

**TOWN OF
PORT HOPE SIMPSON
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

**PORT HOPE SIMPSON
MUNICIPAL PLAN**

1994 - 2004

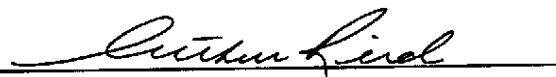
Prepared for the Community of Port Hope Simpson by the
Urban and Rural Planning Division
Department of Municipal and Provincial Affairs
Government of Newfoundland and Labrador

February 1994

URBAN AND RURAL PLANNING ACT
NOTICE OF APPROVAL
COMMUNITY OF PORT HOPE SIMPSON
1994-2004

I, Arthur D. Reid, Minister of Municipal and Provincial Affairs, under and by virtue of the powers conferred by the Urban and Rural Planning Act, hereby approve the Community of Port Hope Simpson Municipal Plan, 1994-2004, adopted by the Community Council of Port Hope Simpson on the 24th day of March, 1995.

Dated at St. John's this 7th day of December, 1995.


ARTHUR D. REID, M.H.A.
CARBONEAR DISTRICT
Minister of Municipal & Provincial Affairs

NOTICE OF ADOPTION

Resolved, pursuant to section 15 of the Urban and Rural Planning Act, that the Council of the Community of Port Hope Simpson 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: William Parr

SECONDED BY: Pearl Sampson

Certified as a correct copy of a Resolution passed at a meeting of the Council held at the Community of Port Hope Simpson on the 24 day of March , 1995.

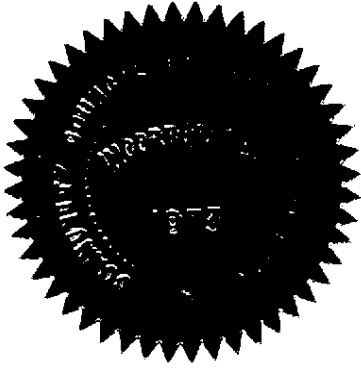
Donald Sampson
Mayor

H. Penney
Clerk

SEAL AND SIGNATURE

Signed and sealed pursuant to section 15(3) of the Urban and Rural Planning

Act this 24 day of March , 1995.



Donald Sample
Mayor

CLERK'S CERTIFICATE

Certified that the attached Port Hope Simpson Municipal Plan, is a correct copy of the Port Hope Simpson Municipal Plan, adopted by the Council of the Community of Port Hope Simpson on the 24 day of March , 1995.

Pat Denney
Clerk

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
Foreword	1
Purpose of Municipal Planning	1
Municipal Plan Preparation	1
Municipal Plan Review and Amendment	3
II. BACKGROUND SUMMARY	4
Municipal Planning Area	4
Municipal Planning Background	4
Economy	4
Population	5
Housing	6
Community Structure	7
Commercial Development	7
Community Services	7
Municipal Services	8
Transportation & Communications	8
Utilities	9
III. PORT HOPE SIMPSON MUNICIPAL PLAN	10
Introduction	10
Goals and Objectives	11
Policies Specific to Land Use Designations	15
1. Residential	15
2. Mixed Development	17
3. Industrial	19
4. Recreation	20
5. Environmental Protection	21
6. Rural	22

Table of Contents (cont'd)

	Page
General Land Use Policies	24
1. Surface Conditions	24
2. Municipal Services	24
3. Servicing Requirements	25
4. Roads	25
5. Property Maintenance	25
6. Visual Effects of Development	26
7. Development Near Waterbodies	26
8. Environmental Protection	26
9. Public Utilities	27
10. Heritage Structures	27
11. Advertisements	27
12. Fuel Storage Tanks	27
13. Non-conforming Uses	27
IV. PLAN IMPLEMENTATION	28
Introduction	28
Development Regulations	28
Development Control	29
Public Works	30
Development Schemes	31

MAPS 1, and 2 at back

INTRODUCTION

FOREWORD

This document and the maps contained within form the Municipal Plan for the Community of Port Hope Simpson. The document presents statements regarding the Council's or Community's intentions with respect to the location and manner in which development within its Municipal Planning Area shall take place. The maps show the Municipal Planning Area divided into various land use designations. Within each one only specified kinds of development may take place. The Municipal Plan is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Municipal Planning Area. All development must conform with the applicable policies of the Municipal Plan after the date on which it comes into effect.

