

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

# **TOWN of RALEIGH**

## **MUNICIPAL PLAN** **2019-2029**

**As approved by Council 23 July 2019**

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**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

Table of Contents

1.0	ADOPTION AND APPROVAL .....	1
1.1	RESOLUTION TO ADOPT; CLERK & MCIP CERTIFICATES .....	1
1.2	COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE.....	3
2.0	FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION .....	5
2.1	The Municipal Plan .....	5
2.2	Ministerial Approval.....	5
2.3	Effect and Amendment of the Municipal Plan .....	7
2.4	Municipal Plan Administration; Role of Development Regulations .....	7
3.0	INTRODUCTION .....	8
3.1	Title and Components.....	8
3.2	Review and Amendments.....	8
3.3	Purpose and Objectives of Plan .....	8
3.4	Planning Area .....	9
4.0	KEY FACTORS AFFECTING PLANNING POLICIES.....	10
4.1	History, Economy and Demography .....	10
4.2	Settlement Pattern.....	13
4.3	Infrastructure .....	14
4.4	Sensitive Lands and Adaptation to Effects of Climate Change.....	16
4.5	Recreational Amenities.....	17
5.0	DEVELOPMENT CONCEPT .....	19
6.0	MUNICIPAL PLAN POLICIES .....	21
6.1	Area Allocations and Area-Specific Policies.....	21
6.1.1	Mixed Development.....	21
6.1.2	Burnt Cape Ecological Reserve.....	22
6.2	Policies Applicable to All Areas.....	23
6.2.1	Natural Hazards to Building.....	23
6.2.2	Street Services .....	23
6.2.3	Temporary Uses .....	24
6.2.4	Protection of the Natural Environment .....	24
6.2.5	Antennas and Wind Turbines.....	25
6.2.6	Advertisements (Signage) .....	26
6.2.7	Keeping of Animals .....	26
6.2.8	Removal of Quarry Materials.....	27
6.2.9	Non-Conforming Uses .....	27
6.2.10	Archaeological and Heritage Resources.....	28
7.0	IMPLEMENTATION .....	29
7.1	Implementation Policies .....	29
7.2	Site Plan Evaluation.....	30
7.3	Public Input in Planning .....	31
8.0	INTERPRETATION.....	32
8.1	Land Use, Boundaries, and Roads.....	32
8.2	Figures and Quantities Approximate .....	32
	APPENDIX:.....	33
	Site Plan Evaluation Criteria.....	33

Attached after the Appendix:..... Future Land Use Map 1

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

Page left blank to correspond to double sided printing



Town of Raleigh: Municipal Plan for 2019-2029  
As approved by Council 23 July 2019

## 1.0 ADOPTION AND APPROVAL

### 1.1 RESOLUTION TO ADOPT; CLERK & MCIP CERTIFICATES

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Raleigh adopts the Municipal Plan for 2019 to 2029.

Resolved by the Town Council of Raleigh on the 19<sup>th</sup> day of June, 2019.

Signed and sealed this 9 day of August, 2019.

Mayor: Craig Taylor

Clerk: Angela Taylor



(Council Seal)

#### Clerk's Certificate:

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2019 to 2029, adopted by the Council of the Town of Raleigh, on the 19th day of June, 2019.

Clerk Angela Taylor

#### MCIP Certificate

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

Member of the Canadian Institute of Planners

Jens Jensen  
Jens Jensen, P.Eng., MCIP

Date: 20 August 2019

MCIP seal



Municipal Plan/Amendment	
<b>REGISTERED</b>	
Number	<u>4095-2019-001</u>
Date	<u>November 1, 2019</u>
Signature	<u>Mary O'Neil</u>

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

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REGISTERED

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

Town of Raleigh: Municipal Plan for 2019-2029  
As approved by Council 23 July 2019

**1.2 COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE**

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

Whereas the Council of the Town of Raleigh adopted the proposed Municipal Plan on the 19<sup>th</sup> day of June, 2019, gave notices of their intention to so do by advertisements in the *Northern Pen*, a newspaper circulating in the planning area, on the 26<sup>th</sup> day of June and 3<sup>rd</sup> day of July, 2019, appointed a commissioner to hold the required public hearing on the 12<sup>th</sup> day of July, 2019, and, whereas no submissions were received by the deadline time and the hearing was therefore cancelled, resolved:

Under the authority of Sections 16, 17, 18 and 23 of the Urban and Rural Planning Act 2000, the Town Council of Raleigh approves the Municipal Plan for 2019 to 2029, as released by the Department of Municipal Affairs and Environment.

Resolved by the Town Council of Raleigh on the 23<sup>rd</sup> day of July, 2019.

Signed and sealed this 9 day of August, 2019.

Mayor: Cynthia Taylor

Clerk: Angela Taylor

(Council Seal)

**Clerk's Certificate:**

Certified that the attached Municipal Plan is a correct copy of the Municipal Plan for 2019 to 2029, approved by the Council of the Town of Raleigh, on the 23<sup>rd</sup> day of July, 2019.

Clerk Angela Taylor

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

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## **2.0 FOREWORD: APPROVAL PROCEDURE AND ADMINISTRATION**

### ***2.1 The Municipal Plan***

This document and the map contained with it form the Municipal Plan for the Town of Raleigh for 2019 to 2029. It results from a review of the 1990 Municipal Plan, which ceases to have effect upon the coming into effect of this Municipal Plan. It has been prepared in accordance with the *Urban and Rural Planning Act, 2000*.

The document presents statements regarding the Council's intentions with respect to the location and manner in which development within its Planning Area shall take place. Future Land Use Map 1 shows the Planning Area delineated as one or more land use designations. Only specified kinds of development may take place within each designation.

### ***2.2 Ministerial Approval***

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

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

Council must then advertise and provide for a public hearing at which objections or representations to the adopted document are to be heard. The notice must appear twice in a newspaper circulating in the Planning Area, in which Council states its intention to seek the approval of the Municipal Plan. The first notice must appear at least fourteen days before the

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

hearing date. The notice must state where and when the Municipal Plan can be inspected and clearly give the time and place for the Public Hearing.

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

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

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

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

A concurrent and parallel process is involved in the preparation, adoption, approval, and coming into effect of the Development Regulations for 2019-2029.



