
TOWN OF BAY BULLS MUNICIPAL PLAN 2014 – 2024



PLAN-TECH



ENVIRONMENT

**In Effect: December 12, 2014
Consolidation: No amendments as of January 12, 2015**

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF BAY BULLS MUNICIPAL PLAN 2014-2024**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Bay Bulls.

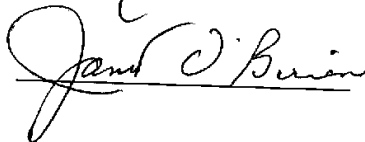
- a) Adopted the Bay Bulls Municipal Plan 2014-2024 on the 11th day of August, 2014.
- b) Gave notice of the adoption of the Town of Bay Bulls Municipal Plan 2014-2024 by advertisement inserted on the 27th day of August and the 10th day of September, 2014, in *The Irish Loop Post* newspaper.
- c) Set the 24th day of September at 7:30 p.m. at the Town Office, Bay Bulls for the holding of a public hearing to consider objections and submissions.

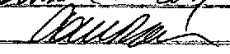
Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Bay Bulls approved the Town of Bay Bulls Municipal Plan 2014-2024 as adopted (or as amended).

SIGNED AND SEALED this 6th day of November, 2014

Mayor:  (Council Seal)

Clerk:



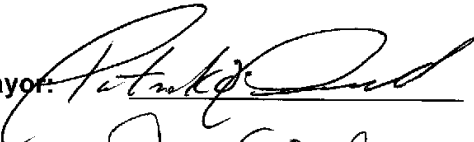
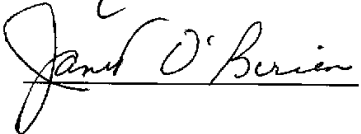
Municipal Council of Bay Bulls	
REGISTERED	
Number	<u>245-2014-011</u>
Date	<u>December 5, 2014</u>
Signature	

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF BAY BULLS MUNICIPAL PLAN 2014-2024**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Bay Bulls adopts the Bay Bulls Municipal Plan 2014-2024.

Adopted by the Town Council of Bay Bulls on the 11th day of August, 2014.

Signed and sealed this 6th day of November, 2014.

Mayor:  (Council Seal)
Clerk: 

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Bay Bulls Municipal Plan 2014-2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

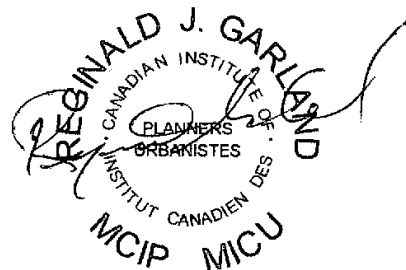


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1.0 INTRODUCTION

1.1 MUNICIPAL PLAN PREPARATION

The Bay Bulls Municipal Plan is Council's comprehensive policy document for the management of growth within the municipal planning area over the ten-year planning period 2014-2024. The Plan repeals and replaces the Bay Bulls Municipal Plan 1999-2009.

The Bay Bulls Municipal Plan has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various land use categories. Its aim is to promote the well-being of the community and efficiently utilize land, water, and other resources. The Bay Bulls Municipal Plan consists of written text and Future Land Use Maps.

1.2 PLAN APPROVAL

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation, Council must adopt the draft Plan and allow for further input from the general public through a Public Hearing.

Council shall appoint a qualified Commissioner to conduct a formal hearing to consider objections and representations from the public, either opposing or in favour of the Municipal Plan. The Commissioner will formally report his findings to Council as a result of the public hearing. Council may adopt the report in whole, in part or reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to the Engineering and Land Use Planning Division, Department of Municipal Affairs for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Newfoundland and Labrador Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Planning Area.

1.3 PLAN REVIEW AND AMENDMENT

Every five years from the date on which the Municipal Plan first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with, and become part of the Municipal Plan and so must not conflict with any other of its policies. If circumstances do not permit a Plan review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan review is completed and fully approved.

When the Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land, in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement*

Regulations. These are also known as the Development Regulations. Normally, these are prepared at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

1.4 PLAN ADMINISTRATION

The day-to-day administration of the Municipal Plan and Development Regulations is administered by staff members authorized by Council. Council staff issue all necessary permits approved by Council, make recommendations to Council in accordance with the Municipal Plan, and enforce the regulations. The Department of Municipal Affairs may be consulted on any development matters.

1.5 BAY BULLS MUNICIPAL PLAN REVIEW

The first Bay Bulls Municipal Plan was drafted in 1985 and came into effect with the incorporation of the Town came into effect on October 26, 2001. This 2014 Municipal Plan on January 1, 1986. This Plan was reviewed and consolidated in 2000 and the review updates all preceding Plans and accommodates various amendments made to the original documents.

History and Regional Context

One of the oldest communities in Newfoundland and Labrador, Bay Bulls harbour was used by French fishermen in the 1500s, but by 1635 English fishermen were spending their winters in the area. It was believed to be first settled in the early 1600's, when Sir David Kirke governed the colony of Newfoundland from Ferryland. The name "Bay Bulls" came from the French "Baie Boules," a reference to the bull bird or dovekie, which winters in Newfoundland, or it is

believed that Bay Bulls is a corruption of the French Baie de Bois, which means "Wooded Bay".

The Town has diversified over the past several decades to the point where local businesses now provide valuable agricultural, manufacturing, industrial and marine supply services to key global clients. The safe harbour and its close proximity to international trade routes and offshore oil and gas fields have the Town positioned to offer opportunities as marine supply services to key global clients.

The Town is situated along Route 10, on the Southern Shore of the Avalon Peninsula. The town borders on the city limits of St. John's and is only a short 25 minute drive from downtown of the provincial capital city.

Bay Bulls is known for its scenic and rugged beauty, naturally formed and well protected harbour and marine terminal and its well kept homes. Bay Bulls embraces the convenience of urban living with the traditional setting of a rural Newfoundland community.

Municipal Planning Area

The landscape of the Municipal Planning Area is generally rugged and broken, with hills rising to over 270 metres and capped by huge rock masses. These are formed by the intrusion of igneous matter in the siltstone and slate, which is found in the area. Many of the houses around the coast lie on a fairly deep ground moraine soil, but this coastal strip is very narrow and provides only limited land that can be developed. There are also scattered pockets of deep moraine soil away from the coast.

Population Characteristics 1996-2011

The 2011 census population of Bay Bulls is 1283, which represents a 19.0% increase from 2006 population which was 1078, a slight increase of 6.3% from its 2001 population of 1014 and -0.9% decrease from its 1996 population of 1063. This figure reflects a positive growth rate contrary to the provincial population decrease of 5.6% during the 2006-2011 census period. The Province experienced an in migration of population, while the Town has a larger increase in population.

