

# **TOWN OF RED BAY MUNICIPAL PLAN**

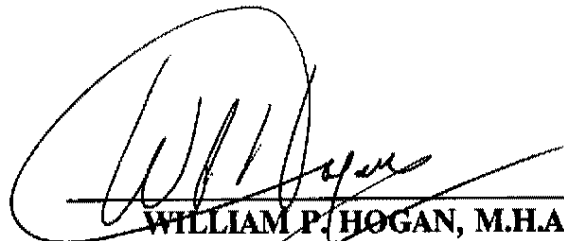
**IMPORTANT:** To see if there were any changes to this plan since it came into effect, please refer to:

**List of Municipal Plan Amendments**

**URBAN AND RURAL PLANNING ACT**  
**NOTICE OF APPROVAL**  
**RED BAY MUNICIPAL PLAN 1992-2002**

I, William P. Hogan, Minister of Municipal and Provincial Affairs, under and by virtue of the powers conferred by the Urban and Rural Planning Act, hereby approve the Red Bay Municipal Plan 1992-2002, adopted by the Community Council of Red Bay on the 10th day of September, 1992.

Dated at St. John's this *17<sup>th</sup>* day of *December*, 199*2*.



**WILLIAM P. HOGAN, M.H.A.**  
**Placentia District**  
**Minister of Municipal & Provincial Affairs**

*Community of Red Bay*

***MUNICIPAL PLAN***

*1992 - 2002*

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

*May, 1992*

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**1.0 ADOPTION AND APPROVAL**

**1.1 COUNCIL RESOLUTION**

Resolved, pursuant to section 16 of The Urban and Rural Planning Act, that the Council of the Community of Red Bay adopt the Municipal Plan entitled "Red Bay Municipal Plan, 1992-2002".

Resolved further, pursuant to section 18 of The Urban and Rural Planning Act, that the Council apply to the Minister of Municipal and Provincial Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the adopted Plan.

PROPOSED BY: *Edward Ryan*


SECONDED BY: *[Signature]*

Certified as a correct copy of a Resolution passed at a meeting of Council held at *Red Bay* on the *10* day of *Sept.*, 1992.

*Josie R. Moores*  
Clerk

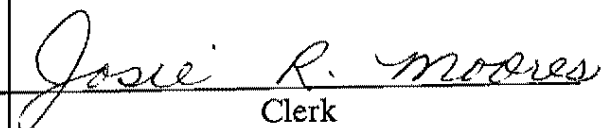
**1.2 SEAL AND SIGNATURE**

Signed and sealed pursuant to section 16(3) of The Urban and Rural Planning Act  
this *10* day of *Sept*, 1992.

  
\_\_\_\_\_  
Mayor (SEAL)

**1.3 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 Red Bay, on the *10* day of *Sept*, 1992.

  
\_\_\_\_\_  
Clerk



## **2.0 INTRODUCTION**

## 2.1 FOREWORD

### (A) Planning in Newfoundland

#### The Municipal Plan

This Municipal Plan has been prepared in accordance with the requirements of section 15 of The Urban and Rural Planning Act, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs, public services, social services and other relevant factors.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. This Municipal Plan, consisting of a written text in which the goals, objectives and policies are set out, also includes Land Use Maps indicating the proposed allocation of land into various Land Use categories.

#### Ministerial Approval

When the Municipal Plan is formally adopted by resolution of the Council under section 16(1) of the Act, two copies must be impressed with the Seal of the Council and signed by the Mayor. The Council must then give notice of its intention to seek the approval of the Minister of Municipal and Provincial Affairs by publishing a notice in the

Newfoundland Gazette and in a newspaper published, or circulating, in the community. The notice must state where and when the Municipal Plan may be inspected by any interested person and the time and place set by the Minister for the hearing of any objections or representations. At the Public Hearing, a Commissioner appointed by the Minister will hear the objections and representations, and subsequently forward to the Minister a written report, together with copies of all the evidence taken at the Public Hearing.

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

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

When the Municipal Plan comes into effect, it is binding upon the Council and upon all other persons, corporations and organizations. The Plan has to be reviewed by the

Council at the end of every five years from the date on which it comes into effect and at that time revised as necessary to take account of developments which can be foreseen during the next ten-year period.

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

#### Development Schemes

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under section 31-33 of the Act for the purpose of carrying out specific proposals of the Municipal Plan.