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

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

The *Act* at Section 28 requires that a Municipal Plan be reviewed not later than every five years from the date it has come into effect. Council may revise the Plan with a view to the developments which can be foreseen for the next ten years. Consequently, the time frame for this Plan is the ten year period of 2019 through 2029.

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

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

When a Municipal Plan comes into effect, the Council is required to provide for its administration in conjunction with the Development Regulations. The Development Regulations are written in conformity with the Municipal Plan in the form of land use zoning, subdivision, and advertisement regulations. Development Regulations must comply with the requirements of the *Urban and Rural Planning Act, 2000*, and include standard Provincial Regulations which currently are in the form of Newfoundland Regulation 3/01 made by the then Minister of Provincial and Municipal Affairs and which came into force on January 1, 2001. Councils are also advised to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan and accompanying Development Regulations may involve Council employee(s) if they are appointed by Council pursuant to Section 109 of the *Urban and Rural Planning Act, 2000* to approve or reject applications to develop land and if they are so appointed, to outline conditions applicable to the development. Staff so appointed may issue orders concerning a development, including to stop work or to demolish construction and restore a site to its original condition, subject to confirmation by majority vote of Councillors present at their next meeting (if not confirmed, the order is cancelled). Executive staff also have a professional duty to advise Council on planning matters generally development in the Planning Area.

## **3.0 INTRODUCTION**

### **3.1 Title and Components**

This Municipal Plan, when brought properly into effect, shall be known as the *Municipal Plan of the Town of Raleigh, 2019 - 2029*. The following text and Future Land Use Map 1 contained herein constitute the Municipal Plan for the Raleigh Planning Area.

### **3.2 Review and Amendments**

In the course of preparing the Municipal Plan, research concerning planning topics was compiled in a Planning Background Report. Though that report is not an official part of this Municipal Plan, it is a useful reference document for those who wish to more fully understand the background information leading to composition of this official Municipal Plan.

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

### **3.3 Purpose and Objectives of Plan**

A Municipal Plan guides growth and development within a Planning Area. It provides a means of preventing problems that could occur if conflicting land uses are developed too closely. It directs future growth so that any 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.

The overall objective is to provide appropriate policies which Council will observe together with the more specific requirements of the Development Regulations as they evaluate development proposals that come before them, and as they formulate plans for civic works and programs. The policies themselves provide the basis for the detailed development standards and conditions found in the Development Regulations.

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

### ***3.4 Planning Area***

The territory subject to this Municipal Plan is that which is included within the boundaries of the Raleigh Planning Area, which coincide with the municipal boundary of the Town of Raleigh, as shown on Future Land Use Map 1.



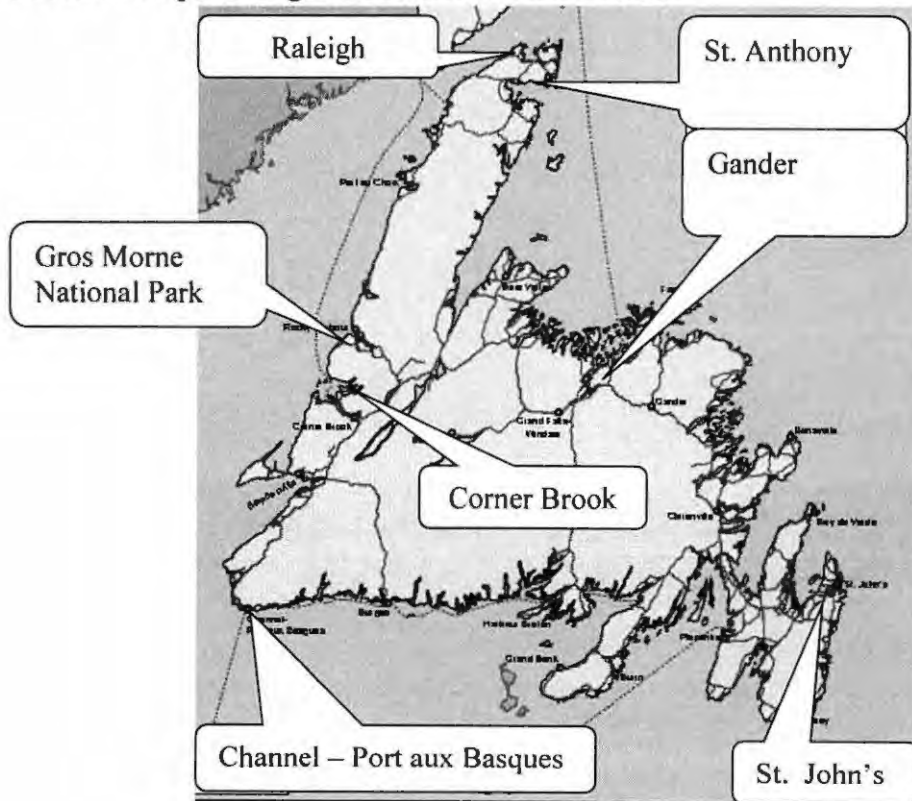
## 4.0 KEY FACTORS AFFECTING PLANNING POLICIES

The key factors that influence land use planning for the community are its origins, the changing local economy and population, the existing pattern of streets and land uses, infrastructure, physical barriers, sensitive lands, the expected effects of climate change, and community amenities.

### 4.1 History, Economy and Demography

Raleigh is a coastal community located at the tip of the Great Northern Peninsula, lying on the northern shore of Pistolet Bay. The built up area of the community including its sheltered harbour lies on Ha Ha Bay, a minor bay of Pistolet Bay. The nearest major centre is the Town of St. Anthony, 29 kilometres away by road. The community's location relative to other Newfoundland communities and sites may be appreciated from the map below.

Location Map: Raleigh in Relation to Other Places



**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

Before European contact, aboriginal populations in ancient times were present in the area (initially the Maritime Archaic and later their successors), but little is known of them specific to Raleigh. The European fishery began with exploiting the ocean's cod resources, with many national fleets active around Newfoundland.

