

**TOWN of BIRCHY BAY  
MUNICIPAL PLAN  
1995 - 2005**

**PUBLISHED IN NEWFOUNDLAND AND LABRADOR GAZETTE: May 5, 1996**

**WITH CONSOLIDATED AMENDMENTS**

**UPDATED AS OF: September 24, 2014**

*Prepared for the Town of Birchy Bay  
by the Urban and Rural Planning Division  
Department of Municipal and Provincial Affairs  
Government of Newfoundland and Labrador*

**NOTICE of ADOPTION**

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

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

Proposed by: Woodrow News

Seconded by: Debbie Layte

**SEAL and SIGNATURE**

Signed and sealed pursuant to section 15 of the Urban and Rural Planning Act this  
31 day of Jan, 1996

  
\_\_\_\_\_  
Mayor

SEAL

**CLERK'S CERTIFICATE**

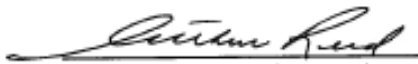
Certified that the attached Municipal Plan is a correct copy of the Municipal Plan  
adopted by the Town of Birch Bay on the 18 day of January, 1996

  
\_\_\_\_\_  
Clerk

**NOTICE of APPROVAL**

I, *Arthur D. Reid*, Minister of Municipal and Provincial Affairs, under and by virtue of the power conferred by the *Urban and Rural Planning Act*, hereby approve the *Birchy Bay Municipal Plan*, adopted by the Town Council of Birchy Bay on the *18<sup>th</sup>* day of *JANUARY*, 199*5**6*

Dated at St. John's this *18<sup>th</sup>* day of *MAY*, 199*5**6*

  
*Arthur D. Reid, M.H.A*  
Carbonear District  
Minister of Municipal and Provincial Affairs

*Harbour Grace*

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## **1.0 INTRODUCTION**

### **1.1 FOREWORD**

The Birchy Bay Municipal Plan is comprised of a series of policy statements about future land use in the community based on information compiled in the Background Report. The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. The policies are statements by the Community regarding how it intends to guide and regulate development. Future Land Use Maps at the back of the report show the locations of the various categories of land use. Any development to take place within the planning area from the date upon which this Plan has been approved by the Minister of Municipal and Provincial Affairs must comply with applicable policies of the Plan.

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

#### **1.1.1 Planning in Newfoundland and Labrador**

##### *The Municipal Plan*

This Municipal Plan has been prepared in accordance with the requirements of Section 14 of *the Urban and Rural Planning Act*, following surveys and studied of land use, population growth, the local economy, present and future transportation needs, public services, social services, and other relevant factors. These studies and surveys are included in The Background Report.

The Plan describes the goals, objectives and policies of Council regarding the development of the Municipal Planning Area for the next ten years. The Municipal Plan is a formal statement of policy on land use, a device to facilitate communication between Council and community members, and a framework for decision-making. The Birchy Bay Municipal Plan consists of two parts: the written texts in which the goals, objectives and policies are set out and the Future Land Use Maps which illustrate the allocation of land into various land use categories.

### *Ministerial Approval*

When the Municipal Plan is formally adopted by resolution of Council under Section 15(1) of the Act, two copies must be impressed with the seal of the Council and signed by the mayor. Council must then give notice of a public hearing on the Municipal Plan, and its intention to seek the approval of the Minister of Municipal and Provincial Affairs by publishing a notice to that effect in the Newfoundland Gazette, and in the newspaper circulating in the community. At the Public Hearing the Commissioner appointed by the Minister will hear objections and representations, and subsequently forward to the Minister a written report together with copies of all evidence taken at the Hearing.

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

### *The Effect and Variation of the Municipal Plan*

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

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

### *Municipal Plan Administration*

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement Regulations*, otherwise known as Development Regulations. The Regulations are prepared at the same time the Municipal Plan is drafted, and are based on Standard Provincial Regulations prepared by the Provincial Planning Office.

The day to day administration of the Municipal Plan, and subsequent Development Regulations, is implemented by staff authorized by Council. Council staff has the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the municipal Planning Area.

### *Development Schemes*

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under Sections 30 and 31 of *the Urban and Rural Planning Act* for the purpose of carrying out specific proposals described in the Municipal Plan. A Development Scheme may enable the municipality to acquire, assemble, consolidate, subdivide and sell or lease land and/or buildings which are necessary to carry out provisions of the Municipal Plan.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreements with owners of the land as will permit its acquisition and use for those purposes. Council 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 any development project.

