

Municipal Plan for 2013-2023, Town of Rocky Harbour
Approved by Council 18 March 2014

Town of Rocky Harbour

MUNICIPAL PLAN

2013-2023



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1.0 ADOPTION AND APPROVAL

1.1 COUNCIL RESOLUTION TO ADOPT; CLERK'S CERTIFICATE.

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Rocky Harbour adopts the Municipal Plan for 2013 to 2023.

Resolved by the Council of the Town of Rocky Harbour on the 7th day of January, 2014.

Signed and sealed this _____ day of _____, 2014.

Mayor: _____

(Council Seal)

Clerk: _____

Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2013 to 2023, adopted by the Council of the Town of Rocky Harbour, on the 7th day of January, 2014.

Clerk _____

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1.2 COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE

Under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Rocky Harbour approves the Municipal Plan for 2013 to 2023.

Resolved by the Council of the Town of Rocky Harbour on the 18th day of March, 2014.

Signed and sealed this _____ day of _____, 2014.

Mayor: _____

(Council Seal)

Clerk: _____

Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2013 to 2023, approved by the Council of the Town of Rocky Harbour, on the 18th day of March, 2014.

Clerk _____

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: 18 March 2014

seal

2.0 FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION

2.1 The Municipal Plan

This document and the maps contained with it, form the Municipal Plan for the Town of Rocky Harbour. It has been prepared in accordance with the *Urban and Rural Planning Act, 2000*. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the community's Municipal Plan for 1994-2004, including all amendments thereto. As the former Municipal Plan and Development Regulations came into effect in 1995, they will be referred to as the 1995 planning documents.

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

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

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

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

2.2 Ministerial Approval

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

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, it is submitted to the

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Department of Municipal Affairs for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial and other government agencies' interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

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

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

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

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

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

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

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2.3 The Effect and Amendment of the Municipal Plan

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

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2013 through 2023.

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

2.4 Municipal Plan Administration; Role of Development Regulations

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

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

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

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3.0 INTRODUCTION

3.1 Title and Components

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Rocky Harbour, 2013 - 2023*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the Rocky Harbour Planning Area.

3.2 Review and Amendments

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

3.3 Purpose of Plan

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

3.4 Municipal Planning Area

The territory subject to this Municipal Plan is that which is included within the boundaries of the Rocky Harbour Planning Area. The Planning Area is far larger than just the area defined by the Town boundary. It includes a large area north and east of the Viking Trail where the community's protected water supply area, as well as large undeveloped area, are found.

The Planning Area is actually divided into two parts, separated by a strip of land on which the Viking Trail and the Parks Canada swimming pool are located. The built up community area lies in the southern and western part of the Planning Area, and the community water supply and other undeveloped lands lie in the northern and eastern part of the Planning Area. These are illustrated on Map 1.

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3.5 History

It is appropriate to first provide an overview of the history of the community. It is not intended to be more than a brief sketch, to establish an appreciation of the way in which the community developed. The recently completed ICSP includes a succinct history, which is quoted below:

“Rocky Harbour can trace it’s history back to English and French fishermen in the 1700’s. Earliest known permanent habitation was in 1809, and in 1874, the name Rocky Harbour was listed in census figures with a population of 36. Fishing and logging were the main industries for years, and as the Cod Fishery grew into a mechanized industry, boat building became another mainstay of the local economy. The Town was incorporated in 1966.

The modern growth era began in the late 1960’s, and with the establishment of Gros Morne National Park in 1973, the Town became the major growth centre within the Park. The Cod Moratorium of 1992 changed the fishery dramatically, and while fishing activity has declined considerably, Rocky Harbour is still actively involved and boasts an active fish plant processing a variety of species.

The establishment of the Park however, added the new dimension of Tourism, on which the Town has capitalized. Rocky Harbour is the headquarters for the Parks operations and the main accommodation center with an abundance of hotel rooms, cottages, RV Parks, restaurants, etc”.

3.6 Public Consultation

In the first step in the planning process, the Town’s consulting planner came to the community in March, 2013. He carried out much of the basic background information gathering and consultation with staff and local public agency representatives as well, to build the initial information needed for the assignment.

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

During the spring of 2013, the Town’s consulting planner, Council and staff developed a first draft of the Municipal Plan and Development Regulations for 2013-2023. Those drafts were presented at an advertised public meeting held in the community on 17 June, 2013. The

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proposed planning documents were discussed, and notes taken on suggestions for consideration. This document, with the accompanying Development Regulations, has been revised subsequent to the public meeting. They have been prepared and accepted for submission to the Department of Municipal Affairs for the statutory review and release process.