A Development Scheme may provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of land and buildings which are necessary to carry out provisions of the Municipal Plan. The Scheme may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space and may make such agreements with the owners of the land as will permit its acquisition and use for those purposes. The Development Scheme may also specify the manner in which any particular area of land is to be used, subdivided or developed, and may regulate the construction of buildings which would interfere with the carrying out of the Development Scheme.

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

#### Municipal Plan Administration

When a Municipal Plan comes into effect, the Council is required to develop a scheme for the control of the use of land in strict conformity with the Municipal Plan in the form of land use zoning, subdivision, and any other regulations necessary. After adoption by the Council, these regulations must be submitted to the Minister for approval.

Regulations must comply with the requirements of The Urban and Rural Planning Act, and Standard Provincial Regulations have been developed to form the basis of these regulations. Councils are also advised, if they have not already done so, to adopt the National Building Code of Canada as its building regulation.

The day-to-day administration of the Municipal Plan, and subsequent regulations, is in the hands of staff members authorized by the Council. Council staff have the duty of issuing all necessary permits approved by Council and making recommendations to the Council in accordance with the Municipal Plan policies and implementing regulations regarding all development in the Municipal Planning Area.

**(B) Municipal Planning Area**

The Municipal Planning Area of Red Bay outlined on Future Land Use Map 1 encompasses a large rural area which includes the watershed of its domestic water supply and areas in which development that could affect the Community can be controlled.

Community development is confined to the shoreline surrounding Red Bay and has extended around the bottom of the Basin to locations that offer more shelter from the elements. The majority of the Planning Area consists of soft bog and exposed bedrock with numerous interspersions of small ponds and water courses. Coniferous forest is found in some of the river valleys and sheltered sites, including the western side of the Basin. The remaining areas of the Community are open barrens.

## **2.2 SUMMARY & CONCLUSIONS OF THE BACKGROUND REPORT**

### **2.2.1 Introduction**

There is an interdependent relationship between economic conditions, population dynamics and housing demand. These relationships can be complex, but reduced to a theoretical level it can be summarized that the rate of population growth is tied to the strength of the local economy and housing demand will be a function of population growth. A vibrant local economy is likely to stem local out-migration and possibly encourage in-migration, which in turn would generate a greater demand for housing. Economic decline

would have the opposite effect. There are many variables that can alter this relationship somewhat, but generally it will function in the manner described.

### 2.2.2 Population

The population of Red Bay rose by only 19 between 1981 and 1986 (Table 2.1). This was a 6 percent quinquennial increase and a 1.2 percent annual increase. Population trends between 1986 and 1992 can only be estimated but it is assumed that population levels have followed the general state of the local economy, either remaining stable or rising slightly. The most likely scenario in the near future is one of population stability, but this could change if local economic conditions improve, although population growth would be linked directly to greater employment opportunities, a factor more likely to slow local out-migration rather than creating an influx of new people. If current economic conditions prevail, it is likely that a very slow rate of growth will continue.

**Table 2.1**

**Red Bay Population 1976-1986**

1976	CHANGE		1981	CHANGE		1986
	#	%		#	%	
301	15	5%	316	19	6%	335

It is estimated that population growth between 1991 and 2001 will follow previous trends provided that economic conditions remained unchanged. This would imply a growth

rate of approximately 1.2 percent per year or 6 percent over five years. By 2002 this would mean a total population of 406, an increase of 46 over the estimated 1992 population. The estimated 1992 population was arrived at by multiplying average household size (4.2 pph) by the number of dwellings constructed between 1986 and 1991 (5). The total (21) was added to the 1986 population of 335 and the total multiplied by 1.2 percent to estimate the 1992 population. The projections of population growth are detailed in Table 2.2.

**Table 2.2**  
**Red Bay - Population Projections 1992-2002**

YEAR		1992(Est)	1997	2002
POPULATION	HIGH	389	420	453
	LOW	360	382	406

The effects of an improved local economy are difficult to estimate but past experience has indicated that the population growth rate is not likely to exceed 8 percent in five years. This rate was used to generate the high estimates of population growth detailed in Table 2.2

### 2.2.3 Housing

The number of dwellings in Red Bay rose from 80 in 1981 to 85 in 1986. This slight increase is indicative of the slow rate of population growth. Council records indicate that



there were only 5 dwellings constructed in Red Bay between 1986 and 1990. This trend of construction indicates that the demand for building lots is likely to be very low, averaging about 1 lot per year for a total of 10 lots between 1992 and year 2002.

