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## 1.0 ADOPTION AND APPROVAL

### 1.1 COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

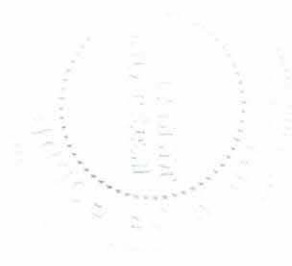
Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Roddickton-Bide Arm adopts the Municipal Plan for 2017 to 2027.

Resolved by the Town Council of Roddickton-Bide Arm on the 19<sup>th</sup> day of November, 2018.

Signed and sealed this 10 day of August, 2020

Mayor: Sheila Fitzgerald  
(Council Seal)

Clerk: Barrie Compton



#### Canadian Institute of Planners Certification

I certify that the attached *Municipal Plan* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

(MCIP Seal)

Jens Jensen  
Jens Jensen, P.Eng., MCIP

Date: 20 August 2020



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**1.2 COUNCIL RESOLUTION TO APPROVE**

*[resolution of Council to approve the Municipal Plan, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]*

Whereas the Council of the Town of Roddickton-Bide Arm adopted the proposed Municipal Plan on the 19<sup>th</sup> day of November, 2018, gave notices of their intention to do so by posting of notices at customary places in the municipal planning area, on the municipal website and on social media used by the Council for municipal notices, all in accordance with the provisional requirements to do so promulgated by the Department of Municipal Affairs and Environment due to the COVID 19 pandemic, beginning on the 27<sup>th</sup> day of April, 2020 and continued until the date of the public hearing, appointed a commissioner to hold the required public hearing at 12:00 noon on the 29<sup>th</sup> day of May, 2020, received and considered a report of the commissioner, and made the following resolution:

Under the authority of Sections 16, 17, 18 and 23 of the Urban and Rural Planning Act 2000, the Town Council of Roddickton-Bide Arm approves the Municipal Plan for 2017 to 2027, exactly as released by the Department of Municipal Affairs and Environment, except as amended in accordance with the commissioner's recommendation to delete the "hazardous industry" class from the list of discretionary uses permissible in the Industrial area, as found in Policy 6.1.3.

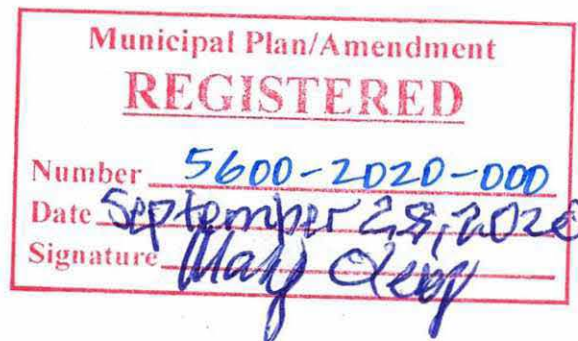
Resolved by the Town Council of Roddickton-Bide Arm on the 25<sup>th</sup> day of June, 2020.

Signed and sealed this 10 day of August, 2020

Mayor: Sheila Fitzgerald

Clerk: Leanne Compton

(Council Seal)



## 2.0 FOREWORD

### 2.1 *The Municipal Plan and the Planning Area*

This document and the maps identified in it form the Municipal Plan for the Town of Roddickton-Bide Arm for 2017 to 2027. It has been prepared in accordance with the *Urban and Rural Planning Act*, 2000.

Upon completion of the required steps to bring it into legal effect, it repeals and replaces the Town of Roddickton Municipal Plan of 1994, which was retained in 2005, and all amendments thereto. This Municipal Plan also represents the first such document for the area of the former Town of Bide Arm, which did not have a Municipal Plan at the time of amalgamation with the former Town of Roddickton.

Consequently, there is a new Planning Area for this Municipal Plan due to the effect of the amalgamation and the subsequent decision made by the Minister to define an appropriate area. The new Planning Area essentially comprises the areas of the former two Towns plus an area outside the boundary of the amalgamated Town of Roddickton-Bide Arm comprising that part of the protected public water supply for Roddickton lying outside the boundary of the amalgamated Town.

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

### 2.2 *Ministerial Approval*

For the Municipal Plan to gain full legal effect, the following procedure must be undertaken, pursuant to Sections 15 through 24 of the *Act*.

In brief, the process begins with the preparation of a draft Municipal Plan under the direction of Council. When a draft is prepared to the satisfaction of Council, a process which should include an early opportunity for public input, it is submitted to the Department of Municipal Affairs and Environment for review. When the Department has reviewed the draft document and is satisfied that it is acceptable in light of provincial and other government agencies' interests, the Department officially releases it pursuant to Section 15 of the *Act*. Council then, by resolution, is able to adopt the document pursuant to Section 16 of the *Act*.

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

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

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

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

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

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

### **2.3 Effect and Amendment of the Municipal Plan**

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

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2017 through 2027.

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

### **2.4 Municipal Plan Administration; Role of Development Regulations**

Every Council is required to provide for administration of the Municipal Plan in conjunction with the Development Regulations, which are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement regulations.

Development Regulations must comply with the requirements of the *Urban and Rural Planning Act*, 2000 and the Minister's Development Regulations (Newfoundland Regulation 3/01 made by the then Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001). The Minister's regulations comprise a number of standard requirements applicable across the province. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.



## **3.0 INTRODUCTION**

### **3.1 Title and Components**

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Roddickton-Bide Arm, 2017 - 2027*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan for the Roddickton-Bide Arm Planning Area.

### **3.2 Review and Amendments**

As indicated in the Foreword, the policies and land use designations described in this Municipal Plan are subject to periodic review and occasional amendment as required in the light of changing economic, social, and technological developments.

### **3.3 Objective of the Municipal Plan**

The objective of this Municipal Plan is to guide growth and development within a Planning Area. It provides a means of preventing problems that could occur if conflicting land uses are developed too closely. It directs future growth so that 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.

### **3.4 History and the Way Forward**

The Town of Roddickton-Bide Arm is on the coast, located close to the northern end of the Great Northern Peninsula on the west coast of the island of Newfoundland. The Town, like many places along the coasts of Newfoundland and Labrador, had its European Contact in the late 17<sup>th</sup> Century when abundant fish resources attracted fishers, though more correctly one should note the brief settlement of the Vikings at nearby L'Anse aux Meadows centuries before that. In the 1700's, both French and English vessels fished the surrounding waters. Most of those employed in that trade did not stay over the winters, and the friction between France and Britain prevented establishment of permanent settlements until much later.

The French Shore Treaties between France and Britain, and British policy, resulted in a situation wherein French fishers were entitled to use shore areas to dry their summer catches, without obstruction from British or Newfoundland interests. However, although France gave up her claims to ownership of the land, it was British policy to discourage shoreline settlement by her own people, to avoid friction with the French. This equilibrium was maintained until the conclusion of the Napoleonic Wars in 1815. Thereafter, permanent British settlements began to be established.

The economy of the area thereafter continued to relate strongly to the fishery in the same manner as much of coastal Newfoundland and Labrador. A major departure from the ordinary came with the beginnings of the Grenfell Mission in the region. An informative history was written in the 2010 Integrated Community Sustainability Plan (ICSP) for each of the Towns of Roddickton, Bide Arm (these two had just amalgamated the year before), Englee, and Main Brook. The account given in this document concerning the more recent history of the area is drawn from that excellent report.

The populations of the communities in the area were tiny, and indeed Bide Arm was basically only a wintering site, until the beginning of the Twentieth Century, when Sir Wilfred Grenfell established a sawmill as part of his efforts to improve the economic and social conditions of the area. The story of the Grenfell Mission is fascinating, and too lengthy to even summarize in this report. Suffice to say that Sir Wilfred Grenfell's work in establishing institutions to alleviate the dire health and social conditions of people on the Labrador Coast and the northern part of the Great Northern Peninsula was hugely influential in the well-being of the area.

Sir Wilfred chose St. Anthony to be the headquarters of the Mission, and there established a hospital, industries, an orphanage and a school, and the marine harbour and logistical apparatus for delivery of services in the region. In Roddickton, the Mission founded a sawmill and the legacy of forestry work has continued to this day. The effect on the economy and population of the whole region, but in particular the immediate area of Roddickton, was profound, though there have been great fluctuations in the forestry industry that have been unsettling.

