

TOWN OF SALLY'S COVE 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

SALLY'S COVE
MUNICIPAL PLAN
1987 - 1997

1.0 ADOPTION AND APPROVAL

1.1 COUNCIL RESOLUTION

Resolved, pursuant to section 16 of The Urban and Rural Planning Act, that the Council of the Community of Sally's Cove adopt the Municipal Plan entitled "Sally's Cove Municipal Plan, 1986-1996."

Resolved further, pursuant to section 18 of the Urban and Rural Planning Act, that the Council apply to the Minister of Municipal Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the adopted Plan.

PROPOSED BY: *Laurence Roberts*

SECONDED BY: *Ron Payne*

Certified as a correct copy of a Resolution passed at a meeting of Council held at
on the 25 day of November, 1986

 Diane Scully
Clerk

1.2 SEAL AND SIGNATURE

Signed and sealed pursuant to section 16(3) of The Urban and Rural
Planning Act this 25th day of November, 1986.

Edith Roberts

(SEAL)

Mayor

1.3 CLERK'S CERTIFICATE

Certified that the attached Municipal Plan is a correct copy of
the Municipal Plan adopted by the Council of the Community of
Sall's Cove, on the _____ day of _____, 1986.

Diane Aemlin

Clerk

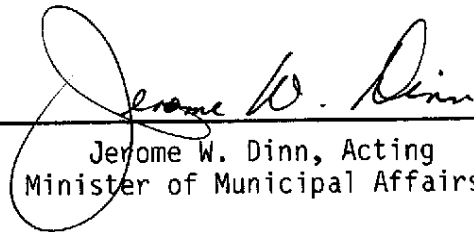
THE URBAN AND RURAL PLANNING ACT

NOTICE OF APPROVAL

SALLY'S COVE MUNICIPAL PLAN

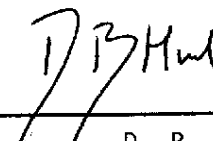
I, Jerome W. Dinn, Acting Minister of Municipal Affairs, under and by virtue of the powers conferred by The Urban and Rural Planning Act, Chapter 387 of The Revised Statutes of Newfoundland, 1970, hereby approve the Sally's Cove Municipal Plan adopted by the Community Council of Sally's Cove on the 25th day of November, 1986.

Dated at St. John's this *14th* day of *August* 198*7*.



Jerome W. Dinn, Acting
Minister of Municipal Affairs

In the Presence of:



D. B. Hurd
Director of Urban and Rural Planning

2.0 INTRODUCTION

2.1. FOREWORD

a) MUNICIPAL PLANNING IN NEWFOUNDLAND AND LABRADOR

The Municipal Plan

This Municipal Plan has been prepared in accordance with the requirements of section 15 of The Urban and Rural Planning Act, following surveys and studies of land use, population growth, the local economy, present and future transportation 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.

Ministerial Approval

When the Municipal Plan is formally adopted by resolution of the Council under section 16(1) of the Act, two copies must be impressed with the Seal of the Council and signed by the Mayor.

This brief summary of Municipal Planning legislation and procedures is intended to assist the Council in understanding and using its Plan. Details are contained in the Urban and Rural Planning Act.

The Council must then give notice of its intention to seek the approval of the Minister of Municipal 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 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 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 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 their 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) MUNICIPAL PLANNING AREA

The Sally's Cove Municipal Planning Area is bounded on the west by the Gulf of St. Lawrence. The remaining sides of the Planning Area are bounded by the Gros Morne National Park. This Planning Area was defined in 1983, at which time a resolution to prepare a Municipal Plan was adopted by the Community. The background study for the Community was prepared in 1984 and 1985 in

conjunction with similar studies of the other Gros Morne enclave communities. These studies formed the basis of the current Municipal Plan.

