

Municipal Plan 2024, Town of Rocky Harbour
For submission to MAPA for s.15 review, 24 January 2024

Town of Rocky Harbour MUNICIPAL PLAN 2024



photo credit: Town of Rocky Harbour web site

**For submission to MAPA for s.15 review
24 January 2024**

Municipal Plan/Amendment	
<u>REGISTERED</u>	
Number	_____
Date	_____
Signature	_____

This stamp is applied when MAPA registers the document after eventual Council approval.

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1.0 ADOPTION AND APPROVAL

1.1 COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE.

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Council of the Town of Rocky Harbour adopts the Municipal Plan 2024.

Resolved by the Council of the Town of Rocky Harbour on the ___ day of _____, 20__.

Signed and sealed this _____ day of _____, 20__.

Mayor: _____

Council Seal

Clerk: _____

1.2 PLANNER'S SEAL AND SIGNATURE

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached *Municipal Plan 2024* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

Date: _____ 20____

seal

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1.3 COUNCIL RESOLUTION TO APPROVE

Whereas the Council of the Town of Rocky Harbour adopted the proposed Municipal Plan 2024 on the _____ day of _____, 20__, gave notices of their intention to so do by advertisements in the _____, a newspaper circulating in the Municipal Planning Area, on the ___ and ___ days of _____, 20__, appointed a commissioner to hold the required public hearing on the _____ day of _____, 20__, and considered the report of the commissioner, if any,

Resolved by the Council of the Town of Rocky Harbour on the _____ day of _____, 20__.

Signed and sealed this _____ day of _____, 20__.

Mayor: _____

Council Seal

Clerk: _____

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2.0 INTRODUCTION

2.1 Title and Legal Status

This Municipal Plan 2024, when brought properly into effect, shall be officially known as the *Municipal Plan 2024 of the Town of Rocky Harbour*. The following text and Future Land Use Maps 1 and 2 contained herein constitute the Municipal Plan 2024 for the Rocky Harbour Municipal Planning Area.

It has been prepared and has legal effect in accordance with the *Urban and Rural Planning Act*, 2000. Upon completion of the required steps to bring it into legal effect, it repeals and replaces the Municipal Plan which came into effect on 29 August, 2014, and all amendments made thereto.

The Municipal Plan 2024 is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Municipal Planning Area. All development must conform with the applicable policies of the Municipal Plan 2024 after the date upon which it comes into effect.

The document presents statements regarding the Council's intentions with respect to the location and manner in which development within its Municipal Planning Area shall take place. Future Land Use Maps 1 and 2 show the Municipal Planning Area delineated as one or more land use designations. Within each designation only specified kinds of development may take place.

2.2 Municipal Planning Area

The territory subject to this Municipal Plan 2024 is that which is included within the boundaries of the Rocky Harbour Municipal Planning Area. The Municipal Planning Area includes all lands within the municipal boundary of the Town of Rocky Harbour plus a large area on the north-east side of the community where the surface water supply watershed is located, as shown on Future Land Use Map 1.

A strip of land accommodating Highway 430 as well as the site of the Parks Canada indoor swimming pool are not within the municipal boundary nor are part of the Municipal Planning

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Area. This is an unusual situation in that the Municipal Planning Area comprises two wholly detached geographic areas.

2.3 Purpose of Municipal Plan 2024

Council's policy is that the purpose of this Municipal Plan 2024 is to guide growth and development within the Municipal Planning Area. It directs future growth so that municipal services and land resources are used most efficiently. It also ensures that aspects of land development such as safety, aesthetics, and environmental protection are given proper consideration and that the views and aspirations of land owners and residents in various parts of the Municipal Planning Area are observed as closely as possible.

Their views have been solicited in the first stage in the public consultation process. Submissions from interested parties were received and considered. The need to proactively accommodate growth for tourism and other commercial and industrial development is clear and in fact represents the economic future of the community. Responding to this reality continues to be the key to sustainability of the community.

2.4 Municipal Plan 2024 Administration; Role of Development Regulations 2024

Council is required to provide for administration of the Municipal Plan 2024 in conjunction with the Development Regulations 2024, which are written in conformity with the Municipal Plan 2024 in the form of land use zoning, subdivision, and advertisement regulations.

The Development Regulations 2024 must comply with the requirements of the *Urban and Rural Planning Act, 2000* and the Minister's Development Regulations (Newfoundland Regulation 3/01 made by the then Minister of Municipal and Provincial Affairs and which came into force on January 1, 2001). The Minister's regulations comprise a number of standard requirements applicable across the province.

2.5 Review and Amendment

The *Urban and Rural Planning Act 2000* at Section 28 requires that any Municipal Plan be reviewed not later than every five years from the date it has come into effect. The general intention is that 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 Municipal Plan 2024 is the ten-year period of 2024 to 2034.

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The Municipal Plan 2024 may be amended at any other time, in whole or in part, for reasons that may have been unforeseen at the time it had initially been drafted. Any such amendment must be consistent with the Municipal Plan 2024 as the amendment will be read together with and become part of the Municipal Plan 2024.

3.0 PREPARATION AND APPROVAL

3.1 Preparation and Approval

For the Municipal Plan 2024 to gain full legal effect, a prescribed procedure must be undertaken pursuant to Sections 15 through 24 of the *Urban and Rural Planning Act 2000*:

In brief, the process began with Council committing to the review process in February, 2023, and retaining a qualified planner in the person of Mr. Jens Jensen of the consulting firm of HMJ Consulting Limited. He engaged promptly with detailed discussions with staff and Council on current issues and challenges.

A public presentation was made on 8 March, 2023, focussed on the substance of the current planning documents. It was felt that having a knowledge of the current documents would enable a more informed set of suggestions for changes. This was followed by discussions with the consulting planner with some people who requested to do. When Council's process of preparing the first drafts of the planning documents was completed, the drafts were presented at a public meeting on 4 December, 2023. Comments were invited, to be submitted by mid-January, 2024. One comment was received and considered, with a clarifying change made in response. After some final editing, the documents were ready to be submitted to the Department of Municipal and Provincial Affairs for review pursuant to section 15 of the *Urban and Rural Planning Act 2000*.

Part of the process is the consideration and harmonization with provincial government interests, as described in Section 3.2. 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 Municipal Planning Area, in which Council states its intention to seek the approval of the Municipal Plan 2024. The first notice must appear at least fourteen days before the hearing date. The notice must state where and when the Municipal Plan 2024 can be inspected and clearly give the time and place for the public hearing.

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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 public hearing and subsequently prepares a report including recommendations. Council then considers the report and either approves the Municipal Plan 2024 (with or without changes) or withdraws the proposed Plan. Council's approval is made pursuant to Section 23 of the *Act*.

The approved Municipal Plan 2024 then is submitted to the Minister of Municipal and Provincial Affairs for review and registration, pursuant to Section 24 of the *Act*. For this, the Minister requires two copies of the Municipal Plan 2024 which have been certified by the Clerk as having been adopted and approved by Council, a certificate by a Member or Fellow of the Canadian Institute of Planners (MCIP or FCIP) that the document complies with the *Act*, the Commissioner's report, and all written objections and representations that may have been submitted for the hearing.

After a final review of 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, first in the provincial government's *Newfoundland and Labrador Gazette* and then in a newspaper circulating in the Municipal Planning Area. The date of the publication of the notice in the *Gazette* is the date upon which the Municipal Plan comes into effect.

If the Minister chooses to not register the Municipal 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 the new Municipal Plan 2024 does not come into legal effect until the notice of the Minister's registration appears in the *Gazette*. Once in effect, the Municipal Plan 2024 is legally binding on Council and any person or party proposing to use or develop land anywhere within the Municipal Planning Area.

A concurrent and parallel process is involved in the preparation, adoption, approval, and coming into effect of the Development Regulations 2024.