Bide Arm has had an unusual history as well, in that it essentially is a permanent settlement created by relocation of people to it very recently. It was the only settlement created under the *Resettlement Act* in 1969, by movement of people from five nearby settlements. Activity in the fishery and forestry sustained the new settlement.

Both settlements grew and alternately prospered and suffered. In more recent years, the turbulent state and depression of the fishing industry became the cause of grave concern, and significant out migration of people seeking employment elsewhere took place. The difficulties experienced in in the fishery, particularly following the cod moratorium in the mid-1990's, have had a serious effect on the economy of the whole province, and this area has not been spared the impact. Forestry has certainly not been spared the ups and downs of the regional economy.

Today, the Town together with the surrounding areas continues to rely mostly on three key economic engines: natural resources (primarily forests and fishery), as well as diversified businesses and public institutions (these are mostly in Roddickton) serving a significant trade and services area. Today's challenges and opportunities are considered in greater detail later in this report, in the context of land use planning for the future of the whole of the Town of Roddickton-Bide Arm.

## **4.0 KEY FACTORS AFFECTING PLANNING POLICIES**

A brief history of the settlement of the Town and its economic evolution has been given in section 3.0. As the Town looks forward in the context of managing development, services, amenities and infrastructure, the most prominent factors that affect planning policies are summarized in this Section.

Basic information on the local economy and demographics is set out in Section 4.1. Information on sensitive lands and the expected effects of climate change related to land use in the Planning Area is summarized in Section 4.2 (some is familiar, such as dealing with development in areas prone to inland flooding, and some is based on emerging policy direction from the provincial government on sea level rise and coastal erosion). Section 4.3 is focussed on assessing the overall demand and opportunities for land developments, as well as infrastructure considerations.

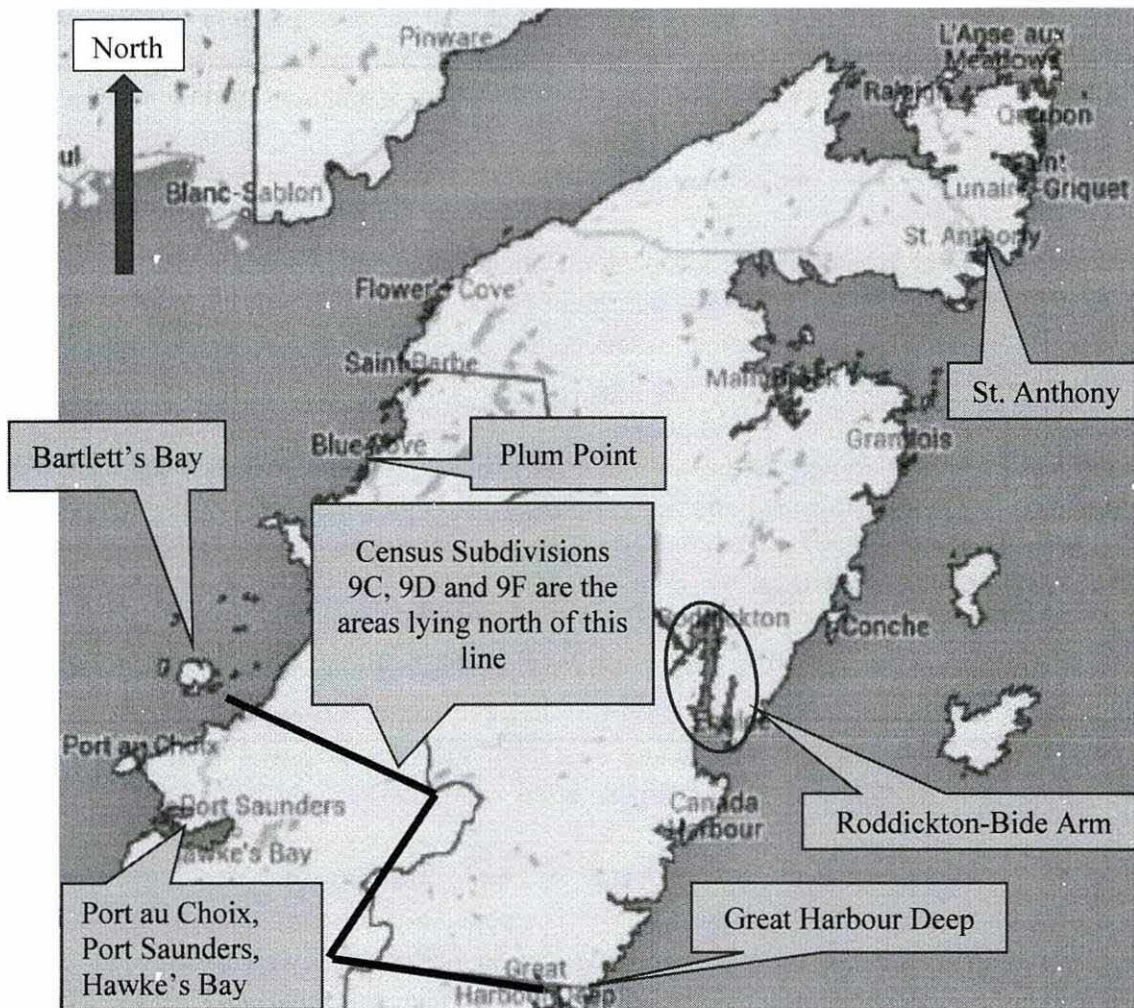
Section 5.0 then describes the development concept for land use planning for the Planning Area, followed by Section 6.0 which comprises the policies to fulfill the development concept.

### **4.1 Economy and Demographics**

Economic growth or decline are closely linked to demographics, ie: the size and structure of the population. The population of an area changes according to the net effect of births, deaths and in- or out-migration. The birth and death rates as a percentage of a population change only very gradually, leaving migration as the only strongly fluctuating variable in the shorter term.

The stronger the economy, and more specifically the better the employment opportunities in the area, the more likely is the area to retain or grow its population. The population numbers relate to local spending and investment in the area, so a stable or growing economy creates its own growth, so to speak, as the retained population creates the level of economic activity in goods and services consumed locally, and vice versa.

Statistics concerning the Town itself should be considered in light of the immediate region in which it functions, as today's highway system enables commuting considerable distances. At the time of writing this report, the population figures from the 2016 census had been recently released. An area approximating the regional employment and trading area has been examined; that area is the combination of census subdivisions 9 C, D and F, together with the incorporated towns in that area, as shown on the map on the next page.



The area is essentially the northern tip of the Great Northern Peninsula. The dividing line begins at Barr'd Harbour on Bartlett's Bay on the west, so the communities around Port aux Choix are not included, but Plum Point is included. The settlements of Roddickton-Bide Arm and area are included, as are the lands southward down the east coast of the Great Northern Peninsula as far as Great Harbour Deep.

A statistical survey of the area's most recent population changes is tabulated on the next page.

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**Approved by Council 25 June 2020**

In the table below, all incorporated towns in the area are included:

<b>Incorporated Town or Area</b>	<b>2006</b>	<b>2011</b>	<b>2016</b>	<b>Change from 2011-2016</b>
<b>Arranged in order, from smallest % decrease to largest, for population changes from 2011 to 2016.</b>				
Bird Cove	210	182	179	-1.6%
Anchor Point	320	326	314	-3.7%
<b>Roddickton-Bide Arm</b>	<b>1,103</b>	<b>1,057</b>	<b>999</b>	<b>-5.5%</b>
Conche	225	181	170	-6.1%
St. Anthony	2,476	2,418	2,258	-6.6%
Hawke's Bay	391	338	315	-6.8%
<b>UNINCORPORATED AREAS</b>				
Census subdivisions 9 C, D & F in total, NOT including incorporated towns and Goose Cove East*	4,013	3,521	3,243	-7.9%
<b>REGIONAL POPULATION</b>				
Census subdivisions 9 C, D & F in total including incorporated towns and Goose Cove East*	11,265	10,428	9,596	-8.0%
Main Brook	293	265	243	-8.3%
St. Lunaire-Griquet	666	661	604	-8.6%
Englee	625	583	527	-9.6%
Raleigh	248	201	177	-11.9%
Flowers Cove	270	308	270	-12.3%
Goose Cove East *	235	211	174	-17.5%
*formerly incorporated, but still reported separately in federal census				
Cook's Harbour	190	176	123	-30.1%

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Referring to the 2011-2016 figures, it is noteworthy that the regional population decreased by 8.0% whereas Roddickton-Bide Arm's was considerably less at 5.5%. It is also interesting that the areas which are not incorporated as towns represented almost exactly one third of the regional population in 2016. Those areas lost population at almost exactly the same rate as the region as a whole, so it should not be concluded that those areas are declining more quickly than the towns.