Many coastal communities in this province can trace their origins to the fisheries of France and Britain, going back to the 1700s. In those early years, Raleigh was naturally involved in the fishery, and has continued to be so to the present day. The most important factor in the community's economic base was the cod fishery, which made the community a viable settlement until almost the end of the Twentieth Century. The demise of the cod fishery came about due to the 1992 moratorium on commercial fishing of that species, and the impact on communities all around the province was profound. The subsequent years saw struggles throughout the province to preserve employment opportunities in all fishing communities, and the quest to diversify and strengthen the economy continues.

The prominence of the fishery has greatly diminished, due both to the demise of the historically important cod fishery and the general diversification of the regional economy. By the 1960s, with better roads and economic expansion in the region, travelling to employment outside the community began to prevail. The 1990 Municipal Plan reported that St. Anthony was becoming an important work location for community residents, in construction, clerical, retail and public services. That continues today to be the case. More recently, travelling for itinerant employment outside the region became common. The 2016 census for Raleigh shows that less than about 20% of those working were employed in the primary industries (fishing, hunting, forestry, minerals, agriculture).

In addition to out-of-town employment, there has also been development of the local tourism industry. Numerous local attractions have strengthened the draw of tourists to the area, including the Historic Village in Raleigh, L'Anse aux Meadows National Park (the Viking settlement), Pistolet Bay Provincial Park, the limestone barrens at the Burnt Cape Ecological Reserve, the Grenfell Mission interpretation centre, icebergs in season, etc. The opening of a route from St. Barbe to Labrador's Red Bay area by ferry and onward to Happy Valley – Goose Bay to Quebec by highway, has created a route loop, a powerful asset in tourism. Local initiatives in opening tourist-oriented commercial establishments and accommodations have shown that the area has a positive future.

Nevertheless, the local economy has suffered greatly from the losses in the fishery, notwithstanding positive evolution in other economic sectors. The community had a population



**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

in 2016 of 177, about half of the figure of 30 years ago. The fraction of the population today under 35 years of age is about one third of the total, whereas 30 years ago it was two thirds.

Review of the population projections produced by the Economic and Projects Analysis Division in the provincial Department of Finance shows that the region's population will decline considerably in the two decades following 2016. The Division produces forecasts based on a selection of scenarios, from low to high according to assumptions made about the strength of local economies (which influences in or out-migration), and birth and death rates. From that source, it is useful to refer to Economic Zone 6, in which Raleigh is located. Zone 6 comprises the tip of the Great Northern Peninsula, down to but not including Plum Point on the east coast, and including Roddickton-Bide Arm on the west.

The most pessimistic scenario for Economic Zone 6 shows a forecast of a decrease of about 28% by 2036 and the most optimistic scenario shows a forecast decrease of about 24% by then. In short, the region should expect to have a substantial loss of population over the next 20 years.

One might conclude by looking only at population figures that there is limited prospect for development in the community, but officials report that there is a positive spirit and new investment is taking place in commercial and residential building, including renovations and upgrading of existing homes. In any scenario, there will continue to be demand for new housing as old stock is replaced and recent events have shown confidence in investments in carefully planned tourist accommodations and attractions. Every effort needs to be made, as has been done, to make the community attractive to business and tourists.

Attracting new investment, tourists, and in-migration of local and from away people, are affected by the community's quality of life. That quality is influenced by availability of good schools, recreation, cultural expression, commercial services, the valued trails and landscapes which the town enjoys, and the appearance of buildings, streets and yards.

Steady, hard work is needed to continue exploiting funding opportunities to continually improve public features such as walking trails to promote active lifestyles. These features should be sensitive to the aging demographic of the community, for example to include frequent rest areas on trails, picnic sites with seating, etc. Those attributes are of course important to visitors as well as the community's permanent residents.

## **4.2 Settlement Pattern**

Developing land in Raleigh faces some significant challenges, partly due to the settlement pattern and infrastructure already in place by virtue of history, but also due to some limiting physical factors such as topography.

The fundamental layout of the community can be seen on Future Land Use Map 1. The original settled area in the community was built up along the coast, later accessed by a local road called the Raleigh Spur Road leading to Highway 437 which runs northward to Cape Onion. Development was added above the coastal road, along Highway 437, locally called the "Ridge". The 1990 Municipal Plan says that the community developed in two parts separated by boggy land between the coastal road and the Ridge.

Highway 437 represents the only motor vehicle access to the provincial highway network. The frontage of the coastal road is compactly developed from the isthmus at the south end of Burnt Cape to the wharves at Piton Point. Non-residential development such as the wharves, municipal building, post office, tourist accommodations, the general store, Heritage Village etc are scattered throughout the community without posing significant land use conflicts. None of the area appears to be crowded, and the good standard of upkeep of most properties reflects the pride and effort of their owners.

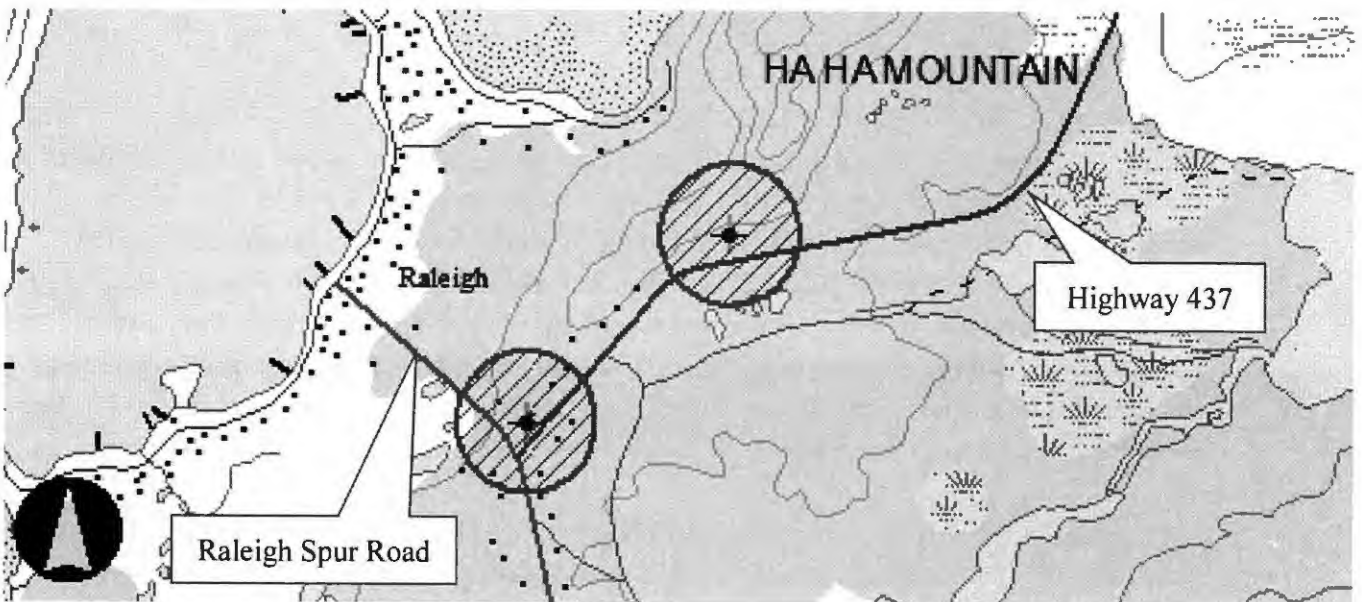
The existing developments related to the fishery, including the wharves and onshore buildings and yards, are prominent features that may be revived or repurposed for other use. The availability of land has become somewhat limited as many of the easily developed areas have been built on. An area to the south of the Ridge was identified in the 1990 planning documents as a potential new subdivision, but as economic events unfolded, its feasibility diminished. Availability of building lots has not been a major issue in recent years, as demand for building lots has been low. That may change, as there is a steady desire from people to build, and indeed a number of new houses have been built in recent years by infilling along existing streets.