Table 1: Population Change

Year	Population	Change	% Change
1986	1114		
1991	1065	-49	-0.99%
1996	1063	-2	-0.09%
2001	1014	-49	-0.95%
2006	1078	64	6.3%
2011	1283	205	19.0%

Source: Statistics Canada

Housing

The 2011 census recorded 545 dwellings, an increase of 59 dwellings as recorded in the 2006 census at 486 dwellings for an increase of 8.9%. Council has been issuing an average of 15 new dwelling permits over the past 10 years, but appears to have increased during the past 5 years. A substantial proportion of new dwelling construction has occurred in all areas of the town.

Economy and Labour Force

In 2001, the employable workforce of Bay Bulls numbered 485 people. This figure increased to 605 in 2006, of which the majority worked outside of Town and in the St. John's Region. In Bay Bulls, there is work in service-sector businesses, educational and some commercial farming. The construction trades have a healthy work force. Table 3 shows the types of occupations in which these people worked.

TABLE 3: EMPLOYMENT BY INDUSTRY, BAY BULLS 2006

Industry	Employees	Percent of Total
Agriculture and other Resource Based Industries	35	2%
Construction	75	13%
Manufacturing	75	13%
Wholesale Trade	10	0.5%
Retail Trade	65	11%
Finance and Real Estate	10	0.5%
Health Care and Social Services	95	17%
Educational Services	10	0.5%
Business Services	75	14%
Other Services	155	28%
TOTAL	600	99.5

Land Use

While Bay Bulls was once considered a low-density rural community, it is now undergoing growth and urbanization and density has increased substantially in the past decade. Its convenient location near the St. John's Urban Region makes it a growth centre within the local area. The predominant housing form is the single-family detached house, mostly located on larger lots.

The Town of Bay Bulls originally developed in a linear pattern surrounding the harbour, particular on the north and west side, and later spread inland with the construction of local roads and highways. The Town consists mostly of residential development interspersed with businesses, public offices and other facilities. Further inland there is more single family residential development, as well as farmland, public buildings, businesses, recreational and industrial uses. In more recent years, residential development has expanded along back roads. Most of these areas consist of unserviced large lot residential development. Homes in Bay Bulls are serviced with on-site water and sewer. Rural parts of the Planning Area provide resource areas for the town's residents; most notably blueberry grounds, community pasture, agricultural land and forest resources, and a surrounding natural setting.

Planning Issues

A sufficient land base appears to be available to accommodate new business development as opportunities arise. Likewise, for other categories of land uses such as Residential and Industrial, a sufficient land base appears to be available to meet the requirements of the Planning Area for the next ten years is available. Generally, much of the area reserved for expansion of urban development under the previous Plan remains substantially undeveloped.

Historically, the economic base of Bay Bulls has been dependent on the fishery. However, with the downturn in the fishery in recent years, aside from the assistance provided by fishery compensation packages, the economy of the Town is now largely dependent on local businesses. In recent years, tourism has been playing an increasing role. The site of the former fish plant, which was destroyed by fire in 1996, is now the site of a major marine terminal servicing the offshore oil industry. The site has been greatly expanded to become a major employer. Private business have emerged and expanded to play a role in the

offshore oil development mostly due to proximity of the town to City of St. John's and easy access with the Goulds By-Pass Road.

1.6 ST. JOHN'S URBAN REGION REGIONAL PLAN

The St. John's Urban Region Regional Plan covers Bay Bulls and designates it as one of the Local Centres where the extent of present development is such that public services must be provided. In the residential areas priority will be given to the provision of a piped water supply and sewage collection facilities. The growth of these areas will depend upon servicing facilities and physical constraints to development.

In considering the position of Bay Bulls in the St. John's Urban Region as established in the Regional Plan, it is essential to recognize one of the basic concepts of the Regional Plan which envisages that the major population growth of the region will be accommodated in the established urban centre (the City of St. John's and its immediately peripheral locations) in order to maximize the use of roads, water supply and all other urban services.

For the planning and development of the designated Local Centres, the Regional Plan establishes the following guidelines:

- Local centres may be able to develop to the fullest extent possible with the constraints established by:
 - The existing and likely future extent of municipal services;
 - The ability of the region to finance the necessary capital works to service such development;
 - The need to protect regional resources including agricultural and forest lands, watersheds and scenic resources;

- The need to limit as far as possible heavy capital expenditure on additions to the regional road network to handle commuting and other traffic;
 - The amount of infilling possible within presently developed areas;
 - The capacity of existing local roads and the need to achieve a desirable level of transportation service;
 - The effect of additional population on present school facilities.
- Within the local centres, residential uses shall generally be of a low density nature with a continuing predominance of single-family dwellings. Consistent with the size of most of the local centres and the policies of educational authorities in the region, school facilities may be limited to the junior grades.
 - Commercial uses shall be limited to those of a local nature but may include both retail and highway commercial functions, where such uses are deemed desirable. Industrial activities shall generally be limited to those of a specialized local nature such as the fishing industry. Other small scale industries providing local employment to a small number of persons may also be considered appropriate.
 - Two prime aims in the local centres will be to encourage the infilling and consolidation of presently semi-developed areas once essential public services to existing development are installed and to develop improved local road systems so that better circulation of traffic may be facilitated.
 - The Local Area and Municipal Plans shall recognize and define, where applicable, a core area or areas within which higher density development and development in depth may be possible.

- Two levels of service may be provided in the local centres depending upon local conditions; one area within which water and sewer and full municipal services would eventually be installed would form the heart of each such local centre. Outside of this would be an additional area of somewhat lower density development within which a lesser standard of services would be required.
- In addition, the following two objectives of the Regional Plan are also essential in guiding the planning and development of Bay Bulls:
 - To prevent development that will require disproportionately costly public services because of location or use and to preserve in its natural state land that should not be developed due to its physical characteristics.
 - To prevent the continuation of 'ribbon development' along the main roads and highways of the region.

1.7 INTEGRATED COMMUNITY SUSTAINABILITY PLAN

The Town of Bay Bulls Integrated Community Sustainability Plan (ICSP) is a long-term plan to provide direction to the Town to achieve sustainability objectives. The Bay Bulls Municipal Plan supports the requirement for an ICSP under the Local Government Gas Tax Agreement between the Towns and the Province. It is developed in consultation with community members and provides direction for the Town to achieve sustainability objectives for the environmental, economic, social, cultural, and governance pillars.

