

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

TOWN of FOGO ISLAND
Newfoundland and Labrador

MUNICIPAL PLAN

for

2015-2025



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HMJ Consulting Limited
Project 11-009

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TABLE OF CONTENTS

1.0	ADOPTION AND APPROVAL	1
1.1	COUNCIL RESOLUTION TO ADOPT; CLERK’S CERTIFICATE.....	1
1.2	COUNCIL RESOLUTION TO APPROVE; CLERK’S CERTIFICATE.....	3
1.3	PLANNER’S SEAL AND SIGNATURE	4
2.0	LEGAL EFFECT OF MUNICIPAL PLAN	5
2.1	Title and Components	5
2.2	Supersedure of Old Municipal Plans; Review and Amendments	5
2.3	Purpose and Effect of Municipal Plan and the ICSP	5
2.4	Municipal Planning Area	7
3.0	HISTORICAL SKETCH	8
4.0	FACTORS INFLUENCING MUNICIPAL PLAN POLICIES	10
5.0	GOALS AND OBJECTIVES	15
5.1	Council’s Vision, Goals, Objectives and Policies	15
5.2	Goals and Objectives for the Town of Fogo Island	16
6.0	DEVELOPMENT CONCEPT AND POLICIES.....	24
6.1	Community Development Areas.....	24
6.2	Rural Areas	28
6.3	Restricted Special Areas	28
6.3.1	Protected Public Water Supply Restricted Special Areas	29
6.3.2	Valued Natural and Heritage Restricted Special Area	29
7.0	GENERAL REQUIREMENTS	31
7.1	Water and Sewer Servicing.....	31
7.2	Aesthetics.....	31
7.3	Non-conforming Uses	32
7.4	Maintenance and Occupancy Regulation.....	32
7.5	Protection of Fish Habitat and Natural Drainage System.....	32
7.6	Accessory Uses	33
7.7	Home Based Business.....	33
7.8	Archaeological Resources.....	34
7.9	Advertisements	34
7.10	Valued Trails.....	34
8.0	IMPLEMENTATION.....	35
8.1	Implementation Policies.....	35
8.2	Review of Land Use Zoning & Subdivision Regulations.....	35
8.3	Amendment of the Municipal Plan and Development Regulations.....	36
8.4	Site Plan Evaluation.....	36
8.5	Public Works.....	36

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

8.6 Appeals	36
8.7 Development Standards Policy	37
8.8 Enforcement of Plan and Regulations in Planning Areas	37
8.9 Program of Public Works.....	37
9.0 INTERPRETATION.....	38
9.1 Land Use, Boundaries, and Roads	38
9.2 Figures and Quantities Approximate	38

Appendix A: Procedure to Bring Municipal Plan Into Effect

Appendix B: Site Plan Evaluation Information

Maps at rear (see notes to reader concerning printing, on fly sheet page 44)

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 Town Council of Fogo Island adopts the Municipal Plan for 2015 to 2025.

Resolved by the Town Council of Fogo Island on the 2nd day of June, 2015.

Signed and sealed this 2nd day of June, 2015.

Mayor: _____

(Council Seal)

Clerk: _____

Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2015 to 2025, adopted by the Council of the Town of Fogo Island, on the 2nd day of June, 2015.

Clerk _____

OFFICIAL COPIES SIGNED AND SEALED

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

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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]

seal

2.0 LEGAL EFFECT OF MUNICIPAL PLAN

2.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Fogo Island, 2015 - 2025*. The following text and the Future Land Use Maps contained herein constitute the Municipal Plan for the Fogo Island Municipal Planning Area.

2.2 Supersedure of Old Municipal Plans; Review and Amendments

This document and the maps contained with it form the Municipal Plan for the Town of Fogo Island. 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 Municipal Plans for the former Town of Fogo, in effect since 1992, and, for the former Town of Joe Batt's Arm-Barr'd Islands-Shoal Bay, in effect since 2008. It will also replace the legal effect of the current Fogo Central Local Area Plan, 1986, and associated Order in Council 96-219, which the Town Council has requested be extinguished upon the legal effective date of this Municipal Plan for 2015 – 2025.

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 the required five year reviews.

Planning for the Town should be seen as an ongoing process, not done with a “do it once and then it's done forever” attitude. Like all municipal government administrative tools and procedures. Councils must cope with ever-changing circumstances and visions of what might be. This Municipal Plan will eventually become out of date, calling for a general review, and from time to time sudden circumstances will necessitate a carefully considered ad hoc amendment.

2.3 Purpose and Effect of Municipal Plan and the ICSP

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 or in a manner adversely affecting the social and economic development objectives of Council. It directs future growth so that it occurs in a manner whereby social and economic development efforts are supported, municipal services and land resources are used

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

most efficiently, thus preventing unnecessary increases in servicing costs that can result from development becoming needlessly spread out, and ensures that aspects of land development such as safety, aesthetics and environmental protection are given proper consideration when administering applications for development approval.

This Municipal Plan has been prepared concurrently with a special purpose document, an Integrated Community Sustainability Plan. That Plan is a document prepared in accordance with a requirement that municipalities prepare an Integrated Community Sustainability Plan (ICSP) 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 developing this Municipal Plan, as many topics and interests are common to both. 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.

The Municipal Plan presents legally binding statements regarding the Town's intentions with respect to the location and manner in which development within its Municipal Planning Area shall take place. The maps show the Municipal Planning Area divided into various land use designations. Within each one 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 Municipal Planning Area. All development must conform with the applicable policies of the Municipal Plan after the date upon which it comes into effect.

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with the town's 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, which came into force on January 1, 2001.

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.

2.4 Municipal Planning Area

The territory subject to this Municipal Plan is that which is included within the boundaries of the Fogo Island Planning Area as shown on Future Land Use Map 1. The Planning Area Boundary has been established pursuant to Newfoundland and Labrador Regulation 13/13 filed January 13, 2013, as encompassing the area of the Town of Fogo Island and all islands within 800 metres of the shoreline of the Town of Fogo Island.

3.0 HISTORICAL SKETCH

For the purpose of this Municipal Plan, only a brief account of the island's history is needed, as planning is essentially a forward looking action. This is not to say that history does not matter, only that for this purpose history serves to provide context for the policies articulated in the Plan.

An account of the early history of European settlement is given in the material produced in the 1980s for the Central Local Area Plan, as follows:

Fogo Island was settled as early as 1680, at the site which is now the [former] Town of Fogo. Joe Batt's Arm and Barr'd Islands developed as immigrants from England and Ireland began to settle in the New World. By 1874, the Island had a population of about 3,500 people living in 18 small communities.

The mainstay of the Island's economy focused on the fishery and during the late 1800's several large merchants operated on the Island. During this time agriculture was carried out on a large enough scale to produce enough food to meet the needs of the Island's population.