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3.2 Provincial Interests

It is important to note that the Municipal Plan 2024 must respect topics that are identified as “provincial interests”, pursuant to Section 15(3) of the *Urban and Rural Planning Act 2000*. The means by which this is done is by way of a report from an internal body of the provincial government, the Interdepartmental Land Use Committee (ILUC). The ILUC report includes a convenient summary of provincial policies and interests.

A Council may or may not agree with including subjects that are raised in an ILUC report but nevertheless must include policies and requirements that may of no interest to the Council or indeed be outright offensive to them.

The ILUC report dated 16 May 2023 is summarized as follows:

1. The Department of Municipal and Provincial Affairs requires compliance with their “submission standards” which dictate matters to do with certain standardized procedural and content points and the format of texts and maps. Also, the Department pointed out the “exemption” provisions in the *Highway Sign Regulations 1999*, which were amended in 2016 with significant effect on the ability of municipalities to regulate signage along provincial highways.
2. Department of the Environment and Climate Change:
 - a. Water Resources Management Division requires harmony with regulations and policies concerning several topics involving the water resources of the province, including work in or near a water body, shore water, wetland or flood-prone area. This includes a requirement that any Council policies and requirements harmonize with the provincial government regulation pertaining to the *Gull Pond Protected Public Water Supply Area* which serves the central municipal water system of the community.
 - b. Environmental Assessment Division advised that the preparation of a revised Municipal Plan and Development Regulations did not require registration under Section 47 of the *Environmental Protection Act 2002*.
 - c. Climate Change Branch sent information on climate change related data and energy efficiency, and regulations related to pollution prevention.
 - d. Pollution Prevention Division compiled a synopsis of the scope of the Division’s interests and a list of regulations relevant to the topic.

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3. The Department of Fisheries, Forestry and Agriculture requires harmonization of municipal planning regulations with Departmental policies and regulations pertaining to the:
 - a. Land Management Division, Agriculture Lands Section: protection and enhancement of agricultural activity.
 - b. Crown Lands Division: harmonization of land titles and municipal planning requirements, achieved through Council commenting on proposed grants of Crown land to interested parties.
 - c. Forest Ecosystem Management Division, calling for forestry activities to be regarded as acceptable, including a request that domestic harvesting be permitted in all locations.
 - d. GIS and Mapping Division, concerning the sanctity of geodetic survey control monuments.
 - e. Land Management Division-Planning Section, concerning policies on Crown land cottage lot allocations in the area north of Highway 430.
 - f. Wildlife Division about wildlife concerns in municipal plans, such as establishing riparian buffers along wetlands and waterbodies and wildlife corridors.
4. Department of Industry, Energy and Technology supplied information on petroleum, electricity, and renewable energy. The Department requires harmonization of municipal planning regulations with Departmental policies and regulations concerning mining, mineral workings, petroleum resources and removal of quarry materials during development. Also, the Department's Geological Survey of Newfoundland and Labrador indicated requirements and recommendations concerning coastal erosion and flooding, sea-level rise, and geological hazards.
5. The Department of Tourism, Culture Arts and Recreation, Provincial Archaeology Office reported on known archaeological sites requested that certain land development applications be referred to that office for review, and, that applicants for permits be cautioned on the significance of discovering historic artifacts.
6. Department of Transportation and Infrastructure noted that changes of use or municipal regulations affecting access to provincial roads are subject to Departmental approval.
7. NL Hydro asked that Council or developers contact them concerning developments which may encroach on their existing easements and right of ways, or, where easements may be required to service new development.
8. Digital Government and Service NL: asking that the requirement for any development to have a permit or approval, as is appropriate to the case, be noted.

4.0 KEY FACTORS AND APPROACHES AFFECTING DEVELOPMENT

The key points arising from the information and consultative processes described above are as follows:

4.1 Geographic Setting and Settlement

Rocky Harbour is a significant community located on the Great Northern Peninsula on the west coast of the island of Newfoundland, and lies embedded as an enclave in Gros Morne National Park. The nearest principal towns are Corner Brook and Deer Lake, about 120 km and 71 km distance, less than an hour's drive to the latter.

The town site is located on a horseshoe shaped coastal plain around Rocky Harbour, along which the principal street, Main Street (South and North) follows the shoreline closely. The relatively level area which now is occupied by the built-up area of the community provided good land for the original development of the urban area of town. However, that relatively level, developable area of land has practically reached its limit going directly inland from the harbour as Highway 430 confines further growth on the northeast side, and topography limits development further along the shore outwards of the core. This restricts further development of the urban area to expansion into selected immediately adjacent areas and by way of infilling vacant land within the core.

Findings of arrowheads in the Salmon Point area indicate that the Micmac indigenous people once inhabited the area. The community has been occupied by European settlers since contact in the 1700s, with the first permanent settlement noted in 1809. It is recorded that a Mr. John Paine and his wife Sarah lived in Rocky Harbour Cove followed by the Youngs. Common surnames of those that followed and who still have descendants in the area are: Decker, Shears, Parsons, Ellsworth, Pittman, Butt, Dodd, Wight, Watt, Sparkes, Cullihall, Major, Nicolle and Dyke.

The fishing village, run by English Merchants, grew rapidly. Fishing during the summer and logging during the winter were the main industries. People grew their own vegetables, cured fish, preserved local berries and raised animals for food, clothing and for work. Woody Point was the "Commercial Center" of the area at that time and, everyone went there for the essentials, which they could not produce themselves. Everyone was busy and it was said that the village prospered.

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The first Church, the Church of England, came in 1891. In 1898 the first school was built. As the village expanded, other churches and schools were built. Today there are four churches and a modern 10 classroom K-12 school, which includes a large gym, music theatre, public library and community internet access center.

The first Post Office opened in 1900 and in 1939 a Cottage Hospital was built in Norris Point. While this building has been closed as a hospital, it is now known as the [Julia Ann Walsh Heritage Center](#), which has a mission of preserving local culture and heritage (including arts, crafts, music and oral history), promoting health and wellness, and contributing to community economic and social development.

With the expansion of the cod fishery into a modernized industry, requiring larger boats, local boat builders went into full production of long liners and have built well over two hundred long liners, cabin cruisers and sailboats. The construction and opening of Highway 430 connecting north and south Bonne Bay in 1968 made travel to other areas much easier. Before the highway was completed, residents of the north side of Bonne Bay had to travel to Norris Point, cross by ferry to Woody Point, then get a bus to Deer Lake for the train to St. John's or bus to Corner Brook for medical attention or even work. In winter the north side of Bonne Bay was pretty much isolated.

Since the establishment of Gros Morne National Park in 1973 many tourism related businesses have increased employment and have given the town a financial boost.

The community has developed in a fairly compact pattern focused on the harbour. A central commercial area adjacent to the harbour historically provided most of the needed goods and services for the community and immediate area, but the era of modern highways and universal use of automobiles has seen a concentration of many major retail goods and services in larger centres, particularly in Deer Lake and Corner Brook. Residential and institutional development such as schools and churches developed in a network of streets which gradually spread over the landscape directly inward from the harbour, mostly in the form of cul de sac streets off Main Street.

More recently, with the development of Highway 430 and the creation of the National Park, relatively new areas have developed in relation to the access roads leading off Highway 430, which is a limited access highway, along West Link Road and Harbour Drive. A number of residential subdivisions have been created in vacant lands in the core, such as Shears Village Lane and Parsons Lane. That core area comprises somewhat less than half of the overall area

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within the municipal boundary, the other half including Rocky Harbour Pond and lying along the historic road to Norris Point, to the south.

The commercial focus of the Town has begun to shift from the waterfront to the access roads intersecting Highway 430. Development on West Link Road includes a hotel and industries as well as a service station at its intersection with Highway 430. The commercial development along Main Street has been actually mixed with residential properties for many years, and it is unlikely that there will be a substantial change in that regard in the future. There are very fine opportunities along the shoreline for viewpoints, public open space and waterfront walking trails, in particular in the area of the wharf at the end of Harbour Drive and at Salmon Point beyond the southerly end of Main Street South.