The towns and unincorporated areas declined at varying rates, among which Roddickton-Bide Arm is well into the upper group of towns losing the least population (of the 15 towns and areas, 12 declined more than Roddickton-Bide Arm on a percentage basis). It is more important to take note that the regional population decline of 8.0% has an effect on many aspects of life, including school populations, customers buying goods and services, health care facilities and programs, spin-off employment from basic industries, etc. It affects the interest which investors and job-seekers have in an area, as well.

Attracting investment, tourists, in-migration of local people, and skilled and professional personnel from away, is affected by the Town's quality of life, including schools, recreation, cultural expression, services, the valued trails and landscapes which the town enjoys, and the appearance of buildings, streets and yards. Those attributes are of course important to permanent residents as well.

The economic viability of the town and its adjacent areas still has very much to do with the future of the fishery and fish processing at local plants, the state of the forestry industry, and the future of public institutions located in the town. The role of the town as an important place in the region for consumer goods and services continues, with a strong presence in health care, education, retail, and tourism services.

Consumer goods and services of a wider variety are more readily available in St. Anthony and Corner Brook, but those places are not immediately nearby, so there is reason for optimism that those functions will continue. A very important factor is the future of the various institutions of governments, such as the local hospital, government offices, secondary education, and the airport. Alterations in the types and levels of service rendered in the region speak to staffing levels and concentration of employment around specialized public service functions.

## **4.2 Sensitive Lands and Adaptation to Effects of Climate Change**

Good community planning must concern itself with respect for and adaptation to environmentally sensitive lands and natural hazards. For many years, topics such as geological stability, landslides, flooding, wetlands, and coastal erosion have been familiar. In recent years, predictions of the effects of climate change have become clearer and measures are being taken in forward looking communities to adapt to those which threaten the environment and human settlements.

A high priority topic concerning environmentally sensitive lands has for many years been development in the vicinity of (or in) water bodies. Though the federal government generally has jurisdiction over ocean waters, management of inland waters are a matter of provincial jurisdiction. This Municipal Plan will require setbacks from shorelines and wetlands and measures related to coastal erosion, as was the case in the former Municipal Plan.

On the subject of hazards related to building, the provincial Geological Survey reports as directly quoted below in italics:

### ***“Landslide and Rockfall***

*Rockfall and landslide are common in Newfoundland. They are commonly triggered by heavy rainfall on steep slopes. Any development at the base of a steep slope should consider rockfall potential. These are slope processes that involve the downslope movement of material (unconsolidated sediment, bedrock and snow) in response to gravity. The slope angle and sediment characteristics are important factors that influence slope stability.*

*Rockfalls are the downslope movement of boulders, either by free fall, rolling or sliding. These boulders may be dislodged by freeze-thaw activity, erosion beneath the boulder, bedding plane failure or through human activity. Rockfall may also impact a slope below and trigger a landslide. Rockfalls tend to occur repeatedly, forming a talus cone of boulders at the foot of a steep slope. For single-block rock falls, the concept of a ‘shadow angle’ is well established. The shadow angle is defined by the angle below horizontal formed by the line lying between the apex of the slope subject to rock fall and the extreme position of rock fall debris (boulders). Numerous studies have shown this to be between 22° and 30°.*

*Landslides involve the downslope movement of unconsolidated material under the influence of gravity, and are capable of producing widespread damage. In Newfoundland and Labrador landslides are commonly triggered by heavy rain or snowmelt, which introduce large quantities of water to the slope. Sediment becomes saturated beyond its shear strength, at which point, movement occurs. This movement may be rapid (e.g., debris flows) or slow (e.g., creep).*

#### ***Avalanches***

*Avalanches are another rapid form of slope movement. They generally consist of a combination of snow and ice, but may include sediment, rock, and vegetation. To occur, they require heavy snowfall (either introduced by precipitation or wind), and a steep (30°-50°) slope. The trigger for avalanche is commonly heavy snowfall over a smooth surface, produced from either a rapid fall in temperature in the days preceding the snowfall or from a period of freezing rain or burial of a weak layer in the snow. Alternatively, high winds blowing over a slope may create a cornice which may break off, falling to the slope below and triggering an avalanche.*

#### ***Flooding***

*Flooding affects both inland and coastal areas. River flood plains are those areas adjacent to modern rivers that overflow their banks during storm events or as a result of ice jams. Low-lying coastal areas may be inundated by the sea during storm surge events, especially if coastal protection (including beaches) is breached. Areas at river mouths are particularly vulnerable during river flooding during periods of unusually high tide or storm events.*

#### ***Coastal erosion***

*Large parts of the coastline of Newfoundland and Labrador are composed of cliffs of unconsolidated (non-rock) material. These areas are stable if covered by vegetation, but may erode quickly where exposed to waves. Rates of coastal recession up to 1m per year have been recorded in the province. Bedrock cliffs also erode, albeit at a slower rate.*

*Although there are Provincial regulations regarding development in relation to the high water mark, in areas of unconsolidated material forming coastal cliffs or unconsolidated sediment on bedrock however, set back from the cliff edge is, in our opinion, a more appropriate measure. Based on an average recession rate of 15 cm per year and a 100 year life span for a structure, we recommend a setback of at least 30m (twice the average erosion rate times 100 years) from the cliff top to any planned residential or commercial*



*development. A longer limit should be considered in those areas where more active recession is noted.*

### ***Climate Change***

*Wave magnitude and the frequency of extreme wave events (including storm surge) may be expected to increase if predictions of global climate change and associated global sea level rise occur. In Newfoundland and Labrador, the crust continues to move, albeit slowly, in response to the last glacial period. Most of the Island of Newfoundland is currently experiencing rising sea level, which will exacerbate the sea level rise as a result of climate change. Over the next century sea level is be expected to rise by over 1 metre in eastern Newfoundland, 80-90cm in western and southern Newfoundland, and less than 70 cm in Labrador; sea-level rise will continue beyond 2099.*

*Rising sea level will increasingly threaten our coastline and thus planning should restrict development in low-lying areas or those adjacent to cliff edges that may experience enhanced erosion. The increased risk of coastal erosion may be accentuated by increasing pressures on the coast for residential development. Based on the potential future impact of sea level rise and storm surge, areas below the present 2 m contour are considered to be highly vulnerable to coastal flooding. Development within this area should be restricted to ensure that appropriate mitigation measures are employed. These could include coastal protection measures or enhanced engineering standards, although communities may choose to remove these areas from development. Areas above the present 2 m contour may also be at risk from coastal flooding, including storm surge.*

*The Government of Newfoundland and Labrador (Office of Climate Change and Energy Efficiency) commissioned a study of the projected impacts of climate change in the province for the period 2038-2070. The 2013 report, prepared by Dr. Joel Finnis of Memorial University, incorporated data from 7 regional climate model (RCM) simulations provided by the North American Regional Climate Change Assessment Project (NARCCAP). Model projections were compared against observations collected by Environment Canada (EC) climate stations in the province. With regards to predicted changes in temperature and precipitation the report highlights that the climate will become warmer (especially winter temperatures) and wetter (both intensity and duration) and that an increase in rain-on-snow events is likely. The latter could lead to an increased potential for flooding and landslides/ avalanches."*

The developed areas in the Town are generally relatively free of hazards due to unstable, high hills, and flooding, and thus one may say that these are concerns largely relevant to outlying

areas. However, some of the hazards are relevant to all areas, such as sea level rise and coastal erosion. This Municipal Plan addresses all of these concerns for all areas.

