TOWN OF BELLEORAM
MUNICIPAL PLAN 2010

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF BELLEORAM MUNICIPAL PLAN 2010

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000,* the Town Council of Belleoram adopts the Belleoram Municipal Plan 2010.

Adopted by the Town Council of Belleoram on the 8 day of September, 2010.

Signed and sealed this 8 day of September, 2010.

Mayor: _____
Steward May

Clerk: _____
Evelyn Savory

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP: Aryo McMillan

ARYO MCMILLAN
CANADIAN INSTITUTE OF PLANNERS
INSTITUT CANADIEN DES URBANISTES
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URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF BELLEORAM
MUNICIPAL PLAN 2010

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Belleoram:

a) adopted the Belleoram Municipal Plan 2010 on the 8 day of September, 2010.

b) gave notice of the adoption of the Belleoram Municipal Plan 2010 by advertisement inserted on the 14 day of September, 2010 and the 21 day of September, 2010 in the Coaster Newspaper.

c) set the 29 day of September 2010 at 7:30 p.m. at the Community Centre, Belleoram for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Belleoram approves the Belleoram Municipal Plan 2010 on the 4 day of October, 2010.

SIGNED AND SEALED this 4 day of October, 2010

Mayor: Steward May

Clerk: Evelyn Savory

Municipal Plan/Amendment
REGISTERED
Number 0315-2010-001
Date November 25, 2010
Signature

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1 INTRODUCTION

1.1 The Plan

The Belleoram Municipal Plan 2010 has been prepared in compliance with the Urban and Rural Planning Act 2000. The Belleoram Municipal Plan contains policy statements and maps approved by the Town and registered by the Minister of Municipal Affairs to guide community growth and development for the next 10 years.

The Municipal Plan is binding upon the Town and upon all other persons, corporations and organizations. The Plan must be reviewed by the Town every five years and, if necessary, revised to take account of development that cannot be foreseen during the next ten year period.

The Land Use Zoning, Subdivision and Advertisement Regulations – known as the Development Regulations come into effect the same time as the Municipal Plan. The Development Regulations shall deal with matters relating to development and buildings as defined under the Urban and Rural Planning Act 2000, which include in addition to permitted and discretionary land uses, matters such as non-conforming uses, advertisements, subdivisions and permitting requirements.

Development Regulations must comply with the requirements of the Urban and Rural Planning Act 2000, regulations under the Urban and Rural Planning Act 2000 and any other pertinent rules and regulations enacted by the Province, including, the Municipalities Act, and as well, legislation relating to environment, health and safety, agriculture, mines and mineral workings, highways, and forestry.

Development schemes (amendment to the Municipal Plan), design concepts, comprehensive plans, subdivision agreements and concept plans, further implement the Municipal Plan and Development Regulations with more detailed designs, design strategies and policies for roads and other facilities and development.

The Town may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreement with owners of the land as well permit its acquisition and use of these purposes. The Town may also specify the manner in which any particular area of land is to be used subdivided or

developed, and may regulate the construction of buildings which would interfere with the carrying out of any development project.

The Municipal Plan is one of the means whereby the Belleoram Community Plan 2009 – 2012 is being implemented. This Plan includes the Community Plan 2009 – 2012 and Municipal Plan 2010 Background Map which sets out areas of marine interest, emergency services, historic sites and access corridors.

The Community Plan and the Background Map and is treated as a Concept Plan and development applications shall be reviewed to ensure that they do not conflict with the Community Plan and the Background Map.

1.2 Municipal Planning Area

The Belleoram Municipal Planning Area is the area set out under the Urban and Rural Planning Act for planning and regulatory purposes, which along with the Town of Belleoram, includes Iron Skull Mountain and a proposed major quarry site along with the Town's Protected Public Water Supply at Rabbit's Pond.

The Town of Belleoram is a community of some 420 persons (2006), 2.1 square kilometers in area, situated on the Connaigre Peninsula on Belle Bay Fortune Bay.

Belleoram was the hub of Fortune Bay North, and in 1948 was one of the first rural communities of Newfoundland and Labrador to have municipal water and sewer services.

The Town is located approximately 605 kilometres from the City of St. John's, 268 from Gander (airport, major public, medical and private services), 219 from Grand Falls-Windsor (major public, medical and private services) and 100 and 75 kilometres respectively from the Connaigre Peninsula towns of St. Alban's and Harbour Breton.