The Gros Morne National Park facilities in the area include administration, recreation and interpretation buildings, but none of the Park area is under the planning jurisdiction of the Town. The Town's jurisdiction is limited to the area within the Municipal Planning Area boundary. It is interesting, and very unusual, to note that the right of way of Highway 430 is excluded, the result being that the Municipal Planning Area is divided into two parts. In practical terms, the division of the Municipal Planning Area is of some interest, in that the water supply transmission main crosses the highway and Council has an interest in the safety of pedestrians and vehicles entering or crossing the highway. The current Municipal Plan does not foresee development of any new Highway 430 intersections.

The relatively level, developable core area has practically reached its limit going directly inland from the harbour as Highway 430 (a.k.a. the Viking Trail) confines further growth on the northeast side, and topography limits development further along the shore outwards of the core. These barriers to ready expansion of streets and services beyond the core area have a major influences on the policies which emerged for this Municipal Plan 2024.

4.2 Demographics

It is important to understand the relationship between the state of the local economy and demographics, as these are the fundamental matters affecting the future of the community. "Demographics" in this context includes consideration of the natural balance of births and deaths, and migration in or out.

A historical perspective: it is true that Rocky Harbour was very hard hit by the early 1990's cod moratorium. A large loss of population occurred between 1986 and 2001, from 1286 down to

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1002, over a 20% decline. That precipitous drop was mostly related to the coming of the cod moratorium but outmigration was already a strong influence as well.

However, the decade since 2001 has seen a different story, as the population has been maintained. Compared to many small communities in the province, this is remarkable. Population projections available from the Province of Newfoundland and Labrador shed light on the area to which Rocky Harbour's situation most closely relates, the area which includes Corner Brook, Bay of Islands, Deer Lake, and up the Great Northern Peninsula as far as Belburns.

The 2011 census indicates the population of that area estimated to be 46,365. Provincial government projections are produced for an optimistic case (high end) scenario in which birth rates, mortality, and migration are mostly positive, in which the population is forecast to remain practically steady. The medium case represents a loss of about 1%; this is the case that the provincial government typically uses for long range planning. The low end case sees a loss of about 3.5%.

The most localized projections, ie: for the Town of Rocky Harbour specifically, is naturally of the greatest interest. The town's population has gradually declined since 2001, when it was 1002. The data from the Canadian census shows the population for the town to be 937 in 2021, virtually identical to that in 2016, when it was 947. The population decline in the last five year period of 2016 to 2021 was about 1%, practically identical to the percentage loss forecast for the region as said above.

The above analysis supports a projection that the Corner Brook – Rocky Harbour region will be fairly stable in the long term. Local economic conditions and quality of life in the community will heavily affect migration, the only variable that will influence population numbers in the long term.

4.3 Economic Conditions and Quality of Life

The fishery and forest resources represented the economic base of the community for many years. Although the fishery continues in a diminished form and is focused on different species and processing methods, its future strength and structure are evolving on an uncertain path. The community of Rocky Harbour and similar places on the Northern Peninsula are within commuting distance of the commercial and industrial centres of Corner Brook and Deer Lake, as well as the remaining fish processing plants in the area. That fact has potential to provide for

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some commuting employment opportunities, and there are of course always going to be a certain number of public administration jobs in schools and other institutions.

When Gros Morne National Park was established in the 1970s, an important new component of the local economic base was added. Though there is still activity in the resource sectors, tourism related employment and investment have grown steadily. At about the same time, the 1970s, good road links were developed up the Northern Peninsula to St. Anthony, making Highway 430 (a.k.a. the Viking Trail) from Deer Lake to St. Anthony (and beyond via ferry to Labrador) a busy highway transportation route.

The recently developed road link from the Red Bay shore to Happy Valley-Goose Bay has opened a through route to Quebec and Upper Canada. Those highway linkages and the growing attraction of the National Park have put Rocky Harbour in a favourable place with respect to tourism. Not only is the National Park a world class destination, but the through traffic destined for the National Historic Sites at L'Anse aux Meadows, Port aux Choix and Red Bay, and the Grenfell Mission in St. Anthony is substantial and growing.

An important factor contributing to decisions to move to from a community is the quality of life at that place. Measuring a community's "well-being" is a complex and somewhat subjective notion as it is an amalgam of objective measurable statistics (such as average household income) and individuals' perception of satisfaction with life in the community. The "Community Accounts" section of the website produced by the provincial Department of Finance includes a wide variety of informative statistics on many subjects, some of which have to do with the concept of "wellbeing".

Surveys of residents across the province endeavoured to measure their satisfaction with life. 89.2% of survey respondents from Rocky Harbour said that they were "very satisfied or satisfied with life in general", with a statistical precision of plus or minus 5.8%. And, Rocky Harbour was in the 178th position in that percentage among all of the province's communities, about midpoint. That and many of the other indicators show that Rocky Harbour is middling in many respects of "well-being" compared to others in the province. One may fairly conclude that in comparison with many other communities in the province, Rocky Harbour's residents enjoy a positive overall situation of well-being.

However, a major issue has emerged since the former Municipal Plan was being devised: a shortage of vacant land and housing for sale or rent, at affordable prices, due to the recent consumption of land for purpose-built short term rentals (mostly cabins) and conversion of

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existing permanently occupied housing to short term rentals. Moreover, prices of dwellings of all types and sizes have increased a great deal, under the influence of low interest rates (until recently) and purchasing demand from relatively large numbers of people from away. The growth of the tourism industry and shortage of short term rentals has created an undesirable situation in which numerous portable accommodations including tents, motorized recreational vehicles (RVs), towed trailers and open air camping are being used for visitors and industry employees. The effect is unaesthetic and the developments sometimes are not satisfactorily served with potable water or sewage facilities.

The result of these factors is a shortage of housing stock, both for permanent occupancy and for visitors, available at locally affordable prices. This is a phenomenon seen across the country, with dire implications for hopes that people with modest incomes could afford to buy even a very modest home. There are no easy answers to the dilemma, and little that a municipal Council can do to directly alleviate the concern. However, Council can creatively deal with development requirements and efficiency in permitting to help to the extent feasible.

5.0 VISION, GOALS AND OBJECTIVES

5.1 The Concept of Visions, Goals, and Objectives

These terms are often understood to mean practically the same thing. In systematic, “top-down” planning, these are actually a hierarchy from the most general to the most specific.

A vision is the most general statement of the ultimate situation which is desired. Some would use the term “aspirational”, ie: that to which we aspire in the broadest sense, such as “my personal vision is to live a happy life.”

Goals are frequently employed as the essential foundation for any planning endeavour. The means of achieving the vision is divided into goals, such as (to continue the personal example just said) goals could be “to have enough income to live comfortably” and “to be healthy”.

The formulation of goals, toward which efforts and resources are directed, becomes more detailed and action oriented. Again in the personal example, goals under “have enough income” and “be healthy” could be “match my skills and interests with earning a decent income” and “take care of my health by proven methods”, respectively.

Objectives are the more tangible and practical steps which are needed to achieve the goals. Understanding and pursuit of the objectives can make the difference between wasted effort and success. Objectives, continuing the personal example, could be: under “match my skills etc...” an objective of “carry out a job search to look for a better situation” and under “take care of my health...” an objective of “eat healthy foods, manage my stress and exercise regularly”.

Policies are quite specific, action oriented statements of “how to do it”. To continue the personal example, the “carry out a job search...” objective could see a policy of “regularly and assertively search job listings and reach out through people who may be able help.” In this Municipal Plan 2024, policies are set out in Section 6.0 in terms that as clearly as possible say how Council is going to accomplish the objectives.

5.1.1 The Municipal Planning Vision of the Town of Rocky Harbour

The vision is captured quite well in the following:

“Rocky Harbour has a history of being a caring community, looking after the well-being of its citizens. However, the community is challenged by an undesirable effect of strong

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growth in the tourism industry: its beautiful, accessible setting as an enclave community in a world-class ecotourist attraction has attracted unprecedented non-resident purchase and use of land and conversion of housing to short term tourist rentals, which has made housing availability and affordability pressing issues. All concerned desire to do what is possible to mitigate that reality while at the same time striving to build and diversify the local economy. The overall hope is to achieve a clean, safe, economically viable, largely low density residential community for all its citizens, from youth to seniors, while promoting health and wellness and protecting the environment.”