### ***4.3 Demand for Land for New Development and Infrastructure***

There is an ongoing need for land for residential, commercial and industrial development. This has been a major issue for a very long time, though at first glance one might think there is ample land for all manner of development in the Planning Area. Large areas in the Town could be serviceable with central water and sewer lines (in Bide Arm, only water) but only with difficulty due to topography, or are blocked by existing development or sensitive areas, such as wetlands, from developing new streets into back land.

There is concern that new major land development must not degrade the good quality of life which residents enjoy in their residential areas or take away from the fine image of the Town. The last Municipal Plan for Roddickton identified these themes and endeavoured to respond to them, and these concepts are surely applicable to the entire Planning Area. That general objective continues today.

There has been considerable infilling of available land within the serviced areas of in the Planning Area, generally resulting in intensification and more efficient use of lands in the settled areas. As the use of land has become more intense, land owners have endeavoured to squeeze more useful building assets onto the unchanging areas of building lots. Consequently, issues concerning proximity of major buildings to property boundaries, conflict between incompatible land uses, the sizes and locations of dwellings and accessory buildings, and traffic safety have also intensified.

In recent years, redevelopment of institutional and commercial properties has been significant: schools being replaced and repurposed for commercial use, stores being upgraded with modern buildings, and the like. In addition, entirely new structures have been erected, such as service stations, the Town Hall, stadium, and the hospital. In the future, these types of developments that use large areas and associated infrastructure will require careful control to make best use of scarce land and existing infrastructure.

Large areas on the immediate outskirts of Roddickton have historically been occupied by the NL Hydro generating plant and several forestry industries' buildings and yards. It is likely that these lands, all now not in active use, may be revitalized or repurposed, but not necessarily by industries related to forest resources. Those large, fairly level areas featuring some depth of soil

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cover, plus direct access to some of the province's best forest resources and nearby salt water access, are rare assets in this province.

Such lands are also to be found to the east of the back lot lines of existing development on Major's Street north of Muddy Hole Pond and extending eastward to the protected public water supply area feeding the Roddickton central water system. It is not unreasonable to think that future industrial or large scale commercial developments may be attracted to locate in those areas. In Bide Arm, a major building supplies store and a general grocery store provide convenient access to a variety of builders' goods and daily life shopping, respectively.

The residential areas in Town are well established and have some potential for further infilling along existing streets. However, there is an ongoing demand for land for residential building lots which will exhaust that potential before long. There are several areas into which residential subdivision streets can be built with access to one or both of the central water and sewer systems.

In Roddickton, sizeable areas off Major's Street up the Mudder Locke's Cove peninsula, the land rising above Brookside Drive, and land lying between Marine Drive and Cloud Drive, have potential to connect to both water and sewer central services. Those areas could be serviced with central water service but with private sewage disposal systems if the topography is such that pumping of sewage up to the central sewers is needed.

In Bide Arm, streets could be opened into the land lying uphill from the part of Bide Arm Road serviced with the central water system there (ie: on the long stretch of the road running along Bide Arm, the water body); that area would need to be serviced with private sewage disposal systems. The area extends uphill to the natural watershed divide, beyond which is the pond supplying the central water system, the First Clay Cove Pond.

Beyond the serviced areas just described, there are large areas of undeveloped land that could be developed for a variety of uses, including residential development, on private water supply and sewage disposal services. Sensitive lands must be avoided, and of course the critically important surface water supply areas feeding the two central water systems cannot be considered for any use other than that use.

An overall reality for the Town of Roddickton-Bide Arm concerns the financial resources and capacity available to the Council for financing and directing future servicing of land for development. It cannot be assumed that there will be much availability of senior government assistance for extending services, and thus the financing of new streets, water and sewer systems

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must come from private sector investors. This is not to say that existing services will not be improved, as that is the more likely focus of assistance under senior government infrastructure programs. Also, there may be compelling cases and sound business plans for enabling industrial development by assisting with infrastructure funding, but those would be rare.

These considerations are important in shaping the overall development concept and the policies for specific areas.

## **5.0 Development Concept**

This section presents a general development concept for the Planning Area, including brief descriptions of approaches to key issues. The next section provides the policies applicable to each of the various land use designations in the Planning Area as well as policies uniformly applicable to the entire Planning Area.

History has given the Planning Area its overall pattern of principal roads, major industrial and commercial sites, a large presence of public uses and forestry industry land use, and the fundamental structure of the residential areas and protected public water supply lands. The urban features are arranged in a fairly compact built form in both Roddickton and Bide Arm.

In Roddickton, the concentration of public uses and commercial development along Cloud Drive, from Major's Street southeasterly almost to Harbour Drive, has suggested that the area actually has become something of an urban centre with potential for more commercial and public use development. Also, Major's Street north of Muddy Hole Pond has been developing as a highway commercial district, on its east side up to the northerly intersection with Balsam Avenue and thereafter northerly on both sides. Other commercial and public uses have been scattered throughout what had been fairly homogenous residential areas. In Bide Arm, development has concentrated along the streets, with residential development fairly well filling them along their frontages; major commercial and industrial land uses occupy significant areas.

The development concept for future development is structured by defining areas according to intended function, in which the designations of areas covering the whole Planning Area are shown on the Future Land Use Maps 1 and 2, as follows:

- a) Residential
- b) Commercial
- c) Industrial
- d) Marine Uses
- e) Public Use
- f) Rural
- g) Water Supply
- h) Wet Area Conservation
- i) Natural Area of Provincial Interest

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Future urban development is intended to fit and expand within and adjacent to the existing system of serviced streets, so as to fill in the available areas, while at the same time allowing development in the outlying areas, subject to certain controls. Natural features restrict the availability of land which can be easily serviced and developed. This factor can impede the economic development of an area. This is particularly the case to do with land for large scale industrial and commercial development, so priority is given to ensuring an ample supply of such land and with the same emphasis to protecting the amenity and quiet enjoyment of solidly established residential areas.

Lands designated as Residential are those solidly established areas of housing, which are predominately residential in character but in which there are some scattered non-residential developments. The wellbeing of those areas is critical to the image and quality of life of the community. The ongoing function of those areas is to absorb new residential development in preference to other types of development, though it recognized that some types such as day care centres, recreation facilities, schools, places of worship, medical care facilities and benign home occupations are usually acceptable where mixed in with housing. Much of these areas are serviced with central water and/or sewer services and feature permanent, paved roads, and overall present an attractive settlement in both Bide Arm and Roddickton. Matters concerning residential development in the areas beyond the designated Residential areas are addressed under other area headings.

The community includes a number of existing commercial developments offering a wide variety of goods and services reflecting the community's substantial role as a trading centre for a wider area. These are in the form of developments where commercial land use predominates as well as some properties which are stand-alone commercial developments surrounded by housing. The areas and individual developments are as follows; they are all designated Commercial:

- An area in Roddickton lying on Cloud Drive, from Major's Street on the northwest to almost Harbour Drive on the southeast. From Major's Street as far as the Town garage, the Commercial designation is applied only on the southwest side of the street. There are also a number of large scale public uses in that area, including the Town garage and salt shed and the stadium and school.
- An area lying on both sides of Major's Street north of the northerly intersection of that street with Balsam Avenue, northward almost to the NL Hydro plant. South of that Balsam Avenue intersection, this designation applies to lands only on the east side of Major's Street southward down to Muddy Hole Pond. The depth of the area is defined by the sea to the east (Northeast Arm), and by a line lying about 100 metres to the west of

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Major's Street. Farther back from that line for much of its length is the Industrial designation, described later.

- Individual commercial developments which individually occupy their own lot of land, but which are isolated from other Commercial areas: there are three such properties in Roddickton and two in Bide Arm. These are essentially islands of substantial commercial land use in a sea of housing. They represent valuable and necessary sources of goods and services for the residents, and there is no suggestion that they are improperly situated. Their designation as Commercial will prevent them from becoming non-conforming, which renders their owners some security by having an ability to expand or change without undue complications.

