

TOWN OF ENGLEE MUNICIPAL PLAN

**IMPORTANT: To see if there were any changes to
this plan since it came into effect, please refer to:**

List of Municipal Plan Amendments

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NOTICE OF ADOPTION

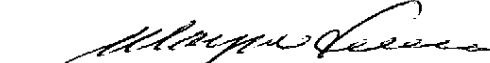
Resolved, pursuant to section 15 of the Urban and Rural Planning Act, that the Council of the Town of Englee adopt the Municipal Plan which is attached hereto and is impressed with the Seal of the Council, signed by the Mayor, and certified by the Clerk.

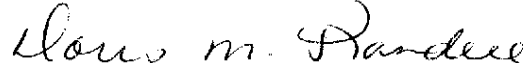
Resolved further, pursuant to section 17 of the Urban and Rural Planning Act, that the Council apply to the Minister of Municipal and Provincial Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.

Proposed by: Councillor Morris Cull

Seconded by: Councillor Junior Talbot

Certified as a correct copy of a Resolution passed at a meeting of council held at Englee on the 6 day of Dec., 1995.

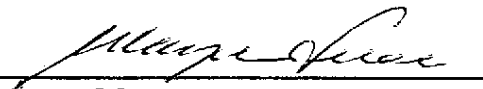

Mayor


Clerk

SEAL AND SIGNATURE

Signed and sealed pursuant to section 15 of the Urban and Rural Planning Act this
6 day of *Dec*, 1995.


SEAL



Mayor

CLERK'S CERTIFICATE

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan
adopted by the Town of Englee on the *6* day of *Dec*, 1995.




Clerk

URBAN AND RURAL PLANNING ACT
ENGLEE MUNICIPAL PLAN 1995-2005
NOTICE OF APPROVAL

I, Arthur D. Reid, Minister of Municipal and Provincial Affairs, under and by virtue of the power conferred by the Urban and Rural Planning Act, hereby approve the Englee Municipal Plan, adopted by the Town Council of Englee on the _____ day of _____, 1995.

Dated at St. John's this 17th day of JUNE, 1995.7



ARTHUR D. REID, M.H.A
Carbonear District
Minister of Municipal and Provincial Affairs

LEGEND

The highlighting in this document indicates changes to the text by deleting or adding as follows:

~~deletion~~ of text

addition to text

Following the Public Hearing, all changes will be incorporated into a consolidated document.

1.0 FOREWORD

1.1 Planning in Newfoundland

The Municipal Plan

The Englee Municipal Plan is council's comprehensive policy document of the management of growth within the municipal planning area over the ten-year planning period 1995-2005. This Municipal Plan repeals and replaces the Town of Englee Municipal Plan 1988-1998.

The Municipal Plan has been drafted following a comprehensive review of the 1988-98 Municipal Plan and all other land use planning documents pertaining to the Town. All relevant planning issues have been reviewed, as required under the Urban and Rural Planning Act, including a survey and study of land use, population growth, economic base of the planning area, transportation, communication, and public services.

The Municipal Plan contains the goals, objectives and policies of Council regarding development of the municipal planning area of the next ten years. Its aim is to promote the well-being of the community and efficiently utilize land, water, and other resources. The Englee Municipal Plan consists of written text and Future Land Use Maps.

Ministerial Approval

When the Municipal Plan is formally adopted by resolution of the council under Section 46 (1) of the Act, two copies must be impressed with the Seal of the Council and signed by the Mayor. The council must then give notice of its intention to seek the approval of the Minister of Municipal and Provincial Affairs by publishing a notice in the Newfoundland Gazette and in a newspaper published, or circulating, in the community. The notice must state where and when the Municipal Plan may be inspected by any interested person and

the time and place set by the Minister for the hearing of any objections or representations. At the Public Hearing, a Commissioner appointed by the Minister will hear the objections and representations, and subsequently forward to the Minister a written report, together with copies of all the evidence taken at the Public Hearing.

After the Public Hearing is concluded and the Commissioner's report has been submitted, the Council must apply to the Minister for approval of the Municipal Plan. The Minister requires two copies of the Municipal Plan certified correct by the Clerk of the Council, a copy of the adopting resolution and of all written objections and representations considered at the Public Hearing. On receipt of this material, the Minister may approve the Municipal Plan, with or without modification, or may disapprove it and order that a new Municipal Plan be prepared. Upon approval, the Minister will endorse a copy of the plan and return it to the council. Within ten days of receipt of the final approval by the Minister, the Council must publish a notice of approval in the Newfoundland Gazette and in a local newspaper.

The Effect and Variation of the Municipal Plan

When the Municipal Plan comes into effect, it is binding upon the council and upon all other persons, corporations and organizations. The Plan has to be reviewed by the Council at the end of every five years from the date on which it comes into effect and at that time revised as necessary to take account of developments which can be foreseen during the next ten-year period.

The Municipal Plan may be amended in whole or in part for just cause by repeating the process by which it was adopted and approved initially.