Belleoram's closest neighbours are the communities of St. Jacques (gas pump, store), English Harbour West (the K-12 Conrad Fitzgerald Academy, general stores, bed and breakfast, boat haulout) and Mose Ambrose (regional landfill, gas pumps, garage, school bussing service, domestic fuel supplies, and medical clinic) of the municipality of St. Jacques – Coombs Cove. The major service centres of the Region – St Alban's (medical clinic, government services and retail) and Harbour Breton (hospital, major retail and vessel repairs and storage and accommodations services) have 2006 populations of 1,278 and 1,877 respectively.

Belleoram is a member of the Coast of Bays Corporation, a regional economic development board head-quartered in St. Alban's. The Coast of Bays population in 2006 was 7,917.

The dominant land feature, although it is not within the town boundary, is Iron Skull Head. The Iron Skull Festival and the hiking trail to Iron Skull Head are major tourist attractions.

The Community Centre (public hall and kitchen, public health nurse, community health nurse, Town Office, CAP Site, Community Cable, and public library) is located next to the former Government Wharf.

While the setting of Belleoram is spectacular, with an iconic view of Iron Skull Head and the port is well sheltered, the steep slopes and surface bedrock make it difficult and expensive to develop. This probably explains why development did not extend farther than 100 – 150 metres in from the coastline and that there was no ribbon development along Highway 363 (Main Street) entering Belleoram. Furthermore, because it is so built up there are limited opportunities for infilling and redevelopment.

THE MUNICIPAL PLAN - GOALS AND POLICIES

2 GENERAL GOALS AND DEVELOPMENT POLICIES

GOAL

The goal of the Belleoram Municipal Plan is to accommodate and encourage constructive change that will foster the community and region's economic and social development while adhering to basic principles of sustainable, economically sound and environmentally appropriate urban and rural development within the Municipal Planning Area and the Town of Belleoram.

DEVELOPMENT POLICIES

All development within the Belleoram Planning Area shall be managed in accordance with the general land use policies and designations set out in the ensuing sections. These designations are shown on the Future Land Use Maps.

Furthermore, the Town shall take into consideration the intent and objectives of the Belleoram Community Plan 2009 – 2012 or its successor when considering any major projects, including roads and services for approval.

2.1 Future Land Use Designations and Policies

To identify land for the future development needs of Belleoram, the following land use designations are established in the Plan and designated on Future Land Use Maps:

Mixed Development
Environmental Protection
Rural
Protected Public Water Supply

The boundaries between the land use designations set out on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.

2.2 General Development Policy

(1) In addition to any other considerations under this Municipal Plan, the Town may refuse permission for a development where in its opinion services are inadequate or it is uneconomical to provide and maintain these services.

(2) In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. These developments may be required to provide for public access to adjacent undeveloped lands. Furthermore, the Town may require that a comprehensive plan of development be prepared and adopted before any development is permitted in a given area.

(3) When reviewing a development proposal, the Town shall consider the suitability of a site in terms of steepness of grades, soils and geology, location of waterways and wetlands and shall, when considering approval, ensure that the development has minimal or no negative effects on other properties and bodies of water.

(4) If in its opinion, the development of the site having certain characteristics, such as steep or unstable slopes, poor drainage, high water table and so forth, could create problems for the development of the site or nearby properties, the Town can require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional.

Among other matters, the review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent properties and bodies of water.

2.3 Conditions – All Development

(1) Services and Access

Services and access must be appropriate to the type and scale of development.

The Town shall ensure that new development makes efficient use of existing roads and infrastructure. The Town shall further ensure that new development will not create unreasonable servicing demands or costs.

Within the municipal servicing limits, development shall be connected to municipal water and sewer services. If deemed feasible by the Town, development adjacent serviced areas may be connected to the Belleoram municipal water and sewer systems provided that there is sufficient capacity in the existing systems and provided that the developer agrees to pay for the cost of the extension of the services.

Unless otherwise required, outside the servicing limits development does not have to be connected to municipal water and sewer services.

Development lacking either municipal water and/or municipal sewer services shall be approved by the Department of Government Services before a permit is issued by the Town.