The intended developments in the Commercial designation are a wide variety of commercial and public uses. Very large developments of these types would be better located in the Commercial area along Major's Street where larger lots would be available. In the long run, any dwellings in these areas would be expected to be redeveloped or replaced as commercial uses. In the longer run, perhaps such a process of repurposing residential land use in Roddickton would extend farther southwest on Cloud Drive to as far as Marine Drive, or northeast into the Rural area. Although it is premature to designate those areas as Commercial, Council will be receptive to considering proposals for Commercial type developments there (this is detailed later).

Land designated as Industrial comprises the lands to the west of the Commercial strip along Major's Street, to a line approximately 250 metres from the westerly line of the Commercial designation, southerly to about Muddy Hole Pond. The westward extent of the Industrial area is limited by its slope, as it has been drawn to a line approximately at the watershed divide with lands lying yet farther to the west, which enables drainage by gravity sewer to the Major's Street sewer line. That area is intended to be the location of primarily major industrial development in Roddickton. Large developments of those types may also locate in the Rural area, as will be covered later.

Lands designated Marine Uses represent the only two industrial accesses to saltwater in the Planning Area. The two locations are at the wharves and buildings at Scott Point in Roddickton and at the south end of Bide Arm Road. They are the historic sites of marine traffic and local fishery support. Those sites today continue to support the fishery, offering wharfage, shoreside receiving yards, product processing, and highway transport access. Both sites also include industrial activities such as mechanical and building trade businesses and storage. In the future, there is scope for broadening of their functions into some types of commercial use, including hospitality and marina developments. Their ongoing function is to continue as they have,

recognizing the need for Council to be flexible in dealing with innovative developments and preventing other developments such as residential from encroaching on them and diminishing their value to the economy.

Public Use areas are somewhat like the isolated Commercial areas, in that they are substantial uses of land devoted to a non-residential function, but isolated from the Commercial and Industrial areas while surrounded by residential development. Being designated as Public Use brings the benefit to their owners of not being classed as non-conforming. There are only two such areas: the hospital in Roddickton and the former fire station/town hall owned by the Town in Bide Arm.

The Rural designation is a vast part of the Planning Area, covering the areas outside the urban centres and the protected public water supply areas serving them. Those outlying areas are important as it is from there that the central water systems' sources of water are found, supplies of aggregates from mineral workings and products of the forests can be extracted, outdoor recreation can be enjoyed, and a certain amount of firewood can be harvested. Developments which are incompatible with urban development, such as for major sawmill and truck yard operations, are located there of necessity.

Those outlying areas include the large areas occupied by forest product industries and truck yards on both sides of Major's Street on the outskirts of Roddickton, and including the NL Hydro plant. Future development in the Rural area may include ongoing resource extraction and large commercial, industrial or public uses as well as subdivisions for residential development. As the central water and sewer services will not be extended into the Rural areas, except for rare cases where proximity may enable it and then at the developer's expense, these developments will be serviced by private water supply and sewage disposal systems.

The two Water Supply areas feed potable water to two municipal central water systems from the East Brook Pond and the First Clay Cove Pond Protected Public Water Supply Areas. These areas are protected under the provincial *Water Resources Act* and in parallel the Municipal Plan and Development Regulations impose stringent conditions on development in these areas.

The Wet Area Conservation designation covers a large, poorly drained area between the back lines of the lots on Cloud Drive and those on Collegiate Drive in Roddickton. It is an area of negligible appeal for development, as it includes standing water and much of its land area may be classed as wetland. The previous Municipal Plan spoke of the possibility of draining or filling the area for future development, but the economics and permissibility of such a scenario today



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are very questionable. Council may look further into the possibility, but for the purpose of this Municipal Plan, it will be regarded as an area not capable of development.

The Department of Fisheries and Land Resources, Province of Newfoundland and Labrador has identified a very small area abutting the municipal planning boundary, opposite Armistice Park on the Englee Highway (433), as an area of significant conservation interest. As such, the area is designated in this Municipal Plan as Natural Area of Provincial Interest, in which development will be limited to conservation and mineral exploration uses as required by the provincial government.

## **6.0 Policies for Designated Categories of Land Use**

In this Section, the official Municipal Plan policies of Council for various designations of land fulfill the development concept set out in Section 5.0. These are organized on two groups: the first are policies specific to each of the designated categories of land use described in the development concept, and the second are policies applicable uniformly to all categories. The respective boundaries of these areas are shown on Future Land Use Maps 1 and 2.

These policies, together with more detailed requirements and procedural matters which are set out in the Development Regulations, will provide direction for Council decision-making in municipal planning. Numerous topics of varying degrees of precedence and detail will be stated in the Development Regulations to fulfil the goals, objectives and policies of the Municipal Plan.

The meanings of “groups, divisions and classes” of land uses as used in this Municipal Plan are to be interpreted according to the classification of uses found in the Development Regulations. A copy of the classification table is found in Appendix B of this Municipal Plan, for easy reference.

### **6.1 Policies for Designated Categories of Land Use**

Policies are organized along the lines of the area designations which appeared in the development concept.

#### **6.1.1 Residential Development**

Specific policies pertaining to the Residential areas are:

1. The following land uses will be permitted:
  - a) Single and double dwelling classes, which excludes the mobile home class
  - b) Recreational open space class
  - c) Place of worship class
  - d) Accessory buildings located in the side or rear yards
  - e) Existing cemeteries and expansions thereof
  - f) Existing medical treatment and special care uses and expansions or modifications thereof on the same lot or on abutting lots.

2. At Council's discretion, the following uses may be permitted:
  - a. All other residential uses.
  - b. Accessory buildings located in those portions of a front yard lying between the lot's side lines and the extensions of the lines of their respective side yards, or if that is not reasonably practical then anywhere in the front yard.
  - c. Business and personal services use group.
  - d. Cultural and civic class.
  - e. Educational class.
  - f. Child care class.
  - g. Medical treatment and special care class.
  - h. Medical and professional class.
  - i. Convenience store class.
  - j. Antenna or wind turbine class, but only those defined as "short".
  - k. Cemetery class.
  - l. Home based business (only in the classes of medical and professional, personal service, general service, office, and light industry).
3. All new development must front on a public street and driveways must be properly located to ensure safety of vehicular and pedestrian traffic.
4. New development must be connected to the municipal water and sewer services, where available, by the time of occupancy.
5. Home based businesses of the classes cited may only be permitted to operate as accessory uses in conjunction with permanent residences and shall be appropriately constructed so as to ensure that they are compatible with the residential character of the home and adjacent land uses, and that they can be conducted without any significant adverse effect on the surrounding neighbourhood. They may be developed in both the dwelling structure and accessory buildings up to a total floor area of the maximum specified in the Development Regulations.
6. Adequate screening shall be provided between a non-residential use and any adjacent residential uses. Such screening may include measures such as grassed areas, fencing, shielded yard lighting, and appropriate planting of trees and shrubs.
7. Signage and outdoor lighting shall be subdued and in keeping with attractive design and highway safety practices in order to maintain a good quality appearance and traffic safety in the area.
8. In the case of development or re-development for multiple dwelling unit residential or other purposes, Council shall be satisfied that no additional capacity has to be provided in any

water and sewer or storm drainage features or roadways to service such development. If added capacity or features are required, then Council will ensure that agreements are entered into between the developer and the Council regarding the provision of such additional services.

9. Mobile homes are listed as discretionary uses to ensure a review of applications to allow Council to consider whether specific sites would be acceptable. To better integrate their typically longer shape, the minimum required rear yard will be reduced, and other requirements related to their unique shape will be included in the Development Regulations. Further, mobile home parks will be considered, and if approved will be subject to a detailed development agreement with the Town to deal with management and servicing concerns.
10. In order to mitigate the aesthetically incongruous appearance of single dwellings and mobile homes should they be unusually small or narrow, a minimum dimension of the shortest main wall of single dwellings and mobile homes will be specified. It will apply to their individual components and the eventual completed structures where a phased construction is involved.
11. In order to be able to accommodate “tiny homes” or single dwellings to be built in phases, Council will at its discretion permit single dwellings having less than the minimum required floor area to be built in phases, by way of site plan approval as described in this Municipal Plan, which shows the way in which the configuration of later construction will result in a compliant dwelling floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking; variances may be considered concurrently.
12. In considering discretionary use applications, Council will be very mindful of the adequacy of neighbourhood facilities and on-site amenities such as landscaping and play areas, off street parking, the avoidance of traffic congestion and danger to pedestrians, and give priority to ensuring the compatibility of the proposed use with its surroundings.