In the 1960s, there was pressure from the provincial government to resettle the population to the mainland. At the time, the deterioration of the fishery and isolation from public services had imposed dire economic conditions and poorly provided health and education facilities on the island. A community development process, known as the Fogo Process, raised a self-awareness of common problems and a vision for a viable future that saw islanders remaining on the island.

Against considerable odds, a fisheries cooperative was established and other local development efforts were begun, that saw the vision realized. The fishery has been and continues to be the life blood of the island economy. It is clear that the fact that the fishery survived at all, and the island as a populated place rather than now being a resettled artifact, was not due to external influences on the island fishing industry. It is well known to islanders, but it bears repeating, that it was the island's own fishers who formed a producers co-operative to manage their struggle to survive.

Though there was certainly resettlement of communities on and near the island, the communities that are seen today are well established, functioning places. However, bringing the island to a sustainable social and economic condition requires more than reliance on the fishery. All the while since the establishment of the Co-op, other efforts to build and diversify the island economy have been underway. These efforts, which include a major, new initiative by the Shorefast Foundation (a not for profit entity whose purposes are cultural and economic

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

development related to the tourism potential of the island), are described in the next part of this Municipal Plan in the context of municipal planning policies.

4.0 FACTORS INFLUENCING MUNICIPAL PLAN POLICIES

A Planning Background Report was prepared during the process of developing this Municipal Plan. As said earlier, the Municipal Plan has been prepared in conjunction with the Town's Integrated Community Sustainability Plan (ICSP). The ICSP document therefore serves a dual purpose: it functions as an ICSP and simultaneously as the Planning Background Report which is traditionally prepared in the course of preparing or reviewing a Municipal Plan and the accompanying Development Regulations.

As the intention is to have the Municipal Plan be as concise as reasonably possible, much detail underlying the Municipal Plan's policies will be found in the ICSP/Planning Background Report. In this Municipal Plan, the focus will be on concisely identifying the factors specifically relevant to the Municipal Plan, based on the consultative process and technical work carried out in the preparation of it.

The central question in policy making is the future of the island's communities, which essentially hinges on the economy of the island. Although the mainland is only a short ferry ride away, the limitations of the ferry service basically prevent individuals from daily commuting to work off island on a daily basis. Although some workers can and do commute for longer periods of a few days or longer away, and there are some jobs that can be done in the information technology sector by working remotely from customers or a faraway home base, the fact is that most workers will work at jobs at a workplace on the island. That basically means primary attention and effort must be related to the traditional economic base, the fishery, and to the evolution of other economic activity based on on-island resources.

First, consider the fishery. Though much has been accomplished, the fisheries cooperative still must compete with other suppliers of fish to the world market, and face the continuing threat of downsizing of fish catch and processing quotas. It is a fact that the co-op is a not for profit, community based co-operative which distributes its net income to its five to six hundred members, but it can not force island fishers to support their collective effort to process and market product. Not all island fishers do support the co-op, and take their catches elsewhere, and should that become the prevalent behavior, the island fishery will suffer greatly, to the detriment of its communities.

However, the co-op has not been static in its efforts to diversify the product and advance its programs to strengthen the island fishery. New species are being pursued, including but not limited to sea cucumbers, crab and shrimp, which had little significance when cod was king. The co-op is attempting to buy back licenses with the objective of improving the per-fisher incomes

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

now experienced. However, the co-op needs to be supported in its efforts to transform the fishery into a strong and innovative industry.

All the while, other efforts to build and diversify the island economy have been underway. The latest comprehensive analysis of opportunities and relevant strategies is the 2008 *Fogo Island-Change Islands Socio-Economic Strategic Plan* which was initiated by the Fogo Island Development Association (FIDA), and prepared under the auspices of the Kittiwake Economic Development Corporation (KEDC). The KEDC Plan has been adopted as the strategic plan for social and economic development by the Town of Fogo Island.

Though the report indicates the direction which might be taken by the fishery, it also brings much insight to the other natural resources and the potential of tourism to provide a broader economic base. It is important to note two categories of development opportunity, further to the fishery, identified in the report.

- Some natural resources other than the fishery: among others, opportunities in fur farming (mink especially) and agriculture are worthy of exploration.
- The tourism resource base, both in natural features and cultural attractions: the work of many local organizations in promoting and developing various aspects of the tourism resource has been underway for years. The recent initiatives by a relatively new organization, the Shorefast Foundation, have introduced the concept and the initial infrastructure for a high-end, geo-tourism experience which draws on the unique cultural and natural features of the island.

Concerning tourism, it is important to note that the work of many local organizations in promoting and developing various aspects of the tourism resource has been underway for years. The KEDC report emphatically states that development of the tourism industry involves “...*the dual role of preserving/celebrating heritage and on developing Fogo Island-Change Islands as a global tourism destination...*” These roles are intertwined, in that the former provides a large part of the appeal of the area to that category of tourist called the “geotourist”. The KEDC report elaborates, saying that such travelers are “...*interested in practices such as the use of energy and pesticides, local folklore and music, community land use practices, locally grown food, recycling and waste disposal...*”

Fogo Island’s tourism assets include its rural character, cultural landscapes, concentrations of heritage structures in a number of communities (especially Joe Batt’s Arm, Tilting, and Fogo). These support, in a very significant way, the island’s growing tourism industry.

Some aspects of the protection and enhancement of the resources related to geotourism are clearly related to municipal government, such as protection of the views of valued landscapes, park-like natural areas, public trails, and heritage resources from development which would diminish their appeal in the eyes of such tourists and as amenities enjoyed by island residents as

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

well. Municipal government has the legal tools in its planning powers to do so, and of course municipal government has an important political role to play in advocating the interests of tourism development to senior government and investors. Conversely, other aspects of the development of the tourism resource can best be accomplished by other organizations, such as those devoted to preserving and presenting histories and the material culture and lifestyles of islanders.

Shorefast's objectives and actions relate not only to economic development of the island communities but also to their cultural sustainability. Indeed, it is a sustainable cultural resource and unique natural resources upon which the success of tourism rests.

Among the resources related to Shorefast's initiatives is an area of land granted by the Province of Newfoundland and Labrador to the former Town of Joe Batt's Arm-Barr'd Islands-Shoal Bay in 2010, adjacent the property upon which a new Inn being developed as part of the Shorefast programs is located. It is the intention and condition of the Grant that the land so granted be "...developed and used as a Municipal Park." (quoting the Grant). The land is located within a protected archeological site, requiring special attention to the provisions of the *Historic Resources Act* of the Province of Newfoundland and Labrador. The granted land clearly must be protected and used accordingly. The Shorefast Foundation has expressed commendable, similar plans for use of the adjacent land upon which the Inn is located.