If the local economy becomes stronger due to development of the historic resources in Red Bay, it is likely to create a slightly higher temporary demand for housing than could normally be anticipated. It is also probable that there would be some demand for seasonal rental accommodations, in the form of apartments, motels and bed and breakfast units.

It is difficult to estimate the effect of historic site development on housing demand, population trends and economic growth due to the uncertainty as to how extensive this development could be in the future.

#### **2.2.4 Economic Base**

The economy of Red Bay is largely dependent on the local fish processing industry. Although 1992 data are unavailable, the Census of Canada occupational classifications indicated that in 1981, 46.4 percent of the labour force worked in Primary and Processing occupations. The Primary classification accounted for 31 percent of the labour force, and Processing 15.4 percent. By 1986, Processing occupied 32 percent and Primary 16 percent. Service occupations had risen to 20 percent of the employment base, from 7.7 percent in 1981, and Construction occupations rose to 12 percent. There was clearly a shift in occupations away from Primary activities and towards Processing and Service occupations.

This analysis has concluded that there has been a shift away from primary activities and a move towards service sector employment. While this trend is evident, it is also a fact that the most basic element of the Red Bay economy is fishery related activity without which the majority of the service sector would not exist. As a result, the narrow economic base is sensitive to changes in fishing and processing activity.

The only likely sustainable economic opportunities that may exist in the foreseeable future would be related to the development of the historic sites in Red Bay and the resulting tourism industry. The activity would be seasonal and largely related to the provision of services and accommodations in addition to some direct employment in the interpretation, conservation and maintenance of site facilities.

#### **2.2.5 Future Planning Considerations**

The following are areas of concern that warrant specific consideration in the municipal planning strategy due to their importance to the community. Municipal Plan policies should reflect these concerns.

##### **2.2.5 (a) Residential/Industrial Development**

Residential development should not encroach upon industrial areas in order to reduce likelihood of future land use conflicts. Encroachment also reduces the land area available for the expansion of industrial activities and could seriously impede future development opportunities.

In some instances, it may be possible to allow compatible activities to locate in association with other land uses provided that external effects are minimal and do not create a hazard or nuisance to surrounding activities.

#### **2.2.5 (b) Water and Sewer Services**

The water line has been extended to nearly all dwellings in the Community, but the sewer line reaches only a short distance beyond the United Church. The water line is planned to be extended to the fish plant as a matter of priority. Preferably, development should be limited to areas that have existing water or sewer systems or to areas that are included in the servicing plan.

Water and sewer infrastructure and community development should not be permitted to sprawl along the new highway beyond Northern Brook and every effort must be made to efficiently utilize the existing service lines to their maximum potential.

#### **2.2.5 (c) Finances**

Apparent reductions in Provincial Government subsidies will require Council to be very careful in its allocation of funds and possibly to consider means of reducing costs and/or raising additional revenue from local sources.

### 2.2.5 (d) Conclusion

This report has concluded that Red Bay can benefit significantly from the direct and indirect employment that would result from the development of its historic resources. The Municipal Plan must contain specific policies to guide and encourage the development of these resources and associated commercial development while still maintaining the viability of the existing employment base. This approach will be utilized in this municipal planning strategy.

The previous Municipal Plan, which emphasised a large number of distinct land use categories, has been modified by generalizing and reducing the number of land use classifications. This simplifies the Municipal Plan and streamlines its administration.

In order to administer the Municipal Plan it is suggested that Council form a sub-committee of 2-3 people including the community clerk to assess and prepare background material pertaining to development applications that fall within the community's jurisdiction. This system greatly facilitates the process of decision making by eliminating the need for the initial technical assessment of applications at Council meetings.

### **3.0 THE MUNICIPAL PLAN**

### **3.1 The Future Community**

The Community of Red Bay is facing a future that encompasses not only the continuance of traditional lifestyles but also the development of significant historic sites and resources. This development could have a pronounced positive influence on the local economy and the Municipal Plan must strike a reasonable balance between historic site protection and development and the routine needs of the municipality and its people. Because many historic sites are located in the built-up area of Red Bay as well as the surrounding rural area, it is essential that planning strategy policies reflect the need to preserve these sites while still permitting other forms of activity in the same land use area.