Development Schemes

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under Sections ~~31-33~~ 30-32 of the Act for the purpose of carrying out specific proposals of the Municipal Plan. A development Scheme may provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of land and buildings which are necessary to carry out provisions of the Municipal Plan. The Scheme may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space and may make such agreements with the owners of the land as will permit its acquisition and use for those purposes. The Development Scheme may also specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of the Development Scheme.

Development Schemes are prepared and approved in exactly the same way as the Municipal Plan, and, when approved, form part of that Plan.

Municipal Plan Administration

When a Municipal Plan comes into effect, the council is required to develop a scheme for the control of the use of land in strict conformity with the Municipal Plan in the form of land use zoning, subdivision, and any other regulations necessary. After adoption by the council, these regulations must be submitted to the Minister for approval.

Regulations must comply with the requirements of the Urban and Rural Planning Act, and Standard Provincial Regulations have been developed to form the basis of these regulations. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulations.

The day-to-day administration of the Municipal Plan, and subsequent regulations, is in the

hands of staff members authorized by the Council. 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.

b) **The Municipal Planning Area**

~~The Municipal Planning Area of Englee is illustrated on Map 1.2.~~

~~The Planning Area was defined on August 19, 1988 and is illustrated on page 39. The primary purpose of these boundaries is to define the area for which the Municipal Plan will be prepared and therefore control development in the rural lands that could impact upon the Town. The topography of this area is rugged, rising sharply from the shoreline to heights of approximately 250 feet 80 meters. The relief of the inland area of the Planning Area is approximately 500 feet 100 meters above sea level, although this varies considerably due to the irregularity of the terrain. There are a number of ponds scattered throughout the area, generally at higher elevation.~~

The area has been glaciated and stripped of topsoil, particularly in the higher regions. striations are evident, generally running in a northeasterly direction. The Planning Area is heavily wooded with coniferous forest, except in the areas of exposed bedrock.

~~1.2 — Summary and Conclusion of the Background Study~~

~~(a) — Population and Employment~~

~~The population of Englee increased by only 10 persons between 1981 and 1986, and only 19 since 1976. The 1981 Census reported that in and out migration were equal between 1976 and 1981. These findings point to the fact that population growth has stagnated despite the presence of strong employment generators. It is suspected that the reason for this lack of growth is the scarcity of residential land in Englee, a factor that forces many~~

people to leave the town in order to build homes.

There is, at present, a great deal of employment in the two fish processing industries in Englee, and although these are subject to the fluctuations of a highly unpredictable natural resource, it is expected that employment levels will remain high in the near future. This will, in turn, sustain other service sector activities in the Town.

There is also a possibility that some positive economic benefit will result from the Wood Chip Generating Plant currently being built in Roddiekton, in addition to the possible development of a marble quarry in the area.

Overall, it is felt that the population could increase to approximately 1168 persons by 1998, given the prevailing economic climate and growth incentives. The population forecast is indicated on Figure 2.1.

1.2 Summary and Conclusion of the Background Findings

(a) Population and Economy

In 1986 the population of Englee was 1012. The 1991 Census reported a population of 984, and the Council estimates today's population to be approximately 930. This downward trend is a result of the poor condition of the fishery. The Town historically depended on the fishery and the two fish processing facilities provided the main basis for employment.

Since economic conditions have a direct bearing on population performance, and since the fishery is the backbone of the Town's economy, Englee can expect that the cut maintenance will have a negative effect on its population, at least for the planning period. Further decreases are possible, but it is anticipated that the population will not fall below 900.

(b) Housing

Housing demand, has averaged 2-3 8 units per year between 1988-1995 1980 and 1986 although demand tapered off to 5 units by 1986. It is felt that the decline in the demand for building permits is a result of the shortage of land suitable for residential development.

The housing demand between 1988-1998 1995-2005 is estimated to range between 70-130 20-30 new dwellings, similar to the last decade. This demand will be a combination of existing restricted need and demand created by positive economic growth in the region. The actual housing needs will be highly influenced by local and regional economic conditions, and as such, will fluctuate over time.

The intention of this Municipal Plan is to provide space for residential expansion in order to encourage population growth that can result from strong economic stimulus. It is also felt that given the availability of new housing areas, the initial demand will be the greatest, tapering off considerably as housing needs are met.

There is an intrinsic functional link between population growth, housing needs and economic vitality which is constantly in motion, although the relative importance of any variable may shift with time. In the case presented above, it is clear that the unavailability of residential land is severely limiting the growth of population and development of the service sectors. This obstacle must be removed if the Town is to realize its growth potential.

The existing Municipal Plan designated a Comprehensive Development Area on Englee Island. The Council has already taken steps to develop the area by providing the necessary infrastructure (water and sewer for six lots.) This area can be expanded as demand warrants.

(c) Community Opportunities and Needs

~~Englee has an immediate need to develop new residential land as outlined in the previous section. In conjunction with the development of new residential areas, it will be necessary to expand the Municipal water and sewer system. This must be done in planned phases in order to meet annual housing demands and to minimize financial costs to the Town. This will enable the Town to take advantage of the growth potential offered by a strong economic base. A larger population will strengthen the service sector, but the Town will still be dependent on a narrow economic base, which is highly sensitive to fluctuations in the fishery.~~

It would be highly desirable to diversify the industrial base, but this is very difficult to do in Englee due to the scarcity of land based natural resources and the distance from any large market area. The most realistic approach for Council to take is to actively promote and assist in diversifying the species of fish processed in Englee and to encourage government services to locate in the area. This would provide some measure of protection against the fluctuations in a single resource based economy.