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



## **1.2 SUMMARY AND CONCLUSIONS OF BACKGROUND STUDIES**

According to the census data, the 1991 population of Birchy Bay was 768 persons, which was an increase of 8% from the 1986 population of 709. The population grew from 580 in 1971 to 646 in 1976, and to 707 in 1981, indicating a fairly consistent, though gradual rise in population since the early 1970's. The population can be expected to stabilize because of the poor economic predictions for the fishery and the forest sector, though currently there is a small but stable influx of population into the Town of Birchy Bay.

Housing requirements are a direct result of the population and family size in a location. Because of a provincial trend toward smaller family size, the number of housing units needed may increase even if the population stays at present levels. According to the 1991 census data there are currently 198 dwellings in the Town of Birchy Bay. Depending on land availability and economic conditions, areas for approximately 50 building lots for future housing sites need to be identified in the Municipal Plan.

The chief potential for future local employment stems from improvement and/or expansion of recreation and tourism facilities, from preserving and promoting the colourful history of the area, and by encouraging small businesses. The promotion and development of tourism provides the possibility for growth and greater stability of the local economy, along with incentives to preserve and protect existing natural resources. As well, there is the potential for the expansion of agricultural undertakings in the area. Finally, the provision of a variety of opportunities for local employment by means of encouraging small businesses should be given serious consideration.

## **2.0 MUNICIPAL PLAN**

### **2.1 THE FUTURE COMMUNITY**

The purpose of the Municipal Plan is to provide a guide for growth in the municipality and to control the type and form of development over a ten year period. The Plan, which establishes a systematic pattern for future growth and development to enhance the social, physical and economic well-being of residents, achieves this by dividing the Planning Area into groups of complementary land uses or zone designations.

The Municipal Plan attempts to guide development within land use designations by separating activities that have conflicting requirements and functions. For example, commercial areas are located where they may benefit from transportation connections and conservation areas are located where the pattern of uses has been derived to preserve natural features. It is not the intent of this Plan to segregate land uses for the sake of segregation but for the purpose of preventing conflicts between groups of activities and reserving land for its potential best use. Development is ultimately controlled for the good of the entire community and for future generations.

The three main components of the Plan are goals, objectives and policies. Goals are an expression of Council's intent with respect to matters under its jurisdiction or influence, while objectives are specific measures towards achieving that intention. And policies are statements expressing a course of action, usually with respect to particular land use classes.

The policies are intended to promote a compact community while allowing for a wide variety of compatible land uses. For Councils implementing these policies, the detailed standard and precise requirements will be outlined in the development regulations.

### **2.2 PLANNING GOALS AND OBJECTIVES**

The following goals set out in broad terms the general intent of the Birchy Bay Municipal Plan. They represent a framework for the long and short term development of the

Municipal Planning Area, upon which the Plan's policies will be based. A goal is a desired state which reflects the long-range purposes of Council. An objective is a short-range step towards achieving the goal.

### **2.2.1 Physical Layout and Character**

#### **Goals:**

To encourage a physical layout for the Town which will ensure orderly development, the economical use of land and municipal services, and compatibility between land uses.

To preserve, protect and enhance the natural environment for its aesthetic, recreational and resource values.

#### **Objectives:**

To encourage infilling in areas served by municipal water and sewerage pipes.

To limit further development of new roads in sections of the municipality this cannot be economically serviced.

To ensure that natural areas such as drainage courses, shorelines, and steep slopes are protected from development.

To preserve scenic views of the shoreline, ponds and hills, recognizing their value to residents and visitors for recreation and tourism.

### **2.2.2 Housing**

#### **Goals:**

To provide an adequate quality, quantity and mix of housing.

To protect the amenity and integrity of residential areas.

#### **Objectives:**

To concentrate major residential development in areas where municipal services can be most economically extended.

To minimize any potential conflict of non-residential land uses in residential neighbourhoods.

## **2.3 POLICY STATEMENTS**

The following policies express a course of action or intention adopted by Council, for the ten year time frame of this Municipal Plan. All development within the Birchy Bay Planning Area shall be managed in accordance with the following general land use policies and designations. The Future Land Use Maps (in the Appendix) establish the pattern of development in conjunction with the land use policies.

### **2.3.1 General Development**

The following policies are general in scope and can be applied to all development within the Planning Area. In specific circumstances they may apply to different sections of the municipality.