### **6.1.2 Commercial**

Specific policies pertaining to the Commercial areas are:

1. Permitted uses will be those in the
  - a. assembly, institutional, business and personal service, and mercantile groups,
  - b. the service station class
  - c. the collective and commercial residential classes,
  - d. the recreational open space and conservation classes.
  - e. existing dwelling uses

2. Uses which may be approved subject to Council's discretion include:
  - a. The light industry and general industry classes,
  - b. The apartment building class, and,
  - c. The antenna or wind turbine class, but only those defined as "short".
3. Adequate screening shall be provided between the areas' non-residential land uses and any abutting residential uses located in any adjacent Residential designation. Such screening may include among other measures the provision of grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers.
4. In considering development proposals, Council will address vehicle and pedestrian safety and include features for off-street parking and loading.
5. All development must be serviced by the Town's central water and sewer systems or private systems where Certificates of Approval from the provincial authorities are approved.
6. For cases where unusual circumstances are anticipated or revealed, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Municipal Plan.

### **6.1.3 Industrial**

Specific policies pertaining to the Industrial area are:

1. Permitted uses are:
  - a. The industrial group except for the hazardous industry class,
  - b. Recreational open space and conservation classes.
2. Discretionary uses are:
  - a. The transportation class,
  - b. The assembly, institutional, business and personal service, and mercantile groups,
  - c. Collective and commercial residential classes, and,
  - d. The antenna or wind turbine class, but only those defined as "short".
3. Adequate screening shall be provided between the areas' non-residential land uses and any abutting residential uses located in any adjacent Residential designation. Such screening may include among other measures the provision of grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers.
4. In considering development proposals, Council will address vehicle and pedestrian safety and include features for off-street parking and loading.

5. All development must be serviced by the Town's central water and/or sewer systems where available.
6. For cases where unusual circumstances are anticipated or revealed, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Municipal Plan.

#### **6.1.4 Marine Uses**

Specific policies pertaining to the Marine Uses areas are:

1. Permitted uses are:
  - a. The industrial group except for the hazardous industry class, and,
  - b. The transportation class.
2. Uses which may be approved subject to Council's discretion include:
  - a. Commercial residential class,
  - b. Assembly, business and personal service, and mercantile groups,
  - c. Antenna or wind turbine class, but only those defined as "short"
3. For cases of very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Municipal Plan.
4. Development may be serviced with private water supply and/or private sewage disposal, subject to the proponent securing the required Certificate(s) of Approval from the provincial government authorities.
5. Traffic management and off-street parking are to be satisfactory.

#### **6.1.5 Public Use**

Specific policies pertaining to the Public Use areas are:

Permitted uses are the existing use of the hospital site in Roddickton and the municipal building in Bide Arm, and uses which are complementary to the main use in each case, including new structures and expansions or modifications to existing buildings and features on the site.

Uses permitted at Council's discretion are any use which are in addition to the existing uses, and which are compatible with the adjacent Residential areas, including antenna or wind turbine class but only those defined as "short".

### **6.1.6 Rural**

Specific policies pertaining to the Rural areas are:

1. Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment, as well as for other uses which may locate there without negative impact on the Planning Area.
2. In order to ensure full review of proposals for development in the Rural areas, the only permitted uses are:
  - a. The agriculture, forestry and conservation use classes,
  - b. Existing mineral workings and existing mineral exploration,
  - c. Existing residential uses, and,
  - d. Existing cemetery uses.
3. Any other uses except for solid waste class uses may be considered as discretionary uses, in order to provide for consideration of a wide variety of proposed developments, some of which may be unusual but nevertheless desirable.
4. Large scale commercial and industrial developments will be considered where sites in the Commercial and Industrial areas are not desirable in those locations, practical or feasible.
5. Council will evaluate each development proposal to determine potential environmental effects and set development standards to reduce or eliminate any negative impacts and protect public safety and amenities
6. New development may be serviced with extensions of the Town's central water and sewer systems at the proponent's expense and subject to Council's approval of capacity and technical standards and by way of a specific development agreement.
7. Private water supplies and private sewage disposal systems are acceptable but are subject to the proponent securing Certificates of Approval from provincial government authorities.
8. Council will prohibit all but very small scale mineral workings and related activities from taking place within general view of developed areas. Unless necessary, existing quarry sites are to be exhausted before new sites are developed.
9. Mineral extraction operations shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent developments. All mineral operations will be required to submit a site rehabilitation plan as a part of the development application. Council, when issuing a permit for any mineral extraction or mining operation, may attach such conditions as are in its opinion necessary to properly regulate the operation. Such conditions in particular may refer to the following subjects and matters:

- a. Landscaping, screening and fencing;
  - b. Rehabilitation;
  - c. Noise, dust and pollution control.
10. Regulation of forestry operations, including issuance of fire wood harvesting permits or consideration of resource management matters generally, is not a function which the Council wishes to undertake, and thus this Municipal Plan is silent on the topic. However, the state of forestry operations will be monitored from time to time to determine whether there is a future need to consider amending this policy.

### **6.1.7 Water Supply**

The areas designated as Water Supply comprise the areas designated as protected public water supply areas pursuant to the *Water Resources Act*, of the East Brook Pond and the First Clay Cove Pond Protected Public Water Supply Areas.

The policies and requirements in the Municipal Plan and Development Regulations are identical for each area.

Specific policies pertaining to the Water Supply areas are:

1. Protection and enhancement of the water supply areas from encroachment, disturbance or contamination is a matter of the highest priority.
2. The permitted uses in these areas are limited to conservation class uses and uses related to the management of the lands for the municipal waterworks.
3. Uses permitted at Council's discretion are:
  - a. Uses in the forestry class, but only in conjunction with a Council-approved, professionally prepared forestry management plan, and in any event not involving buildings or roadways.
  - b. Trails for hiking, cycling, snow machines and all terrain vehicles may be approved, subject to such conditions as Council may determine.

### **6.1.8 Wet Area Conservation**

Specific policies pertaining to the Wet Area Conservation area are:

1. Permitted uses are those in the conservation class.
2. Uses which Council may approve at their discretion are those in the recreational open space class.



3. Council will be supportive of activities on the site that enhance environmental protection and proper management of the wetland.

### **6.1.9 Natural Area of Provincial Interest**

The specific policy pertaining to the Natural Area of Provincial Interest is that permitted uses will be conservation and mineral exploration uses and there will be no uses permitted at Council's discretion.

## **6.2 Policies Applicable to All Areas**

The following policies pertain to all of the Planning Area.

### **6.2.1 Natural Hazards to Building**

The following policies are intended to prevent or mitigate exposure to hazards of landslides, rock falls, avalanches, flooding, coastal erosion and climate change:

- 1) Professional review and advice will be required for Council to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including flooding, sea level rise, coastal erosion or any other physical hazard near water bodies, watercourses and the sea.
- 2) The specific requirement concerning sea level rise and coastal erosion is that new development must be above the current 2 metre contour, and be set back at least 30 metres from the ocean shore to provide a buffer against coastal erosion, except that the following may be approved at Council's discretion:
  - a. structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, and if approved to be in accordance with the Department of Municipal Affairs and Environment's *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
  - b. public works and utilities;
  - c. municipal parks;
  - d. mineral workings;
  - e. structures located at a lesser setback than 30 metres from the ocean shore, but in no case less than 15 metres, where the proponent can demonstrate that the

building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock.

- 3) Any proposal for development of a site having a slope in excess of 15% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall;

### **6.2.2 Municipal Services**

Some of the costs of running a municipal government are proportional to the overall length of municipally maintained roads that are usually provided with street lights, water and sewer services, drainage, signage and landscaping. Generally, the more spread out a settlement becomes, the more these costs increase.