(2) Uses Allowed In All Designations

Accessory buildings and uses, conservation, public services, public utilities, recreational open space and trails and roads and driveways or accesses are allowed in all designations as either permitted or discretionary uses.

(3) Compatibility of Uses, Buffers and Screening

The Town shall ensure as much as possible that new development will not negatively affect existing and proposed land uses by creating a hazard or nuisance such as noise, dust, odour or unsightly appearance. The Town may require a developer to provide appropriate screening and to undertake other measures to minimize negative effects.

2.4 *Access Corridors*

The Access Corridors are set out on the Community Plan Background Map insofar that in order for the Town to properly develop, adequate access must be provided to the Beach Road wharf area which serves the aquaculture and other fisheries industry and, for safety and development reasons suitable access must be provided to the Bayview area and the proposed quarry site. These access corridors are identified as the By-Pass, Bayview and Water and Beach Access Corridors. Others may be identified as well.

Over the next several years a determination will be made as to how and when the accesses will be improved. In the meantime, these corridors shall be protected from adverse development.

2.5 *Advertisements and Signs*

Signage should facilitate orientation within the Planning Area and help promote its human and physical resources in a way that contributes to the overall attractiveness and distinctiveness of Belleoram and its environs.

Regulations shall ensure that signs are not hazardous to traffic and are in compliance with Provincial policy.

Standards for signs may vary in different parts of the Town and Planning Area in order to reflect and enhance the special character of any area.

2.6 *Archaeological and Heritage Resources*

The Town shall endeavour to conserve and develop its heritage resources. It shall encourage the preservation of buildings and sites of historic interest in Belleoram through regulation and/or other suitable means, including the designation of selected buildings and sites.

Cluett House, St. Lawrence Anglican Church and the old Anglican Cemetery shall be protected under this Municipal Plan from development which could adversely affect them.

Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Also, if any major development is proposed, the Provincial Archaeology Office shall be advised before an approval is granted by the Town. This is to ensure that the necessary research is carried out before construction begins.

2.7 *Comprehensive Development*

At the discretion of the Town a comprehensive development containing two or more individual developments on a large parcel of land may be permitted as a single comprehensive development.

- While the use classes and overall density of the comprehensive development must comply with the use zone schedule of the zone in which it is located, other standards can be modified or waived.
- The development must be compatible with adjacent development.
- The Town may require that a comprehensive development be connected to municipal water and sewer services and has direct access to a publicly owned and maintained street.

2.8 Discretionary Uses

Unless it is specifically set out as a discretionary use in the Municipal Plan, the Town may decide that a use should be set out as a discretionary use under the Development Regulations, where:

(a) it determines that the use could negatively affect the predominant uses of the zone and that in order to mitigate this impact it is desirable to consult with the public and possible affected parties prior to issuing, issuing subject to conditions, or refusing, a permit;

(b) it is necessary to attach conditions to an approval that differ from the standard conditions under the Development Regulations to ensure that the discretionary use is compatible with nearby uses and the predominant uses of the zone.

2.9 Environment

In reviewing an application for a permit, the impact of a development on the land, marine and air environment of the Planning Area shall be considered and Provincial policies on the environment adhered to.

A number of these issues are addressed under separate sections of the Municipal Plan.

2.10 Forestry

Forestry activities are regulated by the Department of Natural Resources and the Town.

2.11 Harbourside and Hazard Lands

(1) Development adjacent or near Belleoram Harbour and Belle Bay shall be reviewed to ensure that unless it is a use requiring direct access to the Harbour or Bay:

(a) it is not likely to be damaged by a storm;

(b) it is not a "vulnerable or critical use", that is, a residential use, a use catering to persons with disabilities or other special needs, and/or a use related to emergency services (example – a fire station or emergency command centre, emergency shelter or other facility) – uses which if damaged or destroyed, could cause injury or loss of life and/or make it more difficult to respond to an emergency.

(2) Any development at or near the 4 m contour line as shown on Future Land Use Map 2 shall be reviewed by the Town before a permit is issued and regardless of the designation, a permit may be refused, or approved subject to conditions, by the Town where in its opinion the development is a vulnerable or critical use, where damage to such a use could cause injury or loss of life or affect the ability to deal with an emergency.