The Bay Bulls Municipal Plan, 2014-2024, along with the Irish Loop Development Corporation Strategic Economic Plan, and the Bay Bulls Tourism Destination Development and Implementation Plan, 2006, contributed to the Town's ICSP objectives.

1.8 INTERPRETATION

The following sections and the Future Land Use Maps constitute the legally effective parts of the Bay Bulls Municipal Plan. In this Municipal Plan:

- “Council” shall mean the Council of the Town of Bay Bulls.
- “Development Regulations” shall mean the Bay Bulls Land Use Zoning, Subdivision and Advertisement Regulations.
- “Municipal Planning Area” shall mean the Bay Bulls Municipal Planning Area.
- “Town” shall mean the Town of Bay Bulls.

The boundaries between the different land use designations in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category.

2.0 GOALS AND OBJECTIVES

It is the intention of the Municipal Plan to establish a number of goals and objectives. A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Bay Bulls Planning Area, the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten year planning period.

2.1 PHYSICAL STRUCTURE

Goals:

- To provide for development and allocate land for its best use within the overall growth strategy as guided by the St. John's Urban Region Regional Plan which will enhance the viable functioning of the community.
- To encourage future growth in a manner that ensures land use compatibility, orderly development and the economic use of municipal services.
- To control future growth of the town in such a manner as to develop a balanced and attractive community.
- To preserve the rural character of the Town, allowing residents to maintain their small-scale traditional agricultural uses without hindering other development or creating problems to neighbouring residents.
- To protect the natural environment and natural resources throughout the Planning Area.

Objectives:

- To allocate land for future development on the basis of its best use considering its physical characteristics and location.
- To ensure that natural areas such as drainage courses, shorelines, and steep slopes are protected from development to preserve environmental resources and the rural character of the Town.
- To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism.

2.2 ECONOMIC OPPORTUNITIES

Goal:

- To encourage the continued operation of existing businesses through appropriate land use policies.
- To encourage the development of additional employment opportunities to serve the present and future population.

Objectives:

- To allocate land so that new businesses will be attracted to Bay Bulls.
- To support the development of facilities and attractions in promoting the tourism industry within Bay Bulls.
- To encourage home-based businesses.

2.3 HOUSING

Goals:

- To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- To provide good quality residential site design and a high standard of municipal services.

Objectives:

- To provide an adequate amount of land to accommodate residential development within the municipality.
- To encourage improvement of existing dwelling standards.
- To provide for a mixture of housing types within the municipality.
- To encourage the development of residential infilling lots within built up neighbourhoods.

2.4 TRANSPORTATION**Goal:**

- Ensure that the local transportation system adequately and safely provides access throughout the Planning Area.

OBJECTIVES:

- To undertake continued improvements to the municipal roads through a regular maintenance program.
- To aim for a proper road system by connecting streets which require a second access, such as existing cul de sacs which exceed the maximum length requirement.
- To reserve land for future access to backlands.

2.5 COMMUNITY AND SOCIAL SERVICES**Goal:**

- To provide a full range of community and social services to Bay Bulls.

Objectives:

- To ensure that land is reserved throughout the town for recreational open space.
- To ensure public access to the major natural features of the planning area such as the ponds, streams, and ocean shoreline.

- To encourage the multi-functional use of existing community buildings (schools, churches, etc.).

2.6 Environment

Goals:

- To provide a pleasant and safe living and working environment in Bay Bulls.
- To provide for the health, safety and welfare of the general public.
- To protect and enhance the natural environment for its aesthetic, recreational, and resource values.

Objectives:

- To provide municipal services at environmentally acceptable standards.
- To promote a regular community “clean-up” program.
- To discourage development in areas with slopes greater than 15 percent, recognizing that development in such areas can result in environmental damage and higher costs for servicing and maintenance.
- To prevent development within the municipal watersheds.
- To maintain a minimum 15 metre buffer of land from the highwater mark of ponds, lakes, and streams, to be kept generally free from development.
- To protect natural resources from degradation including water, air, soils, agricultural land, forests and scenic areas.

2.7 MUNICIPAL FINANCE

Goal:

- To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

Objectives:

- To manage municipal expenditures with restraint, aiming for maximum return on investment.

- To manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
- To encourage a more diversified economic base to generate more revenues through business taxes.

2.8 RECREATION AND TOURISM

Goal:

- To provide recreation facilities and develop new facilities to accommodate recreational and social needs for all age groups in the Town.

Objectives:

- Encourage public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town.
- Promote the Town as a tourist attraction and encourage travelers to visit Bay Bulls.

2.9 EAST COAST TRAIL

Goal:

- To recognize the East Coast Trail as a natural walking/hiking trail within the Town of Bay Bulls.

Objectives:

- Encourage public participation in the natural walking/hiking trail within the Town along the coastline of Bay Bulls Harbour as part of a much larger coastal trail system.
- Recognition of the trail and protecting the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

- Encourage landowners/developers to take into considerations the effects of development on the preservation of the East Coast Trail and the scenic beauty of the landscape along the Town's coastline.
- Promote the East Coast Trail as a tourist attraction and encourage tourists to visit Bay Bulls.

2.10 SUSTAINABLE DEVELOPMENT

Goal

- To encourage the preservation of natural resources and to promote the development of sustainable development activities.

Objectives:

- To encourage the use of natural resources like wind and solar energy as alternative sources of renewable energy.
- To promote the development of industries that use clean renewable sources of energy.

2.11 GOVERNANCE

Goal

- To provide municipal administration and services effectively, efficiently, and equitably to all residents, in consultation with the Town's ICSP and within the fiscal capacity of the Town.
- To collaborate with other municipalities in the Region, government, community organizations, and the business community to facilitate opportunities to improve local governance and municipal services.

Objectives:

- To encourage strong public interest and participation in municipal

governing processes, including Council elections, committee activities, and public participation in decision-making.

- To deliver municipal administration and services effectively, efficiently, openly, and within the Town's fiscal capacity.
- To ensure the Town is governed in compliance with relevant legislation such as the *Municipalities Act* and the *Urban and Rural Planning Act, 2000*.

3.0 THE LAND USE PLAN

The following policies with accompanying Future Land Use Maps constitute the land use component of the Bay Bulls Municipal Plan, 2014 - 2024. Included are all policies which are seen as necessary by Council to ensure that the physical development of Bay Bulls is undertaken in an efficient and economic manner during the ten-year (2014 - 2024) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.

3.1 GENERAL LAND USE POLICIES

The following policies can be categorized as general in scope in that they can be applied to more than one land use and to different sections of the Town of Bay Bulls. They are therefore presented as a separate section of this Land Use Plan.

