

**TOWN OF ROCKY HARBOUR  
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS**

**MUNICIPAL PLAN AMENDMENT No. 1, 2016  
&  
DEVELOPMENT REGULATIONS AMENDMENT No. 1, 2016**



**AS ADOPTED BY COUNCIL**

**HMJ Consulting Limited**

**15-011**

**CERTIFIED RESOLUTIONS TO ADOPT AND APPROVE TOWN OF ROCKY HARBOUR MUNICIPAL PLAN & DEVELOPMENT REGULATIONS AMENDMENTS NO. 1-2016**

**COUNCIL RESOLUTION TO ADOPT: MUNICIPAL PLAN AMENDMENT No. 1 – 2016, MADE ON THE 7<sup>th</sup> DAY OF JUNE, 2016.**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Rocky Harbour adopts Amendment No. 1 - 2016 to the Municipal Plan for 2013 to 2023.

**COUNCIL RESOLUTION TO ADOPT: DEVELOPMENT REGULATIONS AMENDMENT No. 1 – 2016, MADE THE 7<sup>th</sup> DAY OF JUNE, 2016.**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Rocky Harbour adopts Amendment No. 1 - 2016 to the Development Regulations for 2013 to 2023.

**COUNCIL RESOLUTION TO APPROVE: MUNICIPAL PLAN AMENDMENT No. 1 – 2016, MADE ON THE 19<sup>th</sup> DAY OF JULY, 2016.**

BE IT RESOLVED that under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Rocky Harbour approves Municipal Plan Amendment No. 1, 2016, as adopted, to the Municipal Plan for 2013-2023.

**COUNCIL RESOLUTION TO APPROVE: DEVELOPMENT REGULATIONS AMENDMENT No. 1 – 2016, MADE ON THE 19<sup>th</sup> DAY OF JULY, 2016.**

BE IT RESOLVED that under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Rocky Harbour approves Development Regulations Amendment No. 1, 2016, as adopted, to the Development Regulations for 2013-2023.

Signed and sealed this 20<sup>th</sup> day of September, 2016.

Mayor: Walt H

Clerk-Manager: D.R. Reid

**Municipal Plan/Amendment REGISTERED**  
(Council Seal)  
Number 4245-2016-002  
Date October 21, 2016  
Signature Council

**Clerk's Certificate:**

Certified that the resolutions cited above are correct copies of the resolutions made by the Council of the Town of Rocky Harbour on the dates respectively cited.

Clerk-Manager D.R. Reid

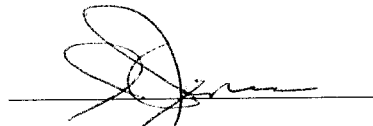
**Development Regulations/Amendment REGISTERED**  
Number 4245-2016-002  
Date October 21, 2016  
Signature Council

**PLANNER'S SEAL AND SIGNATURE**

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

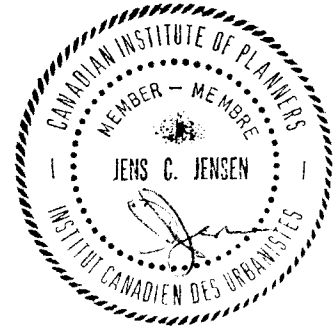
I certify that the attached Rocky Harbour Municipal Plan Amendment No. 1, 2016 and Development Regulations Amendment No. 1, 2016 have been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners



**Jens Jensen, P.Eng., MCIP**

Date: 24 September 2016



MCIP seal

**TOWN OF ROCKY HARBOUR**  
**MUNICIPAL PLAN FOR 2013-2023**  
**PROPOSED AMENDMENT No. 1, 2016**

**BACKGROUND**

The Town Council of Rocky Harbour has adopted and approved an amendment to its Municipal Plan for 2013-2023, pursuant to the *Urban and Rural Planning Act 2000*.

The reason for the proposed amendment relates to development of certain commercial uses in areas designated as “Industrial/Commercial” on Future Land Use Map 2 in the Municipal Plan. The same areas are zoned by the same name on the Land Use Zoning Map 2 in the Development Regulations.

