban Reserve designation is applied to certain lands immediately adjacent the developed portions of Deer Lake. These are areas set aside for the expansion of residential and commercial development.

Before such areas are to be developed, municipal services must be adequate and a plan of development prepared to show how an area will be accessed and developed. Development can only occur as an extension of an existing developed area.

Permitted uses in this designation include: antenna, conservation, mineral exploration, public utility, and recreational open space and trails.

Short term mineral workings are discretionary in this designation. Any other development is subject to redesignation.

19 FLOOD RISK AREAS

19.1 General

Pursuant to the Federal- Provincial Flood Damage Reduction Programme and the Department of Environment and Conservation Policy Directive, W.R. 96-1, the Municipal Plan identifies two flood risk areas on Future Land Use Maps 1, 2 and 3. These policies attempt to adhere to the Policy Directive insofar possible. Where there is a conflict between the Municipal Plan policies and the Development Regulations, the Policy Directive W.R. 96-1 shall prevail.

Any development within a flood risk area shall be subject to the written approval of the Minister of Environment and Conservation in accordance with the Water Resources Act.

The Flood Risk Areas are Designated Floodway (1:20 year) and Residential Floodway Fringe (1:100 year). The Residential Floodway Fringe designation applies to the area in and around the Nicholville area south of the Upper Humber River.

The boundaries of the Flood Risk Areas have been derived from data supplied by the Department of Environment and Conservation. The original data about the Flood Risk Areas boundaries is available from the Department of Environment and Conservation, Water Resources Division.

Due to the convoluted nature of the Flood Risk Areas boundaries, certain pockets of land that would otherwise be incorporated into a Floodway Fringe type of designation or other designation are included within the Designated Floodway designation. Also, since the policies of the Environmental Protection designation are very restrictive as to development and since as with the Flood Risk Areas, approval of the Minister of Environment and Conservation is required, certain lands that would otherwise fall under a Floodway Fringe type of designation on the north side of the Upper Humber River west of the Highway 430 Bridge are placed within the Environmental Protection designation.

Objectives

The objectives of this policy are to:

- prevent loss of human life and avoid personal hardships,
- minimize flood damage to properties and the environment,
- restrict activities which would degrade water resources,
- maintain the natural capability of waterways to convey flood flows,
- minimize disruption of transportation, social and business activity.

Structures in a Flood Risk Area

A structure in a Flood Risk Area can only be permitted where:

- the ground floor elevation of the structure is higher than the 1 in 100 year flood level;
- the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- the structure and the associated utilities have been designed and constructed in accordance with the approved flood proofing guidelines of the Department of Environment and Conservation and entrances and exits from the building can be safely used without hindrance in the event of a flood;
- the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides and so forth.

Additional conditions may be set out for specific projects and included in a permit issued under section 48 of the *Water Resources Act*.

Additions and Modifications to Existing Development

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within the flood plain, will be assessed for suitability in the same way as the project category as a whole.

19.2 Designated Floodway Designation

Within this designation only the following uses can be considered for approval: antenna, conservation, docks and wharves, hydraulic structures, recreational open space and trails and structures related to the use of water resources.

19.3 Residential Floodway Fringe Designation

Within the Residential Floodway Fringe designation, permitted uses include: conservation, double dwelling, mobile home in a mobile home park or subdivision, recreational open space and trails, single dwelling and subsidiary dwelling in the rear yard of a single dwelling.

Discretionary uses include: antenna, apartment building, bed and breakfast boarding house, commercial – residential (tourist cabins), convenience store, classes related to home businesses (see residential designation), hydraulic structures, marina, mobile home park or subdivision, office, public utility, row dwelling, structures related to the use of water resources and hydraulic structures.

20 PROTECTED WATER SUPPLY

The Protected Water Supply designation applies to the Protected Water Supply of Deer Lake which overlays both urban and rural areas and designations of the Planning Area, including Residential, Commercial – Industrial, Public, Rural, Forestry and Environmental Protection.

Development is restricted to uses that will not damage the water supply in a way that cannot be satisfactorily controlled.

Development within the Protected Water Supply designation is subject to the approval of the Minister of Environment and Conservation.