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4.0 KEY FACTORS AND APPROACHES AFFECTING DEVELOPMENT

The key points arising from the information and consultative processes described above are as follows:

4.1 Geographic Setting and Settlement

Rocky Harbour is a significant community located on the Northern Peninsula on the west coast of the island of Newfoundland, and lies embedded in Gros Morne National Park. The nearest principal towns are Corner Brook and Deer Lake, about 120 km and 71 km distance, less than an hour's drive to the latter.

The community has been occupied since European Contact in the 1700s, with the first permanent settlement noted in 1809. The town site is located on a horseshoe shaped coastal plain around Rocky Harbour, along which the principal street, Main Street (South and North) follows the shoreline closely. The relatively level area which now is occupied by the built up area of the community provided good land for the original development of the urban area of town. However, that relatively level, developable area of land has practically reached its limit going directly inland from the harbour as the Viking Trail confines further growth on the northeast side, and topography limits development further along the shore outwards of the core. This restricts further development of the urban area to expansion into selected immediately adjacent areas and by way of infilling vacant land within the core.

The community has developed in a fairly compact pattern focused on the harbour. A central commercial area adjacent to the harbour historically provided most of the needed goods and services for the community and immediate area, but the era of modern highways and universal use of automobiles has seen a concentration of many major retail goods and services in larger centres, particularly in Deer Lake and Corner Brook. Residential and institutional development such as schools and churches developed in a network of streets which gradually spread over the landscape directly inward from the harbour, mostly in the form of cul de sac streets off Main Street.

More recently, with the development of the Viking Trail and the creation of the National Park, relatively new areas have developed in relation to the access roads leading off the Viking Trail, which is a limited access highway, along West Link Road and Harbour Drive. A number of residential subdivisions have been created in vacant lands in the core, such as Shears Village Lane and Parsons Lane.

The commercial focus of the Town has begun to shift from the waterfront to the access roads off the Viking Trail. Development on West Link Road in particular includes a hotel and industries as well as a service station at its intersection with the Viking Trail. The commercial development along Main Street has been actually mixed with residential properties for many

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years, and it is unlikely that there will be a substantial change in that regard in the future. There are very fine opportunities along the shoreline for viewpoints, public open space and waterfront walking trails, in particular in the area of the wharf at the end of Harbour Drive.

The Town lies embedded within Gros Morne National Park, as shown on the map in Appendix C. The National Park facilities include administration, recreation and interpretation buildings, but none of the Park area is under the planning jurisdiction of the Town. The Town's jurisdiction is limited to the area within the Planning Area Boundary shown on Appendix C. It is interesting, and very unusual, to note that the right of way of the Viking Trail is excluded, the result being that the Planning Area is divided into two parts. This latter fact has little practical significance to the Town's administration of its planning documents.

4.2 Demographics and Economic Development

It is important to understand the relationship between the state of the local economy and demographics, as these are the fundamental matters affecting the future of the community. It is well known that the populations of most small communities on Newfoundland island outside the capital region are significantly declining in numbers and generally aging. The Town of Rocky Harbour appears to be a notable exception: the latest available data is from the 2011 Canadian Census, wherein the population for the town was determined to be 979, virtually identical to that in 2006, when it was 978, and very little less than it was in 2001 when it was 1002.

It is true that Rocky Harbour was very hard hit by the cod moratorium. A large loss of population occurred between 1986 and 2001, from 1286 down to 1002, over a 20% drop. However, the decade since 2001 seems to be a different story, as the population has been maintained. Compared to many small communities in the province, this is remarkable. The reasons bear some examination, as the economic experience and future of this community must be based on factors not found in others.

The fishery and forest resources represented the economic base of the community for many years. Although the fishery continues in a diminished form and is focused on different species and processing methods, its future strength and structure are evolving on an uncertain path. The community of Rocky Harbour and similar places on the Northern Peninsula are within commuting distance of the commercial and industrial centres of Corner Brook and Deer Lake, as well as the remaining fish processing plants in the area. That fact has potential to provide for some commuting employment opportunities, and there is of course always going to be a certain number of public administration jobs in schools and other institutions. However, the ICSP makes it abundantly clear that that the growth and stability of the community are very much tied to the growth of tourism.

When Gros Morne National Park was established in the 1970s, an important new component of the local economic base was added. Though there is still activity in those sectors, tourism related employment and investment have grown steadily. At about the same time, the 1970s, fairly good

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road links were developed up the Northern Peninsula to St. Anthony, making the Viking Trail from Deer Lake to St. Anthony (and beyond via ferry to Labrador) a busy highway transportation route. The recently developed road link from the Red Bay shore to Happy Valley-Goose Bay has opened a through route to Quebec and Upper Canada. Those highway linkages and the growing attraction of the National Park have put Rocky Harbour in a favourable place with respect to tourism. Not only is the National Park a world class destination, but the through traffic destined for the National Historic Sites at L'Anse aux Meadows, Port aux Choix and Red Bay, and the Grenfell Mission in St. Anthony is substantial and growing.