This meld of protective and development oriented policies can only be accomplished with the close cooperation of the Municipal Council, the public and the Historic Resources Division. Essentially, this approach requires the identification of areas that contain historic sites and those that have been determined to be free of artifacts. Areas with potential sites must also be delineated. Municipal Planning policies must then be devised to guide development in non-historic areas, but to restrict development in areas with artifacts until the sites can be surveyed and excavated. Development in rural areas that contain artifacts should not be permitted unless these sites are excavated. Plan policies for developed areas must contain statements that cover contingencies such as the discovery of artifacts during the course of construction and the pre-approval of the Historic Resources Division for planned development projects. By following this procedure, the necessary level

of protection and caution can be applied to historic sites while still maintaining development potential throughout the community. The success of this strategy will depend on the effectiveness of municipal plan administration and an efficient referral system to the Historic Resources Division for applications in areas that are known or likely to contain artifacts. The lead time of the processing of applications for these areas will necessarily be longer than for other areas in which artifacts are not present.

The future of Red Bay as a national historic site is dependent on the joint participation of the Federal and Provincial Government in a long term development plan. It is likely that the development plan will include an interpretation center but at the time of this writing, no specific site has been identified or any proposals put forward as to the location of future facilities. The overall historic development plan may require changes to the Municipal Plan and/or the Development Regulations, through the standard amendment procedures. Any changes will be dependent on the specifics of the development proposal.

The possibility of stimulated economic growth in the future will necessitate provisions for tourism related, commercial and residential land use within the areas of the community that are accessible to the water and sewer system. Due to the rugged nature of the terrain in Red Bay, good developable land is not abundant and every effort must be made to optimize the use of the existing land base by requiring construction in serviced areas rather than in low density unserviced areas. This will maintain a compact community structure and

minimize the long term borrowing costs for capital projects by utilizing the existing service infrastructure.

### **3.2 Goals & Policies of the Municipal Plan**

#### Mixed Development Goals & Policies:

The mixture of land uses in Red Bay has traditionally been very flexible with residential, commercial, light industrial and service uses in close proximity to one another. This association of diverse land uses often reflects the values of the community the scarcity of good land and the economic necessity of maintaining low development and overhead costs for very small scale enterprises. It is the intention of this Municipal Plan to introduce flexible policies that can permit a mixture of compatible and complementary land uses in the Mixed Development Area. The policies also make provision for small scale home based occupations in the land use designation.

In recent years, residential development has expanded from the community core along the highway to Northern Brook in response to the scarcity of developable land and harsh climatic conditions in unsheltered areas. The presence of the air strip further compounds the problem of development in the central area. Due to the potential excessive costs of future water and sewer installation, all development must be constrained to the limits of existing dwellings and infilling should be encouraged in areas that are currently serviced. Additionally, the mix of activities in this area must be flexible enough to permit



the variety of compatible uses that characterize the traditional development pattern of Red Bay.

Areas that may or are known to contain archaeological remains must have specific policies to minimize development conflicts between these resources and the proposed activity.

Goals:

- (a) To designate an area that will accommodate the development potential of the community.
- (b) To preserve the historic resources located in the developed area of Red Bay.
- (c) To encourage infill development in the Community.

Mixed Development Area Policies:

- (a) A Mixed Development Area is established as indicated on Future Land Use Map 2.
- (b) The uses that may be permitted in this land use area shall be consistent with the policies and guidelines expressed in this Municipal Plan. Any future uses that may be permitted must be compatible with existing and potential uses and may not cause land use conflicts or nuisance or diminish the future development potential of the land use area.

- (c) The uses that may be permitted in the Mixed Development area shall be of a residential, commercial recreational or business nature. Compatible light industrial uses may be permitted provided that no land use conflicts are created. The primary land uses shall be those with residential or commercial aspects.
- (d) All development in a Mixed Development Area shall be connected to Municipal water and sewer services where available.
- (e) Home based occupations may be permitted in the Mixed Development Area within the curtilage of a dwelling or in structures normally subsidiary to a dwelling, provided that such uses are compatible with adjacent uses, do not constitute a nuisance or reduce the amenity of the surrounding area and are uses listed in the Development Regulations. Such uses shall be of a minor nature and shall generate only minimal levels of vehicular traffic.
- (f) Light industrial activities may be permitted in the Mixed Development Area, provided that such uses are compatible with surrounding activities.
- (g) Council may require the establishment of buffer areas or screening between commercial and residential uses. A minimum 10 metre buffer is required between industrial and residential areas.
- (h) No use shall be permitted to create a hazard or nuisance to any existing or future residential development.
- (i) All development shall maintain an adequate setback from public roads and provide off-street parking in order to ensure public safety and convenience.
- (j) All building lots shall have street line frontage on a publicly owned and maintained road.