Respecting that spirit and pursuit of the hope involves much more than just the good will, imagination and hard work of Council and its staff in concert with relevant agencies. It is true that the Council as a municipal government has the administrative capacity and the regulatory authority that can deal with infrastructure and control of development, but only the business community and senior levels of government can initiate major investments and interventions in commerce and institutional services. Additionally, the citizens of the community have a major role in making the community the envisioned place. Everyone is in this together.

5.1.2 Goals and Objectives

Complementing the vision, this Municipal Plan endeavours to deal with development concerns by pursuing goals and the objectives related to each of them, as follows:

A) Growth and Urban Structure

Goal: To provide for orderly growth and development within the community.

- Objectives:**
- a) Council will undertake to use this Municipal Plan to guide its exercise of powers and responsibilities for the provision of services, the allocation of land uses, and the general development of the community.
 - b) Land uses will be allocated so as to encourage economic development and to preserve and enhance positive features reflecting the heritage and amenities of the community, while also recognizing natural constraints and limitations, in order to

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improve quality of life in the community and protect life and property, and to minimize effects on the natural environment.

- c) Council will endeavour within its authority and resources to foster and encourage growth of a sustainable local economy, including attention to promotion of the community as a desirable place in which to invest or take up residence.
- d) Compact development of those areas already or to be serviced by central water and sewer services will be promoted, in order to provide those services to properties as efficiently as possible. Use of private, on-site water supplies and sewage disposal systems will be enabled in selected areas beyond the core of the community.
- e) Council will endeavour to minimize the adverse effects of uncontrolled, large scale temporary use of land for accommodating tents, trailers, recreational vehicles and the like for visitors and residents.
- f) When land is subdivided, appropriate dedication of land for park land or public use will be required.

B) Housing

Goal: To provide, to the extent feasible, for the long-term housing needs of the community.

- Objectives:**
- a) Housing shall be designed, sited and constructed to meet local conditions and needs of residents of the community and to facilitate the greatest development of available land resources through a wide variety of housing forms. In particular, issues of affordability and availability will be researched and mitigations will be pursued.
 - b) To provide for significant flexibility in regulations affecting housing, to enable a wide variety of housing sizes and styles.

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- c) To regulate future subdivision of land for residential purposes so as to present a pleasant appearance and an efficient arrangement of streets and services.

C) Employment and Economic Development

Goal: To encourage institutional, commercial and industrial activities that will meet the community's employment needs and provide needed goods and services, and in particular to press for strengthening and diversifying the economic base and employment opportunities in the Town and surrounding communities.

- Objective:**
- a) To consult with the business community on a regular basis to better understand business concerns and opportunities to grow and strengthen the local economy.
 - b) To monitor developments concerning the fishery, the National Park, and other economic sectors, with a view to representing the community promptly and responsibly on points affecting investment, government regulation, environmental impact and community development.
 - c) To provide for flexibility and rapid response to development proposals, particularly those related to small business startups and expansions, so as to facilitate business development.
 - d) To designate sufficient lands suitably located and serviced for commercial and industrial development, so as to achieve an adequate land base for economic development and a more efficient land use pattern.

D) Environment and Natural Resources

Goal: To protect and enhance the environment and natural resources of the community.

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Objectives:

- a) To limit development and use of lands outside of the community's built-up area and areas designated for future servicing and development, to areas having natural landscapes of special interest and those of a rural nature which cannot be compatibly carried on within the built-up area.
- b) To provide and protect a safe and sustained drinking water supply by severely restricting non-compatible development in the present protected water supply area and seeking alternative water supplies.
- c) To control development in order to minimize its detrimental effect on the environment and to be good stewards of the natural resources within the community, in particular the extraction of minerals and aggregates, use of forest resources, and use of the Community Pasture.
- d) To not regulate forestry operations in outlying undeveloped areas, including issuance of domestic wood harvesting permits or consideration of resource management, but to monitor forestry activities to determine whether there is a future need to consider intervention.
- e) To severely limit development on lands featuring steep slopes, wetlands, or watercourses, in conjunction with provincial government interests.
- f) To work in conjunction with the regional solid waste management authority to implement modern management facilities and programs, and to augment those improvements by establishing efficient and effective means of minimizing the amount of waste from the Town directed to final disposal, by recognizing the resource values of recyclable and compostable materials and establishing local programs related to them.

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E) Public Recreational and Cultural Facilities

- Goal:** To establish, preserve and improve natural spaces, recreational facilities, and cultural expression to meet local needs.
- Objective:**
- a) To continually adjust and improve recreational and cultural opportunities in the community for all age and ability groups.
 - b) To support efforts by volunteers to engage in programs and facilities to enhance the quality of life in the community.
 - c) To designate lands for such facilities which are in secure control of Council for exclusive use as recreational or cultural amenities and discourage their conversion to other uses.
 - d) To ensure ready public access to, and accord protective status to, valued trails when considering development applications.

F) Transportation and Highway Safety

- Goal:** To provide a safe and efficient transportation network to move people and goods into, out of and throughout the community.
- Objective:**
- a) To develop a list of priorities for road improvements and work toward maintaining the public streets in good condition.
 - b) To work constructively with the provincial government to secure adequate funding to maintain roads in good condition.
 - c) To work toward more and better crossings of Highway 430 for pedestrians, cyclists, and motorized vehicles.

G) Municipal Finance

- Goal:** To effectively manage the financial resources and commitments of the community.

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Objectives:

- a) To implement municipal improvements which match both the policies and priorities of the Municipal Plan and the financial capabilities of the community.
- b) To improve the cost effectiveness of municipal servicing by implementing compact, carefully planned serviced development.

6.0 DEVELOPMENT CONCEPT AND POLICIES

This section presents a general view of the policies specific to the various land use designations set out in this Municipal Plan 2024, as well as policies applicable to all areas in the community. Those policies are based on an overall development concept, which includes a brief summary of the treatment of the topics in the former Municipal Plan.

6.1 Overall Development Concept Evolved from Former Municipal Plan

Much of the vision, objectives and goals of the former Municipal Plan is applicable in this Municipal Plan 2024, such as respect for residential areas, local business opportunities and natural environmental features, as well as recognition of municipal infrastructure needs. However, since the 1990s and continuing to date, it has been seen that the capacity for infilling vacant land for new development within the already serviced core of the community has become severely limited.

The substantial growth of the tourism industry in the community has seen unprecedented demand for land for permanent housing and accommodations for visitors. Among the effects are the increasing use of portable accommodations including tents, motorized recreational vehicles (RVs), towed trailers and open air camping, for both short term and practically permanent occupancy. The general thrust of the policies in this Municipal Plan 2024 is to limit their locations to approved campgrounds and marinas and as very small numbers as accessory uses in association with dwellings on residential lots.

Areas for long term expansion of residential development are most logically located adjacent to existing designated Residential areas, from which streets and central services can be extended. That general approach continues to be appropriate where contiguous services and land are available, ie: the lands lying in the southwest part of the core, ie: toward Salmon Point, between Old Cove Road and the shore. Most of the undeveloped lands in that part of the Municipal Planning Area will be designated Residential, as they mostly are in the former Municipal Plan.

In the former Municipal Plan, opportunities to further develop the tourism industry were generally limited to the Mixed Development lands along Main Street North and South and along Harbour Drive and Eastern Drive. It is now clear that the lands available for tourism-oriented development in and amongst the existing streets and developments in the core of the community, ie: the Mixed Development and Residential designations in the former Municipal Plan, are

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practically exhausted. The Municipal Plan 2024 will feature a substantial expansion of the Mixed Development designation in areas peripheral to the Residential designation, adjacent to Harbour Drive and at Salmon Point. Those additions will provide some short-term relief but much more is needed for the longer term.