3.1.1 GENERAL POLICIES

1. Physical Structure:

Land uses will be allocated in accordance with the Future Land Use Map attached to this text. Development within the Planning Area will be managed in accordance with the regulations of Council, in adherence with the policies, acts, and regulations of the Province.

Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan is registered by the Minister of Municipal Affairs. Where a building or use exists which does not comply with the intent of the Plan and the designated use, then it shall not be permitted to expand substantially. Minor extensions of such properties may be approved provided there will be no adverse effects on surrounding properties or the environment.

Municipal and public utility works such as telephone, pollution control and electric utility facilities are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses.

2. Subdivision Policies:

Land which borders developed residential areas may be suitable for large-scale residential development in the future. All proposed subdivision developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Bay Bulls Development Regulations and will include:

- An investigation of physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- an outline of how the proposed subdivision will integrate with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;
- ensure compatibility between the subdivision and surrounding land uses, both existing and future; and
- Review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.

3. Subdivision Development Agreement

As a condition of approval, Council shall require the developer to sign a subdivision development agreement with the municipality.

4. Conveyance to Council of Private Roads

New subdivision streets shall be constructed and upgraded to the Town's road standards before Council shall assume ownership and responsibility for future maintenance. All new streets shall have a legal land survey and a Deed of Conveyance, approved by the Town's solicitor, before Council assumes ownership.

5. Access and Public Street

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

6. Easements and Emergency Access

Where land is required for utility easements or emergency access, the land may be obtained for the appropriate agency (such as Newfoundland Power) in the course of approving subdivision or other development applications.

Municipal and public utility works such as electrical power, telephone, and pollution control facilities may be permitted in all land-use designations provided that no adverse effect on adjacent land uses or the environment is created. Buffering, where appropriate shall be provided in the form of a suitably landscaped area between any such works and adjacent land uses.

7. Building Setback

Adequate building setback from roads shall be required in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the abilities of the Town's snow clearing program. In certain circumstances where topography restricts the development of a lot, a larger setback may be permitted to accommodate the development.

8. Soil and Drainage

Development shall only be permitted on lands having soil and drainage conditions which are suitable for the proposed uses.

9. Infill Development

Council will monitor all infill development to ensure that appropriate standards are maintained with respect to lot size, frontages, road widening, alignments, and any other matter concerning current or future public works. In older developed sections of the Town infill lots may not meet current standards. Council shall review any proposed development on a lot by lot basis. Lots that do not meet current frontage development standards may be approved for infill residential development under Council's discretionary authority provided there are sufficient lands for the safe development of the lot.

10. Environmental Preservation and Enhancement

Council will place high importance on environmental preservation and enhancement, given its importance to residents and to Council's intention of preserving the local environment.

Buffer: Waterways and Waterbodies

Council shall maintain a 15 metre, no development buffer within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds. Exceptions include conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits shall require approval of Council and the Department of Environment and Conservation.

Natural Environment

The policy of preserving the natural environment will be extended to all natural systems within the Planning Area, including natural drainage systems, wetlands, bogs, and wildlife, plant and fish habitats. The preservation of watercourses and shoreline areas will be a priority within the Planning Area.

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property shall not be permitted.

Built Environment

Council will encourage partnerships and initiatives aimed at changing

environmental attitudes, awareness and promoting projects which will enhance the built environment. Examples will include the following:

- preservation of trees on sites for new development (i.e., to discourage the traditional practise of clearing development sites of all trees and vegetation);
- development and expansion of recreation lands;
- development of walking trails along shoreline in cooperation with the East Coast Trail; and
- encourage the reduction and recycling of solid waste within the Town.

11. Open Space/Recreation

Not more than 10% of the gross area of land developed for subdivision purposes shall be dedicated to the Town as public open space. This land would be suitable for walking trails, tot lots, green belts etc. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the fair market value of the land which would otherwise be required to be dedicated.

Council shall ensure the preservation of scenic viewpoints and ensure long-term stewardship. Public access to natural areas and open spaces shall be maintained.

It is the intent of this Plan to designate open space areas within the Town for active, outdoor community recreation and passive, outdoor recreational needs. Council shall maintain and wherever, improve the integrity of natural recreational systems such as walking and hiking trails.

12. Development Criteria for Non-Residential Sites

All built-up development of non-residential land uses will conform to the following criteria:

- Each site will have direct frontage on a public road.
- Development will be located and designed in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening will be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.
- Properties will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- Access points to the public street will be limited in number and designed for maximum safety for pedestrians and vehicles.
- Each site will provide space for adequate off-street parking and loading facilities to meet the needs of the proposed development.
- Adequate municipal services must be available to meet the needs of each proposed development.

Development must be in accordance with the Town's Development Regulations and where applicable the regulations of the Departments of Government Services; Environment and Conservation; Transportation and Works, Fisheries and Oceans Canada; and other relevant agencies.

13. Heritage Structures and Sites

Houses and other buildings and structures which were built in a traditional or distinctive architectural style (or otherwise are deemed to have historic or aesthetic value by Council, or a department or agency of a higher level of government) may be considered heritage structures. It is Council's intention to protect heritage structures for aesthetic and historic reasons and for their historic value as a heritage and tourist attraction. Council may enact regulations for such purposes. Historic sites shall also be protected by Council for their historical value and as tourist attractions.

3.1.2 ENVIRONMENTAL POLICIES

1. Preservation of Trees

Mature trees shall be preserved and replaced where necessary. Such trees shall be removed only if they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy, or if they will unduly inhibit construction.

2. Protection of Watercourses, Wetlands, and Waterfowl Habitat

Rivers, streams, ponds, and shorelines shall be protected from pollution and development. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within 15 metres of a watercourse without approval from the Department of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans Canada.

Council shall encourage the preservation and protection of sensitive wetlands that are valuable for controlling flooding; habitat for water fowl or have important aesthetic value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department of Environment and Conservation, Water Resources Management Division, prior to Council approving any development proposal.

3. Waste Disposal

Protective measures shall be taken to prevent or minimize pollution when disposing of sewage and solid waste.

4. Alterations to the Natural Environment

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property or watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

5. Environmentally Sensitive Areas

Development shall be prohibited in environmentally sensitive areas such as steep slopes and bogs. Development shall also be prohibited in areas prone to landslides and rockfall. Development shall be prohibited in conservation areas within 30 metres of the rock cliff along the sea wall. These areas are known for coastal erosion. The Future Land Use Map identifies Conservation areas. This policy applies to environmentally sensitive areas in other land use designations.