There are several features in communities and undeveloped areas lying outside community edges, which require recognition of their special features in considering appropriate development controls. These include the following:

- Several areas falling under Protected Water Area regulations, ie: for Fogo (Freeman's Pond), Joe Batt's Arm-Barr'd Islands-Shoal Bay (Long Pond), Seldom-Little Seldom (Bullock Cove Pond), and Tilting (Sandy Cove Pond). There are certain developments and activities which are prohibited in those areas by virtue of the *Water Resources Act*, over which the Town has no control. The Town will augment those restrictions with its own requirements in the Development Regulations. Similarly, the formerly used, but unprotected under the Protected Water Area regulations, water supply area known as Pilly's Pond, near Fogo, should be protected under the municipal planning documents as it may again be required. Also, it is anticipated that central water supplies will be developed for the communities of Island Harbour, Stag Harbour, and Deep Bay, when resources and priorities permit; watersheds which would be involved will be identified and protected under municipal planning documents at this time so as to prevent incompatible development from occurring in those areas.
- The eleven established communities have clear geographic identities and are separated by rural areas. Use of planning policies to concentrate future development in those urban communities will strengthen the viability of local services in them and avoid creation of inefficiently served scattered development. A number of communities have been serviced with central water and/or sewer systems, at considerable expense but for

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

pressing reasons concerning drinking water quality and pollution of land and water.

Concentration of development in existing communities will enhance the financial case for extension of water and services to areas in communities not already serviced, and to establish these services in communities where they are not already available.

- In the rural areas between communities, development will be limited to those uses which properly should be located in rural areas, such as commercial farms including those involving intensive livestock operations, large antennae, large wind turbines, scrapyards, mineral workings, and aviation facilities. However, relatively pristine natural rural landscapes are critically important to development of the tourism industry for it is those landscapes that in part make the island such a special place both for residents and for visitors. Those values will be preserved by measures to prohibit development within view of public highways, except for development within the defined Community Development Areas and for agricultural development of a visually unobtrusive scale
- Within certain communities, clusters or individual locations of valued heritage buildings. The best known of these is in Tilting, where a unique cultural landscape and historic district in combination provide a rare opportunity to understand and appreciate valued aspects of the history and lifestyles of the community. In that case, there is supporting documentation which would enable the Town to devise suitable protective regulations to preserve selected natural areas and mitigate the intrusion of unsympathetic architectural forms in the urban area of the community. This is a process requiring extensive consultation with the community to devise suitable measures. This is complicated by the fact that dwellings built in modern styles have been built amongst heritage structures, throughout the community of Tilting. However, clusters of heritage buildings can be identified, giving some prospect that those clusters may be treated as heritage districts in their own right. In other communities, similar clusters exist, and again this requires close consultation and sensitivity to local aspirations and priorities. The authority to designate properties as heritage buildings, structures or lands, and to regulate development thereon, lies in the *Municipalities Act*, and thus the regulations and administrative matters would not appear in this Municipal Plan or the Development Regulations.
- The effect of new development on individual heritage buildings located in isolation from heritage districts or landscapes should be considered at the application stage, and efforts made to mitigate any negative features.
- Certain areas which should be regarded as park-like or heritage in nature and deserving of protection from intrusive development have been identified and are designated as such in this Municipal Plan. These areas are:
 - Lion's Den – Wild Cove
 - Fogo Head, near Fogo
 - Brimstone Head, in Fogo
 - Waterman's Brook, south of Fogo
 - Brookes Point – Round Head – Sandy Cove, from Joe Batt's Arm to Tilting
 - Foster's Pond Municipal Park, lands granted to the municipality adjacent to the Shorefast Foundation Inn property

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

- Oliver's Cove and Gardens, in Tilting
- Farm Road and Sandy Cove, in Tilting
- Bunker Hill, in Tilting.

Ongoing efforts to define other valued park-like or heritage areas will reveal areas which should be similarly preserved.

- Regulation of wind turbines is needed to ensure that appropriate locational criteria are in place to mitigate environmental and other concerns, such as visibility from public highways. Briefly, the concerns essentially focus on noise, safety and aesthetics. Noise is related to the sounds of the machinery in the wind turbines as well as the sound of the wind impacting the blades and towers. A typical science-based approach is to require that the noise from wind turbines should not exceed normal background levels. Safety concerns relate mainly to small units, as safety is mainly related to ice shedding from the blades, and large turbines are generally required to be set back beyond the relevant distance because of noise considerations. Aesthetic considerations are quite subjective, but not to be discounted: large wind turbines can reach as high as 100 metres from ground to the tip of the top blade when it is vertical (tower height of 50 or more metres plus blade length currently of up to 42 metres). The Development Regulations should include provisions which provide for the opportunity for development of small and large wind turbines, in view of the renewable energy objectives of islanders, while also respecting the desire to mitigate or minimize substantial intrusion.

In this province, the key governmental local economic development agencies are the regional economic development corporations, which are complemented by other arms and agencies of government which have specific roles to play. For Fogo Island, that agency has until recently been Kittiwake Economic Development Corporation, whose senior government financial support has terminated. It is important that the Town be an active participant in the work of other public agencies whose roles are very important to the island's future, continuously advocating and initiating island opportunities.

Another important element in pursuit of economic development is Fogo Island's pool of volunteers who take part in a large number of non-profit organizations whose purpose is in general improvement of the quality of life and development of their community or subject of interest. The Town recognizes the challenge faced by volunteers as a major issue affecting economic development. There is no suggestion that municipal government can or should try to directly provide all the services and inspiration that volunteers bring to their work, but local government does need to support them in ways which are possible.

5.0 GOALS AND OBJECTIVES

5.1 Council's Vision, Goals, Objectives and Policies

The ICSP/Planning Background Report indicates that a suitable vision for Council of the Town of Fogo Island is as follows:

“The municipal government of the Town of Fogo Island will spare no effort to see the island communities survive and prosper, by its own actions, by advocating the island’s needs to external parties whose help is needed, and by supporting volunteer efforts which have the same objective.”

While a vision is a useful statement in that it expresses the most basic motivation of the visioner, it is not much use unless it leads to a systematic scheme in which its broad spirit is translated into specific actions. This is accomplished in a hierarchy of subordinate statements, descending through 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. It is the “big picture” statement to which objectives relate. Objectives are the broad statements of intended actions which will be taken to achieve the objective. Policies are the specific actions that are taken to achieve the objective.

By way of example in the Fogo Island case, one goal is to enhance the quality of the natural environment, one objective to follow from this goal is to identify areas which are especially significant due to their historical or heritage appeal, while the complementary policy is to designate specified areas wherein any development proposals would be evaluated against stringent approval criteria which would include a requirement for protection or preservation of the special characteristics which give the designated area in question its special appeal.

5.2 Goals and Objectives for the Town of Fogo Island

The Town of Fogo Island's goals and objectives in this Municipal Plan are as follows:

A) Employment and Economic Development

Goal: To encourage institutional, commercial and industrial activities that will meet and sustain 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.