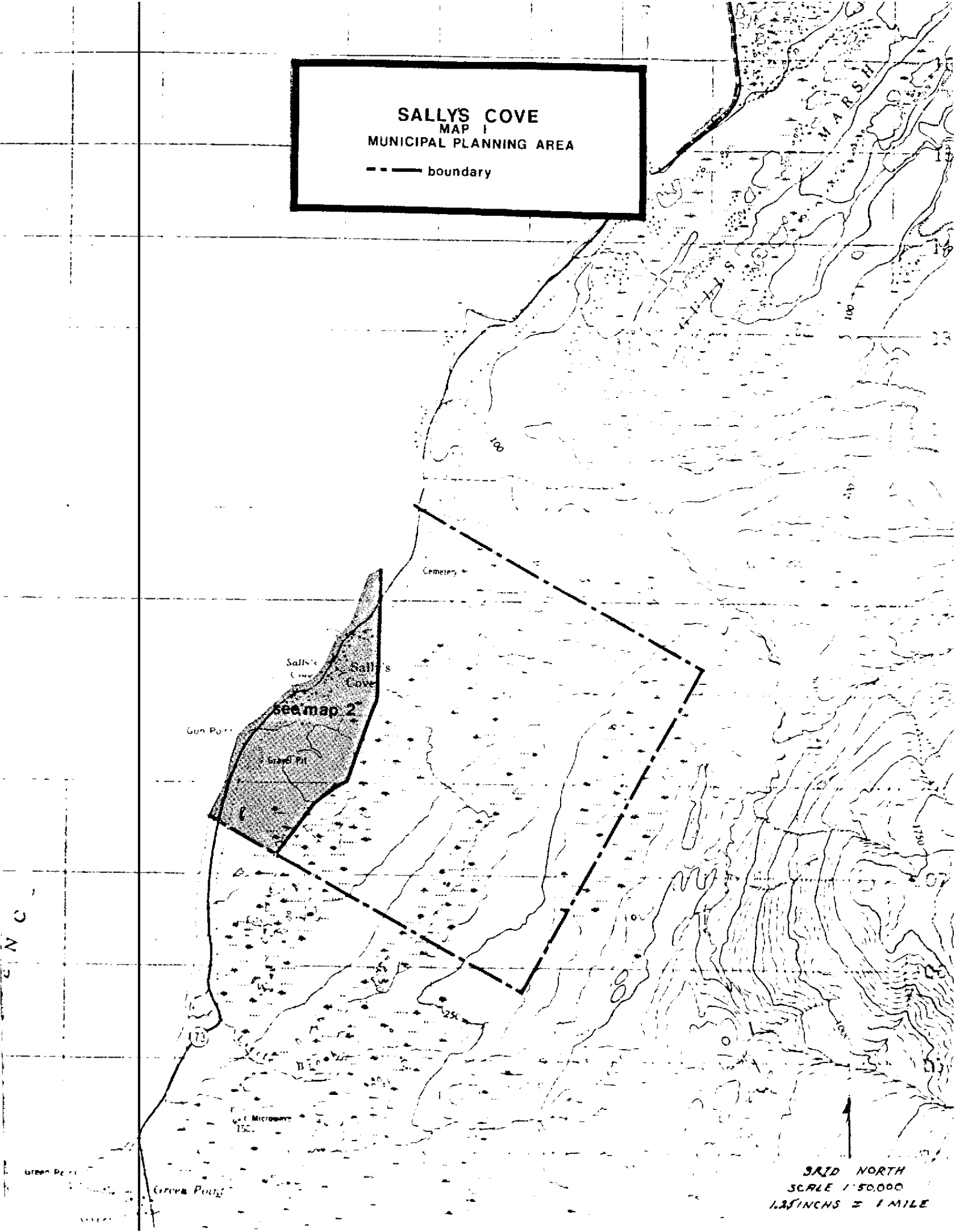
The topography of the Sally's Cove Planning Area is low lying and regular, consisting mainly of glacial till and bogs interspersed with considerable numbers of small ponds.

The Community Council passed a resolution to prepare a municipal plan in 1983. At this time, the boundary of the Planning Area was established and the Interim Development Regulations were put in place.

Prior to that time, the majority of Sally's Cove residents were resettled to other Gros Morne enclave communities, but a few families decided to remain in their homes. The Community has survived, although its future outlook indicates persistence rather than change or development.

SALLYS COVE
MAP I
MUNICIPAL PLANNING AREA

--- boundary



GRID NORTH
SCALE 1" = 50,000
1.25 INCHES = 1 MILE

2.2 SUMMARY & CONCLUSIONS OF THE BACKGROUND STUDY

a) Population, employment and housing

The population of Sally's Cove has dropped considerably since 1966, as indicated by Table I, directly as a result of the resettlement of the Community. Recent population counts indicate that a further 44 people have left Sally's Cove since 1981, leaving a 1986 population of approximately 56 persons. Although there are no census figures on demographic structure, an informal survey of the community indicates a mature population with few young families or children thus limiting the potential for population increases.