Purpose of Municipal Planning

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

Municipal Plan Preparation

This Municipal Plan has been prepared in accordance with Section 14 of the **Urban and Rural Planning Act**. The process begins when Council resolves to have a Municipal Plan prepared and makes a formal request to the Minister of Municipal and Provincial

Affairs in this regard. The Minister then defines the Municipal Planning Area and the Lieutenant-Governor in Council authorizes Council to exercise development control within it through an Interim Development Order. A Municipal Plan is then prepared by a qualified planner following background studies of land uses, population trends, the local economy, municipal and social services and any other relevant factors. When the Municipal Plan has been completed and meets with Council's approval, it is then formally adopted by a resolution of Council, in accordance with Section 15(1) of the Act.

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken. Council must sign and seal two copies and publish a notice in the Newfoundland Gazette and a newspaper circulating in the Municipal Planning Area, in which Council states its intention to seek the approval of the Municipal Plan. The notice must state where and when the Municipal Plan can be inspected and give the time and place for a Public Hearing of any objections or representations. The Hearing is then conducted by a Commissioner appointed by the Minister. Following the Hearing, the Commissioner submits a written report to the Minister together with copies of all the evidence taken at the Hearing.

After the Commissioner's report has been submitted or after it has been determined that a Public Hearing is necessary, Council must then apply to the Minister for approval of the Municipal Plan. For this, the Minister requires two copies of the Municipal Plan which have been certified by the Clerk as having been adopted by Council, a copy of the adopting resolution, and all written objections and representations that may have been submitted at the Hearing. After reviewing this material, the Minister may approve the Plan with or without modification or may order that a new one be prepared.

If the Minister approves the Municipal Plan he will endorse a copy and return it to Council. Within ten days of receipt of Ministerial approval, a notice to this effect will be published in the Newfoundland Gazette and a local newspaper. Once this notice has been published, the Municipal Plan is legally binding on Council and any person or party proposing to use or develop land anywhere within the Municipal Planning Area.

Municipal Plan Review and Amendment

Every five years from the date on which it came into effect, Council must initiate a review of the Municipal Plan. Where necessary, changes will be made to account for any new policies or land use requirements for the next ten years. The Municipal Plan may be amended at any other time, in whole or in part, for legitimate planning reasons that may have been unforeseeable at the time it had initially been drafted. Any such amendment will be read together with, and become part, of the Municipal Plan and so must not conflict with the General Intent of the Plan.

BACKGROUND REPORT SUMMARY

Municipal Planning Area

The Municipal Planning Area of Port Hope Simpson (Map 1) encompasses an area of approximately 80 square kilometres. The community of Port Hope Simpson is located along the south shore of Alexis River, approximately 40 km west of the Labrador coast. It is situated 290 air km southeast of Goose Bay and 130 air km northwest of St. Anthony. The community is relatively flat with a number of small inclines and the terrain slopes gradually towards the Alexis River.

Municipal Planning Background

The Community of Port Hope Simpson was incorporated in 1973. The Community's Municipal Planning Area was established in 1984. A Draft Municipal Plan was prepared in 1979 and revised in 1984, however Council never adopted it.

Economy

The economic mainstay of Port Hope Simpson traditionally has been employment created by resource development such as trapping, fishing and forestry industries. The potential for future growth in the fishing industry is limited. The distance the community is from the fishing grounds and the state of the northern cod stocks will have a negative impact on any future developments in the fishing industry. As with the fishery the forestry industry is dependant on supply and prices to generate growth. Presently there are a number of commercial sawmills in the community. In the future the forestry industry may provide moderate economic growth for the community.