- Objective:**
- a) To generally use the 2008 *Fogo Island-Change Islands Socio-Economic Strategic Plan*, which was initiated by the Fogo Island Development Association (FIDA), and prepared under the auspices of the Kittiwake Economic Development Corporation (KEDC), as the strategic plan for social and economic development by the Town of Fogo Island.
 - b) To support and promote the development and improvement of the fishery, by advocating for policies and actions by senior governments and businesses which would support and strengthen the position of the island's fishers and shore based fishery industries.
 - c) To encourage all available development associations and agencies, to explore and support initiatives to develop a sustainable island agricultural industry, including locally grown and raised agricultural products.
 - d) To support and encourage the development efforts of the tourism industry on the island, including but not limited to the commendable initiatives of the Shorefast Foundation in its cultural and economic development programs and projects, as well as preserving and celebrating island culture for its own inherent value.
 - e) To preserve and protect the valued landscapes and heritage features on the island which are important to the strengthening of the tourism industry, and minimizing regulatory impact on the island's people and businesses to the extent that is

compatible with that primary objective. In addition to the attention often given in municipal planning to heritage buildings and unique natural landscapes, in the case of Fogo Island this Municipal Plan recognizes unique cultural landscapes including the island's traditional agricultural practices and gardens. Officially recognizing these attributes can encourage community enhancement and beautification and maximizing of development opportunities using heritage resources.

- f) To provide for considerable flexibility in, and prompt administration of, the Development Regulations affecting the built-up area of the communities, such that opportunities for home businesses and commercial and light industrial activities of all sizes can be accommodated, while providing for scrutiny of each case to prevent unacceptable outcomes.

B) Valued Natural Areas and Heritage Properties

Goal: Further to A) above, to establish, preserve and improve valued natural spaces, heritage properties, and recreational trails and areas to sustain the natural and cultural resources related to economic development and to preserve the same as amenities and to sustain Fogo Island's cultural legacy.

- Objective:**
- a) To preserve near-pristine natural areas along public highways between communities. Development of properties or structures that are within view of such public highways and streets would not be permitted, other than for development in designated Community Development Areas and for agricultural development of a visually unobtrusive scale. This is the primary objective concerning development in rural areas.
 - b) To designate selected unique or culturally significant open areas for the purpose of preservation of them in an undeveloped condition, so as to maintain their amenity value and to preserve the evidence of the human history and material culture of early days in the settlement of the island communities.
 - c) To be aware of the archaeological significance of certain areas of the island, and to require prior review of applications involving breaking soil, and proper notification of authorities when artifacts are encountered in the course of development.

- d) To ensure ready public access to, and accord protective status to, valued trails and natural landscapes, when considering development applications.
- e) To consider the significance of heritage properties and districts in administration of applications for development approval.
- f) To establish an ongoing study of heritage properties and districts in all communities with a view to eventually developing a comprehensive program of preservation and interpretation of their historic significance, pursuant to the enabling provisions of the *Municipalities Act*. In view of current knowledge of such matters related to designated heritage properties, some simple measures will be taken via the Development Regulations to prevent development of structures which would overshadow designated heritage properties. Some properties are already designated, and Council will consider further designations as cases are considered.

C) Urban Growth and Services

Goal: To provide for orderly growth and development within the Municipal Planning Area, and safeguarding the social, physical and economic well-being of its residents.

- Objectives:**
- a) To use this Municipal Plan to guide Council's exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the Town.
 - c) To regulate new development so as to encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of each 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) To ensure that buildings and structures of new construction will be built to today's codes and good practices. Derelict buildings or substandard structures will not be tolerated. Town water and sewer services will not be connected to derelict

buildings nor will driveways onto town streets be permitted to provide access. A used structure will only be considered for town permits if it is to be fully renovated, including the exterior walls, roof, windows and doors, even though it may need to be accomplished in stages,.

- e) To promote compact development of each community within defined Community Development Areas, for which the boundaries will be set so as to provide for appropriate peripheral areas for each community for future development. Central water and sewer services in communities which already have such services will be extended only where existing systems have capacity for expansion, and such services will eventually be installed in those communities not already serviced, but in all cases only where the Town is satisfied that a good case for investment of public monies can be demonstrated.
- f) To provide for efficient and prompt decision making on development applications by making the Development Regulations concisely written and so as to deal with as many development decisions by way of clearly identifying permitted uses and requirements for their approval, and providing for as many other approval processes by way of discretionary approvals as possible, which enables quick approval where conditions are met.

D) Housing and Social Conditions

Goal: To endeavour to alleviate barriers to the wellbeing of residents and the overall quality of life on the island, with respect to health, education, justice, public safety and recreation.

- Objectives:**
- a) To support and encourage development of suitable programs to assist individuals who are at risk of adoption of undesirable lifestyles.
 - b) To endeavour to directly provide selected recreation programs and facilities as municipal operations, mainly focused on the Stadium and winter ice-related programs and other programs or facilities best provided on a centralized basis, and to encourage and where possible assist other publicly available recreation programs operated by others. Recognizing that there is a heavy

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

reliance on volunteers to staff most organized activities, whether at Town owned facilities or otherwise, the Town will encourage and support these efforts in any way possible.

- c) To recognize the need for alternative housing for seniors who are in unsuitable housing or require some level of assisted living to make it possible for seniors to remain as independent and in their own community as is feasible, and to advocate this need with senior governments and agencies who can assist.
- d) To act to ensure that housing is designed, sited and constructed to meet the particular local conditions and needs of residents of the Town and to facilitate efficient development of available land resources through a wide variety of housing forms. Flexible regulatory requirements to facilitate subdivision will be included in the Development Regulations, such as providing for flag lots and bare land condominium and perpetual lease and easement arrangements to provide legal access to developable land lying behind existing structures or in physically restricted locations.
- e) To support island health and social services agencies, including the hospital, in their work to provide proper and timely care. Local medical treatment capability is limited by the availability of professional staff. Recruiting personnel from outside the community is influenced by the quality of life and amenities in Town. The Town will do all possible to enhance local conditions, including recreation programs, beautification, availability of housing, education, and a welcoming attitude toward newcomers, especially immigrant professionals who need positive support in becoming settled in unfamiliar physical and cultural conditions.
- f) The Town will work toward having and maintaining high quality emergency response services in the form of the local fire departments, an ambulance service, and the island RCMP force. This includes pressing for better ferry service, to more quickly move emergency vehicles on and off the island.

E) Environment and Natural Resources

Goal: To protect and enhance the environment and natural resources of the Municipal Planning Area.