6. Mineral Exploration, Mining and Quarrying

The Bay Bulls Planning Area may have potential for mineral deposits. Regulated mineral exploration shall be permitted in the planning area as set out in the policies of this Plan and conditions of the Bay Bulls Development Regulations. Aggregate mining and extraction shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Natural Resources and approval of the Town of Bay Bulls.

The adverse effects of mining and quarrying such as dust, noise, and visual impact shall be minimized through adequate separation from adjacent land uses. Derelict lands are to be rehabilitated by the operator prior to abandonment.

7. Upkeep of Properties

Council shall promote the upkeep of residential properties, businesses, and institutions; encourage the repair or removal of dilapidated buildings and structures; and prohibit indiscriminate dumping. Council shall encourage businesses and contractors to store their materials and heavy equipment at the rear of their property or screen it from view.

3.2 SPECIFIC POLICIES - LAND USE DESIGNATIONS

The land within the Bay Bulls municipal planning area shall be managed according to the designations shown on Future Land Use Maps 1 and 2 and the policies of this Municipal Plan.

Future Land Use Maps 1 and 2 divide the Planning Area into the following designations:

- Residential
- Mixed Use
- Industrial
- Public Use
- Open Space/Conservation
- Open Space/Recreation
- Rural

3.2.1 RESIDENTIAL

The purpose of the Residential designation is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use throughout the Planning Area. The Town does not provide municipal services such as water and sewer. Infill development on existing roads within built up areas of the town shall be encouraged to increase the density of development and to make efficient use of municipal services such as snow clearing, garbage collection, and reduce operating costs.

Residential Policies:

1. Land Designation

The Residential designation will accommodate unserved residential development. Within these residential areas of the Town, development will be on lot size sufficient to facilitate the development of on site services and preserve the rural nature of development of the Town. Residential subdivisions may be developed in Residential designated lands, subject to policy 3.1.1.2, Subdivision Policies, and in accordance with the requirements of the development standards within the zone.

2. Land Use

Within lands designated Residential, single-family detached dwellings shall be permitted. Complementary uses such as double dwelling, row dwelling, apartment building, child care, office, office for home business, boarding house residential (includes a tourist home, bed and breakfast), tourist home, medical treatment and special care, agriculture, personal and professional services, recreational open space, light industry uses as a home business for production

of handmade clothing, arts and crafts objects, and workshops, antenna, convenience store or a small scale home business use where they are part of a residence may be permitted throughout the area under the discretion of the Council.

Council will consider the impact of the bulk and scale of proposed uses in residential designations to ensure that development does not adversely affect the residential character and amenity of the area; provision of adequate space for on site parking, loading, and buffering is provided; and the primary use of the lot remains residential. A compatible use will occupy only a minor part of the floor area of the dwelling.

Residential growth shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of existing areas in the town to ensure the efficient use of available lands. Subdivisions will be located adjacent to existing built up areas.

All new development and all newly created residential lots 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. The costs of providing any required service to a new subdivision development shall be the responsibility of the developer.

3. Environmental Aesthetics

Residential development, as well as, other discretionary uses that are developed shall preserve the scenic quality of the community, with emphasis on building design and landscaping of new development and with tree cutting limited to that necessary for construction, space around the building, and for the installation of a septic field where required.

4. Recreation Uses

Compatible recreation uses such as playgrounds and tot lots may be located within Residential areas provided that adequate screening from nearby properties is provided, and safe setback distances from public roads can be obtained.

5. Medical Treatment and Special Care

Medical Treatment and Special Care shall be limited to only homes for the aged. The development, in the form of apartment style residence for seniors, may be permitted, provided that adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

6. Bed-and-Breakfast

Bed-and-breakfast operations shall be a permitted use in the residential land use designation and shall clearly be subsidiary to the residential use and shall not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

7. Office Use

Office use (home office) shall be limited to a home based business which may be permitted if contained inside the residence, is clearly subsidiary to the residential use, and there shall be no open storage of materials, equipment or products, and do not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations.

8. Childcare

Group or Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Any Group or Family Childcare business shall operated in accordance with provincial *Child Care Services Act* and all applicable Regulations.

9. Convenience Store

Within the Residential designated lands, new convenience stores may be permitted as a subsidiary use to a residential dwelling or as a separate structure on its own lot. Council shall encourage the even distribution of convenience stores in appropriate areas throughout the Town. Development standards shall ensure that the size of the convenience store is limited so that it will not interfere with neighbouring residential uses.

Council will consider the following factors when reviewing applications for a new or expanded convenience store: access to the site; amount of parking to be provided; any adverse impacts upon adjoining neighbours or the neighbourhood in general, and effects of the business on traffic flow.

10. Residential Subdivision Areas

The Residential Subdivision Area is to reserve undeveloped areas of land which border developed existing residential areas. They may be suitable for large-scale residential development in the future. Council intends these backlands to be developed comprehensively, in line with the subdivision policies in 3.1.1.2 and as described below, to ensure that the land is used

wisely and an efficient, safe road network is developed in the area. No development shall take place in a Residential Subdivision area until the land has been appropriately zoned.

11. Residential Subdivisions

In order to ensure efficient use of land and future provision of services, avoid a proliferation of individual cul-de-sacs that are costly to service, and ensure that development is properly located so as not to interfere with optimal future development of adjacent lands, subdivision proposals will be considered only if they conform to an area concept plan that accounts for the development of lands abutting the site or for a much large development area and has been approved by Council.

A priority for development in residential subdivision area will be the preservation of natural characteristics and aesthetics. This will be achieved by the designation of essential conservation areas, strict enforcement of minimum recreational open space requirements, and special provisions in development permits such as subdivision agreements which contain requirements for maintenance of tree cover along lot frontages and lot boundaries.

Building permits shall only be issued for lots fronting onto public streets or for which a road agreement has been reached between the Town and the developer. Services (roads, storm drainage, etc.) will normally be installed at the expense of the developer.

Subdivision Plans, engineering site plans, and building designs must meet the approval of Council. Development permits shall not be issued without prior approval of the Department of Government Services for on-site water supply and sewage disposal system for each lot. Individual Lot layouts and the siting of buildings must follow development standards of the Town's Development Regulations.

12. Subdivision Development Plans

Subdivision development plans will address specific proposals for development of a site in a relatively short time frame. The subdivision plan will be detailed and will address all needs pertinent to development of the site including, but not limited to:

- Conformity to the goals, objectives, and policies of this Municipal Plan;
- Conformity to an area concept plan as approved by Council, which accounts for the development of lands abutting the site;
- A description of the subject lands;
- Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- Access to the site from existing roads and internal road layout;
- Demonstration of the long-term viability of on-site servicing system through soil analysis and other appropriate site evaluation. Council may require a site assessment as part of a Subdivision Development Plan which shall accurately depict the conditions of the proposed subdivision site;
- Phasing scheme;
- Provision for lotting;
- Provision for 10% recreation lands or alternative measures if requested by Council;
- Adherence to the Town's engineering and development standards for streets designs, grades, storm drainage, building line setback, access, landscaping, buffers, development standards for each lot, etc.