Population

The population of Port Hope Simpson was 614 in 1991. The average annual growth rate from 1981-1991 was 0.5 percent. It is predicted the Community will maintain an annual growth rate of approximately 0.75 percent during the 1994-2004 Plan period. The population is projected to reach 650 by 1999, and by the end of the ten year plan period it should be at 675. The increase will be almost entirely due to births.

PORT HOPE SIMPSON POPULATION GROWTH		
YEAR	POPULATION	ANNUAL % CHANGE
1971	232	---
1976	548	27.2
1981	581	1.20
1986	605	0.82
1991	614	0.29
1999	650	0.75
2004	675	0.75

Depending on the progress of major development projects elsewhere in Labrador, out-migration may offset this increase temporarily and seasonally. In-migration will continue to have little effect on the population as it is expected the numbers of professional jobs that have brought new people to the community will remain stable and subject to regular staff rotations. Development of regional and local tourism infrastructure during the planning period may be expected to result in increasingly pronounced seasonal population fluctuations.

Housing

In the 1981-1991 period the number of households in Port Hope Simpson increased from 105 to 140, an increase of 25 percent. When compared with the annual population growth rate of 0.50 percent for the same period, it is obvious the number of persons per household is decreasing. Using this trend of decreasing household size, an estimate of the number of dwelling units that will be required in Port Hope Simpson for the period of this plan can be established. The number of persons per household will decrease if the

PORT HOPE SIMPSON HOUSING			
YEAR	POPULATION	NUMBER DWELLINGS	PERSON PER HOUSE
1981	581	105	5.53
1986	605	120	5.04
1991	614	140	4.38
1999	650	157	4.14
2004	675	169	4.00

population does not increase proportionally to the increase in numbers of households. It is concluded that under the assumption of a constant growth rate of 0.75 percent Port Hope Simpson will require approximately 17 additional building lots by 1999, and 12 building lots by 2004. An additional 12 - 18 new homes will be needed over the next ten years to replace existing homes in the Community.

Telephone services are provided by Newfoundland Telephone and is maintained by the company out of Goose Bay operations.

Utilities

Newfoundland Hydro provides diesel generated power for the community. The present generating station is located in the center of the community. Hydro is in the process of building a new generating station in 1994, which will be located northeast of the community in a rural area.

PORT HOPE SIMPSON MUNICIPAL PLAN

INTRODUCTION

The Municipal Plan presents goals, objectives and policies to guide development in the Port Hope Simpson Municipal Planning Area from 1994 - 2004. Goals represent the broad long-term targets the Council has set for itself. Objectives are the more specific directions to be followed in order that the Council will achieve its goals. Policies are specific actions towards development that facilitate the accomplishment of the Municipal Plan's objectives and goals.

The intent of this Municipal Plan is to encourage orderly, economic and attractive development. To this end, the Municipal Plan divides the Municipal Planning Area into land use designations where specified land uses are permitted. These general land use designations are shown on Future Land Use Maps 1 and 2. These maps are as important as the plan text and should be read along with it.

The Municipal Plan intends to keep conflicting land uses apart. It has also been designed considering the need for commercial and industrial areas to be located so as to benefit from local transportation connections with ready access to local resources, and the need to protect special natural and cultural features. Major public works such as a road must similarly be designed to provide both safe and efficient movement of goods and people through the community.

GOALS AND OBJECTIVES

The following are goals which describe the intent of the Municipal Plan and provide a rationale for the specific policies which will guide the development of the community over the ten year planning period:

A) COMMUNITY STRUCTURES

Goal: To curb linear sprawl and to concentrate the pattern of development in order to enable servicing on an economic basis.

Objectives:

1. To guide development in such a way that piped water and sewer services can be accommodated efficiently and economically.

B) COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Goal: To provide for economic development, and a range of services for maximum employment in the community.