Not only is the community in its own right in a choice spot with respect to development of the tourism industry, but the economy of the larger region comprising Rocky Harbour, Deer Lake, up the Peninsula as far as Belburns, and Corner Brook, is also fairly robust. Population projections available from the Province of Newfoundland and Labrador shed light on the larger area.

A very useful statistical analysis relates to the above mentioned Rural Secretariat region. The 2011 census indicates the population of Region 3 to be 45,947. The provincial government's low end projection to the year 2023 for Region 3 is 45,874 people, medium is 46,467, and the high end 47,187. The projections show a worst case (low end) scenario in which birth rates, mortality, and migration are all the most negative, in which the population is forecast to remain practically steady. More optimistic projections show significant growth in Region 3. This larger picture supports a projection that the community will not decline and will very probably grow in the next decade.

4.3 Implications of Changing Demographic and Economic Conditions

The situation of the community in mid-1990s, now over 15 years ago, was considerably different from the realities of 2013. Principally, the cod moratorium was just beginning to have its devastating effect on coastal communities, where many were entirely reliant on the fishery. Employment in the fishery, either on the boats or the onshore processing and related enterprises, was the fundamental economic engine in many areas, and the 1995 documents explicitly say that the future of the fishery was to be very uncertain.

However, in the remarkable case of Rocky Harbour, the 1995 planning documents recognize the presence of world scale tourism attractions and a beautiful ocean town site, which have the potential to stabilize and enhance the future of the town. The presence of the Viking Trail had been established for over twenty years, and the linkages of town streets to the Trail were in place. Very little in the way of new streets or areas being opened and serviced for development had been accomplished.

In reviewing the 1995 documents, it can be seen that the compact form of the urban area was very much as it appears today, with the principal street, Main Street, following the waterfront

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from end to end. Its entire length had, as noted earlier, been developed as a mixture of residential and commercial uses, a pattern which continues.

The planning policies of the day recognized the value of the residential areas, as the residential districts were protectively treated in regulations from the commercial and industrial activity around the harbour. The zoning scheme developed then clearly delineated the commercial, industrial, institutional, and residential areas in the community. If nothing else had been happening, the policies would have essentially reflected a static community.

The anticipated demand for residential building lots was expected to be fairly small, and indeed the 1995 Municipal Plan includes this statement:

The existing undeveloped residential land in the community should be more than adequate to satisfy this growth without the need to develop new residential areas.

There was optimism that growth would occur as tourism opportunities were exploited, but there was little sense that the impact would be dramatic. However, there were proposals being made, some of which are reflected in the ad hoc amendments made to the 1995 documents, for a large resort hotel development.

Review of the 1995 documents and their amendments, and consideration of the information and insights gathered in the early stage of the review process, suggest several revisions. Much of the structure of the 1995 documents is applicable today just as well as it was then, such as respect for residential areas and natural environmental features, as well as for municipal infrastructure needs. However, the need to proactively accommodate growth for tourism and other commercial and industrial development is becoming clear. Also, it has been seen that the capacity of existing areas for infilling vacant land for residential development is soon enough going to be limited, and expansion beyond the built up community area is going to be needed.

5.0 GOALS AND OBJECTIVES

5.1 Goals, Objectives and Policies

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

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

5.2 Goals for the Town of Rocky Harbour

The ICSP seems to capture the spirit of the community's vision very well in the following quote:

“Rocky Harbour has a history of being a caring community, looking after the well-being of it's citizens, and more recently the needs and expectations of traveling tourists. It wishes to continue and to enhance that role by providing a clean, safe, economically viable environment for all its citizens, from youth to seniors, while promoting health and wellness, protecting the environment, and catering to the needs of the Tourism Industry”.

Achievement of the vision involves much more than just the good will, imagination and hard work of Council and its staff in concert with relevant agencies. It is true that only the Town as a municipal government has the administrative capacity and the regulatory authority that can deal with infrastructure and control of development, but only the business community and senior levels of government can initiate major investments and interventions in commerce and institutional services. However, the citizens of the community have a major role in making the community the “clean, safe and economically viable” place called for in the vision statement.

Complementing the vision, this Municipal Plan endeavours to deal with development concerns following these more specific goals and objectives related to land use:

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A) Growth and Urban Structure

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

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

B) Housing

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

- Objectives:**
- a) Housing shall be designed, sited and constructed to meet the particular local conditions and needs of residents of the community and to facilitate the greatest development of available land resources through a wide variety of housing forms.
 - b) To provide for new building lots by way of further subdivision within the serviced area and by way of new subdivisions designed so as to present a pleasant appearance and an efficient arrangement of street, water and sewer services.