- (k) All building lots shall have a street access which forms part of the lot.
- (l) Residential development shall not be permitted in areas that are subject to flooding, areas of excessive slope or areas that are inherently dangerous.
- (m) Any development proposed in areas that are designated as Historically Sensitive Areas shall have the prior approval of the Historic Resources Division of the Department of Municipal & Provincial Affairs before a development permit is issued.
- (n) If any artifacts or historic remains are encountered during the course of development, all activity shall cease until the site has been examined by a representative of the Historic Resources Division.
- (o) The Municipal Council shall refer all development applications for Historically Sensitive Areas to the Historic Resources Division for comment prior to the issuance of any permits.

### **3.3 Industrial Area Goals and Policies:**

Industrial activity in Red Bay is largely confined to marine related activity that is concentrated along the waterfront. This area is clearly defined and contains a mix of industrial and commercial activities. Other facilities include slipways, wharves and storage sheds associated with the inshore fishery, but these are scattered along the shoreline rather than concentrated in one area. It is the intention of this Municipal Plan to designate an area for industrial and related development in order to prevent the encroachment of conflicting uses. Similarly, areas of the shoreline will be designated for industrial activity in order to provide space for fishery related facilities.

Other forms of light industrial activity may be accommodated in the Mixed Development area, provided that such uses are compatible with surrounding activities.

Due to the low level of development pressure, it is not anticipated that any large industrial areas will be required in the near future and the designation of existing industrial sites will prevent the erosion of the industrial land base.

Goals:

- (a) To designate an area for the unimpeded development of industrial and other related activity.
- (b) To maintain a separation between industrial areas and other forms of community development.
- (c) To provide areas for fishery related activity along the shoreline.

Industrial Area Policies:

- (a) An Industrial Land Use Area is designated as indicated on Future Land Use Map 2.
- (b) The uses that may be permitted in this land use area shall be consistent with the policies and guidelines expressed in this Municipal Plan. Any future uses that may be permitted must be compatible with existing and potential uses and may not cause land use conflicts or nuisance or diminish the future development potential of the land use area.
- (c) The uses in this area shall be industrial in nature or directly associated with industrial activities.

- (d) All development in an Industrial area shall provide on-site parking, and be connected to the municipal water and sewer system where available.
- (e) All development in an Industrial area shall front on a publicly owned and maintained road.
- (f) Retail or commercial enterprise shall only be permitted in an Industrial area in conjunction with an industrial use.

### **3.4 Environmental Protection Goals and Policies:**

It is the intention of this land use designation to provide a variety of environmental protection functions as well as separation buffers between land use areas. This land use designation can also be used to restrict development in areas that are inherently dangerous to development or areas that should be preserved as points of intrinsic natural beauty. The wooded hillsides bordering Route 510 between the Planning Area Boundary and the Community shall be protected from wood cutting activities in order to preserve the scenic beauty of this area.

The policies of this land use designation shall also be directed at preserving and protecting the abundant historic and prehistoric resources that are found throughout the Municipal Planning Area. These sites are of international importance and contribute significantly to the cultural heritage of the Province. Any areas that are known to or suspected to contain historic sites may be included in the Environmental Protection designation.

This land use designation shall also be used to protect the municipal watershed from any development that might affect the quality or quantity of water available for Community use. This destination will not prevent public works or utility development in the designated watershed area.

Goals:

- (a) To protect areas that contain archaeological sites from conflicting or hazardous development.
- (b) To preserve the historic resources of the Municipal Planning Area as part of the cultural heritage of the Community and the Province.
- (c) To maintain the future development potential of historic resources.
- (d) To protect the municipal water supply from hazardous development.
- (e) To provide buffer areas between uses with potential conflicts and to prevent development in areas that are susceptible to flooding, excessive slope or other natural hazards.
- (f) To preserve areas of natural beauty or environmental sensitivity from adverse forms of development.
- (g) To restrict shoreline development to non-industrial activities associated with the inshore fishery or tourism related enterprise.