~~The Town of Englee also has a pressing need to upgrade and pave the towns streets to alleviate problems of dust, flooding and roughness. A two year project has been undertaken and will be completed in 1988.~~

~~The Town has the opportunity to capitalize on its historic resources, especially as it relates to European settlement along its coast (already discovered is a french cemetery and sun dial). Only a detailed archaeological study will reveal the value of the resources, and maybe identify new ones.~~

2.0 THE MUNICIPAL PLAN

2.1 The Future Town

Englee will expand considerably over the next decade, with the increased availability of residential land. This will create a demand for greater municipal and commercial services, which in turn, can encourage economic growth. In turn, a larger population with the potential for growth will create a pool of labour for local industrial expansion.

The main thrust of municipal expansion will, however, be in the residential sector, with new serviced land being developed on Englee Island and the backland area east of the Town.

Through the expansion of its service infrastructure and land base, many of the problems currently facing Englee will be mitigated, creating an environment that could foster growth in the community over the next decade.

2.1 The Future Town

The physical form of Englee will change slightly over the next decade. Infilling of existing serviced land will be encouraged, and the Town will likely continue the expansion of its new residential subdivision on Englee Island.

The Town will also continue its expansion north on Route 433, in the Shoe Pond area. The west side of the highway has extensive infilling opportunities for low density residential development, and a new commercial area on the highway's east side will be developed as the scarce commercial land in the Town's centre diminishes.

2.2 Goals and Objectives

This section of the Municipal Plan sets out the long range goals that the town is striving to achieve through the planning process. These goals are of a very general nature and are attained by the identification and implementation of specific objectives that will build cumulatively towards the realization of the goals that have been set.

The goals are usually grouped with the appropriate land use areas, but this may vary when issues concern the Municipality in general. In this instance, the issues are often unrelated to specific land uses. These goals form the foundation of the Municipal Plan and are complemented with the identification of objectives which are normally expressed in finite terms, if possible to do so. Together, these goals and objectives contribute to the formulation of policies for land use area and other planning issues. The policies set out specific measures that apply to land use area planning issues and regulate development in the Planning Area.

~~(a) Community Structure Goals~~

~~It is a goal of this Plan to encourage the continuation of the high density, compact structure of the settlement pattern in Englee. Future expansion will be in new areas, due to the unavailability of land in the established section of the Town. New residential development should be of a compact and efficient design to minimize the costs of servicing, development and maintenance, ultimately making the financial costs easier for the Town to bear.~~

~~The objectives that will be followed to achieve these goals are as follows:~~

~~▶ To permit development only in approved areas as designed by the Englee Municipal Plan.~~

~~▶ To permit development only in serviced or semi-serviced areas.~~

- ~~▶ To designate Land Use Areas for Urban Expansion.~~
- ~~▶ To permit the infilling of open land in the developed areas of the Town.~~
- ~~▶ To develop regulations and standards to guide the development of the roads and streets that form the structural framework of the Town.~~

(b) Housing Goals

It is the goal of this Plan to provided adequate space for the development of new housing for the Town, while optimizing use of the land base.

The following objectives are identified:

- ▶ To designate areas for future residential growth to accommodate the ~~20-30~~ 70-130 new dwellings expected over the next decade.
- ▶ To ensure that new residential areas optimize the use of existing land through efficient subdivision design.
- ~~▶ To extend water and sewer services to all new housing areas.~~
- ▶ To permit the infilling of existing residential areas.

(c) Commercial Goals

It is a goal of this Municipal Plan to encourage the growth of commerce in Englee, particularly in the service sector. It is also a goal to provide a wider range of goods and services to the Town through the development of a larger commercial base.

The following objectives are identified:

- ▶ To permit the establishment of commercial outlets in areas of mixed development where infilling is possible.
- ▶ To permit commercial outlets in association with residential dwellings where feasible to do so.
- ▶ To establish a commercial land use area expressly for the purpose of commercial and related uses.

(d) Industrial Goals

The goals for industrial development in Englee include the following:

- ▶ The diversification and growth of the fish processing and marine-related facilities.
- ▶ The maximization of industrial potential in all areas of the Planning Area.

The following objectives are identified:

- ▶ To designate areas for future industrial expansion and the expansion of existing industry.
- ▶ To protect existing industrial uses from encroachment by non-compatible uses.
- ▶ To permit industrial development in the Rural Resource Areas.

(e) Rural Resource Goals

It is the goal of this Municipal Plan to reserve the rural hinterland surrounding Englee for the use of the residents of the Town. The intention of this goal is to keep the area free from residential development in order to promote the full development and utilization of its resource base.

The following objectives are identified:

- ▶ To encourage industrial and other related land uses in the Rural Resource area.
- ▶ To encourage the continuation of economic and recreational activities in this area.
- ▶ To protect resources of economic value from encroachment by non-compatible land uses.