TABLE I:	1966	-	350
	1976	-	188
	1981	-	100
	1986	-	56 (Estimated)

The population is expected to remain stable or decline slightly over the next decade, and it is highly unlikely that any significant changes will occur.

The employment base is integral to the survival of a community and in this respect Sally's Cove is deficient. There are several full time fishermen in the Community, while other persons are employed elsewhere. Other than this, the Community does not offer any economic opportunity in existing industries and is therefore unlikely to attract any new residents on a permanent basis.

Housing demand in Sally's Cove is non-existent, given the absence of development potential and the availability of abandoned homes. It is possible that some houses will be used on a seasonal basis, but this type of use will be minimal. It is estimated that the existing housing will adequately supply the needs of the residents during the life of this Municipal Plan.

b) Other Community Problems, Opportunities and Needs

Sally's Cove has a need to preserve the existing pattern of residential development rather than encouraging the expansion of seasonal residences into presently undeveloped areas. It is more desirable to utilize existing dwellings rather than building new units. This would also serve to keep existing buildings in good repair.

The area of land between the highway and the ocean has already been developed for fishery-related activities. It is desirable to allow this to continue and to encourage the local fishery as much as possible.

Another opportunity exists in the form of the tourist industry related to the Grow Morne National Park. The Viking Trail runs through the Community and as such provides a direct access to tourist traffic. It is possible that there may be some local opportunities for the provision of rental accommodations, services and possibly, guided fishing or boat trips. It is not likely that this will develop into a large employer, but nevertheless some potential does exist in this area.

2.3 POLICY ASSUMPTIONS

It is anticipated that the economy and population of Sally's Cove will enter a period of relative stability. The Gros Morne National Park must be considered to be a permanent institution and as such offers the greatest opportunity for both direct and indirect employment.

The fishing industry may improve over the next decade with rebounding fish stocks, but it is unlikely that many new jobs would be created; rather, new vitality would be given to the existing employment base.

3.0 THE MUNICIPAL PLAN

3.1 THE FUTURE COMMUNITY

The physical extent of the Community is not expected to change over the next decade, and it is desirable to confine any new development to the existing built-up areas. It is unlikely that the intensity of land use in Sally's Cove will change in the near future and the present situation of mixed land use will be encouraged. It is the intention of the Municipal Plan to encourage the local fishing and tourist industries by providing land use areas free from other conflicting uses. It is also desirable to restrict seasonal residences to the built-up area to encourage the utilization of existing housing. The promotion of a seasonally-oriented tourist industry would buoy the economy of Sally's Cove a great deal during the summer months, while interfering little with the traditional lifestyle of the Community residents.

3.2 GOALS AND OBJECTIVES

a) Community Structure

Goal: To preserve the existing scale and character of the Community.

Objective: To limit new residential and commercial uses to the existing built-up areas of the Community.

b) Housing

Goal: To encourage the utilization and maintenance of the existing housing in Sally's Cove.

Objective: To permit seasonal residences in the Mixed Development Area of the Community at the discretion of Council.

c) Rural Resources

Goal: To preserve the timber and mineral and natural resources on the Planning Area for the use of the Community.

Objective: To permit mineral working in the resource area.

Objective: To prevent seasonal residences in the Rural Resource Area only at the discretion of Council.

d) Environmental Protection

Goal: - To preserve the aesthetic and physical quality of the physical environment.

Objective: To prevent new development in sensitive areas.

Objective: To restrict the extent of physical development.

e) Industrial and Employment

Goal: To encourage the fishing industry in Sally's Cove.

Goal: To promote the local tourism industry.

Objective: To designate an area of land for fishery-related activities.

Objective: To permit tourism related land uses in the Mixed Development Area.

f) Municipal Finance

Goal: To avoid any excessive municipal expenses or debts.

Objective: To maintain a balanced municipal budget within the financial capabilities of the community.

3.3 POLICIES

a) Mixed Development Land Use Policies:

The intent of the Mixed land Use designation is to permit the existing pattern of development to continue, while at the same time permitting a wider range of land uses to be introduced should the demand occur.