Council recognizes the need to take bold steps to proactively accommodate substantial growth in tourism and related development by securing a land base essential to the economic future of the community. In this Municipal Plan 2024, a large undeveloped area along Pond Road south of Rocky Harbour Pond, formerly designated as Rural and Mixed Development, will have a new designation, Tourism Commercial, which is not found in the former Municipal Plan. Its purpose will be to see the area develop exclusively for tourism-oriented accommodations and services.

The Tourism Commercial area is mostly provincial Crown land. The large area involved, and the need to reckon with servicing and the form of development, suggests that the area be treated as a reserve for which a “development scheme” pursuant to s.29 of the *Urban and Rural Planning Act 2000* would be prepared after this Municipal Plan 2024 comes into effect. In order for its potential to be fully realized, new development will not be permitted in the meantime but new developments on privately owned land will be made permissible. That method enables Council to prepare the details of fostering and controlling future development by way of a secondary plan, ie: a “development scheme”, without unduly constraining current owners’ enjoyment and use of their private lands.

The general trend in many municipalities to do with industrial and commercial development of larger scales or higher intensity is toward a “business park” model, wherein retail, personal service, industrial, and business offices would be located. It is desirable to continue the Industrial/Commercial designation in the former Municipal Plan for this purpose, and to apply it to a larger area in which residential development is not yet present and where new residential development would not be permitted.

The added Industrial/Commercial designation needs to be at least as large as that in the former Municipal Plan as that area has been largely consumed by commercial and industrial development. An area formerly designated as Rural, generally between the Arena and the verges of the Bottom Brook headwater wetlands, will expand the designation by about an equal area. In addition, a large area lying along the southern end of Dump Road will be so designated for longer term development of Industrial/Commercial uses as well as tall wind turbines, tall antennas, mineral extraction due to the presence of significant sand and gravel deposits in that

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area, mining and petroleum extraction. Development requiring access from Dump Road may involve upgrading of that road to an appropriate standard according to the use.

A number of sites designated as Recreational Open Space in the former Municipal Plan, mostly within the Residential designation, relate to recreational and cultural facilities. Those that were so designated in the former Municipal Plan are continued except to restrict the designation to those lands that are owned, licensed or leased by the Town of Rocky Harbour; this policy resulted in deletion of some sites for that reason. A small number of new sites are added to reflect additions to the sites held for public recreation and cultural facilities. The designation name is changed to Public Recreational and Cultural to better describe its function.

Other areas outside the developed core of the community feature woodlands, ponds, wetlands, some sites of steep slopes, some farm land, natural resources and large open areas of great natural beauty, including:

- An operating farm at the southern extent of the Municipal Planning Area, accessed from the Norris Point access road, and, a remote area which lacks ready access, bounded by other designations in the southerly part of the Municipal Planning Area, will be designated as Rural. Their function relates to natural resources and wildlife habitat.
- An area of special significance on the shore of Bonne Bay which is an extraordinary natural landscape; it will continue to be designated as Special Conservation. A splendid coastal trail follows the shore, paralleled by a highland trail on high ground. Its area includes a long-established Community Pasture which has fallen out of use in recent years, but still has the legal status accorded to it when it was set up. Some day, it may return to its former use as interest and opportunity to raise livestock may revive; it is also an area where community gardens could be established, to the benefit of local food security.
- The large area north and east of Highway 430 includes mostly undeveloped provincial Crown land abutting the National Park. Development of the area is very limited in order to maintain the compact form of development south and west of the highway and to discourage off-road travel near the National Park. Crown Lands has in the past allocated cottage lots in the Rural designation in this area; this may resume in the future. This area also accommodates the community's protected water supply watershed. These areas are largely to be left undeveloped and thus designated as Rural or Water Supply respectively.

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- Environmentally sensitive areas designated as Environmental Protection are appropriate to continue in order to reflect two types of environmental concern (one for steep slopes and the other for wetlands/sensitive shorelines).

6.2 Policies Specific To Land Use Designations

The policies stated in this section 6.2 reflect the intended overall development pattern described earlier, and apply only to development within the respective land use designations under which they appear, unless stated otherwise. The land use designations are:

Residential	Environmental Protection A and B
Mixed Development	A for steep slopes
Tourism Commercial	B for wetlands and sensitive shorelines
Industrial/Commercial	Special Conservation
Public Recreational and Cultural	Rural
	Water Supply

Land areas which correspond to the designations are shown on Future Land Use Maps 1 and 2.

The land use designations correspond to land use Zones set out in the Development Regulations 2024, with the Zones bearing the same boundaries and names as the above designations.

The following sections for each designation include a synopsis of the development concept set out in section 6.1

All policy sets include consideration of certain types of development as discretionary uses. In evaluating applications for such uses, Council shall consider the policies set out for the respective designation and Council may call for and review information as may be needed to evaluate proposals, as listed in the appendix to this Municipal Plan 2024, titled *Site Plan Information*.

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6.2.1 Residential

The areas designated as Residential on the Future Land Use Maps include existing residential areas and a selected area into which future residential development is intended to locate. Those areas are contiguous to areas already serviced by municipal water and sewer systems and are accessible for extensions of existing public streets.

The following policies will guide the future growth and development of the Residential designations:

1. The Residential designations are established as indicated on Future Land Use Map 2.
2. Uses permitted in the Residential designation are:
 - a. Single dwelling class,
 - b. Double dwelling class,
 - c. Mobile home class,
 - d. Keeping of animals as pets of a number and species as stated in the Development Regulations 2024.
3. Uses which may be approved subject to Council's discretion include:
 - a. Comprehensive developments, including commercial residential class uses and the following use classes as accessory uses provided that they are incidental to the main purpose of the residential development: catering, personal service, general service, shop, outdoor market and convenience store,
 - b. Row dwelling class,
 - c. Apartment building class,
 - d. Collective residential class,
 - e. Boarding house class,
 - f. Theatre class,
 - g. Cultural and civic class,
 - h. Educational class,
 - i. Place of worship,
 - j. Funeral home class,
 - k. Child care class,
 - l. Subsidiary apartments in single dwellings, mobile homes or accessory buildings,

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- m. Agriculture uses and keeping of animals for any reason other than for the keeping of pets; see section 6.3.7,
 - n. Wharves, boat sheds, stages and docks where they are the main use.
4. Residential growth shall be accommodated in approved comprehensive subdivisions and through the orderly infilling of already serviced areas in the designations, to ensure the efficient use of available lands. New development and subdivisions shall be serviced with public streets and extensions of the municipal central water and sewer systems.
5. The non-residential uses which may be permitted by way of discretionary approval are subject to evaluation of the applications, which shall give primacy to the residential role of the area. Council will consider the impact of the bulk and scale of proposed discretionary uses to ensure that development does not adversely affect the residential character and amenity of the area and that provision is ensured for adequate space for on site parking and loading, and where needed that buffering is provided.
6. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

6.2.2 Mixed Development

As said in the historical sketch given earlier in this document, the focus of the initial settlement pattern of the community was naturally the harbour and the fishery infrastructure that grew up on the waterfront. Immediately inland was the principal commercial street along which retail and service establishments were located, together with the primary public services such as the post office, municipal building, and churches. Those areas are still characterized as a mixture of residential and commercial development, and are expected to continue in that way for the foreseeable future.

The areas to which this designation shall apply are as follows:

- a) Along almost the entire length of Main Street, North and South, from the fish plant at the southwest end and almost to the Town boundary just beyond Spring Lane at the other end. The residential uses there may over time be superseded by commercial

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development, but this is not foreseeable within the ten year span of the proposed Municipal Plan.