C) Employment and Economic Development

Goal: To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and in particular to press for

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strengthening the economic base and employment opportunities in the Town and surrounding communities.

Objective:

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

D) Environment and Natural Resources

Goal:

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

Objectives:

- a) To limit development and use of lands outside of the community's built-up area and areas designated for future servicing and development, to those of a rural nature and those which cannot be reasonably carried on within the built-up area.
- b) To provide and protect a safe and sustained drinking water supply by severely restricting non-compatible development in the present protected water supply area.
- c) To control development in order to minimize its detrimental effect on the environment and to be good stewards of the natural resources within the community, in particular the extraction of minerals and aggregates, use of forest resources, and use of the Community Pasture.
- d) To severely limit development on lands featuring steep slopes, wetlands, or watercourses.
- e) To work in conjunction with the new regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by establishing efficient and effective means of minimizing the

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

E) Recreational Open Space and Cultural Facilities

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

- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
 - b) To designate areas now established as open space areas for outdoor recreational purposes and cemeteries, in and through the town, to guide improvement projects and to endeavour to preserve these assets from encroachment by buildings and other activities.
 - c) To ensure ready public access to, and accord protective status to, valued trails when considering development applications.

F) Transportation and Highway Safety

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

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

G) Municipal Finance

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

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

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- b) To improve the cost effectiveness of municipal servicing by implementing compact, carefully planned serviced development.

6.0 DEVELOPMENT CONCEPT AND POLICIES

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

6.1 Overall Development Pattern

Much of the vision of the 1995 documents is applicable today just as well as it was then, such as respect for residential areas and natural environmental features, as well as recognition of municipal infrastructure needs. However, the need to proactively accommodate growth for tourism and other commercial and industrial development is becoming clear and in fact represents the economic future of the community. In contrast to the situation in the mid-1990s, it has been seen that the capacity for infilling vacant land for new development is soon enough going to be limited, and expansion of streets and the central water and sewer systems beyond the verge of the built up community area is going to be needed.

With the opening of Gros Morne National Park and the Viking Trail, the geographic confines of the developed community have been defined. The Viking Trail is a limited access highway, and the existing access roads, principally West Link Road and Harbour Drive, are for the long term going to be the primary vehicle traffic entries to the community, leading to the original through road, Main Street. As such, they have become attractive for commercial and industrial development and indeed have provided sites for a considerable amount of such development. Expansion of areas designated for major commercial and industrial development needs to be planned now, and an area to the south of West Link Road represents a suitable opportunity.

The historic main road through the community Main Street (North and South) features a long-established mixed use pattern, comprising residential, commercial, light industrial, and institutional uses. The strip is fairly compactly built up, and it represents an ongoing opportunity for small business startups, especially for tourism related facilities such as shops and accommodations. Further development needs to be carefully controlled such that the ambiance of the area is not degraded.

As noted earlier, there is a need at this time to designate ample areas for future residential development. While in 1995 there seemed to be no need to do so, it is now clear that the available lands in and amongst the existing streets and developments is not going to last long. The obvious areas for long term expansion for residential development are most logically adjacent to existing residential areas, from which streets and central services can be extended, and that general approach is intended. Examination of the available and suitable areas for residential expansion suggests that these are found in the uplands lying in the southwest part of town. The recommended areas were formerly designated Rural.

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Areas outside the developed core of the community feature wooded areas, wetlands, some sites of steep slopes, and large open areas of great natural beauty. A long-established Community Pasture has fallen out of use in recent years, but still has the legal status accorded to it when it was set up; some day, it may return to its use as interest and opportunity to raise local livestock may revive. Some of the area north and east of the Viking Trail includes the community's protected water supply watershed. These areas are largely to be undeveloped, as the goal is to maintain the compact form of development which now defines the community.

Nevertheless, it would be important for Council to be able to consider developments which are logically required to locate in the rural areas, such as mineral workings, livestock farming, or animal kennels, should they come to pass.

6.2 Policies Specific To Land Use Designations

The following policies reflect the intended overall development pattern described earlier, and apply only to development within the respective land use designations under which they appear, unless stated otherwise. The land use designations correspond with those on the Future Land Use Maps (at the back of the document).

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

6.2.1 Mixed Development

As said in the historical sketch given earlier in this document, the focus of the initial settlement pattern of the community was naturally the harbour and the fishery infrastructure that grew up on the waterfront. Immediately inland was the principal commercial street along which retail and service establishments were located, together with the primary public services such as the post office, municipal building, and churches. That shoreline area is still characterized as a mixture of residential and commercial development, and is expected to continue in that way for the foreseeable future.

Almost the entire length of Main Street, North and South, from the fish plant at the southwest end and almost to the Town boundary just beyond Spring Lane at the other end, is therefore designated as Mixed Development. The residential uses there may over time be superseded by

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commercial development, but this is not foreseeable within the ten year span of the proposed Municipal Plan.