There have not recently been major issues with the types of new developments, but Council has good reason to be concerned about future intrusion of undesirable development types into the community's attractive appearance and tranquillity. For example, an announcement was made in 2018 that a large antenna (a cell tower) was to be erected on the Nuddick, without municipal input as to its location and access. This Municipal Plan will enable Council to more closely review such unusual developments, and judge the pros and cons in each case.

### **4.3 Infrastructure**

The 1990 Municipal Plan reported that an urgent situation prevailed concerning water supply. At the time, a new water system had been installed along the Ridge, but the situation of the residents along the coastal road was dire. Plans were then being made to extend the central water system along the coastal road so as to service practically all of the community with reliable municipal water service. Indeed, success was achieved in that regard such that today, practically all occupied buildings are connected. The current 104 hookups equate very well to the number of permanent and seasonal dwellings, and there are a number of non-residential customers as well.

There had been challenges from the outset in locating a suitable water supply as local surface water sources are not feasible and groundwater conditions are not favourable to produce large volumes of supply. Early wells were somewhat disappointing, but in 2018 a satisfactory supply from a newer well provides comfort. An older well is kept as a standby. The well locations are shown below (the more southerly well, close to the intersection of the Raleigh Spur Road and Highway 437, is Number 1, and the more northerly well further out Highway 437, is Number 4):





**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

Lands within a 200 metre radius of each well are designated as wellhead protected water supplies pursuant to Section 61 of the *Water Resources Act*. The requirement of the legislation is that no person may:

- (a) place, deposit or allow to remain in that area, material which might impair the quality of the groundwater; and*
- (b) conduct development activity unless the person obtains the approval of the minister before commencing that activity.*

Further, Section 61 requires the municipality to act to protect the designated areas in the manner required by the responsible minister. In practice, this means that development must be severely restricted in those areas and this must be reflected in this Municipal Plan and Development Regulations. The difficulty in finding satisfactory production wells suggests that Council should be very cautious about approving any new developments that may threaten the water supply offered by these wells as it cannot be assumed that replacement wells within reasonable distance can be found.

The central water system includes a groundwater well supply which is pumped to a water reservoir on Nuddick Hill, from which the distribution network is fed by gravity, providing adequate pressure for the system's customers. Water quality is satisfactory and the community has been spared frequent boil water orders. Water rates are modest, in 2018 at \$240 per dwelling as a flat annual rate, with surcharges imposed on cabins, laundromats and the like.

Favourable soil conditions and the good spacing of houses and other buildings have made it possible to rely on private sewage disposal systems. Coastal properties generally discharge to septic tanks and thence directly to the sea, whereas upland locations on the Ridge have featured discharge to septic tanks and subsurface dispersal systems. There have been few sanitary issues to do with sewage disposal, and there is comfort in going forward with private sewage disposal. The effect on future development is that the overall density of development will be low, as the land areas consumed by use of private sewage disposal systems are much larger than are involved in use of central sewer systems.

As the community has adequate water resources for the central water system and a satisfactory practice of using private sewage disposal systems, there is no good reason to consider installing a central sewer system. Extension of the water system into areas where lot sizes are already or will be very large, due to requirements for large lot areas for private sewage disposal systems, is not

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

likely to be financially feasible. Moreover, straining the capacity of the existing wells is not advisable. New development beyond the existing water system should proceed with private water wells, other for minor extensions where capacity permits.

Great care must be taken in ensuring proper design and installation of private water supply and sewage disposal systems, as there is a risk of sewage contaminating wells. Council should not casually leave this concern to chance, but should have a policy of ensuring that every water well and sewage disposal installation for a new building is designed and built by qualified people, and thereafter that any suspicions of malfunction are followed up.

Similarly, people using existing systems should periodically test their well water for contamination and have their septic tanks pumped out to avoid malfunctions. The provincial government has good guidance documents in regard to monitoring and maintenance, which Council could distribute to the community in mailings and post on notice boards and the website.

The other component of infrastructure has to do with streets. Existing streets are generally adequate for access to properties, though it would be desirable to have all streets paved. Some coastal areas are subject to washouts and need armour stone on the shore. Access to Back Street is a concern to be addressed.

There may be interest in the future in development of new subdivisions, including new streets and possibly extension of the municipal central water system. The Development Regulations include detailed geometric specifications and construction standards for new subdivision streets and services, requirements for road reserves to be left to ensure that alienation of back lands does not occur, and financial terms to require private sector developers to finance new streets and services.

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

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

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

A high priority topic concerning environmentally sensitive lands is development in the vicinity of (or in) water bodies. Though the federal government generally has jurisdiction over ocean waters, management of inland waters is a matter of provincial jurisdiction.