#### **Policy Statements**

- 1) To provide sufficient areas for development and redevelopment that meet the future needs of the community, the following land use areas are established in the Plan and designated on Future Land Use Maps in the Appendix.

Residential

Residential-Limited Service Area

Mixed Development

Commercial

Conservation

Open Space Recreation

Public Building

## Watershed

### Rural

- 2) No development shall be carried out within the Planning Area, except in accordance with this Plan and the accompanying zoning and subdivision regulations, unless a permit for the development has been issued by the Council.
- 3) All development must have proper road access, and be setback from public roads.
- 4) The boundaries between types of land use portrayed 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.
- 5) Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan was approved by the Minister of Municipal and Provincial Affairs. Where a building or use exists which does not comply with the intent of the Plan and the designated use, then it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment.
- 6) Compact development shall be encouraged in order to minimize the cost of services such as snow removal. This encouragement could take the form of favourable zoning and the issuance of development permits for compact developments in locations in keeping with this plan.
- 7) There are areas of land within the planning area which are considered environmentally and hydrologically sensitive areas. In these areas, protective rather than development measures must take priority. These areas can be grouped into natural drainage routes, flood plains, areas of steep terrain and unstable slopes, wetland, shoreline frontage and coastal areas. These areas need to be protected and reserved in the interest of public safety and well-being.

### **2.3.2 Residential**

Housing is the major land use in Birchy Bay, and will remain so during the plan period.

The need for new building sites during the time period covered by the plan will be primarily for housing at an estimated maximum of 5 dwellings per year over the next twenty years.

The housing in Birchy Bay is scattered over a large area, with most residences located on larger lots. Some non-residential uses are scattered amongst the homes, especially churches and graveyards. Limited infill opportunities with road frontage exist in Birchy Bay, though there are a couple of areas with good potential for future housing development. Whenever possible Council encourages compact development accessible to existing water and sewer.

The following objectives and policies are designed to ensure that adequate serviceable land is reserved to meet future housing needs.

#### **A. Objective: An adequate supply of housing sites to meet community needs.**

1) **Policy:** The Future Land Use map in the appendix designates land for residential uses during the plan period.

2) **Policy:** The predominant housing type will continue to be single detached dwellings. Council may consider other types of permanent housing, on a scale and at a concentration which preserves the low density character of existing neighbourhoods and promotes a similar character in newly developing areas.

#### **B. Objective: To provide for the health and safety of residents and visitors.**

1) **Policy:** An adequate level of all community services and facilities is to be provided at each stage of community development, including police and fire protection, public health

facilities, a water supply and distribution facility, sanitary sewerage, roads and pedestrian ways, schools, parks and garbage disposal.

**C. Objective: A good residential environment for established housing areas and new residential locations.**

1) **Policy:** Residential areas shown on the Future Land Use Map shall be comprised of predominantly single, detached dwellings. Council may consider other types of housing on a scale and at a concentration which preserves the low density character of the residential areas, except that in all unserviced residential infill areas, housing shall be limited to single detached dwellings.

2) **Policy:** All new dwellings in the Residential designation shall front on publicly maintained streets which meet appropriate standards to be established by Council.

3) **Policy:** Development shall be sited and carried out in a manner that provides for proper site drainage, avoids erosion at levels below the site, and does not contribute to pollution of existing, low lying wet areas and bogs. All new dwellings and other development in residential areas shall front on publicly-maintained streets which meet appropriate standards to be established by Council.

**D. Objective: A compact form of development to minimize cost of community services.**

1) **Policy:** For future serviced development, infilling will be promoted in areas where Council will provide water and sewer.

2) **Policy:** For unserviced development in the Residential designation, lot sizes shall be scaled to meet provincial requirements for interim, on-site water supply and/or onsite sewage disposal. Where town water and sewer lines are available within 150 metres of a

backland site, dwellings there shall be connected to the service lines and lot size shall be reduced according to the specifications of urban lot size.

3) **Policy:** In the case of a residential subdivision, where the land is suitable for a comprehensively planned subdivision near existing services, no residential area shall be developed in whole or in part until a plan of subdivision has been prepared that complies with the Plan and implementing Regulations and unless required public services, such as water and sewer, roads and telephone and electric utilities, are predetermined and provided at the expense of the developer.