Another area to which this designation will apply lies along Harbour Drive and Eastern Drive in the vicinity of the Viking Trail. Those areas may be of interest as they offer good highway exposure to visitors entering the community, which would be supportive of tourism related and other small enterprises. Again, a mixture of uses may evolve over time in that area as opportunities are presented. It is also possible that that area may develop entirely as a residential area.

Finally, three separate areas lying along Pond Road have evolved as small scale commercial uses: two areas accommodating small businesses in close proximity to each other near the intersection with Lookout Road, and the third, with a lakefront recreational orientation, lying between Pond Road and Rocky Harbour Pond. Those are well established and may evolve into a variety of commercial uses or perhaps revert to residential uses. However, it is not intended that Pond Road become built up as a mixed development street, so these areas should be regarded as exceptions.

As Mixed Development areas have the potential to accommodate small business startups in existing buildings, and redevelopment of existing larger commercial and light industrial buildings to other uses, great flexibility is needed in the ability of Council to promptly consider approval of applications for non-residential uses related to economic development and non-traditional residential uses. It is the intention of Council to permit a wide variety of development types, while ensuring the amenity and safety of existing residential uses.

The following policies will guide the growth and development of the Mixed Development area:

1. The Mixed Development areas are established as indicated on the Future Land Use Maps.
2. Development of these lands for single and double dwelling residential uses as well as recreational open space will be permitted as of right. Assembly, special care institutional, all other residential uses, all Group D business and personal service uses, and mercantile uses may be permitted as discretionary uses provided public safety and the amenity of established residential uses are protected.
3. Small scale business uses may be permitted to occupy a minor part of a residence.
4. Commercial uses must be compatible in scale and appearance to surrounding residential uses. Commercial uses will be limited to those that will not be a hazard or nuisance to residences and will be separated an adequate distance from adjoining residences.

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5. New public uses may be permitted provided they respect residential amenity, safety and privacy. Public uses include religious, educational, and community or government services.
6. Recreational open space uses such as public parks and playgrounds are permitted, provided that the amenity and privacy of nearby residential dwellings will be taken into consideration.
7. All new development and all new lots created shall have direct frontage onto a publicly—maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. All infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of providing services to any new subdivision development shall be the responsibility of the developer.

6.2.2 Residential

The areas designated as Residential on the Future Land Use Maps include existing residential areas and the areas into which future residential development is intended to locate.

The following policies will guide the future growth and development of the Residential areas:

1. The Residential designations are established as indicated on the Future Land Use Maps.
2. Land designated Residential shall be developed primarily for single and double dwelling residential uses. Uses permitted as of right will comprise single dwelling, double dwelling, and recreational open space uses. Other types of development may be considered as discretionary uses, comprising general assembly uses except for passenger, catering, and amusement uses; all other Division 1 residential uses, including home businesses and subsidiary apartments in any type of residential development; medical and professional; and, personal service uses. The non-residential uses which may be permitted by way of discretionary approval are subject to evaluation of the applications, which shall give primacy to the residential role of the area. Council will consider the impact of the bulk and scale of proposed discretionary uses to ensure that development does not adversely affect the residential character and amenity of the area and that provision is ensured for adequate space for on site parking and loading, and where needed that buffering is provided.
3. Residential growth shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of already serviced areas in the community, to ensure the efficient use of available lands. New development and subdivisions shall be serviced with public streets and extensions of the municipal central water and sewer systems.

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Subdivisions will be located adjacent to existing built up areas where municipal servicing can be easily and economically provided in the future.

4. All new development and all new lots created shall have direct frontage onto a publicly—maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. All infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of providing services to any new subdivision development shall be the responsibility of the developer.

6.2.3 Industrial/Commercial

As time has passed, the original focus of industrial development in the community has shifted from the waterfront wharves and fish plant to an area inland. The concentration of relatively new industrial and commercial development along West Link Road from the Viking Trail to Pond Road has included a hotel and several commercial and industrial uses. Included among them is the Department of Transportation and Works (DTW) depot via an access lane onto West Link Road. There is some room for further developments of these types on existing streets in that area, but not very much.

It is timely to designate areas into which Industrial/Commercial development can extend in the future. Analysis of the availability and suitability of lands for expansion has identified an undeveloped area lying behind the development along West Link Road, back to a major power line, west of Bottom Brook and east of the arena. The area can be accessed from West Link Road, and development there would not visually intrude on residential areas in the core of the community. That area is recognized as practically the only area in the community in which industrial development and large scale commercial development can be located in proximity to central water and sewer services, and as such represents a very important asset in the economic development of the area.