Council intends to control these costs through implementation of the following policies:

1. Extensions to the water, sewer and road system which are not part of the Town's capital works program shall be the financial responsibility of the developer, although the Town may access senior government financial assistance where possible, to encourage and assist desired works. Nevertheless, any such infrastructure which is intended to be conveyed to the Town shall be designed and constructed to modern engineering standards, and shall be subject to approval by Council.
2. With the exception of land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or similar uses for which street frontage would be unnecessary or undesirable, all buildings shall have motor vehicle access to a publicly owned and maintained road, unless other policies and requirements of this Plan specify otherwise.

### **6.2.3 Home Based Businesses**

The purpose of this home based business policy is to provide for the development of home based businesses in a manner which will be compatible with surrounding development. This will serve to provide an opportunity for small businesses to be established at the home of the small business owner-operator. These uses may then continue at a small scale, or as they grow, leave the home base and establish in an appropriate business location.

Home based businesses located outside the areas designated as Residential will not be subject to any regulations related solely to that type of development, and owners will be able to develop as

much of the buildings and lands in their respective designations as the ordinary policies and requirements applicable there may permit. However, for as long as some of the dwelling is occupied for human habitation, the ordinary requirements to do with minimum floor area for the dwelling use and any building code requirements must be satisfied.

In the Residential designation, the acceptability of a home based business in part depends on the type of dwelling from which it operates. A single dwelling will be able to accommodate the widest range of home based businesses, whereas an apartment dwelling would be able to accommodate only a very limited range of home based businesses as the potential for conflict with nearby residents would be great. Consequently, home based businesses will be permitted in, or in accessory buildings associated with, only single dwellings (which may include subsidiary apartments), and shall be appropriately regulated via the Development Regulations to ensure that they are compatible with surrounding uses in those areas.

#### **6.2.4 Temporary Uses**

Generally, the Municipal Plan contemplates developments of a permanent nature. Council wishes to be able to consider, at their discretion, situations involving the placement of a motor vehicle or travel trailer or equipment for short term events such as community festivals. Provisions will be included in the Development Regulations for suitable discretionary approval criteria and maximum time periods applicable to these cases.

This policy is not to be confused with policies set out in the provisions for development in the Residential areas for the phasing of construction of single dwellings and use of “tiny houses”.

#### **6.2.5 Protection of the Natural Environment**

Protection of the natural environment is a high priority. The quality of air, land, and water, as well as aesthetic considerations, are important to the health, culture, and economy of the area. The role of Council in this regard is intertwined with the roles and authorities of the Governments of Canada and the Province of Newfoundland and Labrador.

Under the authority of the *Water Resources Act*, the provincial Department of Municipal Affairs and Environment is responsible for the management of water resources of the province of Newfoundland and Labrador, and coordinates with the federal Department of Fisheries and Oceans. The provincial department has programs to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province on topics including but not limited to the following:

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- a) Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;
- b) Discharge of any effluent off the subject property;
- c) Work in any body of water;
- d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- e) Construction of wharves, breakwaters, slipways and boathouses;
- f) Infilling or dredging associated with marine structures or other works;
- g) Any development in a protected public water supply area;
- h) Providing waste receptacles in work areas;
- i) Waste diversion actions including recycling, reuse or resale programs;
- j) Open burning of waste;
- k) Pesticide and halocarbons use, purchase and storage;
- l) Petroleum (including used oil) storage and dispensing;
- m) Effects of climate change; and,
- n) Energy efficiency in buildings.

These matters will be identified in the Development Regulations as a reminder that such requirements may apply to proposed developments. In order to ensure that the requirements of the provincial *Water Resources Act* are respected in Council exercising its planning authority pursuant to the *Urban and Rural Planning Act, 2000*, the Development Regulations will provide detailed requirements about development near or in any water body, including ponds, streams, rivers, and wetlands in addition to ocean shorelines, regardless of the zone in which they are located.

A proposed development should not pollute or degrade any part of the Town. In cases of large or special types of projects where environmental protection concerns are complex, the proposals should be carefully studied and any concerns brought to the attention of the appropriate provincial or federal authorities.

Further to the above:

1. Garbage, refuse, abandoned vehicles and any other discarded materials of any kind should be disposed of only at the waste disposal site or at an authorized place outside the Planning Area. Such material shall not under any circumstances be used as fill for buildings and lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.
2. All development sites should be landscaped where possible. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to

tourists, should be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures will be required to repair or remove them if they present a safety hazard.

3. Where a proposed development is of a size or nature that could have gross negative effects beyond the boundaries of the site upon which it is located (such as the production or creation of noise, smoke, dust, fumes or unsightliness), there should be a public meeting 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.

### **6.2.6 Public Works and Utilities**

Public works and utilities are needed in order to provide the area with a safe and healthy environment. It is not always possible to predict the location of these works and utilities and sometimes they must be fitted in in close proximity to sensitive areas.

The following policies will guide the location and installation of these services.

- 1) Municipal street, water and sewer works, including associated structures for such purposes, may be developed at any location provided due consideration is given to potential hazards and aesthetics.
- 2) New public works and utilities will be constructed in a staged and orderly manner to provide an economic and logical sequence for growth related to the needs of the Town and the financial resources available.

### **6.2.7 Antennas and Wind Turbines**

Tall antennas and wind turbines (windmills) represent an aesthetic and safety concern. Tall antennas are a familiar sight in the region, and their visual effect and the large areas of land required to accommodate their guy wires and access roads can be easily appreciated. One can anticipate the coming of more tall antennas, and possibly wind turbines, both of which can consume large land areas and are of aesthetic and safety concern. Accommodating these types of uses is a challenge which must be deliberately met by thoughtful planning.

Aesthetic considerations are quite subjective, but not to be discounted: tall wind turbines can reach as high as 100 metres from the ground to the tip of the top blade when it is vertical (some

have tower heights over 50 metres and blade lengths currently are up to 42 metres). Antennas can be much taller than that, and involve widespread guy wire arrays.

Short antennas can be integrated in urban development in some cases, because the aesthetic effects are not extreme; the massing of the towers is not overly prominent in short antennas, as the structures are thin and there are few large attachments on them. Land consumption for self-supporting towers is negligible, but even a short antenna with guy wires has a considerable footprint which cannot be further developed.

Wind turbines present the added issue of noise and safety, but they are not stayed with guy wires (except for the uncommon vertical axis type) so the issue of land consumption is minimal. Noise is related to the sounds of the machinery in the wind turbines as well as the sound of the wind impacting the blades and towers. A typical science-based approach is to require that the noise from wind turbines should not exceed normal background levels at the property boundary.

Wind turbines are generally required to be set back from lot lines a substantial distance because of noise and safety considerations. Safety concerns related to ice shedding are alleviated by knowing that little of the ice will land outside a certain radius from the tower. A report by the Canadian Wind Energy Association (CanWEA) recommends a setback distance of one blade length plus 10 metres from lot lines, including the street line, this being based on engineering studies of ice shedding.

Concerns about wind turbines and antennas can be systematically addressed in land use planning by categorizing their height for aesthetic and safety reasons. A balancing of the factors just cited suggests that the appropriate categorization for Roddickton-Bide Arm is defining those with tower heights over 15 metres as “tall” and those under as “short”.

Short antennas and short wind turbines therefore will be made eligible for consideration as discretionary uses everywhere in the Planning Area except the Water Supply and Wet Area Conservation areas. Tall antennas will be eligible for discretionary approvals only in the Rural designation.

In all cases, requiring guy wires to be located on the same lot as the tower will prevent diminishing the development potential of adjacent lands.

### **6.2.8 Advertisements (Signage)**

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

### **6.2.9 Keeping of Animals**

People keep animals for a variety of reasons: as pets for the companionship and enjoyment of them practically as members of the household, and as economic assets in some cases, providing food, fur and other materials as well as labour for the benefit of the owner. Keeping of pets is rarely a matter of concern in a Municipal Plan, as the activity tends to be self-regulating as far as land use is concerned.

Municipal planning laws such as the Development Regulations are not intended to be used to deal with situations where pets are not properly housed or not given appropriate care. In those cases, regulations concerning public health, cruelty to animals, noise and other such matters enable authorities to deal with offending behaviour.