(f) Environmental Protection Goals

It is the goal of this Municipal Plan to protect areas that are environmentally sensitive or unsuitable for development due to wetness, steep slope, or other environmental hazards. It is also a goal of this Plan to preserve areas of natural beauty and prevent the contamination of the environment by foreign substances, malodor, noise or visual pollution.

The following objectives are identified:

- ▶ ~~To establish a protected watershed area for the municipal water supply. To prevent pollution or harmful development in the protected water supply.~~
- ▶ To prevent development on land that is excessively wet, subject to flooding or has excessive steepness of slope.

- ▶ To protect the amenity of areas of intrinsic natural beauty.

(g) Municipal Finance Goals

It is the goal of this Municipal Plan to develop a Municipal budget that is within the financial capabilities of the Town and will serve also as a long-term planning guide for revenue allocation.

The following objectives are identified:

- ▶ To develop a five-year Capital Works Program which details both long and short term expenditures for the Town.
- ▶ To undertake expenditures for the development of new serviced residential land.
- ▶ To undertake expenditures for the upgrading and paving of local roads.
- ▶ To minimize servicing and operation costs to the Town by maintaining a compact and efficient municipal structure.

(h) Transportation Goals

It is the goal of this Municipal Plan to develop a safe, efficient and economical network of roads and streets for the benefit of the community.

The following objectives are identified:

- ▶ ~~To complete a program of road upgrading and paving in 1988.~~
- ▶ To develop new streets that will provide direct access to residential land for current

and future development.

- ▶ To establish standards and conditions respecting the setback of development from street rights-of-way.
- ▶ To ensure that all new public streets are properly constructed and afford the greatest degree of public convenience and safety combined with economy of design.

(i) Recreation Goals

It is the goal of this Municipal Plan to provide adequate recreation facilities to meet the needs of the residents of Englee.

The following objectives are identified:

- ▶ To designate a recreational land use area on the site of the existing ice rink and softball field.
- ▶ To provide accessible and functional open space for youth recreation in the Residential and Mixed Development areas of Englee.
- ▶ To permit passive recreational activities in the Rural Resource area of the Planning Area.
- ▶ To up-grade existing recreational facilities within the financial capabilities of the municipal budget.

2.3 Land Use Policies

~~(a) Residential Policies~~

~~The intent of this policy is to guide the development of residential land in Englee over the upcoming decade. It is a policy of this Municipal Plan that all future residential development shall be serviced by municipal water and sewer systems in order to conserve the land base and minimize servicing costs.~~

~~Future residential areas will be located outside the areas of existing development due to the unavailability of centrally located land. Such residential areas shall be carefully planned to afford the maximum benefit and economy to the community.~~

~~The following policies shall apply to Residential development:~~

- ~~▶ This policy establishes Residential Land Use areas as indicated on Future Land Use Map 1.~~
- ~~▶ This policy establishes Comprehensive Development Areas CDA as indicated on Future Land Use Map 1.~~
- ~~▶ The permitted and discretionary uses in the Residential Area shall include single dwellings, double dwellings, personal service, child care, convenience stores, antenna and home based businesses.~~
- ~~▶ All residential development shall front on a publically owned and maintained road.~~
- ~~▶ The minimum frontage for a serviced building lot shall be 18.3 metres.~~
- ~~▶ All new residential development shall be serviced by municipal water and sewer~~

systems.

- ▶ ~~Backlot development shall not be permitted in the Planning Area.~~
- ▶ ~~Residential infilling shall be permitted on serviced lots in the Mixed Development area.~~
- ▶ ~~The minimum right-of-way for residential street shall be 15 metres.~~

(a) Residential Policies

The intent of this policy is to guide the development of residential land in Englee over the next decade.

With the exception of the Shoe Pond area, all future residential development shall be serviced with municipal water and sewer systems in order to conserve the land base and minimize servicing costs. The isolated residential development in the Shoe Pond area is not serviced, therefore new development here will be limited to infilling only.

The following policies apply to the Residential areas as designated on Future Land Use Map I:

- ▶ This policy establishes Residential Areas and a Comprehensive Development Area.
- ▶ The primary uses in the Residential areas shall be single and double dwellings. Home based businesses and developments compatible with the residential component may also be permitted at the discretion of council. Multiple dwelling units may also be permitted where municipal water and sewer systems are available.
- ▶ Home based businesses are small scale businesses that are operated in the home or

on the same lot as the home by the home occupant. They are compatible with the home, surrounding residential character, and surrounding land uses and can be conducted without any significantly adverse effect on the surrounding neighbourhood. The acceptability of a home based business will also depend on the type of dwelling from which it is proposed to operate. A single dwelling will be able to accommodate the widest range of home occupations while an apartment dwelling will be able to accommodate only a limited range of home occupations.

- ▶ Except for the Shoe Pond area, all new residential development shall be serviced by municipal water and sewer systems.
- ▶ Within the Comprehensive Development Area, the only uses shall be those of a non-building type.
- ▶ The maximum floor area of non-residential uses shall be established to ensure non-residential uses are in keeping with the existing scale or development.
- ▶ Where non-residential developments are placed near residential properties, every effort shall be made to protect the residential property owner. This shall be done by providing adequate sideyards, separation, screening or landscaping to act as a buffer.

