

# **TOWN OF MARY'S HARBOUR MUNICIPAL PLAN**

**IMPORTANT:** To see if there were any changes to this plan since it came into effect, please refer to:

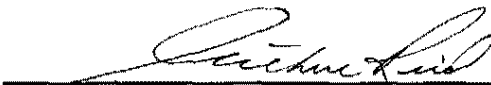
**List of Municipal Plan Amendments**



**MINISTER'S 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 Mary's Harbour Municipal Plan, 1995-2005, adopted by the Community Council of Mary's Harbour on the            day of            , 1996.

Dated at St. John's this 27<sup>th</sup> day of NOVEMBER , 1996.

  
\_\_\_\_\_  
**ARTHUR D. REID, M.H.A.**  
**Carbonear-Harbour Grace District**  
**Minister of Municipal and Provincial Affairs**



**URBAN AND RURAL PLANNING ACT**

**COUNCIL RESOLUTION TO ADOPT MUNICIPAL PLAN**

Resolved, pursuant to Section 15 of the Urban and Rural Planning Act, that the Council of the Community of Mary's Harbour adopt the Municipal Plan entitled "*Mary's Harbour Municipal Plan, 1995-2005*".

Resolved further, pursuant to Section 17 of the Urban and Rural Planning Act, that the Council of Mary's Harbour 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: Audrey Russeel

SECONDED BY: Rick Johnson

Certified as a correct copy of a Resolution passed at a meeting of Council held at the Community of Mary's Harbour on the 21<sup>st</sup> day of August, 1996.

Byron B. Rumbolt  
Mayor

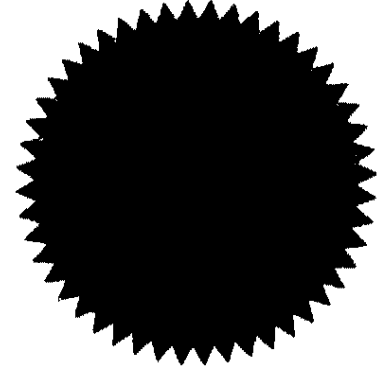
Geemp Rumbour  
Clerk



**SEAL AND SIGNATURE**

Signed and sealed pursuant to Section 15(3) of the Urban and Rural Planning Act  
this 21<sup>st</sup> day of August, 1996.

(SEAL)



Byron B. Humbolt  
Mayor

**CLERK'S CERTIFICATE**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan  
adopted by the Council of the Community of Mary's Harbour on the 21<sup>st</sup> day of August  
, 1996.

Georg Rumbou  
Community Clerk





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**MAPS 1, and 2 at back**

# **INTRODUCTION**

## **FOREWORD**

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

## **Purpose of Municipal Planning**

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

## **Municipal Plan Preparation**

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

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

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

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

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

**Municipal Plan Review and Amendment**

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

## **BACKGROUND REPORT SUMMARY**

### **Municipal Planning Area**

The Municipal Planning Area of Mary's Harbour is shown in Map 1. The community of Mary's Harbour is located in a sheltered harbour on the south eastern end of St. Lewis Inlet, where the St. Mary's River empties into the Bay. The community is situated 325 air km south east of Goose Bay and 110 air km north-north west of St. Anthony.

### **Municipal Planning Background**

The Community of Mary's Harbour was incorporated in 1975. The Community's Municipal Planning Area was established in 1984. The first community Municipal Plan was prepared in 1980 and revised in 1983, it was adopted in 1984.

### **Economy**

The economic mainstay of Mary's Harbour traditionally has been employment created by resource development such as the fishery. The potential for future growth in the fishing industry is limited. Presently the fishing industry in Mary's Harbour has been relatively activity and profitable. This is mainly due to the growth in the local crab fishery. Most other fishing based communities on the coast of Labrador have been experiencing very hard economic conditions due to the moratorium on the cod and other ground fish species. However, Mary's Harbour has prospered because it was not totally dependent on the cod fishery. The economic viability of the crab fishery will depend on the supply and price fisherman receive for their catch. The economic spin off from the jobs created in the crab fishery and the processing plant has created a very good employment conditions in the community.

In the future the Forest industry may provide moderate economic growth for the community. The increase in forestry activity in the south eastern region of Labrador over the past three years is a good indicator that more employment in that industry is likely over next few years. There are good forest reserves in the area and recently the Provincial Government has been increasing the number of forestry access roads and upgrading existing roads. In the past two years the demand and price for pulp wood has grown resulting in the development of the forestry reserves in southern Labrador. The increase in price has made it more economical to harvest these reserves.