The Development Regulations will therefore consider keeping of pets to be an accessory use to the main use of a property where it is appropriate. In the Residential designation, a reasonable number of animals of acceptable types will be defined in the Development Regulations for clarity.

However, when large numbers of animals are bred, raised or kept for substantial economic gain or in larger numbers than customarily recognized as accessory uses, it is appropriate to regulate their locations and characteristics. The Development Regulations will therefore include requirements related to development of uses in the agricultural class and animal class use, and these uses will be permitted at Council's discretion but only in the Rural designations. The Development Regulations will include a requirement that the land area requirements for such developments be based on the *Environmental Farm Practices Guidelines for Livestock and Poultry Producers in Newfoundland and Labrador*.

### **6.2.10 Removal of Quarry Materials**

Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the *Quarry Materials Act, 1998*. For example, site preparation to construct a building usually involves

removing topsoil, overburden, and sometimes bedrock from the footprint area; these materials may be retained or re-used on the development site (where no royalties are due) or removed from the site (where royalties are due). Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.

In order to ensure that royalties due to the province are paid, it is necessary that the Department of Natural Resources be made aware of approved developments where the removal of quarry materials may take place. The Development Regulations will contain a statement to the effect that Council will notify the Department when such is known to Council as construction takes place.

### **6.2.11 Non-Conforming Uses**

Section 108 of the *Urban and Rural Planning Act 2000* concerns non-conforming uses, ie: those uses which do not conform to a regulation, scheme or plan, and, which existed before this Municipal Plan and Development Regulations are registered. Owners of such uses are entitled to a statutory right to continue such non-conforming uses, and to modify a structure subject to certain conditions.

Council can not alter those rights, but there are a few matters in which Council can make certain provisions, as follows:

- a) Section 108(2): the right to continue the non-conforming use expires after 6 months of discontinuance unless otherwise extended in a regulation under the *Act*, ie: in the Development Regulations. Council's policy is to extend this period to 3 years, and to so indicate in the Development Regulations.
- b) Section 108(3): a Council may approve changing the use to another use where the new use would be more compatible with the Municipal Plan and Development Regulations, notwithstanding that the new use would otherwise not be permissible. The Minister's Development Regulations require that Council provide for newspaper or other form of public notice of intent to consider the varying of a non-conforming use to another use, and consider any representations or submissions received in response to the notice. Council will provide in the Development Regulations a provision that such notice be made at the expense of the applicant and that the notice be sent to all persons whose land is in the immediate vicinity of the land that is the subject of the proposal, at least ten days prior to the date upon which Council will consider the matter.



### **6.2.12 Amusement Uses**

Amusement uses are permitted or made subject to discretionary approval in certain areas by virtue of falling in the assembly group, but the Town will regulate them further to the Municipal Plan and Development Regulations as “Places of Entertainment” under the *Municipalities Act*.

### **6.2.13 Adjustment of Zone Boundaries**

The boundaries of the designated areas are to be interpreted as somewhat flexible in a limited sense. Proposed developments which straddle or are very close to a boundary may be considered in accordance with the policies of either designation at Council’s discretion, provided the proposed development does not negatively impact the amenity and quiet enjoyment of adjacent areas in the Residential designation and respects the intent of other policies in this Municipal Plan.

Zoning compliance will in such cases be accomplished by stand-alone amendment to the Zoning Maps in the Development Regulations.

### **6.2.14 Policies Extra to Municipal Plan**

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

In order to minimize the risk of overlooking those other policies when dealing with permitting under this Municipal Plan and the Development Regulations, the other policies (if any) will be appended to the Development Regulations. Amendment or repeal of those policies, or the introduction of new policies of like kind, do not involve amendment of the Municipal Plan or the Development Regulations.

## **7.0 IMPLEMENTATION**

### **7.1 Implementation Policies**

The policies of the Municipal Plan for the Roddickton-Bide Arm Planning Area will be implemented by the exercise of:

- a) Appropriate Development Regulations
- b) Site plan control for larger or more complex development proposals
- c) A planned sequence of public works.

All amendments to the Development Regulations will be checked against the Future Land Use Maps and the policies of the Municipal Plan for the purpose of conformity. This requires proper professional advice and documentation prepared by a qualified planner and due process prior to being submitted to the Minister of Municipal Affairs and Environment for approval.

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. If the application is to be considered as a discretionary use or if it is for a variance, the proper process of notice and Council deliberation as detailed in Development Regulations shall be carried out.

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

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

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

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Council will consider the application to determine whether 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 and the reason expressed to the applicant in writing. 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 authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or significantly negatively impact adjoining properties, by virtue of grant of a variance.

Where Council deems it useful and necessary so as to better consider the details of large or complex projects, a Site Plan may be required of the applicant. Site Plan evaluation criteria are appended to the Municipal Plan.

Municipalities in the province are encouraged to adopt the National Building Code. Its requirements and administration are separate from those of the Municipal Plan and Development Regulations. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both at the same time, and the Town may integrate information requirements on a common application form. However, the approval of a building or construction permit under the National Building Code does not signify an approval of a development permit pursuant to the Development Regulations, and vice versa.

Also, Council's policy is that the Town of Roddickton-Bide Arm does not provide building inspection services related to the National Building Code; Council's or staff's observations of new construction will be only to ensure that the Development Regulations' requirements are met, such as those concerning location of structures on the lot, parking, driveway location and bridging roadside ditches and sidewalks, building height, and the use of the development. Those persons requiring building inspection related to compliance with the National Building Code will be advised to retain professional services at their own initiative and expense. The Town does not issue occupancy permits.

## ***7.2 Site Plan Information and Evaluation***

Many of the land use conflicts associated with large residential subdivisions, multiple unit residential, commercial, industrial and public uses and the like can be avoided if sufficient concern for detailed design is incorporated in the development approval process. In order to more fully exercise Council's powers to apply conditions to a development permit, Council may require a site plan to be prepared and approved by Council prior to the issuance of a building permit for large or complex developments.

The policies of this Municipal Plan indicate certain cases where site plan approval is mandatory, but Council may require it of any development proposal where circumstances suggest that particular care is needed. The Appendix to this Municipal Plan contains the site plan information required of a site plan. Site plans will be evaluated in accordance with the policies of the Municipal Plan and the requirements of the Development Regulations.

## **8.0 INTERPRETATION**

### ***8.1 Land Use, Boundaries, and Roads***

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

### ***8.2 Figures and Quantities Approximate***

It is considered that all figures and quantities herein shall be considered as approximate only and not absolute, on any matter not involving variances. Amendments to the Municipal Plan will not be required for interpretation of the meaning or precision of other figures or quantities.

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## APPENDIX A: SITE PLAN INFORMATION REQUIREMENTS

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

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

## APPENDIX B:

### CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**. This classification is referred to in Regulation 87.

GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly-halls and active exercise uses	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non-residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Taverns
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms		

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GROUP	DIVISION	CLASS	EXAMPLES
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fairgrounds Exhibition Grounds Drive-in Theatres
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes



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GROUP	DIVISION	CLASS	EXAMPLES
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(c) Row Dwelling	Row Houses Town Houses Family & Group Homes
		(d) Apartment Building	Apartments Family & Group Homes
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins Campgrounds Recreational Vehicle Parks
		(e) Mobile Homes	Mobile Homes
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
		(b) Medical & Professional	Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Similar Professional Offices
		(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs

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GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations without detention quarters
		(g) Taxi Stand	Taxi Stands
		(h) Take-out Food Service	Take-out Food Service
		(i) Veterinary	Veterinary Surgeries
E. MERCANTILE USES	1. Retail Sale and Display Uses	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops and Stores and Showrooms Department Stores
		(c) Indoor Market	Market Halls Auction Halls
		(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls
		(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops

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GROUP	DIVISION	CLASS	EXAMPLES
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards
		(b) Service Station	Gasoline Service Stations Gas Bars
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Working	Quarries Pits Mines Oil Wells

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GROUP	DIVISION	CLASS	EXAMPLES
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna or Wind Turbine	TV, Radio and Communications Transmitting and Receiving Masts and Antennas Wind Turbine
		(k) Transportation	Airfields Railway Yards Docks and Harbours