(3) Development near steeply sloped lands, for example, back of St. Lawrence Anglican Church and back of Bayview Drive, shall not be permitted until after consultation with the Department of Natural Resources, Geophysics and Terrain Sciences Section, and/or other qualified experts to ensure that the site of the proposed development is not hazardous, and that development of the site will not set off a rock fall or flooding.

2.12 Mineral Exploration

(1) Subject to the other provisions of this Municipal Plan, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.

(2) Mineral exploration which is classed as development shall be permitted in the Rural designation provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.

(a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.

(b) Higher impact mineral exploration shall be subject to conditions

that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.

(c) Where there is ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

2.13 Mineral Workings and Mining

The Town may provide for mineral workings and mining in areas where there are known aggregate supplies and minerals and where there is less likely to be environmental damage and/or conflict between these and other uses, subject to controls that minimize environmental damage and conflict with other land uses.

2.14 Trails

The Town may require that any development within a specified distance of a significant well-established and clearly demarcated trail be reviewed to ensure that development does not negatively impact such trail. Where deemed necessary, the Town may require that a buffer be provided by the developer. Wherever possible, this buffer shall extend at least 15 metres from either side of the trail.

2.15 Waterways and Wetlands

Sound environmental and engineering practice and protection of the Town's amenities make it the general policy of the Town to protect all waterways and wetlands of the Belleoram Municipal Planning Area.

A protective buffer of undisturbed soil and vegetation shall be preserved along the shoreline of all waterways and wetlands, except very minor ones. The buffer shall be sufficient to prevent erosion, retain natural drainage features, prevent siltation, preserve public access and protect fish habitat.

(a) Subject to the appropriate approvals and reviews, only trails and accessory uses, wharves and other uses requiring direct access to a body of water may be permitted in these buffer areas.

(b) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.

(c) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.

If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

2.16 Windmills, Wind Turbines and Other Alternative Energy Sources - Utilities

Wind mills, wind turbines and other alternative sources such as solar panels ('Utilities'), which are not classed as public utilities can be approved by the Town in suitable locations provided that all necessary approvals are obtained from the Departments of Environment and Conservation and Natural Resources and the Town is satisfied that such development will not create a hazard or nuisance to nearby land uses.

3 MIXED DEVELOPMENT

As set out on Future Land Use Map 2, the Mixed Development Designation applies to the entire built-up area of Belleoram and immediately adjacent areas that may be suitable for future development.

(1) Council shall encourage the restoration, renovation and adaptive re-use of existing buildings and encourage appropriate infill development.

(2) Council may pursue the preparation of a development scheme or plan that includes an archaeological survey, an inventory of historic buildings, and harbourside and streetscape design and improvements.

(3) The uses that can be permitted in this designation include residential, assembly, business and personal service, mercantile, institutional, industrial, transportation and other uses that are compatible with the existing developments of the Mixed Development designation.

(4) All development in this designation shall be connected to municipal water and sewer services unless deemed unfeasible by the Town.

(5) Development shall be reviewed to ensure that there is no conflict with the Historic Sites and Access Corridors as set out on the Community Plan Background Map.

4 ENVIRONMENTAL PROTECTION

The Environmental Protection designation is applied to areas where it is desirable to protect the natural features of an area from development. These features can include certain streams, wetlands, and treed areas.

Only conservation is a permitted use in this designation.

Discretionary uses are antenna, recreational open space and transportation (wharves and docks and fishing stages). These developments are subject to the approval of the Department of Environment and Conservation.

5 RURAL

With the Rural designation the Town can permit resource based uses, including forestry, mineral workings, mining and appropriate compatible uses, including transportation and utilities as either permitted or discretionary uses.

All development in this designation is subject to the approval of the Departments of Environment and Conservation and Natural Resources.

6 PROTECTED PUBLIC WATER SUPPLY

The Protected Public Water Supply designation applies to the Rabbit's Pond Protected Water Supply of Belleoram.

Development is restricted to uses and activities that will not damage the water supply in a way that cannot be satisfactorily controlled.

Conservation and public services and public utilities are permitted uses in this designation. Recreational open space and trails may be permitted as a discretionary use in this designation.

Development within the Protected Public Water Supply designation is subject to the approval of the Minister of Environment and Conservation and the Town.