### **2.3.3 Mixed Development**

In order to optimize utilization of the community land base and to maintain a viable combination of compatible land uses, areas of existing mixed land uses may permit some types of commercial or public uses in conjunction with the established focus of residential use.

**A. Objective: To provide for the continuation of the traditional mix of residential, commercial, and public buildings in the central part of town and to protect existing and future development from land use conflicts.**

(1) **Policy:** Residential uses shall be the predominant use. Commercial, public and recreational uses may be accommodated where not in conflict with the residential use. Council shall require adequate off-street parking for each development.

**B. Objective: To preserve the amenity of residential uses which are affected by nonresidential uses.**

(1) **Policy:** Adverse effects of any proposed development on the adjacent existing residential uses shall be prevented or minimized through proper site planning and buffering.



(2) **Policy:** A maximum floor area for non-residential uses shall be established in order to ensure non-residential uses are in keeping with the existing scale of residential development.

(3) **Policy:** Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

(4) **Policy:** All development shall have adequate frontage on a publicly maintained road, incorporate necessary off-street parking and loading facilities, and be serviced with municipal water where available.

#### **2.3.4 Commercial**

There are few commercial establishments located in Birchy Bay at this time. However, sites for a modest expansion of convenience shopping and personal service uses could be required during the plan period.

**A. Objective: Provide for an adequate number of convenient sites for locally oriented commercial, service and office activities.**

1) **Policy:** Lands designated as Commercial shall be reserved primarily for business and retail uses. Service stations and light industrial uses may be appropriate on sites where they will not cause a nuisance to surrounding existing or planned uses.

2) **Policy:** All new commercial facilities shall provide adequate off-street parking and loading space in accordance with the standards established by Council.

3) **Policy:** Wherever possible Council shall require vehicle accesses onto the highway to be shared by more than one commercial use.

**B. Objective: To preserve the amenity of residential uses which are affected by commercial or other non-residential uses.**

1) **Policy:** Where commercial operations abut a residential use, Council may require a buffer, in the form of tree planting or fencing, to protect the amenity of the residential use.

### **2.3.5 Conservation**

Lands designated as Conservation are intended to ensure the provision of adequate space for passive recreation and to provide protection to environmentally sensitive areas. The Town of Birchy Bay favours the preservation and protection of areas of scenic attraction and areas of natural beauty for the benefit of the community.

**A. Objective: To protect and conserve areas in their natural state.**

(1) **Policy:** No development shall be permitted in the areas set aside for conservation, except that which may be necessary for flood control and passive recreation, like hiking trails and picnic areas.

(2) **Policy:** Areas set aside for conservation shall be retained in their natural state, except where planting of trees, control of erosion and similar preservation measures are required, and shall be protected from pollution or abusive activities.

### **2.3.6 Open Space Recreation**

Recreational opportunities should generally be easily accessible to all residents, including the elderly and disabled, and utilize an area adequate for the nature of activities provided.

The goal of this designation is to enhance the physical well being of residents by providing recreation opportunities.

**A. Objective: To designate land for the existing and future outdoor recreational needs of the community.**

(1) **Policy:** Recreational areas shall be reserved for active recreational use, generally sports and physical activity, and may accommodate buildings designed for such activities.

(2) **Policy:** Additional recreational facilities will be provided in areas where they are needed and when the Town's financial resources permit, with an emphasis on accessibility to the older age groups.

(3) **Policy:** Structures associated with an outdoor recreation use shall be designed and located in order to preserve the natural amenities of the area.

(4) **Policy:** The development and operation of recreation facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic, and hours of operation.

### **2.3.7 Rural**

The Rural Designation includes the remainder of the planning area that is not identified for urban use or open space. Natural resources such as aggregate, forest, blueberry areas, aggregate extraction areas and undeveloped land have a significant economic and recreational value and are important community resources. It is important to make optimum use of natural resources such as blueberry harvesting while, at the same time, attempting to preserve, protect and enhance the natural environment.

**A. Objective: To protect natural resources from development that may adversely affect their future utilization or enjoyment and to ensure the optimum utilization of these natural resources.**

(1) **Policy:** The uses permitted in rural areas include resource based uses and non building uses which will not inhibit resource exploitation.

(2) **Policy:** The location and operation of permitted Rural uses, particularly mineral workings and Blueberry Management Areas, shall have regard for residential development and shall be subject to standards to be determined by appropriate government agencies.