### Population

The population of Mary's Harbour was 470 in 1991. The average annual growth rate from 1981-1991 was 1.5 percent. It is predicted the Community will maintain an annual growth rate of approximately 1.0 percent during the 1995-2005 Plan period. The population is projected to reach 489 by 1995, and by the end of the ten year plan period it should be at 540. The increase will be almost entirely due to births.

MARY'S HARBOUR POPULATION GROWTH		
YEAR	POPULATION	ANNUAL % CHANGE
1976	366	---
1981	408	2.29
1986	463	2.94
1991	470	0.30
**1995	489	1.00
**2000	514	1.00
**2005	540	1.00

\*\* Projected population rate based on annual growth rate of 1 percent.

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

### Housing

In the 1981-1991 period the number of households in Mary's Harbour increased from 90 to 116, an increase of 29 percent. While the population grew by only 15.2 percent for the same time period. It is obvious the number of persons per household has decreased due to the differences in the growth of the populations and the number of houses. Using this trend of decreasing household size, and the projected population for the next ten years, an estimate of the number of dwelling units that will be required in Mary's Harbour can be established. The number of persons per household will decrease if the

<b>MARY'S HARBOUR HOUSING</b>			
<b>YEAR</b>	<b>POPULATION</b>	<b>NUMBER DWELLINGS</b>	<b>PERSON PER HOUSE</b>
1981	408	90	4.53
1986	463	106	4.36
1991	470	116	4.05
*1995	489	122	4.00
*2000	514	137	3.75
*2005	540	144	3.75

\* Projected housing needs based on projected population rate and projected numbers of persons per household.



population does not increase proportionally to the increase in numbers of households. It is concluded that under the assumption of a constant population growth rate of 1.0 percent Mary's Harbour will require approximately 31 additional building lots by 2000, and 7 building lots by 2005. An additional 10 - 15 new homes will be needed over the next ten years to replace existing homes in the Community.

### **Physical Features**

The community is built along the rolling topography of the shoreline at the mouth of the St. Mary's River. The physical structure of the coast line has created a very sheltered harbour. The bedrock is comprised of Precambrian rocks, being granite and granitoid gneisses and amphibolit. Surficial deposits include sand to clay with numerous boulders, and bog. There are numerous rock outcrops along the shoreline.

### **Community Structure**

The local topography of Mary's Harbour has resulted in a compact development pattern along the shoreline of the harbour. The St. Mary's river which empties into the Harbour divides the community into two areas. The majority of new development over the past seven years has occurred along the southern section of the harbour near the road to Lodge Bay. Residential development consists primarily of single detached dwellings. A majority of the dwellings in the community are in a good state of repair. Development is restricted greatly due to the poor topography of the area and the lack of private water and septic services.

The industrial use area is located on a point of land at the north end of the Harbour. The rock outcrop is the site of the local fuel storage facilities and the fish plant/public wharf.

## **Commercial Development**

The Mary's Harbour commercial development serves the local residence as well as residents from Lodge Bay. There are six convenience stores in the community which sell just about every thing that is needed by the local residences. There are also several other businesses which include; Ski-doo shop, Beagle Lounge, Archie's Take Out, Mary's Harbour Craft Shop, Eagle River Credit Union, J.L Investments Ltd, K & J Repairs, Jones Charters and Tours, Juanites Beauty Salon, and C & M Sewing Boutique. The Riverview Hotel provides accommodation for the travelling public and also has a take-out food service available.

## **Community Services**

There are three religions in the community; Anglican, United Church and Roman Catholic. The only church in the community is Anglican. The local school in Mary's Harbour is called St. Mary's and offers schooling from Kindergarten to grade 12. The school children come from Mary's Harbour and Lodge Bay and is operated by the Vinland Strait of Belle Island School Board.

Medical services are provided at the local Grenfell Regional Health Clinic. The clinic is staffed by two resident nurses and one public health nurse and is visited by a Doctor and Dentist regularly. Severe medical cases are flown to St. Anthony for medical treatment.

The Community's recreation facilities include an outdoor rink and a gymnasium's. Located in the school. The Community recreation centre is used extensively for community activities such as, ping-pong, darts, bingo, and other festive occasions. Mary's Harbour also has a community service club called the Lion's Club.