- A Mixed Development Land Use designation is established as indicated on Future land Use Map 2.
- The permitted uses in this area shall include housing, shops, service stations and other non- conflicting uses.
- Seasonal residences in the mixed development area shall be permitted only at the discretion of Council.
- Facilities that are compatible with housing, such as schools, churches and playgrounds may be permitted in the Mixed Development Area.
- All development in the Mixed Development Area shall front on a public road and shall conform to the standards set out in the Sally's Cove Development Regulations.
- All development shall be on unserviced building lots and shall require Department of Health and Council approval.
- Agriculture may be permitted in the Mixed Development Area at Council's discretion.

b) Industrial Land Use Policies:

It is anticipated that the only industry likely to be situated in Sally's Cove is the existing fishery activity that is located in the beach area. The buildings in this area are well maintained and should be allowed to continue in their present uses.

- An Industrial Area is established as indicated on Future Land Use Map 2.
- The permitted uses in this area shall include docks, store-houses, boat haul-ups and other fishery-related structures.
- Any new development in this area shall require the prior approval of Council and the Development Control Division of the Department of Municipal Affairs.

c) Rural Resource Land Use Policies:

The hinterland area surrounding Sally's Cove should be preserved for recreation and resource utilization. The intent of this policy is to prevent development from encroaching on this area and to protect the aggregate reserves located there.

- A Rural Resource Land Use designation is established as indicated on Future Land Use Maps 1 and 2.
- The uses permitted in this area shall include forestry, sawmilling, agriculture and recreation.
- A Mineral Working area is established as indicated on Future Land Use Map 2.
- Any mineral working or gravel extraction from this area shall be in accordance with guidelines established by the Department of Mines and Energy and the Council.
- The operator of any Mineral Working site shall be required to rehabilitate and restore the site after extraction operations have ceased.
- Seasonal residences in the Rural Resource Area shall not be permitted in a Linear fashion parallelling Highway 430. All seasonal residences shall be confined to the Backland section of this area and shall be at the discretion of Council.
- Council may require a buffer zone between the rural resource area and any other land use area if it is felt

that the rural resource activity may conflict with those existing or permitted uses in the Mixed Development or Environmental Protection Areas.

d) Environmental Protection Land Use Policies:

It is the intential of this Plan to limit development in areas that are susceptible to environmental hazards such as steep slopes, susceptibility to flooding or unstable soil conditions. In addition, development will be barred from areas that are unsafe due to proximity to the highway or where development would disturb the aesthetic quality of the environment.

- An Environmental Protection Land Use designation is established as indicated on Future Land Use Map 2.
- The permitted uses in this area shall include conservation and recreational open space.
- Agricultural land uses may be permitted in an Environmental Protection Area at the discretion of Council.

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 funtion 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 Maps 1 and 2, which form part of this Municipal Plan.

The intent of the Plan is to guide development into these land use designations; thereby separating activities that have conflicting requirements and functions. It must be stressed that it is not the intent of this Plan to segregate land uses for the sake of such segregation but only for the purposes of preventing conflicts of each group of activities may be achieved.

e) Transportation Policies:

The Community of Sally's Cove has developed parallel to highway 430 and as a result, does not have a branching road system. It is important however to control development along the highway and ensure that development setbacks and road rights-of-way are adequate to maintain public safety.

It is also necessary to establish standards for roads and streets in the Planning Area, in the event of future development.

The following classification of roads is useful for physical planning, development control, and to establish priorities for maintenance. In this context a division of functions among the existing and proposed roads is considered necessary. This functional classification of roads has been developed to guide future right-of-way planning and to control access to major roads. Private roads or lanes are not included under the street classification hierarchy as indicated on Maps 1 and 2 and, therefore, are to be considered the total responsibility of the owner and owners.

i) Limited Access Highways

Limited access highways are designated to permit the free flow of traffic into the Planning Area and to interconnect with the collector road system of the municipality. These limited access highways will normally be maintained by the Department of Transportation.