(b) Commercial Policies

It is the intent of this policy to encourage more commercial development in Englee by the designation of a Commercial Land Use Area. There is very little open land in the central area of Englee where new commercial activities could locate, therefore it is necessary to develop a commercial area elsewhere in the Town. The logical location for a new commercial area would be along the highway leading to Roddickton because of easy access and the availability of land.

The following policies shall apply to commercial development:

- ▶ Commercial Land Use Areas are established as designated Future Land Use Map 1.
- ▶ ~~The uses permitted in commercial Land Use Areas shall include shops, convenience stores, personal services, general services, outdoor and indoor markets, offices, commercial residential uses and catering uses. Other uses may be permitted at the discretion of Council.~~
- ▶ ~~The primary uses permitted in this designation include commercial, public, and limited industrial uses. Uses related to these may also be permitted at the discretion of Council.~~
- ▶ Residential dwellings shall not be permitted in a Commercial Land Use Area.
- ▶ Commercial activities shall be allowed in a Mixed Development area provided that the scale and siting of that development is compatible with the surrounding area.

(c) Mixed Development Policies

The central area of Englee is densely developed with a mixture of land uses. The predominant land use is residential housing interspersed with small commercial sites, churches, recreational open space and public service uses. It is the intention of this Municipal Plan to permit the continuation of this type of development in this area.

The following policies apply in the Mixed Development Area:

- ▶ A Mixed Development area is established as indicated on Future Land Use Map 1.

- ▶ The primary use in this zone shall be residential. Other uses of a public, commercial, and home based business type may also be permitted at Council's discretion.
- ▶ ~~The permitted and discretionary uses in this area shall include single family dwellings, convenience stores, shops, public services, personal services, recreational open space, general services, offices, transportation and home based businesses.~~
- ▶ Home based businesses are small scale businesses that are operated in the home or on the same lot as the home by the home occupant. They are compatible with the home, surrounding residential character, and surrounding land uses and can be conducted without any significantly adverse effect on the surrounding neighbourhood.
- ▶ The acceptability of a home based business will also depend on the type of dwelling from which it is proposed to operate. A single dwelling will be able to accommodate the widest range of home occupations while an apartment dwelling will be able to accommodate only a limited range of home occupations.
- ▶ All development in the Mixed Development Area shall be connected to municipal water and sewer systems and shall front on a publically maintained road.
- ▶ Backlot development shall not be permitted in this area.
- ▶ All development in the Mixed Development Area must conform to the standards and conditions set out in the Englee Development Regulations.
- ▶ Land uses that are incompatible with educational uses shall not be permitted to locate near or encroach upon any educational site in the Mixed Development Area.

(d) Industrial Policies

It is the intent of this policy to protect the existing industrial sites in Englee from encroachment by conflicting land uses. Due to the scarcity of land in Englee for industrial development, this policy shall designate sections of land along the waterfront for future marine-industrial expansion. This is based on the assumption that part of the harbour will be infilled to provide a land base for operation.

The following industrial land use policies shall apply:

- ▶ Industrial areas are established as indicated on Future Land Use Map 1.
- ▶ ~~The primary uses in this designation shall be industrial and those related to marine transportation.~~
- ▶ ~~The permitted and discretionary uses in these areas shall include light industry, general industry, offices and transportation.~~
- ▶ A buffer strip of 10 metres shall be maintained between any industrial area and any existing or proposed residential development.
- ▶ Industrial activities may be permitted in the Rural Resource area provided that such activities are compatible with the surrounding environment.

(e) Recreation Policies

It is the intent of this policy to designate an area of land for the development and expansion of active recreational facilities designed to meet the recreational needs of the Town. It is recognized that there are varying levels of recreational needs including facilities for active organizational sports, childrens' playgrounds, senior citizens clubs and areas for passive

recreational areas. Some centrally located facilities can serve large numbers of people while others, such as playgrounds, serve a more local population.

The following policies have been developed to guide recreation development in Englee.

- ▶ Recreational Areas are established as indicated on Future Land use Map 1.
- ▶ The uses in the Recreational Areas shall be those of a recreational open space type and related uses, and conservation.
- ▶ All new residential subdivisions shall have functional areas of land set aside for the development of local recreation sites and play areas.
- ▶ ~~Passive recreation activities shall be permitted in the Rural Resource area of the Town.~~

(f) Rural Resource Policies

It is the intention of this policy to preserve the resources of the Rural Resource area for the use of present and future residents of Englee. This hinterland area contains economically valuable reserves of timber, aggregate, and land that should be protected from uses that might prejudice their development. This policy reserves the rural Resource area for the development of its natural resources and other industrial potential in addition to passive recreational uses.

The following policies shall apply in the Rural Resource Area:

- ▶ A Rural Resource Land Use Area is established as indicated on Future Land Use Maps 1 and 2.