Also, the lands occupied by the DTW depot off West Link Road, and the fish plant at the end of Main Street South, should be designated Industrial/Commercial as that would accurately reflect their use and potential for redevelopment.

The following policies will guide the future growth and development of the Industrial/Commercial area:

1. The Industrial/Commercial area designations are established as indicated on Future Land Use Map 2.
2. The purpose of the area designation is to accommodate larger scale and more intrusive commercial and industrial uses which would not be compatible with residential uses.

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3. Industrial uses will be permitted as of right. Assembly, institutional, business and personal service, and mercantile uses may be considered as discretionary uses, provided that their specific features are compatible with the intended overall purpose of the designation. Small scale uses, especially those retail and service businesses related primarily to tourism, may be considered, though the intention of this Municipal Plan is that they would be better located in the Mixed Development areas.

4. All new development and all new lots created shall have direct frontage onto a publicly—maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. All infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards. The costs of providing services to any new subdivision development shall be the responsibility of the developer.

5. Development in this designation is preferably serviced with municipal central water and sewer services. However, it is possible that a development may involve large land areas for outdoor storage and only a few employees on site; in such cases, either or both water and sewer services supplied via on-site systems may be considered. Development permits for development on on-site sewage disposal systems will only be granted by Council when it has been established by Services NL and/or the Department of Environment to Council's satisfaction that soil and drainage conditions are suitable to permit the installation of an adequate means of sewage disposal.

6.2.4 Environmental Protection Areas: A and B

The natural environment can often be adversely affected by conflicting development, but may also present hazards or difficult conditions for some uses. Environmentally sensitive areas such as wetlands are increasingly seen as valuable natural assets which ought to be protected for their intrinsic values and to prevent degradation. Also, it is essential that all lands which have inherent natural hazards such as flood susceptibility, poor drainage, erosion, and steep slopes be kept free of development for public safety reasons.

In this Municipal Plan, two subcategories of Environmental Protection will be used as a reminder of the respective reasons related to each of them:

- A Sensitive shorelines and wetlands (including watercourses)
- B Steep slopes whereon building is not advisable, generally slopes exceeding 20%.

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The Environmental Protection designations are as follows:

A: two areas:

- The entire shoreline on salt water except for two short lengths, one around the wharf at the foot of Harbour Drive, as that area is intended to be developed as a public amenity, and, the other on the shoreline of the property occupied by the fish plant at the end of Main Street South.
- The watercourse of Bottom Brook from salt water to the wetland which is its headwater or source water, and that wetland.

B: two areas featuring steep slopes generally unsuitable for building, lying off Pond Road beyond the southerly limit of current development.

Only conservation uses shall be permitted as of right. Only recreational open space not involving buildings shall be permitted as discretionary uses.

For the purpose of interpreting the boundary of Environmental Protection area A, the Development Regulations will provide that it is deemed to lie at a distance of 15 metres horizontally from the salt water high water mark, and the same distance from the ordinary high water mark on each side of Bottom Brook and its source wetland, in order to harmonize with provincial government regulations.

Further, this Municipal Plan will include a simple provision concerning adaptation to climate change, specifically to do with sea level rise which is taking place globally. The Development Regulations will provide for prohibition of development (except for necessary intrusions such as wharves, boatsheds, stages and the like which must have connection to the ocean) below an elevation of 1.5 metres above the ordinary high salt water mark.

6.2.5 Water Supply

The community water supply is a surface watershed associated with Gull Pond, located northeast of the Viking Trail. It is critically important that the watershed not be compromised by any development or activity. It is a protected public water supply area, subject to regulations made pursuant to the *Water Resources Act*.

The Town will act assertively to protect the water supply area from intrusion and inappropriate use, and cooperate and assist in any actions to that end taken by the provincial government.

Part of the protected area lies outside the Planning Area Boundary, so only the part within falls under the purview of this Municipal Plan.

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Only conservation uses and specifically only those developments which are complementary and supportive of the water supply role of the area will be permitted as of right. Forestry may be considered as a discretionary use, provided the development is beneficially related to the water supply function of the area and in accordance with a forestry management plan approved by the provincial authorities and the Town.

6.2.6 Recreational Open Space

The Recreational Open Space designation is applied to areas intended to be for public use as recreational open space or conservation, such as playing fields, sports grounds, parks and playgrounds, in some cases in conjunction with natural, undisturbed landscapes, in order to carefully control their redevelopment to other uses. Most of these areas are within the core of the community, though two in the north end relate to development of a trail in a natural setting from shoreline to the Viking Trail and another to a potential lookout on the Viking Trail, opposite the National Park swimming pool. Though much of the use of such sites does not involve buildings, some sites do support large buildings such as the arena. In the future, other public recreational buildings may be located on these sites. Some of these facilities are already well established, and others are in the planning and early implementation stages.