The Battle Harbour Development Association has its headquarters in Mary's Harbour and has a building in the community which it shares with the Labrador Outreach program officer for Battle Harbour. Other community services that are available include; R.C.M.P., Canada

Post Office, Adult Basic Education (ABE), Social Services office, Provincial Fisheries, and Literacy Outreach Services . Other services such as Fisheries, Forestry, and Enterprise NF and Lab. are provided by offices located in other communities.

### **Municipal Services**

The Community has water distribution and sewer systems under construction at present. However, there is still a proportion of the community serviced by privately drilled wells and septic tank systems. Council maintains the local roads, provides garbage collection and disposal, street lighting, operates the Fire Hall and provides some funding for the Community Recreation Centre.

Protection of persons and property are provided by the local voluntary fire brigade and police services are provided by the local RCMP detachment.

### **Transportation, Communications & Utilities**

Access to Mary's Harbour is available by air, and CN marine ferry service during summer and by snowmobile during winter months. Daily air services is provided by Labrador Airways and Provincial Airlines out of Goose Bay. CN marine operates several ferries and coastal freighters that visit Mary's Harbour regularly thur the month of June to November.

Cable television is provided by L-1 and offers about a dozen channels to the local subscribers. The community receives C.B.C. television and C.B.C. radio out of Goose Bay. Telephone services are provided by Newfoundland Telephone and is maintained by the company out of Goose Bay operations.

Newfoundland Hydro provides diesel generated power for the community. The present generating station is located in the centre of the community.

# MARY'S HARBOUR MUNICIPAL PLAN

## INTRODUCTION

The Municipal Plan presents goals, objectives and policies to guide development in the Mary's Harbour Municipal Planning Area from 1995 - 2005. Goals represent the broad long-term targets the Council has set for itself. Objectives are the more specific directions to be followed in order that the Council will achieve its goals. Policies are specific actions towards development that facilitate the accomplishment of the Municipal Plan's objectives and goals.

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

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

## **GOALS AND OBJECTIVES**

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

### **A) COMMUNITY STRUCTURES**

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

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

### **B) COMMERCIAL AND INDUSTRIAL DEVELOPMENT**

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

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

**C) RESIDENTIAL DEVELOPMENT**

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

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

**D) RECREATION**

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

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

**E) ENVIRONMENT**

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

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

**F) TRANSPORTATION**

**Goal:** To provide a safe and efficient transportation network to move people and goods into, out of and throughout the Municipal Planning area.

- Objective:**
1. To develop a list of priorities for road improvements in the Municipal Planning Area.
  2. Re-align sections of existing roads and snowmobile trails to improve safety and access.
  3. To establish road reservation for future development and ensure that they are protected from new development.
  4. To seek funding for road improvements and new road construction.

**G) MUNICIPAL SERVICES**

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

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

**H) MUNICIPAL FINANCES**

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

**Objectives:** 1. To maintain a sound financial base within the Community by:

- a. Undertaking essential and desirable capital works based on a one-year term program and an overall five-year proposed capital budgeting program.
- b. Proposing expenditures within the constraints of the program.
- c. To provide essential public services at minimum feasible costs.



## **POLICIES SPECIFIC TO LAND USE DESIGNATIONS**

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

### **1. RESIDENTIAL**

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

- 1. The Residential designations are established as indicated on Future Land Use Map 2.**
- 2. Land designated Residential shall be developed primarily for residential uses. Other uses may be permitted on a residential lot such as a convenience store, an office for a professional person, or a small scale business use where they are part of a residence. Council will consider the impact of the bulk and scale of proposed uses in residential designations to ensure: that development does not adversely affect the residential character and amenity of the area; provision of adequate space for on site parking, loading, and buffering is provided; and the primary use of the lot remains residential. A compatible use will occupy only a minor part of the floor area of the dwelling.**

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

## 2. MIXED DEVELOPMENT

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

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

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

### 3. INDUSTRIAL

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

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

#### 4. TRANSPORTATION

Mary's Harbour has a limited transportation system in the community. The two major methods of transportation for getting in and out of the community is by air and boat. It is important that these modes of transportation are protected and enhanced to provide the best service for the residence of the community.

1. The Transportation designation is established as indicated on Future Land Use Map 2.
2. Land designated Transportation shall be developed primarily for Transportation uses including the public wharf and airstrip. Other uses may be permitted provided their are compatible and complementary to the permitted uses.
3. Council will ensure that any new buildings and development interferes in the least possible manner with the efficient use of the local roads.
4. Residential subdivisions shall be laid out to allow appropriate transportation links to the rest of the Community.
5. Council will apply for title to road reservations indicated on existing cadastral maps and may use the reservations to facilitate future development.