Objectives:

1. To centralize commercial activities as far as possible, in order to produce a more efficient land use pattern.
2. To encourage fishery and forestry related development that will improve the economy of the community.
3. To seek alternative sources of employment to offset the high seasonal unemployment during the winter months.

C) RESIDENTIAL DEVELOPMENT

Goal: To provide adequate housing for the present and future population.

- Objectives:**
1. To encourage the improvement of substandard dwellings that are capable of continuing to provide accommodation for a reasonable number of years.
 2. To provide for the development of 3 to 5 new housing units per year over the next 10 years in order to accommodate new growth and to replace worn out housing stock.
 3. To follow a pattern of development that allows for efficient use of land, efficient communication and economy in servicing.

D) RECREATION

Goal: To ensure that sufficient land is preserved for recreational purposes in the built-up area, by maximizing use of the recreational facilities and natural features already existing and by providing the necessary facilities to meet the future needs of the residents of Port Hope Simpson.

- Objectives:**
1. To provide additional facilities in the existing recreational areas.
 2. To preserve and protect any rural area with a recreational potential or other open space value.

E) ENVIRONMENT

Goal: To protect and enhance the quality of the natural environment.

- Objectives:**
1. To prevent development from occurring on lands having inherent natural environmental hazards such as poor drainage and flood susceptibility.
 2. To conserve and enhance natural areas with a high aesthetic value.
 3. To ensure the proper design and siting of private and public development through long-range planning.
 4. To prevent the contamination of the Community's water supply.

F) TRANSPORTATION

Goal: To provide for an efficient internal and external transportation system.

- Objectives:**
1. To seek the improvement of local roads.

G) MUNICIPAL SERVICES

Goal: To provide adequate and efficient systems for water supply and sewage disposal where development is concentrated and it's economically feasible.

- Objectives:**
1. To encourage future development to cluster in the existing Community in order to minimize the costs of providing municipal services.

H) MUNICIPAL FINANCES

Goal: To manage municipal expenditures and revenues in such a way as to provide necessary municipal services while maintaining the Community's ability to pay its share of the costs.

- Objectives:**
1. To maintain a sound financial base within the Community by:
 - a. Undertaking essential and desirable capital works based on a one-year term program and an overall five-year proposed capital budgeting program.
 - b. Proposing expenditures within the constraints of the program.
 - c. To provide essential public services at minimum feasible costs.

POLICIES SPECIFIC TO LAND USE DESIGNATIONS

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

1. RESIDENTIAL

The existing housing stock of the Community is largely single dwellings. The residential development pattern has been determined by the availability of land and approval of private water and septic systems. This has resulted in a low density development pattern in the community. This is a typical development pattern in rural communities that do not have piped municipal water and sewer systems. Port Hope Simpson is in the process of building a piped municipal water and sewer system in the community and it will have an impact on future development in the community. The following policies will guide the future growth and development of the Residential areas.

1. The Residential designations are established as indicated on Future Land Use Map 1.
2. Land designated Residential shall be developed primarily for residential uses. Other uses may be permitted on a residential lot such as a convenience store, an office for a professional person, or a small scale business use where they are part of a residence. 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 onsite 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.

3. Residential growth shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of existing areas serviced in the Community to ensure the efficient use of available lands. Subdivisions will be located adjacent to existing built up areas where municipal servicing can be easily and economically provided in the future.
4. All new development and all new lots created shall have direct frontage onto a publicly-maintained road or in the case of a new subdivision shall have frontage on a road being constructed under the terms of a development permit issued by Council. The costs of providing services to any new subdivision development shall be the responsibility of the developer.
5. Development permits will only be granted by Council when it has been established by the Department of Health and/or the Department of Environment and Lands to Councils satisfaction that soil and drainage conditions are suitable to permit the installation of an adequate means of sewage disposal unless connection to municipal services is available.

2. MIXED DEVELOPMENT

The Community centre is a mixture of commercial, public and residential development. This mixture of land uses has not created any significant problems and it is intended to permit this form of development to continue while ensuring amenity and safety between the different land uses. The following policies will guide the growth and development of the Mixed Development areas.