- Objectives:**
- a) To limit development and use of lands in rural areas outside of each community's defined Community Development Area to those which cannot be reasonably carried on within those areas. Development in the rural areas will be limited to those uses which properly should be located in rural areas, such as commercial farms including those involving intensive livestock operations, large antennae, large wind turbines, scrapyards, mineral workings, and aviation facilities. However, the primary objective concerning development in rural areas is that set out in B) a) above.
 - b) To take part in the evolution of the solid waste management system now underway through the solid waste management authority, in which the Town and adjacent mainland areas are partners.
 - c) To work with relevant agencies to establish progressive and responsible programs so as to minimize environmental impact and maximize waste diversion and recovery of the resource values in solid waste and encouragement of backyard composting, community gardening, and energy efficiency.
 - d) To systematically investigate the opportunities to improve energy efficiency in Town buildings, water and sewer system mechanical equipment, street lighting and mobile equipment.
 - e) To continue the vigilance and development control related to the areas falling under Protected Water Area regulations, ie: for Fogo (Freeman's Pond), Joe Batt's Arm-Barr'd Islands-Shoal Bay (Long Pond), Seldom-Little Seldom (Bullock Cove Pond), and Tilting (Sandy Cove Pond). Further the Town will act now through its Development Regulations to protect watersheds not now under Protected Water Area regulations but which may in the future be necessary for water supply, specifically Pilly's Pond near Fogo and watersheds related to Island Harbour, Deep Bay and Stag Harbour.

- f) To include development controls which provide for the opportunity for development of small and large wind turbines, in view of the renewable energy objectives of islanders, while also respecting the desire to mitigate or minimize substantial negative effects.
- g) To encourage and support the efforts of local development groups to develop the geo-tourism and environmental ethic themes by good stewardship and publicizing of efforts and successes in this regard.
- h) To prohibit infilling of water bodies except for the purpose of carefully regulated wharves, stages and similar marine structures for which the design will minimize their footprints.

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 Municipal Planning Area.

- Objective:**
- a) To develop a list of priorities for road improvements in the Municipal Planning Area and work toward maintaining the public streets and highways in good condition.
 - b) To work constructively and assertively with the provincial government, to improve the ferry service, upon which much of the economic and social sustainability of the island communities depends.
 - c) To study the street lighting provided by the Town to identify areas where lighting is insufficient to enable safe and convenient pedestrian traffic.
 - c) To seek improvements in existing traffic safety, such as traffic signs and clearing sight line obstructions at intersections.
 - d) To support the function of the airstrip and its aviation infrastructure, to ensure that year-round air access to the island is of the highest quality possible.

G) Electrical and Telecommunications Services

Goal: To strive to have high quality, economical electrical and telecommunications services on the island, which meet local needs effectively and efficiently.

- Objectives:**
- a) To advocate to carrier companies the need for modern telecommunications services for all island households and businesses, including upgrades as needed to provide islanders with services on an equal basis with other areas.
 - b) To work with Newfoundland and Labrador Hydro in planning utilities for new areas to be developed for residential and other uses, including placement of utility poles at the back of residential development where possible.
 - c) To ensure that any utility development, including transmission lines, does not impact negatively on the local environment or the amenity value of protected landscapes.

H) Municipal Finance

Goal: To effectively manage the financial resources and commitments of the Town.

- Objectives:**
- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the Town.
 - b) To improve the cost effectiveness of municipal servicing by encouraging compact, carefully planned serviced development, through infill and proximity to existing services where capacity for extension exists.
 - c) To develop a comprehensive policy concerning use of Town properties and disposal of properties surplus to the Town's requirements, recognizing the significance of some of the properties inherited from former municipal units to some community groups who have in some instances depended on certain premises to support their activities.

6.0 DEVELOPMENT CONCEPT AND POLICIES

This section presents the policies concerning the development concept for the town, including descriptions of approaches to key issues, to implement the statements of goals and objectives in Part 5.0 of this Municipal Plan.

The Planning Area will be divided into several Restricted Special Areas and a General Development Area. The boundaries and designation of those areas are shown on the Future Land Use Maps in this Municipal Plan. The General Development Area will be divided into a Rural Zone and several Community Development Area Zones, as shown on the Land Use Zoning Maps in the Development Regulations. Policies concerning development in these areas are outlined in the balance of this Part 6.0.

6.1 Community Development Areas

The great majority of existing development in the Town is found in the ten long-established communities and a newly conceived “community” known as “Central Area”. With the exception of the Central Area, the ten communities have existed as well established urban settlements for many years, back to the days of the first fishing settlements on the island. The Central Area is a new creation, established essentially in the 1960s as a place where large scale, one of a kind public facilities or commercial establishments could be located, such as the health centre, high school, highways maintenance depot, the Stadium, and a building supplies store. Each of the ten historic settlements features a mix of residential, commercial, industrial and institutional land uses; the Central Area largely lacks a residential component, as it is mainly the location of the sort of central facilities just mentioned.

The eleven communities, ie: including the Central Area, are compactly developed along the highways and roads in their locations, to the extent that a challenging topography and geotechnical conditions defined areas which were able to accommodate structures. In the days before heavy earth moving equipment and blasting enabled economical levelling and drainage of land, much of the development of structures occupied the limited spots where structures could be set up and yet have access to lanes and the sea. The location of harbours at each community is easily understood, as the early fishers selected places where natural water and shore features enabled both safe harbouring of boats and sufficient land for the related onshore commercial and residential settlement. Only in later years were roads developed between communities, in conjunction with the coming of motor vehicles; the reliance on transportation by water quickly ceased (except to and from the mainland, of course).

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

The ten historic communities were developed with what may be termed sharp edges, ie: there is a distinct break at the edge of the compactly settled communities where the last structures abruptly give way to virtually unoccupied lands. The reason for this is not very complex: before the advent of motor vehicles, one had to walk from one's home to the water's edge to places of employment in the fishery, or anywhere else in the community, so there was a strong incentive to live as close as possible to the community centre. The long period of stability and then decline of the inshore fishery practically stopped significant development of new homes and businesses, so it could be said that the development patterns of those ten communities were frozen in time, circa the mid 1960s.

Only in recent years have roads connecting communities been developed, and some few isolated structures been developed outside the edges of the ten communities. The Central Area is quite different in its settlement history, but the development pattern actually is similar in that it is also fairly compactly built up, and has a distinct edge where land use changes abruptly from settled to undeveloped.

Another relatively recent influence which has preserved this settlement pattern has been the system of land tenure and the difficulty in servicing isolated dwellings with sewage disposal and water supply. The land tenure system on the island is the same as in the majority of rural areas of the province: individual titles to lands which have been occupied are established, though in a somewhat chaotic fashion in some areas, but lands which have never been settled are held by the Province of Newfoundland and Labrador. The Crown will divest lands for development to individuals or companies, but the daunting technical and financial challenge of servicing a remotely located dwelling or business is very discouraging.

The result is an island which is settled by distinct, compactly built up communities separated by long stretches of virtually undeveloped lands. The settled communities have grown up with a mixture of land uses, in the familiar pattern of shorefront fishery structures and water access, and onshore commercial and residential structures. This mixture of land uses has generally not created significant problems or conflicts amongst them, and a spirit of tolerance and mutual support in the community has prevailed. However, as demand for land for unusual or very large development is being exhibited, one can see the potential for undesirable new development or redevelopment of existing buildings in unattractive ways. Balancing the desire for new development with the peace and enjoyment of established households and non-residential occupants and owners is a challenge. Council wishes to accomplish the needed regulation with great sensitivity to the need to encourage development of non-residential business and industrial uses in cases where the effect on surrounding residential uses is relatively benign, but not at the expense of grossly offensive development intruding upon established development.