## 5. RECREATION

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

1. The Recreation designation is established as indicated on Future Land Use Map 2.
2. Land designated Recreation shall be developed primarily for recreational uses. Other uses may be permitted provided they are compatible and complementary to the permitted use.
3. Areas of land designated for recreational use shall be kept substantially free of buildings and structures except for those which are necessary to facilitate the development of the recreation uses.
4. Council will undertake repairs and improvements to the existing rink.

## 6. ENVIRONMENTAL PROTECTION

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

1. The Environmental Protection Area is established as indicated on Future Land Use Map 1 and 2.
2. Land designated Environmental Protection Area shall be not be developed. The only permitted uses shall be conservation and passive outdoor recreation uses.
3. The Department of Environment has not yet designated St. Mary's River Watershed a protected watershed under Section 26 of the Department of Environment and Lands Act. The St. Mary's River is the water supply for the community municipal water system. No development shall be permitted within 150 metres of the shoreline of the river for a distance of 1 km upstream from the water intake site on the river. Also no development shall be permitted within 75 metres any tributaries, lakes or ponds that feed into the St. Mary's River or along the shoreline of the St. Mary's River from a distance of 1 km upstream to the origins of the river. Recreation uses may be permitted provided they do not effect water quality or quantity. Forestry uses may be permitted provided they are approved by the Dept. of Natural Resources and the Dept. of Environment.



4. **Public Utilities may be permitted provided that they do not cause any adverse affect on the quality or quantity of the water available from the water supply catchment area.**

## **7. RURAL**

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

1. **Undeveloped lands surrounding the community and within the Municipal Planning Area shall be designated Rural as indicated on the Future Land Use Maps 1 and 2.**
2. **Lands designated Rural shall be developed primarily for uses utilizing the area's natural resources and land uses not compatible with the urban environment.**
3. **Council will evaluate each development proposal to determine environmental impacts and set development standards to reduce or eliminate any negative impacts and protect public safety and all amenities.**
4. **Council, shall not extend municipal services to any development located in areas designated Rural. However, a developer may connect to municipal services at his own expense.**

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

## **8. SEASONAL RESIDENTIAL**

Two areas have been designated for summer cottage development. One is located at the northern end of Long Pond and the other along the shoreline of Effingham Harbour and Tarfer's Point. Neither area has road access.

### **Objectives**

- To provide areas where cottage development can locate.
- To protect the land and saltwater and freshwater shoreline from pollution.

### **Policy**

- This policy applies to the Seasonal Residential Areas as shown on Future Land Use Map 2.
- All development will require the approval of the Department of Health.
- The only permitted use will be summer cottages.

## **GENERAL LAND USE POLICIES**

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

### **1. Surface Conditions**

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

### **2. Municipal Services**

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

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

### **3. Servicing Requirements**

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

### **4. Streets**

#### **4.1 Local Streets**

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

#### **4.2 Street Maintenance**

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

### **5. Property Maintenance**

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

## **6. Visual Effects of Development**

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

## **7. Development Near Waterbodies**

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

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

## **8. Environmental Protection**

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

## **9. Public Utilities**

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

## **10. Heritage Structures**

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

## **11. Advertisements**

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

## **12. Fuel Storage Tanks**

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

## **13. Non-conforming Uses**

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

# MUNICIPAL PLAN IMPLEMENTATION

## **Introduction**

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

## **Development Regulations**

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

### **I. General Regulations**

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



## **II. General Development Standards**

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

## **III. Advertisement Regulations**

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

## **IV. Subdivision of Land Regulations**

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

## **V. Land Uses Zones**

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

## **Development Control**

The Municipal Plan is a legal document which is binding upon all persons, groups, and organizations, including the municipal council. Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. Anyone who

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

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

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

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

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

## **Public Works**

Essential to the implementation of the Municipal Plan is the carrying out of annual public works projects. The Community's water and sewer servicing program and any future capital works programs must conform with applicable policies and land use designations of the Municipal Plan. Water and sewer projects must not contribute to sprawl, since that would conflict with the Municipal Plan's goal of promoting compact development. Council must also demonstrate its ability to cover its share of costs in any capital works requests. It should also be recognized that extensions of the water and sewage systems required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Upon completion of the water and sewer servicing program (or individual phases of it) improvements to local roads should be undertaken in accordance with the Community's financial capability (and in conformity with the Municipal Plan) on a prioritized basis. The development of additional recreational facilities should also be carried out on a year-to-year basis subject to the Community's financial capabilities.

## **Development Schemes**

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