- b) Lands along Harbour Drive and Eastern Drive in the vicinity of Highway 430 and between Harbour Drive and Shears Lane. Those areas are of interest as they offer good highway exposure to visitors entering the community, which would be supportive of tourism related and other small enterprises. Again, a mixture of uses may evolve over time in that area as opportunities are presented. It is also possible that that area may develop entirely as a residential area.
- c) Lands at Salmon Point, as an extension of the designation in the former Municipal Plan beyond Main Street South. This area has water views and infrastructure attributes that are supportive of tourism-related commercial development.
- d) Two separate areas accommodating small businesses, lying along Pond Road near its intersection with Lookout Road. These are well established and may evolve into a variety of commercial uses or perhaps revert to residential uses. However, it is not intended that Pond Road from Main Street South to Lookout Road become built up as a mixed development street except at its intersection with Main Street South, so these areas should be regarded as exceptions in the surrounding Residential designation.

As Mixed Development areas have the potential to accommodate small business startups in existing buildings, and redevelopment of existing larger commercial and light industrial buildings to other uses, great flexibility is needed in the ability of Council to promptly consider approval of applications for non-residential uses related to economic development and non-traditional residential uses. It is the intention of Council to permit a wide variety of development types, while ensuring the amenity and safety of existing residential uses.

The following policies will guide the growth and development of the Mixed Development designations:

- 1. The Mixed Development designations are established as indicated on Future Land Use Map 2.
- 2. Uses permitted in the Mixed Development designations are:
 - a. Single dwelling class,
 - b. Double dwelling class,

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- c. Mobile home class,
 - d. Recreational open space class,
 - e. Conservation class,
 - f. Cemetery class,
 - g. Keeping of animals as pets of a number and species as stated in the Development Regulations 2024,
 - h. General garage class use at 48 Main Street South, subject to conditions (see Section 6.4).
3. Uses which may be approved subject to Council's discretion are:
 - a. Comprehensive developments,
 - b. All other residential group except for mobile home park class,
 - c. Subsidiary apartments in single dwellings, mobile homes or accessory buildings,
 - d. Assembly group, including electric vehicle charging stations,
 - e. Special care institutional division,
 - f. Business & personal service group, including electric vehicle charging stations,
 - g. Mercantile group, including electric vehicle charging stations,
 - h. Agriculture uses and keeping of animals for any reason other than for the keeping of pets; see section 6.3.7,
 - i. Wharves, boat sheds, stages and docks where they are the main use.
4. Small scale home business uses may be permitted to occupy a minor part of a residence.
5. Commercial uses must be compatible in scale and appearance to surrounding residential uses. Commercial uses will be limited to those that will not be a hazard or nuisance to residences and will be separated an adequate distance from adjoining residences.
6. Recreational open space uses such as public parks and playgrounds are permitted, provided that the amenity and privacy of nearby residential dwellings will be taken into consideration.
7. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

6.2.3 Tourism Commercial

This designation is intended to accommodate substantial growth in tourism-oriented accommodations and services. In this Municipal Plan 2024, a large undeveloped area along Pond Road adjacent to Rocky Harbour Pond, formerly designated as Rural and Mixed Development, will be designated Tourism Commercial to secure a land base essential to the economic future of the community.

The lack of much development in the new area, which is largely Crown land, presents an unusual opportunity. The opportunity is that of working with the Crown Lands agency and other provincial government interests to identify and encourage major tourism-oriented new development of substantial scale and intensity in an orderly and efficient way.

The proximity to Pond Road, which is the route from the core of Rocky Harbour to Norris Point, provides numerous access points for streets or lanes running inland from the road. Also, the shoreline along Rocky Harbour Pond may afford fresh water recreational opportunities. As there is very little development in that area at present, the potential for land use conflict would be greatly diminished if suburban style residential development were not permitted from the outset.

The large area involved, and the need to reckon with servicing and the form of development, suggests that the area be treated as a reserve for which a “development scheme” pursuant to s.29 of the *Urban and Rural Planning Act 2000* would be prepared after this Municipal Plan 2024 comes into effect. In order for its potential to be fully realized, development will not be permitted except that developments on the small amount of privately owned land in the designation will be permissible to allow changes and further development and to avoid them being classed as non-conforming.

The following policies will guide the future growth and development of the Tourism Commercial designation:

1. The Tourism Commercial designation is established as indicated on Future Land Use Map 2.

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2. Uses permitted in the Tourism Commercial designation are:
 - a. Existing developments that legally existed when this Municipal Plan 2024 came into effect.
 - b. New developments which are permitted or may be permitted as discretionary uses in the Mixed Development designation, and which are located on privately owned land. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.
 - c. Developments authorized in accordance with a “development scheme” made pursuant to s.29 of the *Urban and Rural Planning Act 2000*, after this Municipal Plan 2024 comes into effect (see Section 7.5).
3. Council will work expeditiously with the provincial government and interested parties in preparing a development scheme as enabled by s.29 of the *Urban and Rural Planning Act 2000*.

6.2.4 Industrial/Commercial

As time has passed, the original focus of industrial development in the community has shifted from the waterfront wharves and fish plant to an area inland. The concentration of industrial and commercial development along West Link Road from Highway 430 to Pond Road has included a hotel and several commercial and industrial uses. Much of the land with frontage directly on West Link Road had been developed as of 2023, and thus large areas south of the Arena and along the southern end of Dump Road have been designated Industrial/Commercial to add to the designation established in the former Municipal Plan.

The lands occupied by the provincial government highways depot off West Link Road, and the fish plant at the end of Main Street South, are also continued in their designation of Industrial/Commercial as that accurately reflects their uses and potential for redevelopment.

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The following policies will guide the future growth and development of the Industrial/Commercial designations:

1. The Industrial/Commercial area designations are established as indicated on Future Land Use Map 2.
2. The purpose of this designation is primarily to accommodate larger scale and more intrusive commercial and industrial uses which would not be compatible with residential uses.
3. Uses permitted in the Industrial/Commercial designations are:
 - a. Industrial group, including electric vehicle charging stations,
 - b. Business & personal services group, including electric vehicle charging stations,
 - c. Mercantile group uses, including electric vehicle charging stations,
 - d. Keeping of animals as pets of a number and species as stated in the Development Regulations 2024,
 - e. Electric vehicle charging stations.
4. Uses which may be approved subject to Council's discretion include:
 - a. Comprehensive developments,
 - b. Assembly group uses, including electric vehicle charging stations,
 - c. Institutional group uses, including electric vehicle charging stations,
 - d. In the Industrial/Commercial designation lying along Dump Road: tall antennas and tall wind turbines (see Section 6.3.1 (9) and Definitions in the Development Regulations 2024) and mineral and petroleum exploration and mineral workings, mines and petroleum extraction,
 - e. Short antennas and wind turbines—see Section 6.3.1 (9) and Definitions in the Development Regulations 2024.
5. Discretionary uses may be approved provided that their specific features are compatible with the intended overall purpose of the designation.
6. New development shall be connected to the municipal water and/or sewer service where available and serviced by private systems otherwise, subject to the proponent securing Certificates of Approval from provincial government authorities.
7. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

6.2.5 Environmental Protection: A and B

The natural environment can often be adversely affected by conflicting development. Environmentally sensitive areas such as wetlands are valuable natural assets which ought to be protected for their intrinsic values. Information from the ILUC report indicates that development on slopes above 15 degrees, ie: about 30%, is particularly risky. Such lands featuring high risk of erosion and geological instability due to steep slopes must be kept free of development to prevent their degradation.