To do with sea level rise, the current provincial government policy is that development (other than wharves and such) must be located at least two metres above current sea level. Measures to address that and other matters, including geotechnical assessments of proposals to build on steep slopes, avoidance of wetlands and areas prone to flooding, and proximity to watercourses, are included in the Development Regulations.

A feature unique to the community is the presence of an environmentally sensitive area on Burnt Cape. The Cape in 1990 was being extensively quarried for sand and gravel, but since then the Burnt Cape Ecological Reserve was established. There is at present no active pit on the Cape, either within or outside the Reserve. The Reserve is focussed on the extensive limestone barrens found there; these barrens are also found elsewhere on the Great Northern Peninsula. These barrens are the habitat of some of the world's rarest plant species. The Town of Raleigh is directly involved in the Limestone Barrens Habitat Stewardship Program.

#### ***4.5 Recreational Amenities***

Community effort using available resources has gradually built up public recreational features and amenities. Public recreation and social meeting space facilities are found in the common room in the municipal building. A community outdoor play area has been established, but is not intensely used.

In the Raleigh area, the outdoors offers great opportunities to enjoy access to the land and sea. It is noteworthy that a community trail system has been steadily extended and includes a lookout at "the Nuddick", on high land overlooking a grand vista. These outdoor opportunities are very important to the healthy lifestyles of residents and visitors alike.

In addition to the in-town trails, the area benefits from the presence of nearby Pistolet Bay Provincial Park. It features its own trail system, as well as a number of camp sites and a highly rated RV park. The west coast as a whole abounds in natural beauty, in which the local waters of Pistolet Bay afford numerous opportunities for water travel. These natural features are a delight for those interested in active pursuits or just simply enjoying the beautiful scenes. Exploiting those opportunities requires community initiative and leadership (and hard work).

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

Finally, it is important to recognize that the community is fortunate in being so close to St. Anthony and other regional features, in that many cultural and recreational facilities and opportunities can be found in the region. This is a strong asset in the quality of life in the community, and for the Town's financial situation: the Town does not need to be all things to all people, and can focus its limited resources on the gaps. The community's focus should be on supporting active lifestyles by taking advantage of the natural features of the immediate area and development of opportunities for local facilities not requiring travel outside the community.

## **5.0 DEVELOPMENT CONCEPT**

The development concept for the Municipal Plan is based on the following factors and approaches:

- Raleigh today is and will continue to be essentially that of a rural community for which most employment and practically all major services such as medical, commercial, and professional services are found outside the community, in and around St. Anthony.
- The community is not expected to experience a substantial level of growth but will attract families with stable employment in the area, to buy or build homes, but these are forecast to be in fairly small numbers. Most new housing will be in the form of single dwellings, which may include subsidiary apartments and home businesses. In addition, seasonal residential development will continue to be present, mostly occupied by owners with family connections to the area.
- The community is not expected to be attractive to large commercial and industrial investors, due to its small population, limited infrastructure, and the competitive advantage of locations for those types of development elsewhere.
- The community features a fine quality of life as a family-oriented residential area. The community is set in a beautiful natural environment with opportunities for enjoying active lifestyles. Ensuring that that quality of life continues makes it extremely important to restrict locations for developments which would present land use conflicts with existing or expected residential development. This approach would see all of the community designated as Mixed Development, other than for a special designation for the Burnt Cape Ecological Reserve. Special requirements would be prescribed for areas within the wellhead protected water supply areas.
- In the Mixed Development area, proposals for non-residential uses will be reviewed case by case in a manner which is efficient and timely, ie: by discretionary approvals. Small scale, benign non-residential development may be located anywhere, but preferably along the coastal road, the Raleigh Spur Road, and the Ridge in order to prevent traffic issues on side streets. Intensive land uses such as scrapyards, kennels, livestock operations, industrial yards, quarries, and the like will be severely restricted to locations remote from the core of the community.
- Council will address the expected effect of sea level rise, coastal erosion, and geotechnical risks associated with steep slopes, by including suitable conditions in the Development Regulations.



**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

- The community water supply and distribution system are a valued, but fragile, resource. Council will continue to be vigilant about threats to water quality and reliability, and in particular act to prevent development of objectionable land uses in the wellhead protection areas. The Municipal Plan and Development Regulations will complement the provincial regulations in this regard.
- New development may be serviced by the central water system if available, and by private water supplies otherwise. Extensions of the municipal water system must be supported by a good business case. All development will continue to be served by private sewage disposal systems, ie; on-site sewage disposal systems, installed and operated by each owner.
- Council will work with those interested in developing residential subdivisions, which Council wishes to encourage in order to maximize opportunities to develop new housing. Council will explore methods by which its influence and support can assist.
- Development of new subdivisions and mobile home parks will feature public streets and (potentially) central water distribution connected to the municipal system, all of which will be conveyed to Council once constructed to a high standard as Council will not take the risk of becoming embroiled if there is default on upkeep on the part of the owner.
- New streets in subdivisions will be required to be integrated with the adjacent street network, through leaving practical street reserves to provide street continuity into undeveloped lands.
- The Development Regulations will include conditions respecting mineral exploration and extraction to do with proximity to other developments, environmental safeguards, access and remediation.
- The Burnt Cape Ecological Reserve is a valued natural asset, for its intrinsic ecological significance and as a natural historical attraction for residents and visitors. Council has no specific role in the management of the Reserve, but will respect its value in its own activities and will defer all approvals for development to the provincial government.
- Council expects to continue to provide space in the Town Hall for social functions, operate the central recreation ground, and generally support recreational and social activity in the community, all in accordance with available resources and community interest.

The development concept set out above will be implemented by designation of all areas in the community as Mixed Development other than for the Burnt Cape Ecological Reserve, which is to be designated as an area to be so named.

## **6.0 MUNICIPAL PLAN POLICIES**

The policies in this Municipal Plan are organized in two sets: the first to do with specific areas which are designated and for which area-specific policies are written, the second to do with policies affecting all areas uniformly. These policies, together with more detailed requirements and procedural matters which are set out in the Development Regulations, will provide direction for Council decision-making in municipal planning. Numerous topics of varying degrees of precedence and detail will be addressed in the Development Regulations to fulfil the goals, objectives and policies of the Municipal Plan.