(3) **Policy:** Agriculture and forestry management and harvesting shall conform to the regulations and guidelines of the Department of Forestry and Agriculture and any regulations and conditions prescribed by Council.

(4) **Policy:** Residential development shall not be permitted in the Rural Zone unless needed for the continual on-site supervision of a permitted and established operation, and then only at the discretion of Council.

(5) **Policy:** Mineral workings shall conform to the regulations and guidelines for pit and quarry operations in effect as established by the Department of Mines and Energy and any regulations and conditions prescribed by Council. The adverse effects of mining and quarrying and their related operations such as dust, noise, and visual impact on the environment, particularly from public roads shall be kept to a minimum. In order to separate such operations from other incompatible uses, a protective buffer zone shall be established by the operator. All quarry operators will be required to rehabilitate the quarry sites after quarry operations cease and a rehabilitation plan may be required by Council as part of a permit application.

**B. Objective: To protect and enhance the environment of the community's hinterland.**

(1) **Policy:** Development in proximity to any watercourse or foreword shall be subject to the requirements of the Department of Environment.

(2) **Policy:** Plans for any activities that have the potential to affect fish habitat should be forwarded to Fisheries and Oceans Canada for review.

(3) **Policy:** The Authority may attach conditions to development approval for any permitted Rural use, where appropriate.

**C. Objective: To provide for uses not well suited to the Urban and Rural Environment.**

(1) **Policy:** The Council may at its discretion permit uses which because of their nature and/or large land requirements would not be possible or compatible with the urban environment. For example, waste disposal sites, scrap yards, asphalt plants, and certain recreational facilities such as golf courses, trailer/camping parks, water slides, theme and amusement parks, driving ranges, ski slopes **and remote seasonal cottages.**

**A Remote Seasonal Cottage is defined as a cottage that is not accessible by a conventional passenger vehicle or difficult to access by off road vehicles such as four wheel drive vehicles, all-terrain vehicles, or snowmobiles.**

(2) **Policy:** The Council may at its discretion permit uses such as remote seasonal cottages. **A Remote Seasonal Cottage shall only be permitted provided it is a minimum of 1 kilometer from an existing public road.**

(3) **Policy:** **Roads shall not be constructed to access remote seasonal cottages and access shall only be via an approved All-Terrain Vehicle (ATV) trail licensed by the Crown Lands Administration Division, Department of Environment and Conservation; by snowmobile during winter months; or access by boat.**

(4) **Policy:** **Remote seasonal cottages shall require approval (License to Occupy) of Crown Lands Administration Division, Department of Environment and Conservation.**

### **2.3.8 Watershed**

Jumper's Pond is the Town's domestic water supply. It is protected by legislation and no development should proceed with prior approval from the Water Resources Division of the Department of Environment. The main purpose of this protective designation is to preserve the pond and watershed from incompatible land uses, so that the Town has an abundant supply of safe drinking water on a long term basis.

#### **A. Objective: To protect the domestic water supply.**

(1) **Policy:** Uses permitted in the Jumper's Pond watershed shall be limited to passive recreation and conservation. Council may permit forestry and agriculture.

(2) **Policy:** Any development proposal in the Jumper's Pond watershed shall be approved by the Water Resources Division of the Department of Environment. Applications for agricultural uses shall be referred to the Department of Food, Fisheries and Agriculture. Forestry applications shall be referred to the Department of Natural Resources.

## **3.0 IMPLEMENTATION**

The Birchy Bay Municipal Plan provides the basis from which all development within the Planning Area will be controlled and monitored. The Municipal Plan must be implemented by means of the regulatory powers conferred upon Council by section 36 of the *Urban and Rural Planning Act* and other such statutes, enabling legislation and programs as are applicable. Council will implement the Municipal Plan by establishing and adopting a set of Land Use Zoning, Subdivision and Advertisement Regulations. The Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies and programs which it contains.

The preparation, adoption and approval of this Municipal Plan represents only a part of the planning process. The Plan is not an end in itself and does not have any purpose without being implemented. Furthermore, the Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the Urban and Rural Planning act and outlined below:

- i) Prepare, adopt and request the Minister of Municipal and Provincial Affairs to approve Development Regulations.
- ii) Control future development by enforcing the Development Regulations and the policies of this Plan.
- iii) Undertake a municipal program of water servicing geared to the availability of community resources and financial assistance from the higher levels of government.
- iv) Prepare and adopt development schemes for any area when and if the need for their development arises.
- v) Make necessary amendments on the Plan when conditions of the community change, and undertake a review of the Plan every five years.