As these documents now stand, industrial uses are permitted in those areas provided the proposed development meets the requirements of the Development Regulations for that zone. Further, Section 35 in the Urban and Rural Planning Act and Regulation 10, Discretionary Powers of Authority, in the Town of Rocky Harbour Development Regulations, indicate that Council may in its discretion refuse a permitted use should they consider an application for a permit to be contrary to the intent of the Municipal Plan and Development Regulations. In the Rocky Harbour Industrial/Commercial zone, business and personal service and mercantile uses may in addition be permitted at Council’s discretion (and these are called “discretionary approvals”).

Discretionary approvals are considered through a process by which Council will notify the community of the proposals, hear submissions, and consider the suitability of the proposed development in terms of size and type and compatibility with the primary focus of the Municipal Plan for those areas. The primary focus intended at present for the Industrial/Commercial area is for large scale commercial and industrial uses. Smaller scale uses, especially those retail and service businesses related primarily to tourism, may at present be considered, though the Municipal Plan suggests they would be better located in the Mixed Development areas.

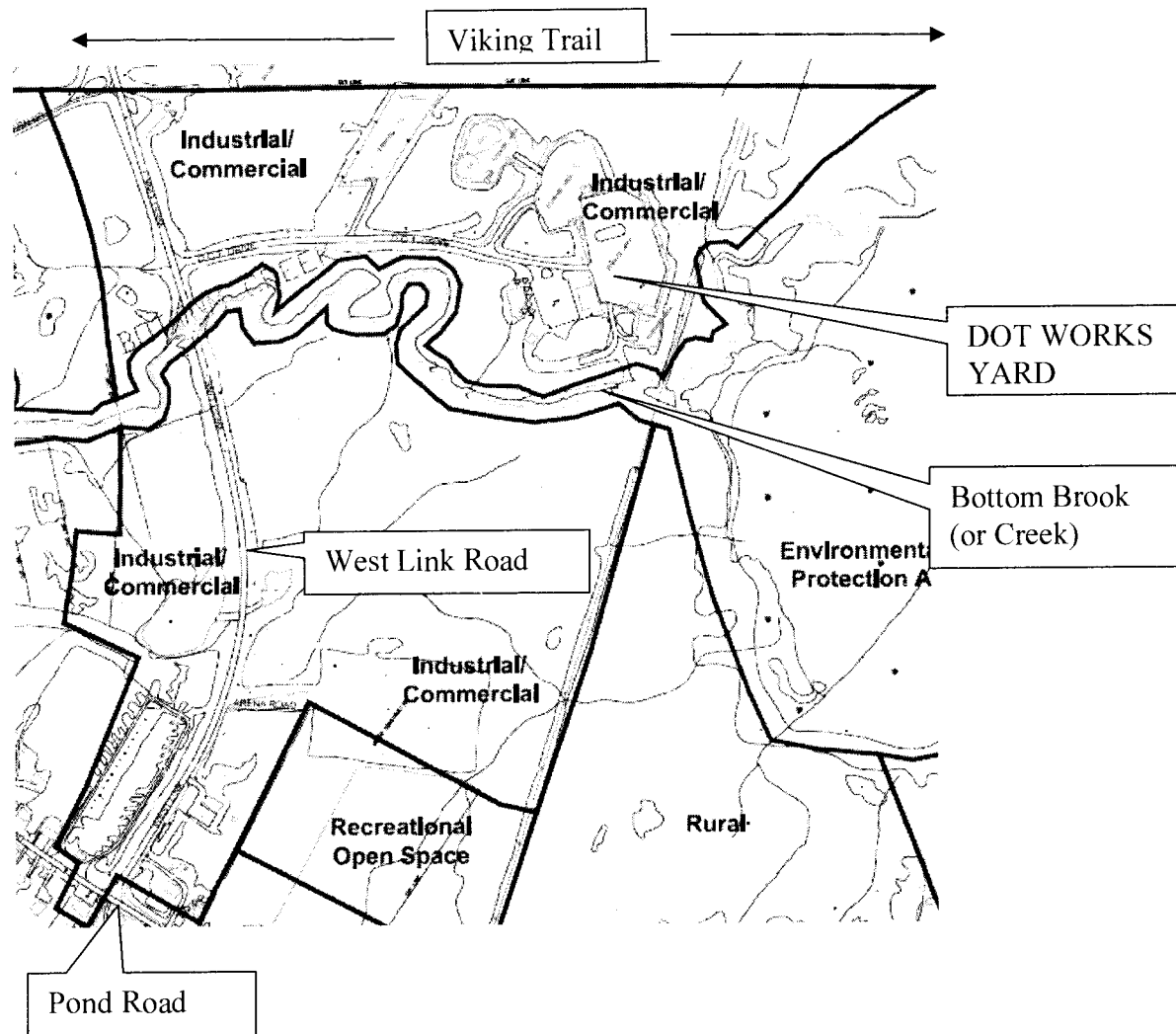
Some recent experience with a proposal to locate a small retail business in the Industrial/Commercial area on West Link Road has suggested to Council that commercial uses should also be permitted.