### **6.1 Area Allocations and Area-Specific Policies**

The Planning Area is geographically divided into two areas, designated by name as follows:

- Mixed Development
- Burnt Cape Ecological Reserve

The respective boundaries of these areas are shown on Future Land Use Map 1. The boundary of the latter is to be interpreted to be the boundary of the Reserve, should there be discrepancy between the map representation and the legal description.

The factors affecting planning policies and the overall development concept have been described earlier in this Municipal Plan, so the preambles to the policies in this Section are brief.

The meanings of “groups, divisions and classes” of land uses as used in this Municipal Plan are to be interpreted according to the classification of uses found in the Development Regulations.

#### **6.1.1 Mixed Development**

Specific policies pertaining to the Mixed Development area are:

1. Permitted uses are those in the single dwelling, seasonal dwelling, and mobile home classes, including home businesses of a benign nature and subsidiary apartments.
2. Uses which may be approved subject to Council’s discretion include any other use except for the classes of:
  - a. Hazardous industry
  - b. Agriculture involving keeping of large numbers of animals

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

- c. Scrapyards
  - d. Solid waste
3. In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with existing and intended future developments in the area, such that the proposed land use can operate without any significant adverse effect on the surrounding area. Further, adequate buffering shall be provided between non-residential land uses and any abutting residential uses. Such buffering may include among other measures ample distance from the proposed development, grass strips, fences, shielded yard lighting, and appropriate planting of trees and shrubs as visual barriers.
  4. The Development Regulations will detail requirements related to home businesses, accessory buildings, minimum dimensions of yards, and other topics with the purpose of developing and maintaining a high quality, aesthetically pleasing, low density residential ambiance.
  5. Any development featuring industrial or commercial uses must not impose traffic volumes or heavily loaded vehicles which would deteriorate the Town's streets or traffic safety.
  6. All development must be serviced by connection to the municipal central water system if it is available and has capacity, and/or the owner's private water and/or sewer systems.
  7. No new development is permitted within the areas designated as wellhead protected water supplies pursuant to Section 61 of the *Water Resources Act*, other than for accessory buildings and additions or renovations to do with existing structures. In every case, the potential for the new development to pose a threat to the water supply will be assessed, and the approval of the appropriate governmental ministry will be required.
  8. For cases where unusual circumstances are anticipated, especially for very large scale or complex developments, Council may require submission of a detailed site plan for review and approval as described in this Municipal Plan.

### **6.1.2 Burnt Cape Ecological Reserve**

Specific policies pertaining to the Burnt Cape Ecological Reserve area are:

1. Protection and enhancement of the area from encroachment, disturbance or contamination is a matter of high priority.
2. The permitted uses are limited to uses related to the management of the lands for the purposes of the Reserve. There are no discretionary uses.
3. The primacy of the policies and regulations of the provincial government is recognized. No development is to be permitted except with the approval of the provincial government.

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

The following policies pertain to all of the Planning Area.

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

The following policies are intended to prevent or mitigate exposure of buildings and lands to natural hazards:

1. Professional review and advice will be required to evaluate any proposal for the erection of a structure on a site which is potentially subject to natural hazards including sea level rise, flooding, unstable slopes, or any other physical hazard.
2. Any proposal for development on the shores of water bodies or streams, including wharves, slipways or other structures, and for any infilling or dredging or other work in or near the waters, shall follow the provincial government *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses* and any other requirements pertaining to work in water bodies.
3. Any proposal for development of a site having a slope in excess of 15% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall.
4. Council will endeavour to be well informed on the expected effects of climate change as the science evolves, particularly concerning the frequency and severity of extreme weather events such as heavy rainfalls and snowfalls, droughts, wind gusts and the like, as they affect public safety and vulnerability of infrastructure and properties to damage.

### **6.2.2 Street Services**

Some of the costs of running a municipal government are proportional to the overall length of municipally maintained streets that are usually provided with some or all of street lights, drainage, signage and landscaping. Generally, the more spread out a settlement becomes, the more these costs increase disproportionately in relation to the number of dwellings or other buildings served.

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

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

1. New public works will be constructed in a staged and orderly manner approved by Council, to provide an economic and logical sequence for growth related to the needs of the community and the financial resources available.
2. Streets which are intended to be conveyed to the Town shall be designed and constructed to modern engineering standards.
3. All developments shall have motor vehicle access to a publicly owned and maintained street or highway, unless other policies and requirements of this Municipal Plan or the Development Regulations specify otherwise.

### **6.2.3 Temporary Uses**

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

### **6.2.4 Protection of the Natural Environment**

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

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

1. Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;
2. Discharge of any effluent off the subject property;
3. Work in any body of water;



**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

4. Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
5. Construction of wharves, breakwaters, slipways and boathouses;
6. Infilling or dredging associated with marine structures or other works;
7. Any development in a protected public water supply area;
8. Providing waste receptacles in work areas;
9. Waste diversion actions including recycling, reuse or resale programs;
10. Open burning of waste;
11. Pesticide and halocarbons use, purchase and storage;
12. Petroleum (including used oil) storage and dispensing;
13. Effects of climate change; and,
14. Energy efficiency in buildings.

These matters will be identified in the Development Regulations as a reminder that such requirements will apply to proposed developments and the Regulations will include requirements concerning development near or in any water body, including ponds, streams, rivers, and wetlands.

Further to the above:

1. As a general principle, proposed development should not pollute or degrade any part of the community. In cases of large or special types of projects where environmental protection concerns are complex, the proposals should be carefully studied and any concerns brought to the attention of the appropriate provincial or federal authorities.
2. Garbage, refuse, abandoned vehicles and any other discarded materials of any kind should be disposed of only at an authorized waste disposal site or facility outside the Planning Area. Such material shall not under any circumstances be used as fill for buildings and lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.
3. Owners of dilapidated structures or unsightly yards will be required to remedy the situation if they present a safety hazard or degrade the appearance of the community.