### **3.1 ADMINISTRATION AND DEVELOPMENT REGULATIONS**

For the purpose of administering the Plan, Council will proceed to establish and adopt Land Use Zoning, Subdivision and Advertisement Regulations pursuant to Section 36 of the Urban and Rural Planning Act. The Development Regulations will be drawn up in strict conformity with the objectives and policies of the Plan, and will contain general land use regulations designed to control the use of all land within the Planning Area. These regulations also constitute the legal device for implementing the Plan.

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

- i) The powers of Council, including rules and administrative procedures governing Council's consideration of, and decision on, planning applications.
- ii) Rules and administrative procedures for appeal boards.
- iii) General development standards for all zones.
- iv) Regulations governing advertisements.
- v) Regulations governing the subdivision of land, covering but not limited to, subjects such as services to be provided, building lines, public open space, and design standards.
- vi) Definitions of key words and phrases to be used in the interpretation of the Regulations.
- vii) Classification of land and building uses to be used, in a Use Zone Table.
- viii) Tables tailored specifically for each use zone, listing the permitted and discretionary uses and the standards and conditions for development in each specific zone.
- viii) Use Zone Maps dividing the Planning Area into zones corresponding with the use zone tables.

Zoning is essentially a means of ensuring that the future land uses and development are in conformity with the Municipal Plan, that they are properly situated in the community, and that they do not conflict with or adversely affect neighbouring uses. It attempts to provide adequate space for each type of development. It directs new growth into appropriate areas and protects existing property by requiring that development afford adequate light, air and privacy for persons living and working within the community. Zoning also allows for the control of development density in each area so that property can be effectively serviced by such public facilities as roads, schools, utilities, municipal and recreational facilities.

Subdivision regulations, on the other hand, govern the development of areas larger than individual building lots for residential or other purposes. They prescribe standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes, and other necessary requirements.



Existing development which does not conform to the land use designations in this Plan may continue in this non-conforming use subject to limitations on enlargement. A nonconforming use may be changed to another use only if the new use is deemed more compatible with surrounding properties and the Plan policies.

### **3.2 DEVELOPMENT CONTROL**

All persons, groups, or organizations wishing to develop land for any purpose shall apply to Council for permission on the prescribed form. Council shall examine the application on the basis of the Regulations, which reflect the policies and proposals of the Municipal Plan, and may approve the application, approve it with conditions, or refuse it. Any applicant who is dissatisfied with the decision of Council may appeal to the appropriate appeal board.

All applications to Council must include a sketch plan of the proposed development, indicating as accurately as possible the location of the development, the proposed use of the lands and the location of existing and proposed buildings or structures. Applications for development in areas under the control of other government departments as well as Council, shall be referred to the concerned agency for review.

### **3.3 CAPITAL WORKS PROGRAM**

In compliance with the *Municipal Grants Act*, and in order to ensure that adequate funds are available at the appropriate time to implement each feature of the Municipal Plan, Council shall prepare and submit annually to the Department of Municipal and Provincial Affairs a five-year forecast of anticipated capital expenditure requirements.

The realization of many of the goals contained in the Birchy Bay Plan is brought about through a definite allocation of development funds for the most important projects.

Through the development of a project timeframe and cost schedule, Council can allocate funds for these projects and remain within the financial capabilities of the community.

The Town's water and sewer servicing program for 1994-1998 is listed in Table 1 (following page). This program and any future capital works beyond that must conform with applicable policies and land use designations of the municipal plan. Water and sewer projects must not contribute to sprawl, since that would conflict with the Plan's goal of promoting compact development. It should also be recognized that extensions of the water and sewerage systems required for new development, including residential subdivisions, are the responsibility of developers and not the municipal or provincial governments.

**TABLE 1  
TOWN OF BIRCHY BAY  
FIVE-YEAR CAPITAL WORKS PROGRAM: 1994-1996**

YEAR	WATER & SEWER PROJECT	COST
1994	Main Highway	\$495,000.00
1995	Pine Crescent	430,000.00
1996	Aspen Cove Road; Beechside Road	255,000.00

### **3.4 AMENDMENT AND REVIEW OF PLAN**

Since conditions in the Town may change during the Plan period, Council may amend this Plan at any time by following the same procedures which brought the Plan into effect. Any such amendment shall be read together with and form part of this Plan.