As said earlier in the description of goals and objectives, some simple measures will be taken via the Development Regulations to prevent development of structures which would overshadow designated heritage properties. Some properties are already designated, and Council will

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

consider further designations as cases are considered. The designated properties are those designated by the federal, provincial or municipal governments.

There will continue to be challenges inherent in developing any land in the communities, due to topography, rocky terrain, limited access, and high expense in servicing whether by on-site or central water and sewer systems. The opportunity to connect to existing central water or sewer services is limited even where they do exist, and the opportunities to build on available serviced land should be facilitated. In order to enable development within established communities where such opportunities exist for subdivision of surplus land as may be found in existing lots, this Municipal Plan will allow Council to consider such situations at their discretion, even where the resulting lots may be considerably smaller than would ordinarily be expected. This discretion does not enable the creation of new lots which would be undersized with regard to requirements for on-site disposal of sewage, where the provincial government regulations concerning that matter will prevail.

The significance of valued landscapes in certain areas has been indicated earlier in this Municipal Plan, and there is the opportunity to use municipal planning instruments to preserve this feature for the reasons indicated. There will be demand for land for new development in all communities, and regulations should be favourable to expansion of the eleven communities into immediately adjacent undeveloped areas where this restriction would otherwise apply, without seriously offending the principle of preserving those vast undeveloped areas which are to be preserved.

The following policies will guide growth and development in the Community Development Areas designated on the Land Use Zoning Maps:

- 1) It is the intention in this Plan to permit single dwellings and home businesses up to a certain size, and to consider, on a discretionary basis, a broad range and any scale of other residential uses and non-residential uses.
- 2) The Community Development Areas' boundaries are established as shown on the Land Use Zoning Maps in the Development Regulations. For clarity, these areas include all of the areas in the established eleven communities. Boundaries of the Community Development Areas may be revised by "stand alone" amendments to the said Maps in the Development Regulations, having the effect of changing the Zone designation of the abutting Rural Zone accordingly, without necessity of amendment to this Municipal Plan as the peripheral undeveloped areas in each are developed over time.

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

- 3) Development will be permitted to be single dwelling residential uses. Requirements for buildings located close to designated heritage buildings will be included to prevent development of structures which would overshadow designated heritage buildings. Any other uses may be approved as discretionary uses by Council, other than those uses which are restricted to locations in the areas designated as Rural, provided public safety and amenity are protected. Policies for consideration of discretionary approvals in the Community Development Areas include:
- A full range of residential uses will be considered. Higher density residential type uses will be required to fit in with the scale of the existing low density residential uses. Specialized housing for seniors and group homes, as well as development of residential uses in more than one building on a lot, or subsidiary apartments in a dwelling, may also be permitted at Council's discretion.
 - Commercial and light industrial uses must be comparable in floor area and building mass to surrounding residences where they are in close proximity to them, and will be limited to those that will not be a hazard or aesthetically offensive to residences and will be separated an adequate distance from residences. Limited outdoor storage and other business related activity may be permitted provided it is adequately screened from sight. Larger scale developments of these types will be subject to a more rigorous scrutiny and higher standards of mitigating features, as they have the potential to introduce significant adverse effects in settled communities.
 - Council at its discretion will consider permitting subdivision and development of an existing lot into two lots, where there is an existing structure on the existing lot and where the structures existing and proposed to be developed on the two resulting lots can be located so as to provide a yard around all structures of at least 1.5 metres and at least one parking space can be provided on each of the resulting lots.
 - Public and institutional uses and recreational open space uses may be permitted at Council's discretion provided they respect residential amenity, safety and privacy. These uses include religious, educational, public administration, and public medical and professional uses. Larger scale developments of these types will be subject to a more rigorous scrutiny, as they have the

potential to introduce significant adverse effects in settled communities.

- Although this is not a mandatory direction, large scale developments of any type, unless their purpose requires transport access directly to the ocean, would generally be more favourably viewed if located in the Central Area or in the as yet undeveloped areas on the periphery of the Community Development Areas, rather than within the built up area of the ten historic communities.
- Consideration of the information to be provided by proponents as described in Appendix B “Site Planning Evaluation Information”.

6.2 Rural Areas

Development in the Rural Zone shown on the Land Use Zoning Maps in the Development Regulations will be limited to those uses which properly should be located in rural areas. Permitted uses will include only conservation uses, existing recreational open space and existing cemeteries. All other uses may be considered as discretionary uses.

However, the primary policy consideration concerning development in rural areas is to preserve near-pristine natural areas along public highways in as pristine a condition as possible. Development involving change of land use or erection of structures that are within view of all public highways and streets will not be permitted other than for development in designated Community Development Areas and for agricultural development of a visually unobtrusive scale.

Council will consider proposals for development in rural areas, based on policies in the Municipal Plan and on consideration of the information to be provided by proponents as described in Appendix B “Site Planning Evaluation Information”.

6.3 Restricted Special Areas

Restricted Special Areas shall be designated to define specific areas where the development policies stated for the General Development Area would not apply. Regulations specifically designed to achieve certain goals and objectives have been developed to implement the intention of this Municipal Plan. These areas, and the reasons and specific policies for each, are described in the following sections.

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

The Restricted Special Areas noted are those which could be identified at the time of preparation of this Municipal Plan. As time goes on, further areas will be identified as the result of further study and consideration, and those areas will be incorporated by way of amendment to the maps (and text in necessary) of the Municipal Plan and Development Regulations.

Future Restricted Special Areas may be designated using the designation titles and requirements of those already established in the Municipal Plan and Development Regulations, or new titles and requirements may be developed to suit the circumstances of the cases at hand. Further, the boundaries and/or requirements pertaining to a designated Restricted Special Area, or indeed the deletion entirely of such an Area, may also be accomplished by amendment to the text and/or maps of the Municipal Plan and/or the Development Regulations, as the case may be.

6.3.1 Protected Public Water Supply Restricted Special Areas

Protected public water supply areas are subject to provincial government regulations which severely restrict development in surface water catchments or groundwater recharge zones related to community water supplies. These will be so designated in this Municipal Plan and complementary requirements made in the Development Regulations. In addition, the former water supply area of Pilly's Pond, near Fogo, and watersheds related to future water supply needs for the communities of Island Harbour, Stag Harbour, and Deep Bay, shall be designated in the same way.

Only conservation uses will be permitted in these areas. Council at its discretion may approve only development related to existing cemeteries and public works related to management and use of the water supply.

6.3.2 Valued Natural and Heritage Restricted Special Area

A number of undeveloped, natural areas of a park-like or heritage nature are designated as Valued Natural and Heritage Restricted Special Areas. These will be so designated in this Municipal Plan and complementary requirements made in the Development Regulations. These areas deserve special designation and protection in order to clearly indicate their special status, preserve their amenity values, and discourage hasty decision making should proposals contrary to that purpose be seriously considered in the future.