### **6.2.5 Antennas and Wind Turbines**

Tall antennas and wind turbines (windmills) represent an aesthetic and safety concern due to their visual effect and the large areas of land required to accommodate their guy wires and access roads. Aesthetic considerations are quite subjective, but not to be discounted: grid-connected

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

wind turbines in Atlantic Canada currently reach as high as 100 metres from the ground to the tip of the top blade when it is vertical (some have tower heights over 50 metres and blade lengths up to 42 metres). Antennas can be much taller than that and involve widespread guy wire arrays which severely compromise the development potential of large areas of land.

Short antennas can be integrated in settled areas in some cases, because the aesthetic effects are not extreme as the structures are thin and there are few large attachments on them. Land consumption for self-supporting towers is negligible, but even a short antenna with guy wires has a considerable footprint which cannot be further developed. Wind turbines present the added issue of noise and safety related to operation of the machinery and shedding of ice from the blades.

Council's policies concerning these developments are as follows:

1. Council's balancing of safety, land consumption and aesthetic considerations calls for a categorization of those with tower heights over 15 metres as "tall" and those under that height as "short".
2. Tall antennas and wind turbines are viewed as incompatible if located in close proximity to existing uses in the core of the community. The conditions for their approval will be detailed in the Development Regulations.
3. Short ones may be considered as discretionary uses in all areas.
4. Guy wires and anchors are to be located on the same lot as the tower.

### **6.2.6 Advertisements (Signage)**

In the official language of the Development Regulations, signs are called 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. Detailed requirements are found in the Development Regulations.

### **6.2.7 Keeping of Animals**

People keep animals as pets for the companionship and enjoyment of them. Keeping of small animals as pets is usually seen as an accessory use to the main use of a residential property, and is rarely a matter of concern in a Municipal Plan. A reasonable maximum number of small animals of acceptable types will be defined in the Development Regulations for clarity.

However, keeping large animals in any number or large numbers of small animals presents risks to the health, environment, and amenity of nearby people and lands, and thus keeping of significant numbers of animals is prohibited except in association with approved agricultural uses where suitable provisions are in place to deal with the expected effects. The requirements will be detailed in the Development Regulations.

Municipal planning laws such as a Municipal Plan and Development Regulations are not intended to be used to deal with situations where pets present dangers or nuisances to others, or are not properly housed or given appropriate care. In those cases, regulations concerning public health, public safety, dangerous animals, running at large, cruelty to animals, noise and other such matters better enable authorities to deal with offending behaviour.

### **6.2.8 Removal of Quarry Materials**

Quarry materials produced as a by-product of an approved development may be removed from the development site provided that royalties are paid to the province as required by the *Quarry Materials Act, 1998*. For example, site preparation to construct a building usually involves removing topsoil, overburden, and sometimes bedrock from the footprint area; these materials may be retained or re-used on the development site (where no royalties are due) or removed from the site (where royalties are due). Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.

In order to ensure that royalties due to the province are paid, it is necessary that the Department of Natural Resources be made aware of approved developments where the removal of quarry materials may take place.

### **6.2.9 Non-Conforming Uses**

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

**Town of Raleigh: Municipal Plan for 2019-2029**  
**As approved by Council 23 July 2019**

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

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

### **6.2.10 Archaeological and Heritage Resources**

Council will endeavour to conserve and protect its heritage resources through encouraging the preservation of historic buildings and sites and other means in its capability. Archaeological sites and discoveries are protected pursuant to the *Historic Resources Act 1985*. Anyone discovering potential artifacts or conditions during work on a development shall stop work and report the finding to Provincial Archaeological Office, and not proceed until authorized.



## 7.0 IMPLEMENTATION

### 7.1 *Implementation Policies*

The policies of the Municipal Plan for the Raleigh Planning Area will be implemented by the exercise of appropriate Development Regulations, site plan control for larger or more complex development proposals, and a planned sequence of public works.

All amendments to the Development Regulations will be checked against the Future Land Use Map 1 and the policies of the Municipal Plan for the purpose of conformity. This requires proper professional advice and documentation prepared by a qualified planner and due process as required by the *Urban and Rural Planning Act 2000*.

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 or authorized staff have reviewed the application and issued a permit. If the application is to be considered as a discretionary use or if it is for a variance, the proper process of notice and Council deliberation as detailed in Development Regulations shall be carried out.

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

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.

Council has authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a quantified requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to



**Town of Raleigh: Municipal Plan for 2019-2029  
As approved by Council 23 July 2019**

the general intent of the Municipal Plan. A proposed development must not change the permitted land use, or significantly negatively impact adjoining properties, by virtue of grant of a variance.

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

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

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

## ***7.2 Site Plan Evaluation***

Many of the land use conflicts associated with large residential subdivisions, multiple unit residential, commercial, industrial and public uses and the like can be avoided if sufficient concern for detailed design is incorporated in the development approval process.

In order to fully exercise Council's powers to apply conditions to a development permit, Council may require a site plan to be prepared and approved by Council prior to approval of large or complex developments. The Appendix to this Municipal Plan contains the site plan criteria required for the preparation of a site plan.

### ***7.3 Public Input in Planning***

Council recognizes the importance and value of public input concerning developments in the community. This Municipal Plan provides for the use of discretionary approvals for many types of development which are not in the “permitted” lists. Each of Council’s decision making processes in that regard involve notice to the community and the opportunity to be heard directly by Council on the specific nature of the proposals.

Further, other types of decisions also involve giving of public notices and the opportunity to be heard: variances and changes in non-conforming uses. And, should an amendment to the Municipal Plan and Development Regulations be considered, a process of notices and public hearing are also involved.

Those are the statutory requirements which Council must follow. In addition, Council will undertake to communicate its business and upcoming matters as well as it can reasonably be done, by posting agendas and minutes of public meetings and information on matters of interest on the Town’s notice board or through social media. The public are always encouraged to attend open Council meetings and communicate with Councillors concerning planning issues.

## **8.0 INTERPRETATION**

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

It is intended that the boundaries of the land use designations and location of roads and other features shown on the Future Land Use Map and the Zoning Map in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information in some regards.

Therefore, amendments to the Municipal Plan or Development Regulations will not be required to support reasonable interpretation by Council and staff concerning boundaries of zones and areas. The intent and policies of the Plan are to guide the interpretation of the mapped information.