The following policies will guide the future growth and development of the Environmental Protection A and B designations:

1. Two subcategories of Environmental Protection will be used to relate to the respective reasons related to them:
 - A Sensitive shorelines and wetlands (including watercourses)
 - B Steep slopes whereon building is not advisable, generally slopes exceeding 20%
2. The Environmental Protection designations are located as follows:
 - A: two areas:
 - The entire shoreline on salt water except for two short lengths, one around the wharf at the foot of Harbour Drive (“The Bottom”), as that area is intended to be developed as a public amenity, and, the other on the shoreline of the property occupied by the fish plant at the end of Main Street South.
 - The watercourse of Bottom Brook from salt water to the wetland which is its headwater or source water, and that wetland.
 - B: two areas featuring steep slopes, lying off both sides of Pond Road.
3. Only conservation class uses, enlargement or renovation of existing main buildings, and, new buildings which are accessory thereto, shall be permitted. Only recreational open space class uses not involving buildings and agricultural class uses shall be permitted as discretionary uses. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

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4. For the purpose of interpreting the boundaries of the Environmental Protection A and B areas, their boundaries shall be interpreted as follows:

A: to lie at a minimum set distance from the top of seashore coastal cliffs or the high water mark for seashore beaches without cliffs, and a minimum set distance from the high water mark on each side of Bottom Brook and its source wetland. The minimum set distances will be stated in the Development Regulations 2024. With regard to the Bottom Brook buffer, Council recognizes that a wider riparian buffer would be ideal, but this area is already constricted by existing development so a wider buffer would be practically meaningless. Where provincial government regulations differ from those requirements, the provincial government regulations shall prevail.

B: where the points along the toes and brows of the overall designation generally begin to slope at over 20%.

6.2.6 Water Supply

The community water supply is a surface watershed protected under the *Water Resources Act 2002*, the *Gull Pond Protected Public Water Supply Area*, located northeast of Highway 430. Part of the protected area lies outside the Municipal Planning Area boundary, so only a part falls under the purview of this Municipal Plan.

It is critically important that the watershed not be compromised by any development or activity not related to the integrity of the water supply. It is a protected public water supply area, subject to regulations made pursuant to the *Water Resources Act 2002*.

The following policies will guide the future use and development of the Water Supply designation:

1. Council will act assertively to protect the water supply area from intrusion and inappropriate use, and cooperate and assist in any actions to that end taken by the provincial government.
2. Only conservation uses and other uses which are compatible with the water supply role of the area will be permitted. Forestry may be considered as a discretionary use,

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provided the development is beneficially related to the water supply function of the area and in accordance with a forestry management plan approved by the provincial authorities and Council.

3. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

6.2.7 Public Recreational and Cultural

The Public Recreational and Cultural designation is applied to areas intended to be for public use as recreational or cultural facilities or conservation, such as the Arena, community hall, playing fields, sports grounds, parks and playgrounds, in some cases in conjunction with natural, undisturbed landscapes. Though much of the use of such sites does not involve buildings, some sites do support large buildings such as the Arena and community hall.

The value accorded these places suggests a need to prevent hasty decision making should there be proposals to develop these lands for other types of uses. These amenities often reflect many years of care and dedication by Councils and volunteers, for the benefit of the community. It follows that any other use of these lands which might be approved should be for equally desirable uses.

The following policies will guide the future growth and development of the Public Recreational and Cultural designations:

1. The Public Recreational and Cultural designations are illustrated on Future Land Use Map 2.
2. Uses permitted in the Public Recreational and Cultural designations are:
 - a. Recreational open space class,
 - b. Conservation class,
 - c. Theatre class,
 - d. Cultural and civic class,
 - e. General Assembly class,
 - f. Child care class,
 - g. Indoor and outdoor assembly classes uses,
 - h. Keeping of animals as pets of a number and species as stated in the Development Regulations 2024,

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- i. Dog parks.
3. Uses which may be approved subject to Council's discretion include:
 - a. Educational class,
 - b. Take-out food service class,
 - c. Outdoor market class,
 - d. Short antennas and short wind turbines—see Section 6.3.1 (9) and Definitions in the Development Regulations 2024,
 - e. Electric vehicle charging stations.
4. Public Recreational and Cultural uses are highly valued features in the community and are not to be changed to other designations without very careful review of the merits of the proposed changes.
5. This designation will be applied only to lands which are owned, leased or licensed by the Town of Rocky Harbour.
6. For clarity, public walking and cycling trails are not limited to locations only in this designation, as they are intended to run through all designations.
7. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

6.2.8 Special Conservation

For many years, a large area southwest of the core of the community, overlooking Bonne Bay, has been regarded as a special, natural outdoor asset. The area includes the now dormant Community Pasture, and large areas which provide for beautiful views over Bonne Bay. Their special natural features suggest that they should be distinguished from other designations, to maintain their near-pristine natural features.

The following policies will guide the use and development of the Special Conservation designations:

1. The Special Conservation designation is established as indicated on Future Land Use Map 2.

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2. It is the intention that these areas remain for the long term as undeveloped large natural areas available for certain resource uses and for passive public recreational uses such as hiking, appreciation of scenic lookoffs, snowmobiling, and the like.
3. Uses permitted in the Special Conservation designation are:
 - a. Conservation class,
 - b. Agriculture class uses involving keeping of animals, only in the Community Pasture areas.
4. Uses which may be approved subject to Council's discretion include:
 - a. Agriculture class uses including keeping of animals other than in the Community Pasture areas,
 - b. Forestry class,
 - c. Recreational open space class.
3. Agricultural use involving keeping of animals is to be in accordance with a management plan approved by Council and the Department of Fisheries, Food and Agriculture. Similarly, forestry use is to be subject to a forestry management plan approved by that Department.
4. Recreational open space uses may be permitted as discretionary uses, subject to careful control of the specific nature of the proposed use to ensure that their features are compatible with and supportive of the intention to maintain the Special Conservation area in a near-natural state.
5. In no case will buildings other than boardwalks or decks be permitted except as uses accessory to approved uses.
6. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.

6.2.9 Rural

Rural lands are habitat for wildlife and are used extensively for recreational purposes, farming and to extract natural resources. Significant non-farm development has not occurred in the Rural designations to date.

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The following policies will guide the future growth and development of the Rural designations:

1. The Rural designations are illustrated on Future Land Use Maps 1 and 2.
2. Lands designated Rural shall be developed primarily for uses utilizing the areas' natural resources and land uses not compatible with the urban environment.
3. Uses permitted in the Rural designations are:
 - a. Agriculture class,
 - b. Forestry class including domestic wood harvesting,
 - c. Outdoor market class,
 - d. Mineral and petroleum exploration classes,
 - e. Recreational open space class,
 - f. Conservation class,
 - g. Keeping of animals as pets of a number and species as stated in the Development Regulations 2024. Keeping of animals for agricultural purposes, including animals which may otherwise be kept as pets, is permitted.
4. Uses which may be approved subject to Council's discretion include any other uses, including comprehensive developments and electric vehicle charging stations, but not including:
 - a. Solid waste class uses,
 - b. Seasonal residential (cottage) uses where located northeast of Highway 430 (see Section 6.3.15).
5. See Section 6.3.13 concerning temporary uses, including travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft.
6. Council will not extend municipal services to any development located in areas designated Rural. However, owners may connect to municipal services if available, at their own expense.
7. Council will not approve new large-scale mineral workings, mines and petroleum extraction and related activities from taking place within general view of developed areas of the community.

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8. Mineral and petroleum exploration activities and mineral workings, mines and petroleum extraction shall be conducted in a manner which will minimize the adverse effects on water quality, fish and wildlife, and shall be buffered from adjacent development. All such operations will be required to complete a site rehabilitation plan as a part of the development application. Council may attach such conditions as are in its opinion necessary to properly regulate the operation such as the following subjects and matters:
 - a. Landscaping, screening and fencing,
 - b. Rehabilitation,
 - c. Noise, dust and pollution control.