- 1) The Mixed Development area is established as indicated on the Future Land Use Map 2.
- 2) Development of these lands will be primarily for residential uses. Other uses of land for commercial, light industrial, public and recreational open space uses may be permitted provided public safety and amenity are protected.
 - a) The full range of residential uses will be permitted. Higher density residential type uses may be required to fit in with the scale of the existing low density residential uses. Specialized housing for seniors and group homes may also be permitted.
 - b) A small scale business use may be permitted to occupy a minor part of a residence. These uses are limited to convenience retail uses, service and office uses and home occupations.
 - c) Commercial uses including retail, service, medical and professional office uses may be permitted. These uses will be compatible in floor area to surrounding residences. Commercial uses will be limited to those that will not be a hazard or nuisance to residences and will be separated an adequate distance from residences.

- d) Small scale light industrial uses including indoor storage, repair and manufacturing uses may be permitted. Limited outdoor activity may be permitted provided it is adequately screened from sight. These uses will be separated from and not be a hazard or nuisance to other uses.
- e) Public uses may be permitted provided they respect residential amenity, safety and privacy. Public uses include religious, educational and social uses.
- f) Recreational open space uses such as public parks, and playgrounds may be permitted. The amenity and privacy of nearby dwellings will be taken into consideration.

3. INDUSTRIAL

Industrial development is very limited in the Community due to its geographic location on the Labrador Coast. The two resource sectors which provide opportunity for industrial development are the fishery and forestry. The following policies will guide the growth and development of the Industrial areas.

1. The Industrial areas are established as indicated on Future Land Use Map 1.
2. Land designated Industrial shall be developed primarily for industrial uses. Other uses that may be permitted include commercial office, retail and transportation provided they are directly related to an industrial enterprise.
3. Industrial activity will centre around the public wharf. If however, the timber industry is revived, it is the policy of Council to ensure that any future milling operations be established away from the shoreline and outside of the built-up areas. Sites within the Rural designation may be considered and are to be adequately separated from residential areas.
4. Tanks or apparatus connected with the storage of fuel shall be required to provide adequate containment and dyking. Council shall require that all fuel storage tanks are approved by the Department of Environment and Lands. Also Council shall require siting of fuel storage tanks within the industrial designations in a manner that will not adversely affect the amenities or safety of the adjoining properties.

4. RECREATION

An area of land which contains the rink and playground has been set aside for a recreation area in the community. This area of land is relatively flat but poorly drained. In the future this area would provide a good location for a community multi-recreational facility. The following policies will guide the growth and development of the Recreation areas.

1. The Recreation designation is established as indicated on Future Land Use Map 2.
2. Land designated Recreation shall be developed primarily for recreational uses. Permitted uses may include parks, playgrounds, rink and non profit recreational uses. The lands shall be kept substantially free of buildings and structures except for those which are necessary to facilitate the development of the recreation uses.
3. Council shall undertake repairs and improvements to the existing rink and ballfield.
4. The feasibility of establishing a new ballfield on the road to the airstrip for the Community will be pursued.

5. ENVIRONMENTAL PROTECTION

The Environmental Protection areas include the Arnold's Brook Protected Watershed, areas of land in the community that are poorly drained, prone to flooding and shorelines. Development in these areas may affect the quality or quantity of water and therefore must be protected from negative impacts of development. The following policies will guide the growth and development of the Environmental Protection Area.

1. The Environmental Protection Area is established as indicated on Future Land Use Map 1 and 2.
2. Land designated Environmental Protection Area shall be not be developed. Only permitted use will be conservation uses and passive outdoor recreation.
3. The Department of Environment and Lands has designated Arnold's Brook Watershed a protected watershed. The Brook and pond are the water supply for the community municipal water system. No development shall be permitted in the Protected Watershed area. Recreational and conservation uses maybe permitted provided they do not effect water quality or quantity.
4. Public Utilities may be permitted provided that they do not cause any adverse affect on the quality or quantity of the water available from the water supply catchment area as shown on Future Land Use Map 1.