The particular issue was that the proponent wanted to be located in that area, but was reluctant to apply to Council for a discretionary approval since that does take some time, a month or so if done efficiently, and he was concerned that during that time his potential competitors would learn of his plans and might take advantage of his delay. Council is now of the view that commercial uses should be treated in the Town’s regulatory processes in the same manner as the

industrial ones, ie: permitted, as economic development is extremely important to the community and the other policy issues are seen as subordinate.

## PLANNING POLICY ANALYSIS

First, the principal area affected is illustrated on the part of Future Land Use Map 2 shown below, ie: the area along West Link Road, plus the fish plant at the end of Main Street South:



The Municipal Plan's current policies clearly say (in policy point 2 on page 23) that the purpose of the designation "...is to accommodate larger scale and more intrusive commercial and industrial uses which would not be compatible with residential uses..." Policy point 3, on page 24, expands on this by saying

*"...small scale uses, especially those retail and service businesses related primarily to tourism, may be considered, though the intention of this Municipal Plan is that they*

*would be better located in the Mixed Development areas... ”*

Complementary policies concerning another designation in the Municipal Plan, the Mixed Development Area, indicate that that area was expected to accommodate most small business uses. In that area, approvals of small business applications are also to be by way of discretionary approvals. Perhaps the fact that the Industrial/Commercial area is almost entirely non-residential makes the likelihood of conflict of small businesses with nearby residential uses very small, in contrast to the Mixed Development areas where the potential for those conflicts is evident.

The motivation for the proposed amendments has been described. The issue here is not the substance of the possible outcomes of small business applications, as the policies for the “Industrial/Commercial” area do permit commercial developments, notwithstanding a preference that the smaller sized ones be located elsewhere. Council is concerned that economic development opportunities may be lost because of the regulatory process attending discretionary approvals.

The proposed amendment would leave only institutional and assembly uses as being eligible for approval in the Industrial/Commercial areas by way of discretionary approval. Their definitions are very specific to the Development Regulations rather than broader meanings which might be assumed incorrectly. For clarity, those uses are defined in the Development Regulations Schedule A as follows:

INSTITUTION is defined as a building or part thereof occupied or used by persons who:

- (a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- (b) require special care or treatment because of age, mental or physical limitations or medical conditions.

ASSEMBLY uses are identified in Schedule B in a table related to the National Building Code system of categorizing buildings. The relevant portion of that table is attached to this document. The use class includes, among others, public assembly buildings (halls and theatres), bars, restaurants, video arcades, and schools.

The next section sets out the legal description of the proposed amendment to the Municipal Plan, followed by a description of the public consultation process which has been carried out before Council’s adoption of the amendment.

## **MUNICIPAL PLAN AMENDMENT No. 1, 2016**

*Section 6.2.3 in the text of the Municipal Plan is amended as follows:*

- A. Policy point 2 at page 23 is amended by inserting the word “primarily” immediately following the words “...designation is...” in line 1.*
- B. Further, policy point 3 at page 24 is deleted and the following substituted in its place:
  - 3. Industrial, business and personal service, and mercantile uses will be permitted. Assembly and institutional uses may be considered as discretionary uses, provided that their specific features are compatible with the intended overall purpose of the designation.**

### **PUBLIC CONSULTATION PROCESS**

The Town of Rocky Harbour conducted a public information meeting to present the proposal and respond to questions. The meeting was held on 13 April, 2016, at the Rocky Harbour Community Hall.

An advertisement to notify the public of the meeting was placed in the local newspaper circulating in the area, *The Western Star*, in the 9 April, 2016, issue.

At the event, no person attended other than the Town Clerk-Manager was on hand to present the proposed amendment and respond to questions or suggestions.