13. Backlot Development

Backlot development may be permitted at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. In such cases, the following requirements shall be met:

- The site is located in an area designated for Residential development in the Bay Bulls Development Regulations;
- Approval for on-site water supply and sewage disposal must be obtained from Council and the Government Service Centre;
- The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. In such cases, access to the public street must be of sufficient width (15 metres) to accommodate future public use;
- Where there is no potential for additional development, the access road shall be treated as a private driveway and only one backlot development shall be permitted;
- Council shall be satisfied that the backlot development will not detract or restrict other types of development on adjacent lands;
- Approval of any backlot development shall not affect the legal conformity of any existing lots;
- To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a minimum of 32 metres and a maximum of 100 metres from a public street.
- Standards for backlot development shall be established in the Bay Bulls Development Regulations.

14. Open Space Requirements

The provision for open space within a residential subdivision development shall be the responsibility of the developer, and if required by Council, shall dedicate a maximum of 10 percent of suitable land in new residential areas for recreational open space or Council may, as an alternative, require the developer to pay a sum of money equal to 10 percent of the assessed value of the area of land prior to any development of the subdivision.

15. Agriculture

Agriculture uses shall be discretionary and shall be restricted to hobby farming uses as outlined in the Town's Development Regulations.

16. Light Industry

Light industry uses such as craft making, small scale repair services or woodworking may be permitted at the discretion of Council provided the use is a small-scale, home-based occupation that can take place in conjunction with a residential use. The use may be located in or attached to a dwelling or within an accessory building located in the rearyard of the residential property.

3.2.2 MIXED USE

The town centre is a mixture of commercial, public, tourist related and residential development. This mixture of land uses has not created any significant problems for local residents due to fact that commercial developments are limited in size and activities. The designation shall accommodate a mix of uses that are directly related to providing services such as restaurants, gift and craft shops. It may

also provide outlet for other uses that are indirectly related to tourists such as light industrial uses that are primarily associated with the manufacture and retail of crafts and traditional goods. It is the intention of Council to permit this form of development to continue while ensuring amenity and safety between the different land uses in the Mixed Development land use designation. This designation shall ensure that a viable combination of compatible uses can co-exist with the predominantly residential development. Areas designated Mixed Use are intended for the continuation of a traditional mix of land uses. The following policies will guide the growth and development of the Mixed Development areas.

Mixed Use Polices:

1. Land Use

Within the Mixed Use area, single dwelling use, double dwelling, recreation open space and conservation shall be permitted. Other uses may be permitted such as row dwelling, apartment building, boarding house residential, cultural and civic, child care, home based business, home for the aged, medical, personal and professional services, office, general assembly, passenger assembly, club and lodge, funeral home, indoor assembly, communications, taxi stand, antenna, convenience store, shop, catering, place of worship, general service, and light industry may be permitted throughout the area under the discretion of the Council provided they are compatible with the residential character of the area and do not cause a nuisance by virtue of excessive noise, dust, odour, increased traffic or hours of operation.

The Mixed Use area shall also accommodate uses that provide services for tourists and the traveling public. Uses associated with commercial tour boat operations such as hotels/motels restaurants, lounges, banquet facilities, tourist cabins, marinas, and recreational facilities, may be permitted.

2. Site Plans

Council may require the developer to provide a comprehensive site plan for any proposed developments, indicating building locations, delivery areas, parking spaces, access, landscaping and buffer areas, and where other development components are to be located. In assessing proposals, Council shall be primarily concerned with aesthetic factors, scale and conformity with the desired character of the area, and compatibility with other land uses in the vicinity, in particular any residential development.

3. Adverse effects

Adverse effects of any proposed development on adjacent residential uses shall be prevented or minimized through proper site layout, scale of development, and buffering. The type of buffer that may be required is subject to the site specifics of the particular proposed development.

4. Access to Street

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

5. Catering

Catering uses such as a restaurant or coffee shop, may be permitted within the Mixed Use designation. Catering uses where meals and refreshments are prepared for consumption off the premises, as well as lounges and bars, shall be at the discretion of Council.

6. Parking

Adequate off-street parking and loading facilities shall be provided for any non residential development.

7. Cultural and Civic

The intent of this permitted use is to allow for the development of a tourist related centre that would provide cultural information to the tourist/traveling public. Such uses would be a museum or cultural attraction such as an interpretation centre that portrays local history of the Town.

8. Office Use

Office use may be permitted as a home based business. The Office use, if located within the home, shall be subsidiary to the residential use. The Office use may be located in an accessory building on the same lot as the residence. There shall be no open storage of materials, equipment or products, and the use does not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations. Provisions for parking shall meet the standards as prescribed by Council.

9. Boarding House Residential

Boarding House Residential uses such as Bed-and-breakfast operations must not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

10. Medical Treatment and Special Care

Medical Treatment and Special Care shall be limited to only homes for the aged in the form of residence for seniors may be permitted, provided that adequate

pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

11. Childcare

Group or Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Group or Family Childcare business shall operate in accordance with provincial *Child Care Services Act* and all applicable Regulations.

12. General Services and Light Industrial Uses

General services uses and light industrial uses shall be small scale uses such as small workshops and warehouses. The use shall be carried out in a separate building from any residence. Outdoor storage of equipment or materials may be permitted in sideyards or rear yards. Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference. Light Industrial uses that are primarily associated with the manufacture and retail of crafts and traditional goods may be permitted provided it is complementary to a permitted use.

Council shall review any application for light industrial use to ensure that it fits into the overall development scheme for the site, is complimentary to the site, and is of a scale and nature that would not detract from the area or cause any negative impacts on the adjoining lands or the Town.

3.2.3 INDUSTRIAL

Industrial development is presently very limited in the town and is mostly

restricted along the offshore base at Bay Bulls Harbour and at the south end of Town for a construction and storage yard. Industrial land use designations shall accommodate the current and future land use demands over the next ten year planning period. There is a limited land base within the surrounding urban area of Town to meet any demands placed on it by an increase in economic development, in particular industrial development.

The Town of Bay Bulls is part of the Region's Waste Management Strategy. The strategy will see the closure of the Town's waste disposal site and waste will be trucked to Robin Hood Bay. The Town has selected the area south of this site for future industrial growth.

The following policies will guide the growth and development of the Industrial areas.