- To provide optimum mobility and safety for through traffic, direct access to adjacent lands will not be permitted. Access will be limited to properly planned public road intersections.
- Notwithstanding the foregoing, individual access to rural and resource uses may be permitted if they do not create a traffic hazard or restrict the free flow of traffic.
- Where possible, a collector road should link at both ends with another collector street or with Route 430.

ii) Local Roads

Local roads have the primary function of providing access to abutting properties. The overall road system should be so designed as to minimize the amount of through traffic on local roads resulting in maximum safety for pedestrians and allowing attractive residential development.

- Direct access shall be allowed to all abutting properties. Local roads may be residential, commercial or industrial, depending on the predominant use of the adjacent land.

- The speed and volume of traffic on local roads shall be kept to a minimum by means of signs and street and intersection design. Cul-de-sac or dead-end roads shall be provided with an adequate space where vehicles can be turned around.
- Any new local road system should be designed to give access to a maximum amount of building land. At the same time, however, it must aim at minimizing the amount of road length to reduce capital costs and avoid excess maintenance and snowclearing costs.

iv) Rights-of-Way

It is important that land be reserved alongside each road in the planning are for its ultimate to a desirable standard where that standard does not now exist; therefore:

- All collector roads shall have a planned minimum right-of-way of 20M.
- All local roads shall have a planned minimum right-of-way of 15M. Wherever new roads are being built or land is being subdivided, the above standards shall apply to all roads within or abutting the subdivision.

v) Substandard Road

In some cases individual may wish to develop land along roads which are presently not up to a minimum standard for proper maintenance and snowclearing. Council may not at the time be able to upgrade such roads.

- Council does not object to such development occurring, but it shall require the roads giving access to such development to be upgraded by the person or persons carrying out the development to the same standard as apply under its regulations to new roads in subdivisions.

4. IMPLEMENTATION

4.1 Development Program and Public Works Projects

The Municipal Plan does not call for any capital works projects or any development program for the first five years of its implementation. Beyond the time any new projects may be introduced to the Plan through the standard review process.

4.2 Administration

a) Introduction

The preparation, adoption, and approval of this Municipal Plan represents only a part of the planning process. In other words, the 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 programmes as may be applicable. The Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies, and programmes which it contains.

b) Development Regulations

The direction and control of orderly land use is an important feature of the community's planning programme. For the purpose, development regulations are the most effective tool. After the Plan is formally adopted, Council is required under Section 37

of the Urban and Rural Planning Act to develop fully s scheme for the control of the use of land in strict conformity with the Municipal Plan and any further plans or development scheme. These must include land use zoning regulations, subdivision regulations, and such other regulations in compliance with the requirements of Part VIII of the Act as the Council may deem necessary to control the use and development of land in accordance with the Plan.

Essentially, zoning is a means of ensuring that the future land uses are in strict 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. It 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 are so that property can be effectively serviced by means of a corresponding extension of the existing public services.

The implementing 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 zone tables.

As mentioned above in the Regulations, there are certain uses for each of the zones which are primary and are permitted as a matter of right anywhere in that particular zone. The issuing of permits for uses is straight forward and these uses are subject to the requirements of the Regulations and any further conditions imposed by Council. A discretionary use is one which may sometimes be permitted in a specific zone where:

- 1) The development would not be contrary to the general intent and purpose of the Regulations, the Plan, or any other further scheme or plan or regulations.

- ii) 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.
- iii) Council is satisfied that the discretionary use is suitably located with the zone proposed.

Permitted and discretionary uses will be listed individually for each zoning category in the Land Use Zoning Regulations.

c) Development Control

Council will exercise proper control over all development within the Planning Area in accordance with this 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 of 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.

*The Urban and Rural Planning Act should be referred to for the precise definition of "development"/

**Subdivision means that dividing of any land whether in single or joint ownership into two or more pieces for the purpose of development.

Council may grant outlined permission, sometimes called approval in principle, to enable a developer to test a proposal without having to go the expense of preparing detailed plans. Council to make proper assessment. If the Council is in favour of the proposal, outline permission may be given subject to the submission and approval of detailed plans of development and any other conditions that appear necessary. As outlined application will be processed and considered just like any other application.

d) Capital Works Programme

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.