- ▶ The permitted and discretionary uses in the Rural Resource area shall include forestry, conservation light industry, agriculture, general industry, transportation, mineral working, cemetery, and tourism related uses. Summer cottages may locate within the Rural Resource Area provided they are confined to the saltwater coastline, and are a minimum of 2 km from the urban areas.
- ▶ Mineral working shall be permitted only in accordance with regulations established by Council and the Department of Mines and Energy.
- ▶ Residential dwellings shall not normally be permitted in this area except where such uses are clearly ancillary to a permitted use and at the discretion of Council.
- ▶ All residential dwellings in the Rural Resource Area must conform to Department of Health Regulations.

(g) Environmental Protection Policies

It is the intention of this policy to protect areas of the natural environment that are sensitive to pollution or unsuitable for development due to hazards such as flooding, high water tables, erosion, or steepness of slope. It is also essential that the municipal water supply of Englee be protected from encroachment by dangerous uses in order to preserve future water quality.

The following general Environmental Protection policies shall apply:

- ▶ Environmental Protection areas are established as indicated on Future Land Use Map 2.
- ▶ The primary permitted and discretionary uses in this area shall be limited to conservation uses and agriculture. Forestry and agriculture may also be permitted at

Council's discretion.

- ▶ ~~The Council and the Department of Environment shall establish a protected watershed area for the Municipal Water supply.~~
- ▶ ~~These shall not be any development within 30.5 metres of any standing body fresh water body or water course in the Planning Area.~~
- ▶ **A buffer shall be established around water courses within the planning area.**

(h) Municipal Finance Policies

It is essential to the financial stability of the Municipality that a balanced capital works program be established in order to guide the allocation of municipal funds. It is the intention of this Municipal Plan to establish a capital works budget that is within the financial reach of the Town.

The following Municipal Finance policies shall apply:

- ▶ Council shall develop a program outlining the schedule and cost estimates of the five-year Capital Works Budget.
- ▶ The five-Year Capital works Budget shall be in conformity with this Municipal Plan and the Englee Development Regulations.
- ▶ ~~It is the intention of Council to increase property and business taxes to assist in financing the five-year Capital Works Budget.~~

(i) Transportation Policies

It is the policy of this Municipal Plan to develop a safe, efficient and functional system of roads and streets for the Town of Englee. The transportation network often determines the future patterns of community growth, requiring careful planning and design for optimum expansion. New residential streets should connect to larger roads and provide access points to future residential land. In this manner, both the streets, service infrastructure and residential areas may be extended with minimum costs to the Town.

It is also important that development be prevented from encroaching on the rights-of-way of new and existing streets in order to facilitate ease of maintenance and snowclearing.

The following Transportation policies shall apply:

- ▶ ~~Council shall undertake a two year program in 1987-1988 to up grade and pave all municipal roads.~~
- ▶ All new residential streets shall have a minimum right-of-way of 15 metres.
- ▶ Standards for minimum setbacks from road rights-of-way shall be established to prevent the encroachment of development on streets and roads.
- ▶ ~~Access points for future residential streets are reserved as shown conceptually on Future Land Use Map 1.~~
- ▶ All new roads streets and accesses in the Planning Area shall be constructed in accordance with the standards and conditions set out in the Englee Development Regulations.

3.0 IMPLEMENTATION

3.1 Program of Development

The upgrading and paving of roads is the main priority with Council.

During 1995 and 1996, the Council anticipates the spending of \$162,500 on the upgrading of existing roads and another \$127,000 for the paving of roads. To accomplish this, the Council has applied for funding under the Canada/Newfoundland Infrastructure Program.

The implementation of many of the policies set out in this Plan requires the prioritizing of capital works projects in order to develop a logical and feasible schedule of capital works expenditures. These projects must be within the financial capabilities of the Town and are prioritized by the degree of necessity.

The following program of development sets out the projects that the Town will undertake during the 1988-1992 period.

(1) — Road Up-grading and Paving (1987-1988) — This project has been scheduled to proceed in two stages the first of which was completed in 1987. The second phase will be finished in 1988 and will involve final up-grading and paving of roads and streets in Englee.

(2) — Road and sewer extension in Heights cove Valley (1988) — This project will open an essential new area for residential development in an area that is currently unused. This will provide services to 11 existing dwellings and is intended to be the first phase of significant residential development in the Heights Cove Area.

(3) — Incinerator Construction (1988)

- (4) ~~Water Line to Shoe Pond (1989) This project will involve the installation of a municipal water line to Shoe Cove Pond as indicated on Map. The water line would service 7 existing homes and a service station but would make available approximately twenty five building lots of 45 metre frontage and 30 metre depth. These lots would have septic tanks for sewer disposal requiring a minimum lot size of 1350 sq. metres.~~

3.2 ~~Capital Works Program~~

The following Capital Works Program is based on the Program of Development set out in Section 4.2. This section details the costs and the administrative dependency of the various capital works projects:

TABLE 4.1
Capital Works Program

Date	Project	Total Costs	Annual Mun. Costs	Administrative/ Financial/Dependency
1987/88	Road up- grading & paving	\$292,375.	\$22,000.00	60/40 provincial/ municipal cost sharing
1988	Height's Cove Road Extension	-10,000.	-1,200.00	60/40 provincial/ municipal cost sharing
1988	Height's Cove sewer	-42,000.	-3,000.00	Town Council
1988	Incinerator Project	-120,000.	-6,000.00	
1989	Shoe Pond Water Line	-201,650.	-15,000.00	Town Council
	TOTAL	-373,650.	-47,200.00	

It is the intention of Council to implement this program by 1989, after which time the financial needs and position of the Town will be reassessed with the view towards

~~developing further programs.~~

3.2 Land Use Zoning, Subdivision and Advertisement Regulations

The Land Use Zoning, Subdivision, and Advertisement Regulations to be administered and enforced by the Council shall include:

- ▶ The powers of Council including rules and administrative procedures governing the Council's consideration of and decision on planning applications.
- ▶ Rules and administrative procedures for appeal boards.
- ▶ General development standards for all zones.
- ▶ Regulations governing advertisements.
- ▶ Regulations governing the subdivision of land, covering but not limited to, subjects such as services to be provided, building lines, public open space, design standards, and transfer of streets and utilities to the Council.
- ▶ Definitions of key words and phrases to be used in the interpretation of the Regulations.
- ▶ A classification of uses of land and buildings to be used in the Use Zone Tables.
- ▶ Zone tables tailored specifically for each use zone listing the permitted and discretionary uses and the standards and conditions for development in each specific zone.

- ▶ Use Zone maps dividing the Planning Area into areas corresponding with the use zone tables.

Zoning divides the entire municipality into separate land use areas or zones, each with a stated category of uses and standards for development.

3.3. Administration

(a) Introduction

The preparation, adoption, and approval of this Municipal Plan represents only a part of the planning process. In other words, the Municipal Plan is not an end in itself nor does it serve any useful purpose without being implemented.

The Municipal Plan must be implemented by means of the regulatory powers conferred upon the Council by section 37 of the Urban and Rural Planning Act and such other statutes, enabling legislation and programs as may be applicable. The Municipal Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies, and programs which it contains.

(b) Land Use Zoning, Subdivision and Advertisement Regulations or the Development Regulations.

The direction and orderly control of land use is an important feature of the municipality's planning program. For that purpose, Development Regulations are the most effective tools. After the Municipal Plan is formally adopted, Council is required under section 36 of the Urban and Rural Planning Act to prepare these Development Regulations for the control of land use in strict conformity with the

Municipal Plan. These must include Land Use Zoning Regulations, Subdivision regulations, and Advertisement Regulations. Other regulations must be in compliance with part VIII of the Act. Council may establish these other regulations to control the use and development of land in accordance with the Municipal Plan.

Essentially, zoning is a means of ensuring that the future land uses are in conformity with the Municipal Plan, that they are properly situated in relation to one another, and that they do not conflict with or adversely affect adjacent properties. Based on concepts set out in the Municipal Plan, zoning directs new growth into suitable areas and protects property by requiring that development afford adequate light, air, and privacy for persons living and working within the community. Zoning also allows for the control of development directly in each area so that property can be effectively serviced by means of a corresponding extension of the existing public services.

As mentioned above, in the Development Regulations there are permitted uses for each of the zones which are primary and are allowed in that particular zone. The issuing of permits for these permitted uses is usually straight forward, subject to the requirements of the Development Regulations and any further conditions imposed by Council. Discretionary uses are those which may be allowed in a specific zone if:

- (1) The development would not be contrary to the general intent and purpose of the Zoning ~~Development~~ Regulations, the Municipal Plan, or any other further Plans or regulations.
- (2) Proper public notice has been given and Council is satisfied that it is not against the public interest and will fit into the zone as a complementary or non-damaging use.
- (3) Council is satisfied that the discretionary use is suitably located within the zone proposed.

Permitted and discretionary uses are listed individually for each zoning category in the Development Regulations.

(c) Control of Development

Council will exercise proper control over all development within the Planning Area in accordance with this Municipal Plan and the Development Regulations.

Any person wishing to develop or subdivide land for any purpose within the Planning Area shall make application on the prescribed forms to Council for permission. It is important to note that the Council will require a separate permit to be obtained by the developer for the subdivision of land. All new development or redevelopment as well as any change of use or intensity of use or alteration or improvement to any land or existing building will require a permit from the Council. In addition, a separate permit will be required for all building work and the occupancy of a building. A building permit will not be granted until a development and/or subdivision permit has been obtained.

Council may grant approval in principle to enable a developer to test a proposal for conformity with the municipal plan and development regulations without having to go the expense of preparing detailed plans.

If the Council is in favour of the proposal, approval in principle may be given, subject to the submission and approval of detailed plans of development and any other conditions that Council may impose. An approval in principle is processed and considered just like any other application.