Environmental Protection Policies:

- (a) Environmental Protection Areas are established as indicated on Future Land Use Maps 1 and 2.
- (b) The only permitted uses in an Environmental Protection area shall be those related to Conservation and Transportation activities.
- (c) The Transportation use class shall be limited to activities fishery such as:
  - (1) Slipways, fishing equipment storage buildings wharves and related structures.
  - (2) Transportation uses may be permitted only at the ocean shoreline.

- (3) Approval of a development application from the Historic Resources Division of the Department of Municipal and Provincial Affairs is required before a development permit is issued if the site is within an area designated as a Historically Sensitive Area.
- (d) All conservation activities in this land use area shall be limited to non-building uses.
- (e) Development shall not be permitted in areas that are susceptible to flooding, of excessive slope or subject to other environmental hazards.
- (f) Fuel wood cutting and timbering shall not be permitted in an Environmental Protection Area, except that which is directly related to the clearing of recreational trails and related facilities.

### **3.5 Educational Area Goals and Policies:**

It is the express concern of this Municipal Plan that the school site on Route 87 be kept free from encroachment by other uses. The goals and policies of this section shall reflect this intention.

#### Goal:

- (a) To maintain the school site free from encroachment by conflicting uses.

Educational Policies:

- (a) An Educational Land Use area is established as indicated on Future Land Use Map 3.
- (b) The only uses that may be permitted in this area are those that are educational in nature.
- (c) No conflicting land use shall be permitted to locate near the Educational area.

**3.6. Recreation Goals and Policies:**

It is the intention of Council to develop new recreation facilities in the form of a softball and soccer field. This project will be contingent on the availability of funding and the acquisition of a suitable site.

Recreational facilities are generally best located near the center of population where they are easily accessed by people of all ages. This contributes to maximum use of the facilities and increases the ease of maintenance.

Recreation also takes the form of passive outdoor and indoor activities that do not require special facilities. Indoor activities may be permitted in any suitable building in the Community, while existing recreational facilities may be included as permitted uses in the Mixed Development Land Use Area.



Goals:

- (a) To provide adequate recreation facilities to meet the current and future needs of the Community.
- (b) To develop new softball and soccer fields.

Recreation Policies:

- (a) Council shall undertake to develop new sports facilities as and when funds become available.
- (b) The only use that may be permitted in a Recreation area shall be recreational open space and associated activities.
- (c) All recreation areas shall have adequate on-site parking facilities.

**3.7 Rural Resource Area Goals and Policies:**

The backland area of Red Bay holds a reserve of resources that are valuable to the community. These resources are in the form of undeveloped open space for recreation, wildlife, water reserves, aggregate deposits and forest stands. These resources are utilized by the community on an on-going basis but also provide resources for the future.

In order to ensure that the utilization potential of these resources is not diminished it is essential that the backland area be kept free from restrictive development.

It is also known that the area surrounding the community contains numerous archaeological sites, many of which have been identified. There is however, the potential for the discovery of new sites and the policies for this area must reflect this. Generally, development in the backland area should be kept to the necessary minimum and specific policies instituted to protect its historic resources. Known archaeological sites can be protected with conservation-oriented land use designations.

It is also the intention of this Municipal Plan to restrict development in the rural area, with the exception of that which is related to resource utilization, and passive recreational activities such as cross country skiing and snow mobiling in order to preserve the aesthetic quality of the natural environment.

Goals:

- (a) To preserve the backland area of Red Bay for the future utilization and enjoyment of its natural resources.
- (b) To maintain the high quality of the municipal water supply by keeping the watershed free from damaging development.
- (c) To limit development in the backland area to that which is associated with resource development or utilization, recreational activities and historic conservation activities.

Rural Resource Policies:

- (a) A Rural Resource Area is designated as indicated on Future Land Use Maps 1, 2 and 3.
- (b) The uses that may be permitted in this land use area shall be consistent with the policies and guidelines expressed in this Municipal Plan. Any future uses that may be permitted must be compatible with existing and potential uses and may not cause land use conflicts or nuisance or diminish the future development potential of the land use area.
- (c) Primary activities in this area shall be of a low intensity nature, associated with conservation or the utilization of the resources of the land use area. Residential development shall not be permitted in a Rural Resource area.
- (d) In the event that any archaeological site is encountered during the course of development in the Rural Resource area, all development must cease until the site has been surveyed by the Historic Resources Division of the Department of Municipal and Provincial Affairs.
- (e) There shall not be any development within the designated municipal watershed with the exception of that associated with public utilities or conservation activities.