Industrial Policies:

1. Land Use

Land designated Industrial shall be developed primarily for industrial uses such as general industries, general services and light industries. Permitted industrial uses shall be compatible with neighbouring residential uses in terms of noise, dust, glare, vibration, smell, traffic, and related factors.

Other uses that may be permitted include office, communications, service station, antenna, and transportation provided they are directly related to an industrial enterprise. Hazardous industry use may be permitted provided that the use is adequately buffered from other uses and does not interfere with other surrounding uses.

Uses that are complementary to industrial uses such as passenger assembly, shop, professional and personal service uses may only be considered where the use is part of an industrial operation.

2. Location

Industrial activity shall be located in areas of the Town that are suitable for such forms of development. Along with the existing industrial sites, a large parcel of land has been designated to develop an industrial subdivision off the Bay Bulls, south of the waste disposal site to be developed upon closure.

3. Restricted Development

Industrial uses that are determined to be incompatible with the natural environment or nearby development through excessive emissions of noise, smell, chemicals or other pollutants, shall not be permitted.

4. Open Storage

Property owners with unsightly uses will be required to store their materials in the rear yard. Scrap yards and similar uses will be screened from view of the road by high fences or some other form of buffer as required by Council. Screening and buffering using fences or trees may be required in order to preserve an attractive appearance. Proper site layout and buffering shall be used to prevent or minimize the adverse effects of any proposed development on adjacent residential uses.

5. Parking

Adequate off street parking, loading and safe access to the street shall be provided. Parking shall meet requirements as outline in Schedule D of the Town's Development Regulations.

6. Access to Street

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

3.2.3 PUBLIC USE

Land designated Public Use shall include government, church, educational and other uses for general or limited public access. A number of sites in Bay Bulls are designated as Public Use. Facilities required to deliver municipal services to residents, such as the Town Hall, are also within the intent of this designation.

Public Use Policies

1. Land Use

Within the Public Use designation, the predominant use of land shall be for community-oriented facilities such as schools, places of worship, child care, government offices, municipal buildings, general assembly, medical treatment and special care, recreational open space such as parks and playing fields and conservation.

Complementary uses may be permitted, provided that they will not conflict with the operation of existing facilities or the future development of public uses. The complementary uses may include recreation buildings, and their accessory uses, office, indoor assembly, outdoor assembly, general assembly, club and lodge, passenger assembly, taxi stand, catering, antenna, and home for the aged.

2. Compatibility with Residential Uses

The development and operation of new facilities and buildings for public use shall not impose adverse effects on adjacent residential areas in terms of traffic, noise, and hours of operation.

3. Location

Public buildings and uses are encouraged to locate in the central part of the community and within easy walking distance of most residents.

4. Childcare

Group or Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Group or Family Childcare business shall operate in accordance with provincial *Child Care Services Act* and all applicable Regulations.

5. Catering

Catering uses associated church functions, weddings, parties, etc may be permitted.

6. Access

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

7. Parking

Adequate off-street parking shall be provided.

3.2.3 OPEN SPACE/RECREATION

Land designated as Open Space/Recreation is for active and passive recreational non-building uses such as parks, playgrounds, outdoor swimming areas, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space/Recreation uses.

Open Space/Recreation Policies:

1. Land Uses

Permitted uses include parks, sports fields, playing fields, linear trail systems, pathways to serve pedestrians, bicyclists and cross-country skiers are permitted. Recreational facilities permitted shall include two types: indoor and organized facilities (e.g. recreation centre) and outdoor facilities (e.g., sports fields, open concert/stage areas, and picnic areas).

Other uses may be permitted include office in association with a permitted use, amusement (such as youth centre) and personal service (gym). Uses such as Indoor assembly, outdoor assembly, cultural and civic, catering (take-out food service) and antenna may also be considered by Council.

2. Effects Surrounding Property

Development and operation of recreational facilities shall not impose adverse

effects on adjacent residential and other uses in terms of noise, traffic and hours of operation.

3. Recreation Uses

The Town shall promote and expand its main recreational site, Alexandria Williams Sports Complex located off Cemetery Road. These areas have a well equipped with sports and playground facilities, soccer and softball field. The Town is presently add a new Municipal Building that will also accommodate lifestyle and family resource centre.

Additional recreational facilities such as a new soccer field will be provided in areas where they are needed and when the Town's financial resources permit. Since most of the regional and local recreational facilities are less accessible to the older age groups, the provision of additional facilities will give special consideration to these groups.

4. Trail Development

The development of passive recreation facilities such as walking or nature trails, and associated interpretation programs may be permitted provided they will not have an adverse impact on the natural environment and residential properties.

3.2.3 OPEN SPACE/CONSERVATION

The intent of the Open Space/Conservation designation areas is to protect certain lands within the Town which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values. They include wetlands, watercourses, bodies of water, shoreline frontages, steep cliffs, as well as, open natural spaces such as woodlands, green belts, buffers, natural trails, areas of scenic attraction for public enjoyment, etc.

In most cases, these areas are located where municipal services cannot be feasibly extended.

Cemeteries which are located separately from a church are designated as Open Space/Conservation. Those cemeteries which are accessory to a church property are included in the Public Use designation.

Open Space/Conservation Policies:

1. Land Uses

The Conservation designation shall protect and conserve environmentally sensitive and important lands from adverse development. Development associated with conservation shall be permitted. Recreational uses such as walking trails may be permitted, provided that they will have no adverse effect on the site. Uses that are complimentary to a recreational open space, conservation use or transportation uses may also be permitted at Council's discretion.

No permanent buildings or structures shall be permitted on lands designated for Conservation Uses, except those necessary for environmental protection (e.g., for erosion control). Such agriculture uses may include animal grazing, or other forms of agriculture. Forestry and antenna uses may also be considered by Council.

2. Compatible Uses

Within the designated Open Space/Conservation areas, recreational open space such as recreational and municipal parks, and their accessory uses may be permitted. Uses that are complementary to a recreational open space use may also be permitted at the Council's discretion.

3. Cemeteries

New cemetery sites may be located in areas designated for Open Space/Conservation at Council's discretion. Approval shall be contingent on the use having access to an existing public road, require no additional municipal services and is designed to facilitate public access.

Expansion of existing cemeteries to areas outside those designated for Open Space/Conservation may be permitted by amendment to this Plan and once the area is re-zoned to accommodate the expansion area.