(d) Capital Works Program

In an effort to ensure that adequate funds are available at the appropriate time to implement each feature of the municipal plan, Council shall prepare and submit every year a five-year forecast of their anticipated capital expenditure requirements. ~~This will be done in compliance with section 9 of the Municipal Grants Act.~~

4.0 MAPS

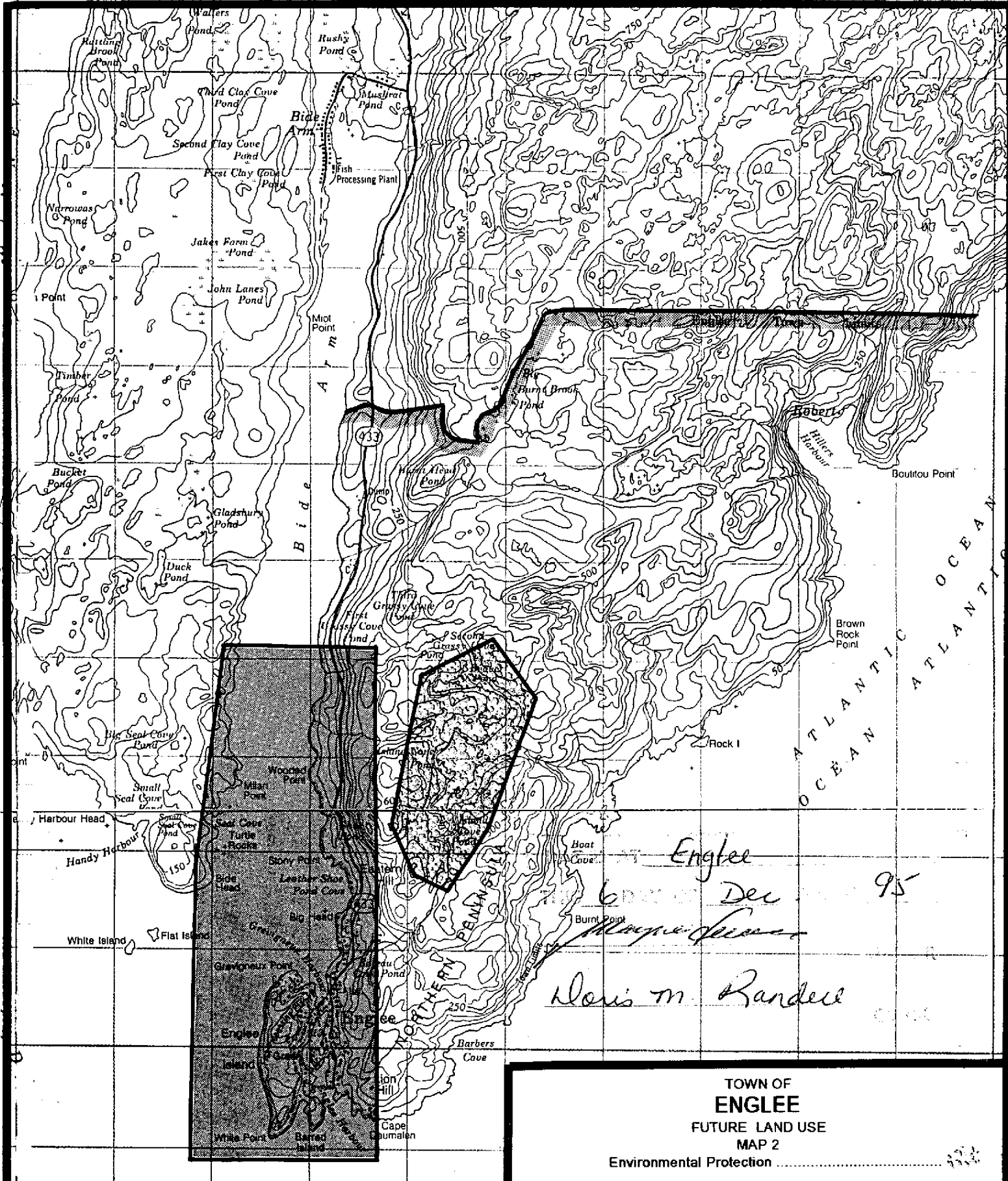
In order to further the development of an orderly, economic and attractive development pattern, the Planning Area is divided into groups of complementary land uses having related function which do not ordinarily interfere with each other, constitute mutual nuisances or hamper each other's activities. The general land use designations are set out on Future Land Use Maps 1 and 2 which form part of this Municipal Plan.

The intent of the Municipal Plan is to guide development into these land use designations; thereby separating activities that have conflicting requirements and functions. Commercial and industrial areas are located where they may benefit from important transportation facilities and local resources and the pattern of uses has been derived with the intent of preserving important natural features. It must be stressed that it is not the intent of this Municipal Plan to segregate land uses for the sake of such segregation but only for the purposes of preventing conflicts between each group of activities.

The road network is based on and designed to facilitate the satisfactory movement of both people and goods to and from the various land use areas within the Planning Area, as well as to facilitate through traffic movement.

FUTURE LAND USE

MAP II



*Englee
6 Dec 95
Magne Seaman
Noris M. Randell*

MINISTER
Dated at St. John's
This 17 Day of *JUNE* A.D. 1997
Arthur D. Reid



TOWN OF ENGLEE
FUTURE LAND USE
MAP 2

Environmental Protection

Area Covered by Map 1

Municipal Planning Area Boundary

Rural Resource

DATE - Sept. 1995 GRID NORTH SCALE - 1:50 000

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