**3.8 Commercial Area Goals and Policies:**

It is the intent of this Municipal Plan to establish a land use area to provide a commercial focus for the Community. At present, most commercial activity is centered in

the general vicinity of Red Bay Stores, which is an area easily accessible to the Community. This area should be designated for commercial activity in order to prevent encroachment by other, potentially conflicting land uses and to create an environment that can foster a variety of mercantile uses.

Goals:

To provide an area dedicated to the establishment and expansion of commercial land use activities.

Commercial Area Policies:

- (a) A Commercial Land Use Area is established as indicated on Future Land Use Map 2.
- (b) The uses that may be permitted in this land use area shall be consistent with the policies and guidelines expressed in this Municipal Plan. Any future uses that may be permitted must be compatible with existing and potential uses and may not cause land use conflicts or nuisance or diminish the future development potential of the land use area.
- (c) Compatible uses are those of a commercial nature that are unlikely to interfere with or mitigate the development potential of this land use area. Compatible uses shall also be those that do not cause or create a nuisance to adjacent land uses.

### **3.9 Special Provisions: Historically Sensitive Areas**

Archaeological research has determined that a number of locations in the developed and backland areas of Red Bay contain remnants of past occupations. It is likely that any ground work in these areas could unearth artifacts, yet development cannot be totally prohibited even with the potential disturbance to historic sites. In order to achieve a reasonable balance between the freedom of individuals to develop their property and the need to protect historic sites, this policy establishes a land use designation entitled Historically Sensitive Areas. This policy section applies to all areas known to contain archaeological sites or artifacts as identified on Future Land Use Map 2 and shall apply in addition to the policies for any other land use area. Within Historically Sensitive Areas the following special policies shall apply to the processing and approval of development applications.

- (a) Council shall refer all applications for development in a Historically Sensitive Area except those for interior renovation to the Historic Resources Division of the Department of Municipal and Provincial Affairs for comment prior to approval.
- (b) Any artifacts or historic sites encountered during the course of construction shall immediately be reported to the Municipal Council by the developer and the Historic Resources Division by the Council. Under these circumstances, all development shall cease until the Historic Resources Division authorizes re-commencement.

## **4.0 IMPLEMENTATION**

#### 4.1 Capital Works Program

The program of capital works that is outlined in this section in Table 4.1 is oriented towards the extension of piped services to all developed areas of the Community. Because of the high costs, projects of this nature are usually undertaken in incremental phases, based on the completion of preliminary phases, the availability of funding and the ability of the Municipality to manage long-term financing programs.

Table 4.1

Proposed Capital Works Budget 1992-1994

YEAR	DESCRIPTION	COST
1992	(a) <u>Either</u> extend water supply to homes, fish plant and business adjacent the public wharf.	402,000
	<u>Or</u> extend water main to two dwellings adjacent public wharf.	295,000
	(b) Sanitary sewer for Northern Brook Road, North end of the Basin and the existing houses in the subdivision.	1,612,000
	(c) Force main for Northern Brook sewer system, if required.	900,000
1993	(a) Paving and Upgrading - East Harbour Drive and Northern Brook Road.	477,000
1994	(b) Relocate water intake upstream.	1,354,000

The capital works projects have been designed to service the areas of existing development and to extend services to areas that have development potential while addressing the need to encourage high density community development which creates an efficient use of the service infrastructure. This approach is essential to sound municipal planning and directly relates to the policies outlined in this Municipal Plan concerning Community structure and future development. The provision of functional services enhances the infill potential of Red Bay and increases the development potential within the Community.

The Council also intends to develop a new recreation area at some future time but this project will be dependent on funding and the availability of a suitable site. These factors make it unrealistic to assign a starting time to this project.

## **4.2 ADMINISTRATION**

### **(a) Introduction**

The preparation, adoption, and approval of this Municipal Plan represents only a part of the planning process. In other words, the Plan is not an end in itself nor does it serve any useful purpose without being implemented.



The Municipal Plan must be implemented by means of the regulatory powers conferred upon the Council by section 37 of the Urban and Rural Planning Act and such other statutes, enabling legislation and programs as may be applicable. The Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies, and programs which it contains.

**(b) Land Use Zoning, Subdivision, and Advertisement Regulations  
or the Development Regulations**

The direction and orderly control of land use is an important feature of the municipality's planning program. For that purpose, Development Regulations are the most effective tools. After the Plan is formally adopted, Council is required under section 37 of The Urban and Rural Planning Act to prepare these Development Regulations for the control of land use in strict conformity with the Municipal Plan. These must include Land Use Zoning Regulations. Other regulations must be in compliance with Part VIII of the Act. Council may establish these other regulations to control the use and development of land in accordance with the Plan.