6. RURAL

Rural lands that surround the Community provide valuable natural resources and are used extensively by the local community for recreational purposes and partially for subsistence lifestyle. The rural lands are used heavily during the winter months for snowmobile trails, which provides access to hunting and trapping areas and recreational use. The rural lands close to the Community also provide a source of aggregate material used by the community for road construction. The following policies shall guide development in the Rural areas.

1. Undeveloped lands surrounding the community and within the Municipal Planning Area shall be designated Rural as indicated on the Future Land Use Maps 1 and 2.
2. Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment.
3. Council will evaluate each development proposal to determine environmental impacts and set development standards to reduce or eliminate any negative impacts and protect public safety and all amenities.
4. Council, shall not extend municipal services to any development located in areas designated Rural. However, a developer may connect to municipal services at his own expense.
5. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, adjacent activities, and the scenic qualities of the shorelines and rural lands. All

mineral operations will be required to complete a site rehabilitation plan as a part of the development application.

6. Council will prohibit all but very small scale mineral workings and related activities from taking place within general view of developed areas. Unless absolutely necessary, existing quarry sites are to be exhausted before new sites are developed.
7. Council, when issuing a permit for any mining operation, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions in particular may refer to the following subjects and matters:
 1. Landscapping, screening and fencing;
 2. Rehabilitation;
 3. Noise, dust and pollution control.
8. A substantial buffer shall be maintained around the Solid waste disposal site of a size to protect against smell, rodents and other adverse effects of such an operation. Only those rural uses not negatively impacted by the solid waste disposal site or a related use may be located within the buffer zone.
9. Forestry and related uses will be separated from the build up areas of the community a distance sufficient to protect against noise, smoke, fire hazard and protect amenity of the community in general.

GENERAL LAND USE POLICIES

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

1. Surface Conditions

Any proposal for erection of a structure on a site having a slope in excess of 15 percent, or which is potentially subject to flooding or any other hazard, must be certified by an engineer to ensure that development of the site can take place without danger to health or safety. Otherwise, the development will not be permitted.

2. Municipal Services

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

- 2.1 Vacant land and sites made suitable for infilling due to installation of municipal water and sewer servicing are intended to be fully utilized before services may be extended to new areas.
- 2.2 All new streets must connect to another street and deadend streets shall terminate in a cul de sac.
- 2.3 An industrial, agricultural or non-building use presently located in a predominantly residential area or along a serviced road, and which does not require municipal services, shall be encouraged to relocate to an area that is not serviced, so that land that is, or will be serviced, can be used for more appropriate urban development.
- 2.4 Extensions to the water, sewer and road system which are not part of the Community's capital works program shall be the developer's financial responsibility.

3. Servicing Requirements

- 3.1 All buildings that have or are required to have plumbing systems will connect to the municipal water and sewer system. This requirement does not apply, at Council's discretion, to buildings in the Rural designation. This requirement also does not apply to lots that are not serviced by the municipal water and sewer system unless Council determines the development should not be permitted unless it connects to the municipal water and sewer system.
- 3.2 With the exception of land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or industrial type of uses for which street frontage would be unnecessary or undesirable, all buildings shall have the appropriate frontage on a publicly owned and maintained road, unless other policies and requirements of this Plan specify otherwise.

4. Streets

4.1 Local Streets

Local streets will be designed to maximize the safety and efficiency of vehicular and pedestrian traffic.

4.2 Street Maintenance

After installation of water and sewer services it is intended that all residential streets will be upgraded.

5. Property Maintenance

- 5.1 All development shall be landscaped. The exteriors of buildings, particularly commercial properties, and any business catering to tourists, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair them or remove them if they present a safety hazard.
- 5.2 Council will ensure that buildings and property owned by the Council are well maintained and landscaped, where possible, as a general example to the community.
- 5.3 Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in general public view.