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

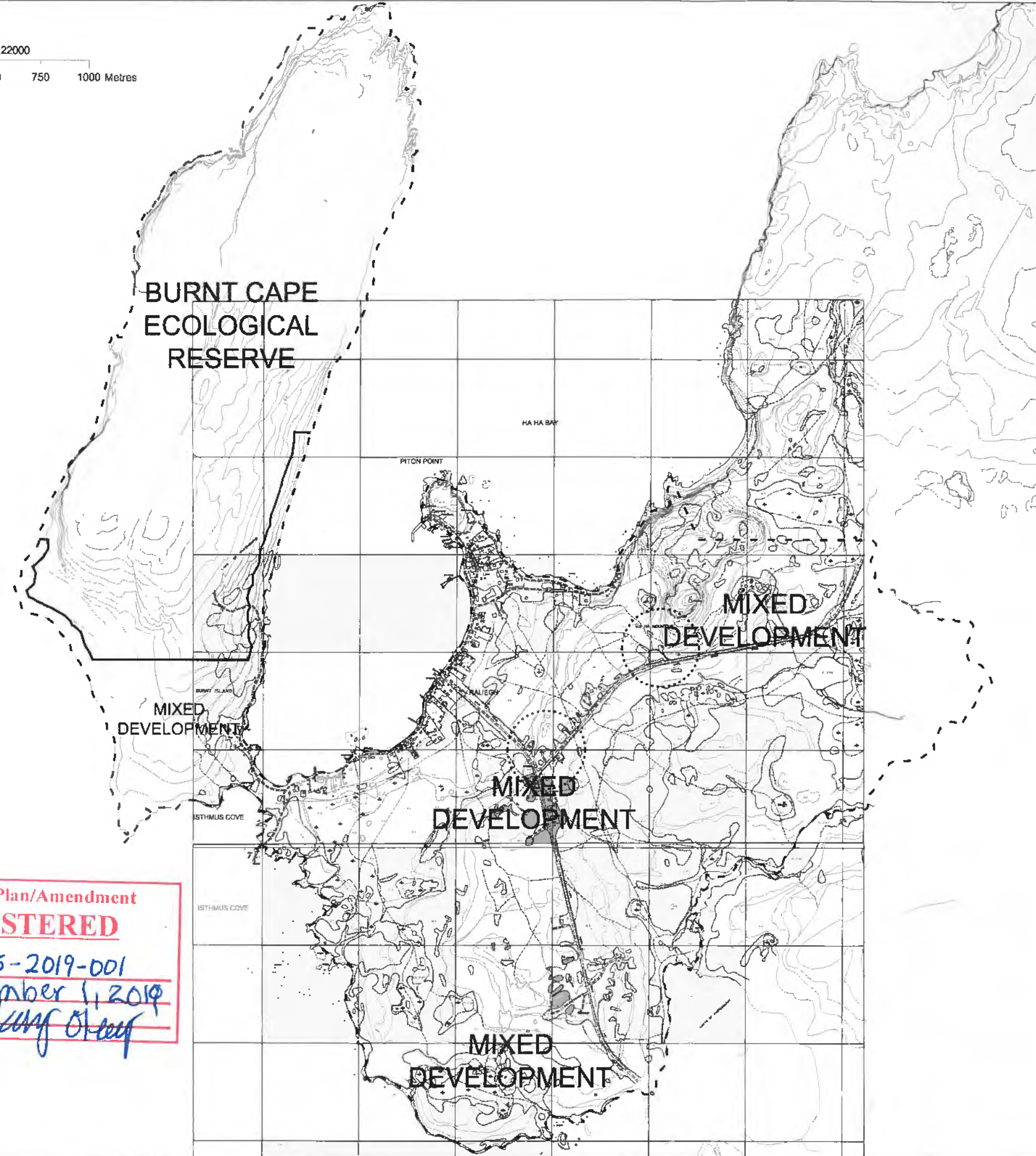
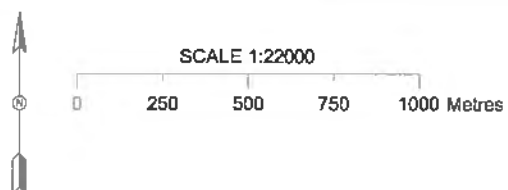
Figures and quantities herein shall be considered as approximate on any matter not involving variances. Amendments to the Municipal Plan will not be required for reasonable interpretation of the meaning or precision of other figures or quantities.

## APPENDIX: Site Plan Evaluation Criteria

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

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





LEGEND:  
 - - - - MUNICIPAL & PLANNING AREA BOUNDARY  
 ○ WELLHEAD PROTECTED WATER SUPPLY AREA (SEE NOTES 1 & 2)

LAND USE DESIGNATIONS:  
 MIXED DEVELOPMENT  
 BURNT CAPE ECOLOGICAL RESERVE

- NOTES:
- 1 THIS IS AN "OVERLAY" DESIGNATION WHICH OPERATES IN ADDITION TO THE EFFECT OF THE UNDERLYING DESIGNATION.
  - 2 THE "WELLHEAD PROTECTED WATER SUPPLY AREA" IN EACH CASE IS THE AREA DESIGNATED PER S.61 OF THE WATER RESOURCES ACT. EACH IS DESCRIBED AS A CIRCLE WITH A RADIUS OF 200 METRES CENTRED ON THE WELL.
  - 3 THE BOUNDARY OF THE AREA DESIGNATED AS BURNT CAPE ECOLOGICAL RESERVE IS TO BE INTERPRETED TO BE THE OFFICIAL BOUNDARY OF THAT RESERVE.



**Municipal Plan/Amendment REGISTERED**  
 Number 4095-2019-001  
 Date November 1, 2019  
 Signature Wendy Olney

TOWN OF RALEIGH  
 Dated at Raleigh this 9 day of August A.D. 20 19  
Cynthia Taylor  
 Mayor, Town of Raleigh  
Anaela Taylor  
 Clerk, Town of Raleigh

3	AS APPROVED BY COUNCIL	23 JUL 2019
2	AS RELEASED	18 JUN 2019
1	FOR DMAE REVIEW AND RELEASE	29 JAN 2019

TOWN OF Raleigh  
 MUNICIPAL PLAN  
 FUTURE LAND USE  
 2019 - 2029  
 MAP 1

HMJ Consulting Limited  
 PROJECT NO. 16-024