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

- The powers of Council including rules and administrative procedures governing the Council's consideration of a decision on planning applications.

- Rules and administrative procedures for appeal boards.
- General development standards for all zones.
- Regulations governing the subdivision of land, covering but not limited to, subjects such as services to be provided, building lines, public open space, design standards, and transfer of streets and utilities to the Council.
- Definitions of key words and phrases to be used in the interpretation of the Regulations.
- A classification of uses of land and buildings to be used in the Use Zone tables.
- Zone tables tailored specifically for each use zone listing the permitted and discretionary uses and the standards and conditions for development in each specific zone.
- Use Zone maps dividing the Planning Area into areas corresponding with the use zone tables.

Zoning divides the entire municipality into separate land use areas or zones, each with a stated category of uses and standards for development.

Essentially, zoning is a means of ensuring that the future land uses are in conformity with the Municipal Plan, that they are properly situated in relation to one another, and that they do not conflict with or adversely affect adjacent properties. Based on concepts set out in the Municipal Plan, zoning directs new growth into suitable area and protects property by requiring that development afford adequate light, air, and privacy for persons living and

working within the community. Zoning also allows for the control of development directly in each areas so that property can be effectively serviced by means of a corresponding extension of the existing public services.

As mentioned above, in the Development Regulations, there are permitted uses for each of the zones which are primary and are allowed as a matter of right in that particular zone. The issuing of permits for these permitted uses is usually straight forward, subject to the requirements of the Development Regulations and any further conditions imposed by Council. Discretionary uses are those which may be allowed in a specific zone if:

- (i) The development would not be contrary to the general intent and purpose of the Development Regulations, the Plan, or any other further plans or regulations.
- (ii) Proper public notice has been given and Council is satisfied that it is not against the public interest and will fit into the zone as a complementary of non-damaging use.
- (iii) Council is satisfied that the discretionary use is suitably located within the zone proposed.

Permitted and discretionary uses are listed individually for each zoning category in the Development Regulations.

(c) **Control of Development**

Council will exercise proper control over all development within the Planning Area in accordance with this Plan and the Development Regulations.

Any person wishing to develop<sup>1</sup> or subdivide land for any purpose within the Planning Area shall make application on the prescribed forms to Council for permission. It is important to note that the Council will require a separate permit to be obtained by the developer for the subdivision<sup>2</sup> of land. All new development or redevelopment as well as any change of use or intensity of use or alteration or improvement to any land or existing building will require a permit from the Council. In addition, a separate permit will be required for all building work and the occupancy of a building. A building permit will not be granted until a development and/or subdivision permit has been obtained.

Council may grant approval in principle to enable a developer to test a proposal for conformity with the municipal plan and development regulations without having to go to the expense of preparing detailed plans.

If the Council is in favour of the proposal, approval in principle may be given, subject to the submission and approval of detailed plans of development and any other conditions

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<sup>1</sup> The Urban and Rural Planning Act should be referred to for the precise definition of "development".

<sup>2</sup> Subdivision means the dividing of any land whether in single or joint ownership into two or more pieces for the purpose of development.

that Council may impose. An approval in principle is processed and considered just like any other application.

**(d) Capital Works Program**

In an effort to ensure that adequate funds are available at the appropriate time to implement each feature of the municipal plan, Council shall prepare and submit every year, a five-year forecast of their anticipated capital expenditure requirements. This will be done in compliance with section 9 of the Municipal Grants Act.

5.0 MAPS

In order to further the development of an orderly, economic and attractive development pattern, the Planning Area is divided into groups of complementary land uses having related functions which do not ordinarily interfere with each other, constitute mutual nuisances, or hamper each other's activities. The general land use designations are set out on the Future Land Use Maps which form part of this Municipal Plan.

The intent of the Plan is to guide development within these land use designations, thereby separating activities that have conflicting requirements and functions. It must be stressed that it is not the intent of this Plan to segregate land uses for the sake of such segregation but only for the purposes of preventing conflicts between each group of activities.

The road network is based on and designed to facilitate the satisfactory movement of both people and goods to and from the various land use areas within the Planning Area, as well as to facilitate through traffic movement.