6. Visual Effects of Development

Where a proposed development is of a size or nature that could in any way have negative effects beyond the boundaries of the site upon which it is located (such as the creation of noise, smoke, dust, fumes or unsightliness) Council may hold a public briefing or otherwise consult with surrounding residents to ensure they are aware of the potential effects of the proposal and that their concerns are taken into consideration before any decision is made. Screening through such means as retention of original trees and other plant growth or erection of fences or any other measures to render off-site effects acceptable will be required.

7. Development Near Waterbodies

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

- i) wharves, slipways and sheds along the coast to allow for traditional small scale marine operations;
- ii) public works and utilities;

8. Environmental Protection

- 8.1 A proposed development shall not pollute any part of the Municipal Planning Area. Permission to develop may be conditional upon measures to prevent pollution.
- 8.2 Garbage, refuse, abandoned vehicles and any other discarded materials of any kind shall be disposed of only at a waste disposal site approved by the Department of Environment and Lands. Such material shall not under any circumstances be used as fill for buildings and lots.

9. Public Utilities

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

10. Heritage Structures

Houses and other buildings and structures which were built in a traditional or distinctive architectural style or otherwise, and deemed to have historic or aesthetic value by Council, shall be considered heritage structures. It is Council's policy to protect heritage structures for aesthetic and historic reasons and for their economic value as tourist attractions. Council may enact regulations for such purposes.

11. Advertisements

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

13. Fuel Storage Tanks

All fuel storage tanks located within the Municipal Planning Area shall be required to provide adequate containment and dyking. Council shall require that all fuel storage tank installations are first approved by the Department of Environment and Lands. Council shall also encourage the location of all commercial fuel storage tanks to be located in the Rural land use designation in appropriate tank farms.

14. Non-conforming Uses

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

PLAN IMPLEMENTATION

Introduction

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

Development Regulations

Development Regulations ensure that development takes place in accordance with the goals and objectives and within the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the **Urban and Rural Planning Act**. Like the Municipal Plan, these Development Regulations are binding upon the Council and all other persons and organizations. The Development Regulations consist of five parts: **General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones**. The first four are similar for all towns and communities in the province. However, the **Land Use Zone section (Schedule C)**, will be tailored to conform to this Municipal Plan.

I. General Regulations

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

II. General Development Standards

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

III. Advertisement Regulations

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the Municipal Planning Area.

IV. Subdivision of Land Regulations

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

V. Land Uses Zones

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

Development Control

The Municipal Plan is a legal document which is binding upon all persons, groups, and organizations, including the municipal council. Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. Anyone who fails to follow the required application process or who otherwise violates the Municipal Plan and Development Regulations can be prosecuted and may be ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan through the Development

Regulations, refer development applications to outside agencies and to issue all required permits when approval is granted.

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

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

Council has discretionary authority to grant a variance to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or negatively impact on adjoining properties.

Public Works

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The Community's water and sewer servicing program and any future capital works programs must conform with applicable policies and land use designations of the Municipal Plan. Water and sewer projects must not contribute to sprawl, since that would conflict with the Municipal Plan's goal of promoting compact development. Council must also demonstrate its ability to cover its share of costs in any capital works requests. It should also be recognized that extensions of the water and sewage systems required for (or as a part of) new development (including residential subdivisions) are the responsibility

of developers and not the municipal or provincial governments. Upon completion of the water and sewer servicing program (or individual phases of it) improvements to local roads should be undertaken in accordance with the Community's financial capability (and in conformity with the Municipal Plan) on a prioritized basis. The development of additional recreational facilities should also be carried out on a year-to-year basis subject to the Community's financial capabilities.

Development Schemes

Sections 31-33 of the **Urban and Rural Planning Act** provide Council with the authority (upon adoption of a Municipal Plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the Municipal Planning Area is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space. Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in a manner similar to the process of adopting a Municipal Plan, and when approved, form part of the Municipal Plan.