The value accorded these places, and the need to prevent hasty decision making should there be proposals to develop these lands for other types of uses, is to be respected. These uses often reflect many years of care and dedication by community members, for the benefit of the community. It follows that any other use of these lands which might be approved should be for equally desirable public amenities of a similar nature, such as cultural or civic assembly facilities.

For clarity, it is noted that public walking and cycling trails are not limited to location only in the Recreational Open Space designation, as they are intended to run through all designations.

The following policies will guide the future growth and development of the Recreational Open Space areas:

1. The Recreational Open Space areas are designated on the Future Land Use Maps.
2. Recreational open space and conservation uses are permitted as of right. Community hall and indoor and outdoor assembly uses for public purposes may be considered as discretionary uses, provided that they complement and do not overcrowd the recreational value of the site.
3. Recreational Open Space uses are highly valued features in the community and are not to be changed to other uses without extremely careful review of the merits of the proposed changes.

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

6.2.7 Special Conservation

For many years, certain areas on the southwest side of the core of the community, overlooking Bonne Bay, have been regarded as a special, natural outdoor asset. The areas include the now dormant Community Pasture, and large areas which provide for beautiful views over Bonne Bay. Their special natural features suggest that they should be distinguished from the more ordinary rural areas in the Planning Area, where many types of development may be considered. It is the intention that these areas remain for the long term as undeveloped large natural areas available for passive public recreational uses such as hiking, appreciation of scenic lookoffs, snowmobiling, and the like.

The following policies will guide the use and development of the Special Conservation areas:

1. The Special Conservation areas are established as indicated on the Future Land Use Maps.
2. The only uses permitted as of right shall be conservation, agricultural and forestry uses. Agricultural use is to be limited to the established Community Pasture, and in accordance with an approved pasture management plan. Similarly, forestry use is to be subject to an approved forestry management plan.
3. Recreational open space uses may be permitted as discretionary uses, subject to careful control of the specific nature of the proposed use to ensure that its features are compatible with and supportive of the intention to maintain the Special Conservation area in a near-natural state.
4. In no case will buildings other than boardwalks or decks be permitted.

6.2.8 Rural

Rural lands that surround the community are used extensively by the local residents and visitors for recreational purposes and provide a source of aggregate material used by the community for construction. Significant development has not occurred in the Rural areas to date, and may be considered, but the Town will neither encourage nor discourage it. However, the Town does not, and does not intend to, provide public street or municipal water and sewer services to any type of development in the Rural area.

The following policies shall guide development in the Rural areas:

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1. Undeveloped lands surrounding the built up area of the Town of Rocky Harbour and within the Planning Area boundary shall be designated Rural as indicated on the Future Land Use Maps 1 and 2, except where special considerations have seen the application of other designations such as for the Water Supply area.

2. Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment.

3. . In order to ensure full review of proposals for development in the Rural areas, the only permitted uses shall be agriculture, forestry and conservation uses. Any other uses except for solid waste uses may be considered as discretionary uses, in order to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable. Council will evaluate each development proposal to determine environmental effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities

4. Council shall not extend municipal services to any development located in areas designated Rural. However, a developer may connect to municipal services if they should be available, at his own expense.

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

6. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent development areas of the community. All mineral operations will be required to complete a site rehabilitation plan as a part of the development application. Council, when issuing a permit for any mineral extraction or mining operation, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions in particular may refer to the following subjects and matters:

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

7. Regulation of forestry operations, including issuance of fire wood harvesting permits or consideration of resource management, is not a function which the Town of Rocky Harbour wishes to undertake, and thus the Municipal Plan is silent on the topic. However, the state of forestry operations will be monitored to determine whether there is a future need to consider amending this policy.

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6.3 General Land Use Policies

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

6.3.1 Surface Conditions

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

6.3.2 Municipal Services

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

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

6.3.3 Servicing Requirements

All buildings located in the Residential, Mixed Development and Industrial/Commercial designations and that have or are required to have plumbing systems will be required to connect to the municipal water and sewer system. This requirement does not apply, at Council's discretion, to buildings in the Industrial/Commercial designations. This requirement also does not apply to redevelopment of uses on lots that are not serviced by the municipal water and

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sewer system unless Council determines the development should not be permitted unless it connects to the municipal water and sewer system.

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

6.3.4 Streets

Local streets will be designed to maximize the safety and efficiency of vehicular and pedestrian traffic. After installation of water and sewer services it is intended that all public streets will be maintained in good condition by the Town and DTW for their respective roads.