5. PLAN MAPS

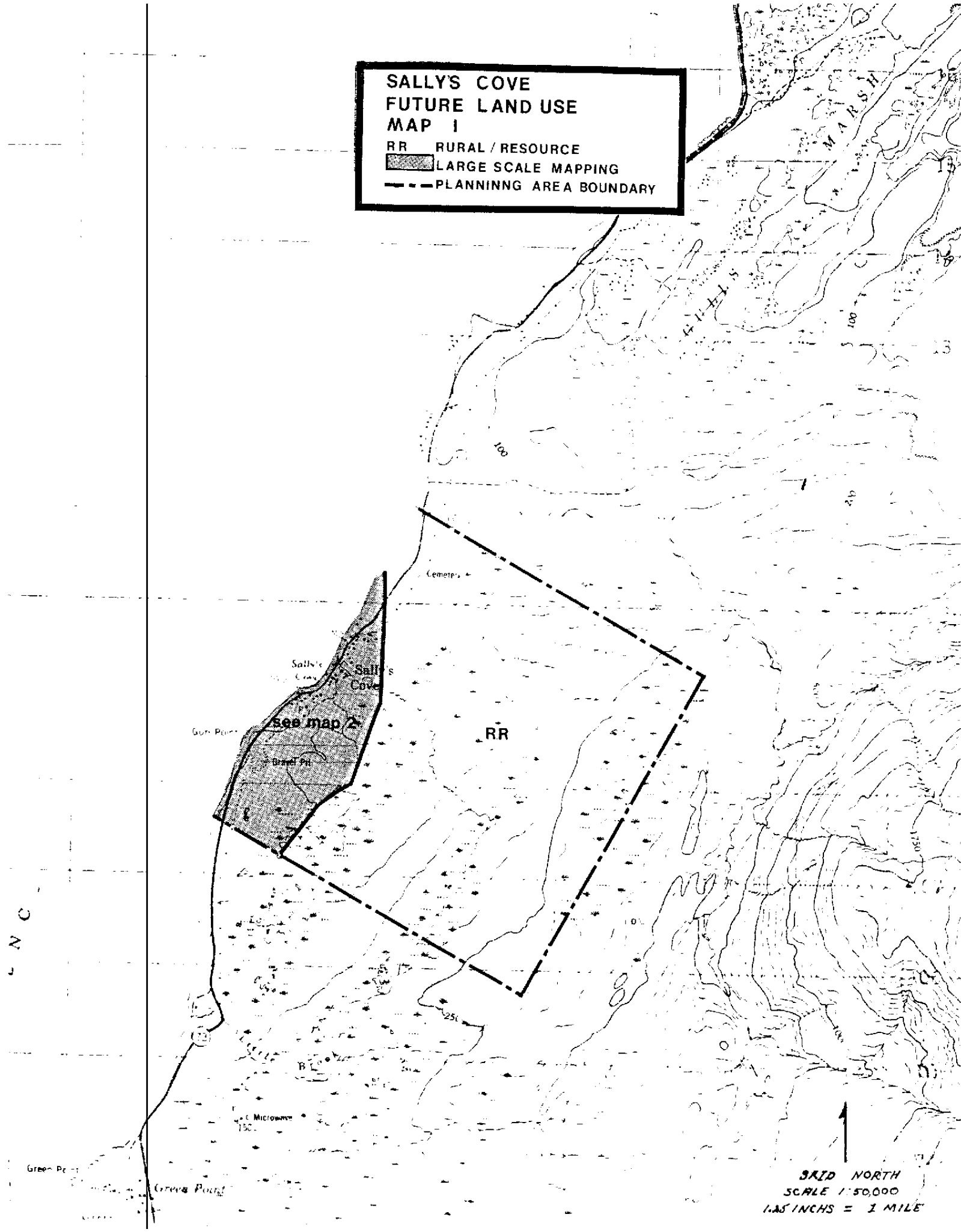
5.1 Explanation

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 Maps A and B which form part of this Municipal Plan.

The intent of the Plan is to guide development into these land use designations; thereby separating activities that have conflicting requirements and functions. Industrial and Mixed Development 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 Plan to segregate land uses for the sake of such segregation but only for the purpose of preventing conflicts in development and to create environments where the optimum functioning of each group of activities may be achieved.

**SALLY'S COVE
FUTURE LAND USE
MAP 1**

- RR RURAL / RESOURCE
-  LARGE SCALE MAPPING
-  PLANNING AREA BOUNDARY



SAID NORTH
SCALE 1:50,000
1.65 INCHES = 1 MILE