Initially, only the following areas will be designated:

- Lion's Den – Wild Cove
- Fogo Head, near Fogo
- Brimstone Head, in Fogo

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

- Waterman’s Brook, south of Fogo
- Brookes Point – Round Head – Sandy Cove, from Joe Batt’s Arm to Tilting
- Foster’s Pond Municipal Park, lands granted to the municipality adjacent to the Shorefast Foundation Inn property
- Oliver’s Cove and Gardens, in Tilting
- Farm Road and Sandy Cove, in Tilting
- Bunker Hill, in Tilting.

The first three named areas are well known trail and geological features, which are of such natural and cultural value that few would dispute their significance. Waterman’s Brook has the potential to be a very attractive hiking and wilderness camping area, and the headlands constituting the Brookes Point – Round Head – Sandy Cove area are striking natural settings enjoyed by residents and visitors alike.

In the case of the area at Foster’s Pond, the general intent of Council is to develop a municipal park featuring sensitive treatment of natural features and passive recreation and to work in collaboration with the owners of the Shorefast Foundation Inn property and the community, to create an ecologically and culturally interesting and conservation-oriented theme.

The area of Oliver’s Cove and Gardens, in Tilting, reflects a pattern of land use and enclosure and lanes which are a “living museum” of the Irish settlement pattern established when the community was founded. Indeed this is of such significance that the overall area is a Registered Heritage District designated by the Province of Newfoundland and Labrador, and as well a National Historic Site designated by the Government of Canada.

Farm Road and Sandy Cove include striking headlands and a unique resource in the form of the only readily accessible sandy beach suitable for a park on the island.

Bunker Hill, also in Tilting, is a historic and natural viewing site which needs to be protected from inappropriate uses, but only with the objective of protecting the public lands upon which it is situated. Specifically, the designation of the site in this Municipal Plan and the Zone boundary in the Development Regulations shall be applicable only to those lands at the site which are owned by the Government of Canada, the Province of Newfoundland and Labrador, or another governmental entity.

The only permitted uses in all areas designated as Valued Natural and Heritage Restricted Special Area are recreational open space and conservation. Discretionary approval of other uses will be limited to uses complementary to the natural or heritage values associated with that area. In considering such discretionary approvals, Council will observe the respective reasons for designation of each of the above listed areas.

7.0 GENERAL REQUIREMENTS

Further to the policies set out in Part 6.0, certain general requirements applicable to all new development are set out in this Part.

7.1 Water and Sewer Servicing

All development in communities which have piped water supply or sanitary sewers or both, will be required to connect to these services where the service(s) are available at the lot frontage.

Servicing extensions and subsequent development shall be carried out if and when such servicing is feasible and, if such future development areas are within or immediately adjacent to the existing serviced areas. However, consideration will be given to alternative servicing arrangements for developments which lie beyond existing central services. Where subdivision of land is proposed for lands beyond presently available central water and/or sewer services, the lot dimensions and location of substantial buildings upon them will be required to be configured to facilitate later, further subdivision of such a lot so as to create an additional lot capable of development.

In the case of development or re-development for high density residential or other purposes, Council shall be satisfied that no additional capacity has to be provided in the water and sewer or storm drainage pipes, or roadways, to service such development. If such services are required, then Council will ensure that agreements are entered into between the developer and the Town regarding the provision of such additional services.

7.2 Aesthetics

It shall be the policy of Council to ensure wherever and whenever possible, that the amenities of the community are preserved and enhanced. Therefore, efforts shall be made to place all telephone and power distribution lines to the rear of the lot and to control, through appropriate regulations, the display of advertising signs, and to replace trees and other landscape materials which, for one reason or another, are destroyed or removed.

7.3 Non-conforming Uses

Existing development which is not permitted in the area in which it is located is accorded the status of “non-conforming” pursuant to the *Urban and Rural Planning Act, 2000*. The Town will respect the legal rights of owners to continue these uses, but will encourage the relocation or cessation of such uses if they are nuisances or unsightly. Provisions will be detailed in the Development Regulations as to entitlements to enlarge or rebuild.

7.4 Maintenance and Occupancy Regulation

It is the policy of Council to encourage the maintenance of the community as a pleasant environment for living, working, shopping and recreation. Continued maintenance of property is essential to the sustainability of the community.

It is the intention of the Council to support private efforts concerning property maintenance and to eliminate any existing hazards to building occupants through the use of regulations specifying standards for all properties for property maintenance and occupancy.

The Council will endeavour to further support property maintenance and safe occupancy by:

- (a) assisting owners to take advantage of available government programs where applicable to provide financial and administrative support;
- (b) undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance; and,
- (c) maintaining municipally-owned buildings and properties and community facilities, and providing and maintaining in good repair such municipal services as roads, water and sewerage facilities.

7.5 Protection of Fish Habitat and Natural Drainage System

It is a policy of Council that development in and around water courses will be carried out in such a manner that the fish habitat is protected. Unless proven to the contrary, it is assumed that all water courses contain suitable fish habitat and that development is to be carried out according to the federal *Fisheries Act* and guidelines provided by Fisheries and Oceans Canada.

Development will therefore not be allowed within 15 metres of the seashore or any permanent or semi-permanent watercourse or water body within the Planning Area except for the

following:

- a) wharves and sheds along the coast to allow for traditional small scale marine operations;
- b) drainage or filling in of poorly drained areas in order to make them suitable for development;
- c) public works and utilities.

Further to that measure, it has become a matter of considerable concern that some individuals in some communities have undertaken to infill coves and shorelines with the effect of extending the land beyond what is required for the construction of wharves and stages. This is not desirable as it is environmentally offensive and can result in the creation of hazards to watercraft moving in navigable water, especially when done so as to encroach on the seabed related to the marine access to an adjacent structure. The Development Regulations will include a prohibition of this practice.

7.6 Accessory Uses

Wherever a use is permitted in a land use classification, it is intended that uses, buildings or structures normally incidental, accessory, or essential to that use be also permitted.

7.7 Home Based Business

Council's policy is to provide for the development of home based businesses in Community Development Areas. This will serve to provide an opportunity for small businesses to be established in conjunction with the residence of the small business owner-operator.

Home based businesses are small scale businesses that are operated in or from the home or on the same lot as the home by the home occupant. They are compatible with the home, surrounding residential character, and surrounding land uses, and can be conducted without any significantly adverse effect on the surrounding neighbourhood.

The acceptability of a home based business will also depend on the type of dwelling from which it is proposed to operate. A single dwelling will be able to accommodate the widest range of home based businesses while an individual apartment dwelling will be able to accommodate only a limited range of home based businesses.

7.8 Archaeological Resources

There are important known archaeological finds in the Municipal Planning Area. The Provincial Archaeologist has enumerated about two dozen recorded sites, scattered throughout the island. Some have already been destroyed. That official can be contacted for a list of currently recognized sites, which would be useful for planning developments.