6.3.5 Property Maintenance

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

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

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

6.3.6 Visual Effects of Development

Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the creation of noise, smoke, dust, fumes or unsightliness), Council may hold an advertised public briefing to ensure interested persons are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made on a development application, whether or not the proposed use is permitted as of right. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

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6.3.7 Development Near Waterbodies

Development will not be permitted within 15 metres of the highwater mark of the seashore or any permanent or semi—permanent watercourse or waterbody within the Planning Area except for the following, and then only with the approval from the Water Resources Division, Department of Environment or Federal Department of Fisheries and Oceans:

1. Wharves, structures, slipways and sheds along the coast to allow for traditional marine operations
2. Public works and utilities.

6.3.8 Environmental Protection

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

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

6.3.9 Public utilities

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

6.3.10 Archaeology Sites

There are several known archaeological sites within the Planning Area. The Town will endeavour to identify such sites to prospective builders when applications are received for development permits. Any person or company conducting development activities should be aware of the possibility of unearthing significant archaeology finds. Any significant buried

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features or artifacts which are discovered must be reported to the Town and also Provincial Archaeology Office, Department of Tourism, Culture and Recreation.

6.3.11 Advertisements

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

6.3.12 Fuel Storage Tanks

All fuel storage tanks larger than 2500 litres located within the Planning Area shall be required to have adequate containment and dyking. Council shall also require that all commercial fuel storage tanks be located in the Commercial/Industrial land use designation.

6.3.13 Non-conforming Uses

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

6.3.14 Policies Extra to Municipal Plan for Information

The policies set out in this Municipal Plan are set out as enabled by the *Urban and Rural Planning Act, 2000*. The Town has adopted other policies as enabled by other legislation, some of which relate to certain aspects of development. The administration and enforcement of those other policies do not arise from the Municipal Plan nor the Development Regulations.

In order to minimize the risk of overlooking those other policies when dealing with permitting under this Municipal Plan and the Development Regulations, the other policies will be quoted in the part of the Development Regulations which indicate development requirements applicable to all zones. Amendment or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

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6.3.15 Valued Trails

A number of hiking and all terrain vehicle (ATV) trails have been developed throughout the Planning Area. 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 mapping in the Development Regulations. Trails may be added or deleted by standalone amendments to the Development Regulations.

Concerning development of new public trails, Council's policy is to work with land owners and recreational interests with the objective of peaceful and respectful co-location and maintenance and improvement of the quality of outdoor experience which they render. Further, the Development Regulations will stipulate a minimum proximity from the corridors to structures and buildings and trees, and prohibit alterations to land elevations or creation of other obstructions in the corridors.

6.3.16 Temporary Uses

Generally, the Municipal Plan and Development Regulations contemplate developments of a permanent nature. It has been the case in Rocky Harbour that prospective residents have come to the community with their recreational vehicle or travel trailer, and placed it on a vacant lot they also owned or are considering owning, for the season, and in some cases connected to municipal water and sewer services. Subsequently, such owners sometimes have decided to build a permanent dwelling there. In the meantime, the practice to so occupy a lot would continue until the permanent structure was built. This has not been a comfortable situation, as the development control regime previously in place did not provide for an orderly way to regulate this type of development.

Council wishes to be able to consider, at their discretion, these situations involving the placement of a motor vehicle or travel trailer together with their appurtenances, for a short duration. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases, applicable to locations anywhere in the planning area where residential uses are permissible or may be approved as discretionary uses.

7.0 MUNICIPAL PLAN IMPLEMENTATION

7.1 Introduction

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

7.2 Development Regulations

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

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

I. General Regulations

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

II. General Development Standards

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

III. Advertisement Regulations

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

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

IV. Subdivision of Land Regulations

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

V. Land Uses Zones

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

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

7.3 Development Control

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

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

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

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

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

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

The Town of Rocky Harbour has brought the National Building Code into effect in 2013. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both, and the Town may integrate information requirements on a common application form. However, the approval of a building permit under the National Building Code does not signify an approval of a permit pursuant to the Development Regulations, and vice versa.

7.4 Public Works

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The community's water and sewer servicing program and any future capital works program must conform with applicable policies and land use designations of the Municipal Plan. Water and sewer projects must not contribute to sprawl, since that would conflict with the Municipal Plan's goal of promoting compact development.

Council must also demonstrate its ability to cover its share of costs in any capital works requests. It should also be recognized that extensions of the water and sewage systems required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Upon completion of the water and sewer servicing program (or individual phases of it) improvements to local roads should be undertaken in accordance with the Town's financial capability (and in conformity with the Municipal Plan) on a prioritized basis.

The development of additional recreational facilities should also be carried out on a year-to-year basis subject to the Town's financial capabilities.

7.5 Development Schemes

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

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

8.0 INTERPRETATION

8.1 Land Use, Boundaries, and Roads

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

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

8.2 Figures and Quantities Approximate

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

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APPENDIX

Site Plan Evaluation Criteria

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

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

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