4. Conservation Buffer Waterbodies

Along the shoreline of all water bodies and water ways, a conservation buffer area shall be established which includes all land within 15 metres of the high water mark along shoreline. Proposed developments affecting water bodies or watercourses, such as stream crossings, watercourse alterations, and other public works, may be permitted in limited circumstances where it is shown they will have minimal adverse impact. The number and size of such activities will be minimized. Any such proposed development shall be referred for review and approval to the Department of Environment and Conservation, and the Department of Fisheries and Oceans, and any other relevant agencies before Council issues any permits for development.

5. Forestry

The Rural area contains forests which provide a long-term domestic wood supply, recreational opportunities, and wildlife habitat. It is important that this resource be well managed. This Plan will support initiatives of the Department of

Natural Resources to manage the forests for continued use by the public during and beyond the planning period.

6. Preservation of Natural landscape

It is also essential that all the visual amenities and undevelopable areas such as the shoreline, rivers, brooks, streams, flood plains, steep slopes, and rock outcrops are preserved and retained in their natural state. This can add to the open space system and complement the rural development patterns. Areas of scenic attraction and with recreational potential shall be preserved and protected.

7. Private Land Ownership

Where any lands designated for Open Space/Conservation are under private ownership, this Plan does not indicate that the lands will necessarily remain as Open Space/Recreational indefinitely, nor shall it be construed as implying that these Open Spaces/Conservation areas are free and open to general public or will be purchased by Council. Council shall review any proposals to develop any such lands in the Open Space/Conservation land use designation and their applications for re-designation of such lands for other purposes may be given due consideration by Council.

8. Excessive Slope

Extensive areas of land having slopes in excess of 15 percent are designated Conservation. Development is not considered feasible on such slopes because of excessive runoff and erosion and high costs to install and maintain services, and risk to public safety.

9. Transportation Use

Council may consider transportation uses as those associated with wharves,

docks, boathouses, fishing stages and other uses which may be located along the seashore or which may form part of the fishing industry.

3.2.3 RURAL

The remaining lands within the Bay Bulls Planning Area are designated Rural and are intended to be used primarily for rural resource and recreational open space uses. No development shall be permitted on land within this designation except those associated with agriculture, forestry, outdoor recreation, resource conservation, or other uses as may be outlined in this Municipal Plan.

Activity concerning electric power transmission, other public utilities and transportation or road construction and maintenance, consistent with the objective of retaining the qualities of the rural environment, may be permitted.

Rural Policies:

1. Land Uses

The uses permitted in the designated Rural areas include agriculture, forestry, and recreational uses characterized by large areas of recreation open space and conservation uses provided they do not detract from the rural character of the area.

2. Compatible Uses

Other uses that are compatible with permitted uses may also be permitted at the discretion of Council. These uses may include; single dwelling, general industrial use, service station, cemetery, outdoor markets, animal, veterinary, mineral working and exploration.

3. Residential Use

Single residential dwelling use shall only be permitted in conjunction with a permitted or discretionary use.

4. Cottage Development

New cottage development shall not be permitted in the Rural area, in keeping with policies of the St. John's Urban Region Regional Plan. Conversion of existing cabins to permanent dwellings shall not be permitted unless the cabins are included within the Residential designation. This is to prevent premature urban expansion and demand for services in rural areas.

5. Forestry

The Rural area contains forests which provide a long-term domestic wood supply, recreational opportunities, and wildlife habitat. It is important that this resource be well managed. This Plan will support initiatives of the Department of Natural Resources to manage the forests for continued use by the public during and beyond the planning period.

6. Transportation Use

Council may consider transportation uses as those associated with wharves, docks, boathouses, fishing stages and other uses which may be located along the seashore or which may form part of the fishing industry.

4.0 IMPLEMENTATION

The Municipal Plan shall be implemented over the ten-year planning period through the decisions of Council and agencies such as the Department Transportation and Works, Department of Natural Resources, Department of Municipal Affairs and the Department of Environment and Conservation. Of particular importance to Council are the following:

- Effective administration of the Plan;
- The adoption of a five year capital works budget;
- adopting Land Use Zoning, Advertisement and Development Regulations
- adopting plans of subdivision, and
- The procedure for considering future Amendments to the Plan.

4.1 Plan Administration

For the purposes of administering the Plan, the Future Land Use Maps shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications will be carefully evaluated as to their conformity to the Plan. The full conformity of all proposals to the Plan shall be required by Council.

The boundaries between land use designations are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment to this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

All persons wishing to develop land for any purpose within the Bay Bulls Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without

conditions. A person, group or corporation has the right to appeal a decision of Council, in writing, made under its Development Regulations, to the Regional Appeal Board.

Prior to the major development of land within the Planning Area, a development agreement may be required, which will be signed by both the developer and the Council. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing developments may also be enforced by being attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

4.2 Plan Implementation

The preparation, adoption and approval of the Bay Bulls Municipal Plan represent only a part of the planning process. The Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the *Urban and Rural Planning Act, 2000* as outlined below:

- control future development by enforcing the Bay Bulls Development Regulations and the policies of this Plan;
- undertake the capital works program on a progressive basis geared to the available resources of the community and financial assistance from the provincial government;
- make necessary amendments to the Plan if conditions of the community change, and
- undertake a review of the Plan every five years.

4.3 Development Regulations

To implement this Plan, Council shall prepare and adopt Development (Land Use Zoning, Subdivision and Advertisement) Regulations on the basis of this Plan. These regulations are intended for Council's control over future use of land and development within the Planning Area and they outline land use zoning, development standards and application procedures necessary to implement this Plan.

4.4 Development Control

The Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Council shall exercise proper control over development within the Planning Area in accordance with this Plan and the Development (Land Use Zoning, Subdivision and Advertisement) Regulations.

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed application form(s) and shall submit a detailed plot/sketch plan of the proposal indicating the location and dimensions of the land and of the development. Council shall examine the application on the basis of the Development Regulations, which reflect the policy of this Plan, may approve the application, approve it with conditions, or refuse it.

An applicant who receives a refusal decision from Council on a development application may appeal that decision to the Eastern Regional Appeal Board. A decision of Council, made under its Development Regulations, may be appealed in writing under section 42 of the *Act*. Council shall, at the time of making that decision, notify the person's right to appeal and manner of making an appeal and the address for the filing of the appeal.

Development in areas under the control of Council as well as other government departments will be referred to the concerned departments for review.

4.5 Public Works and Municipal Services

In order to properly implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include the annual preparation of a "5 year Capital Works Budget" which outlines proposed capital works to be undertaken by Council over a five year period, subject to the availability of government funding.

The Town of Bay Bulls provides the usual municipal services (water and sewer, road construction and maintenance, snow clearing, street lighting, garbage collection, volunteer fire brigade and recreational sites. The Town's major service expenditures are infrastructure maintenance and road construction and re-surfacing.