Other findings may be discovered in the course of breaking soil, especially along coastlines and the shores of inland ponds. Consequently, it is appropriate that parties making development applications involving ground disturbance refer their applications for review to the Provincial Archaeologist.

While Council is supportive of this policy of referral to that official, Council is concerned about the potential for lengthy delays which may affect desired development. Council will monitor response times and advocate for timely action on applications.

Further, all parties will be made aware that if artifacts are uncovered at any location, all work must stop and contact be made with the Town and the Provincial Archaeologist, for review of the finding.

7.9 Advertisements

Unattractive signage reduces the quality of the appearance of an area. Council will include provisions in the Development Regulations concerning size, type and placement of signs.

Council will implement as soon as possible, the Tourism Oriented Directional Signage (TODS) system as approved by the Provincial government for signage on public roads and streets. The Development Regulations will be amended by free-standing amendments to carry out the intention of this policy, as needed.

7.10 Valued Trails

A number of hiking and all terrain vehicle (ATV) trails have been developed throughout the island. These represent considerable effort and investment, and are a valued recreational resource. Measures will be included in the Development Regulations to prevent or mitigate encroachment on their alignments, which would reduce their amenity value or safety.

Trails that have been established at the time of preparation of this Municipal Plan are shown on the Land Use Zoning maps in the Development Regulations. Trails may be added, revised or deleted by standalone amendments to the Development Regulations intended to reflect the ongoing plans and priorities of Council.

8.0 IMPLEMENTATION

8.1 Implementation Policies

The policies and proposals of the Municipal Plan for the Fogo Island Planning Area will be implemented by the exercise of:

- (i) appropriate Development Regulations
- (ii) research to identify clusters of heritage properties in all communities, and to devise appropriate policies and actions concerning their preservation and use;
- (iii) site plan control for discretionary uses;
- (iv) a planned sequence of public works;
- (v) a development agreement for aggregate extraction;
- (vi) a development phasing policy; and,
- (vii) a public notice policy.

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

8.2 Review of Land Use Zoning & Subdivision Regulations

When the Municipal Plan comes into effect, Council is required to develop a scheme for the control of the use of land in strict conformity with the Municipal Plan in the form of Development Regulations, which include land use zoning, subdivision and advertisement regulations. After adoption by Council these regulations must be submitted to the Minister for approval. Regulations must comply with the requirements of the *Urban and Rural Planning Act* 2000 and the standard provincial regulations which have been promulgated by the Minister of Municipal and Provincial Affairs.

8.3 Amendment of the Municipal Plan and Development Regulations

A Municipal Plan and Development Regulations are documents which can be altered in the light of the changing needs of the municipality. Council will be cautious to ensure that amendments are made only following careful consideration.

8.4 Site Plan Evaluation

Many of the land use conflicts associated with large or unusual developments can be avoided if sufficient concern for detailed design is incorporated into the development approval process. In addition to Council's powers to apply conditions to a development permit, Council will require a site plan to be prepared and approved by the Town prior to the issuance of a building permit for discretionary uses.

Appendix B to this Municipal Plan contains the site plan evaluation information required for the preparation of a site plan.

8.5 Public Works

Construction of all public works within the Municipal Planning Area shall be carried out in accordance with the policies of this Municipal Plan.

8.6 Appeals

The *Urban and Rural Planning Act*, 2000, provides for an appeal process concerning planning administration of the Municipal Plan and the Development Regulations which implement this Plan.

The applicant or any person or association of persons aggrieved of a decision may appeal that decision if it is, under the regulations, a decision that may be appealed. Appeals are considered and disposed by a board established by the Minister of Municipal Affairs. The appeal must be initiated within a short period of time, 14 days, beginning at the date on which the decision being appealed was made. Matters which may be appealed include decisions made concerning an application to undertake a development, revocation of an approval or permit to undertake a development, issuance of a stop work order, or any other decision which legislation provides may be appealed. Refer to the *Act* for legal purposes.

8.7 Development Standards Policy

In-filling along existing public roads in designated Development Areas is encouraged, and the requirements for frontage, lot size and location of structures will be sensitive to the limited opportunities which infill may present.

Development which requires new roads and streets will be carefully reviewed to ensure that proper sewer and water facilities are provided in accordance with the policies of this Plan.

8.8 Enforcement of Plan and Regulations in Planning Areas

Particular attention shall be paid to communicating the fact that the Development Regulations are enforced. Signs to this effect may be installed at the entrance to the Town near the ferry terminal, and the requirements may be noted in the Town's web site, brochures and the like.

8.9 Program of Public Works

In an effort to ensure that adequate funds are available at the appropriate time to implement each feature of the Municipal Plan, Council shall prepare and submit every year a five year forecast of their anticipated capital expenditure requirements, in the form of a capital works plan, and carefully review it periodically to keep it up to date.

9.0 INTERPRETATION

9.1 *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 and the locations of roads and trails. 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.

The boundaries of the Protected Public Water Supply Restricted Special Areas are to be interpreted to be the boundaries promulgated for the various watersheds protected under the Province's Protected Water Area Regulations where applicable, and to be the natural boundaries of watersheds of the surface water bodies indicated, where Provincial Regulations are not in effect.

9.2 *Figures and Quantities Approximate*

It is considered that all figures and quantities herein, other than those for development standards for which variances may be considered in accordance with the *Urban and Rural Planning Act, 2000*, shall be considered as approximate only and not absolute.

APPENDIX A

PROCEDURE TO BRING MUNICIPAL PLAN INTO EFFECT

PROCEDURE TO BRING MUNICIPAL PLAN INTO EFFECT

For the Municipal Plan to gain full legal effect, a specific procedure must be undertaken, pursuant to Sections 15 through 23 of the *Urban and Rural Planning Act, 2000*. The procedure is described below.

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 Municipal Planning Area, in which Council states its intention to approve 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 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 *Gazette* and in a newspaper circulating in the Planning Area. The date of the publication of the notice in the *Gazette* is the date upon which the Plan comes into effect.

Municipal Plan for 2015-2025, Town of Fogo Island
AS APPROVED BY COUNCIL 25 AUGUST 2015

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 *Gazette*. 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 Municipal Planning Area.

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

APPENDIX B

SITE PLAN EVALUATION INFORMATION

Site Plan Evaluation Information

When Site Plan approval is required, the owner or proponent shall prepare site development plans, including landscaping, parking, lighting, roads and any 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 Fogo Island or its departments and agencies.

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

MAPS

Notes to reader concerning printing:

- Map 1 is to be printed on 11 x 17 inch paper, setting: “actual size”
- Maps 2 to 11 to be printed on 8 ½ x 11 inch paper, setting: “actual size”
- Some of the detail in the base map is faint, especially outlines of individual buildings, so printing at maximum density or contrast, black and white will give the best results. Zooming in on the pdf images of the maps enables better clarity.