6.3 General Land Use Policies

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

6.3.1 Sustainability of Development

It is important to take forward-looking measures to address the sustainability of the quality of life of the community. Council's policies as set out below are intended to provide overall direction to enhance sustainability of development:

1. In considering discretionary use applications, Council will give the highest priority to reasonable compatibility with existing and intended future developments in the area, while being supportive where a proposed land use can operate without any significant adverse effect on the surrounding area.
2. The Development Regulations 2024 will detail requirements including but not limited to the following topics, with the purpose of developing and maintaining an attractive and functional community:
 - a. Yards and setbacks from lot lines, including modifications to enable use of mobility aids
 - b. Subsidiary apartments
 - c. Keeping of animals
 - d. Screening and landscaping of adjacent uses
 - e. Accessory buildings and uses
 - f. Adequacy of features of site grading, drainage and landscaping to mitigate against erosion onto and pollution of adjacent development and lands and bodies of water receiving drained water from the site
 - g. Family and group care centres
 - h. Advertisements (signs)
 - i. Temporary uses
3. Undeveloped lands in the core of the community which lay vacant or unused have become aesthetic blights, deter efficient use of land, and/or impede desirable extensions of municipal infrastructure. Council will use measures at its disposal to encourage and incentivize development of those lands by applying taxation and other available means.
4. New developments must front on a public street except where this requirement is unnecessary or undesirable, such as for access to resource exploration or extraction

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activities and for wind turbines and antennas (see Section 6.3.1 (9) and Definitions in the Development Regulations 2024).

5. New development of structures and subdivisions shall be connected to the municipal water and sewer services where available and serviced by private systems otherwise. Use of private water supply and/or private sewage disposal systems is subject to the proponent securing Certificates of Approval from provincial government authorities.
6. Council will continue its program of carrying out water supply source and distribution studies, including the feasibility of extending the municipal system into the Tourism Commercial designation.
7. The provincial government requirements concerning groundwater resources related to use of private wells include compliance with the Groundwater Supply Assessment and Reporting Guidelines administered by the Water Resources Division of the Department of Environment and Climate Change. At the time of adopting the Municipal Plan 2024, those Guidelines require such an assessment when five or more new lots are proposed to be created (a groundwater assessment study will not be required for subdivisions of less than five lots, each having a minimum 2,023 square metre area, unless the area has documented drinking-water quality and/or quantity problems). The numbers of lots are cumulative, adding new lots as further subdivision of the original parcel takes place. These requirements are subject to change by the provincial government.
8. Council will not become involved in the ownership, operation or maintenance of lands and works associated with privately owned and cooperatively operated water supplies or sewage disposal systems which serve multiple consumers.
9. Concerning development of wind turbines and antennas: the antennas and wind turbines (windmills) class represent an aesthetic and safety concern. Council anticipates proposals for antennas and wind turbines to be located in any location. Council's balancing of safety, land consumption and aesthetic considerations calls for case by case review in accordance with Council's policies, as follows:
 - a. Tall wind turbines and tall antennas will be considered as discretionary uses but approvable only in the Rural designation and the Industrial/Commercial designation lying along Dump Road. A "tall" unit is higher than a height, to be specified in the Development Regulations 2024, to the top of the antenna or vertical axis of a wind turbine or to the rotor hub of a horizontal axis wind

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turbine. Shorter units will be permitted as discretionary uses in the following designations:

- i. Industrial/Commercial,
- ii. Rural,
- iii. Tourism Commercial as part of a development scheme,
- iv. Public Recreational and Cultural.

- b. Council acknowledges that regulation of antennas is in the jurisdiction of the Government of Canada, and that the role of Council is to take part in consultative processes which proponents are invited to follow. Council is recognized as a local “land use authority” in current federal government guidelines concerning consultation. It is Council’s policy that the policies and requirements set out in the Municipal Plan 2024 and the Development Regulations 2024 describe the aspirations of the community in this regard, and that Council’s view is that the process of municipal permitting provides an orderly method of dealing with public consultation and Council’s input to federal authorities.
 - c. Guy wires and anchors of wind turbines and antennas are to be located on the same lot as the tower.
10. Forestry activities, including commercial harvesting and processing of products of the forest, silviculture and access roads, are permitted, or permitted at Council’s discretion, as specified for appropriate designations (see Section 6.2). Domestic harvesting is deemed to be accessory to all uses.
11. An appropriate dedication of land for park land or public use will be specified in the Development Regulations. The matter of adequate and usable legal public access to a waterway or water body may be used in lieu of land within the subdivision as a consideration in the review of an application for a development or subdivision of land in close proximity to a waterway or water body. Development on water lots or grants of ownership to the water’s edge will be treated in the same manner as the adjacent designation of land.
12. 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 2024. See Section 7.2.

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13. In order to assist in protecting Control Survey Markers (important land survey geodetic monuments), a caution will be included on development permit application forms warning of the presence of such markers and the Development Regulations will include a requirement to report disturbance of them to the GIS and Mapping Division of the Department of Fisheries, Forestry and Agriculture.
14. Council will consider protection and enhancement of wildlife habitats in making land use planning decisions. Where possible, wildlife travel corridors, periods during the year when development would be paused to minimize disturbances in breeding season, and the effects of noise and illumination may be incorporated in development approval conditions. The Wildlife Division of the Department of Fisheries, Forestry and Agriculture will be consulted when considering major development proposals.
15. Council will require development permit applicants to identify existing access constraints, e.g. provincial roads and Council and NL Hydro infrastructure right-of-ways on site or adjacent to it, other easements, and the like, and the means of satisfactorily addressing them.

6.3.2 Affordability of Housing; Short Term Rentals

The issue of affordability and availability of housing is a major detriment to the quality of life and opportunity for people who would like to move to and reside in the community. The underlying economic factors in recent years leading to 2024 that have brought this about, such as the local strong tourism-based economy, low interest rates and conversion of permanent housing stock to short term rentals, is largely beyond the influence of local government. However, some aspects of the situation are within the grasp of a municipal Council.

Council's policies concerning this issue are:

1. To engage in research and advocacy concerning the issue in all ways and with great priority.
2. To pursue development of the Tourism Commercial designation as described in section 6.2.3, to provide for large numbers of units for short term rentals for the tourism and seasonal labour force, in addition to its other forms of development.

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3. To make requirements in the Development Regulations 2024 concerning short term rentals which would influence the design and operation of those accommodations so as to encourage efficient use of land and appropriate infrastructure. The 2024 *Tourist Accommodations Act* and its Regulations require those who would develop new short term rental accommodations to register with the provincial government. One of the requirements for registration will be, or is expected to be, proof of compliance with municipal planning requirements. The scope of municipal authority in this regard is not well defined, so an ongoing monitoring and adjustment of Council's requirements will be needed. Detailed requirements will be set out in the Development Regulations 2024 and made subject to stand-alone amendments to facilitate prompt reactions to changing circumstances dictated by changes in that *Act* and its Regulations.
4. To make local rules, including the Development Regulations 2024, to be encouraging of a wide variety of housing forms, subject to reasonable requirements concerning compatibility with other development.
5. To encourage the use of "comprehensive development" forms of approval for innovative and productive designs of groups or clusters of housing types, in which, for examples, private lanes would be used instead of public streets for access to individual units, bare land condominium arrangements could be used for groups of dwellings to share common landscaping and parking, or mixed use buildings could offer combinations of small dwellings, short term rental units and dwellings intended for permanent residents and long term rentals.
6. Development of individual mobile homes and mobile home subdivisions shall meet the same standards and conditions as specified for single dwellings. Exterior finishes and features shall be of a type found in conventional single dwelling construction in the community.
7. Development of mobile home parks is prohibited as Council does not want to be involved in potentially unstable agreements for servicing, maintenance and operation of such developments. Other forms of cluster or bare land condominium development involving grouping of mobile homes are acceptable.
8. Council will not set a minimum floor area requirement for single dwellings, seasonal dwellings and mobile homes.

6.3.3 Natural Hazards to Building

The following policies are intended to prevent or mitigate exposure of buildings and lands to natural hazards and the Development Regulations 2024 will include requirements involving these factors pursuant to evolving provincial government guidelines, policies and regulations:

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, coastal flooding from storm surges, inland flooding, unstable slopes, or other physical hazards. The Geological Survey of Newfoundland and Labrador have reported that Rocky Harbour (the water body) and Bear Cove are highly sensitive to short term coastal erosion.
2. The Development Regulations will provide for prohibition of development (except for necessary intrusions such as wharves, boatsheds, stages and the like which must have connection to the ocean) below an elevation required by provincial government policy. The ILUC report recommends that no development except for marine works be permitted below the 4 metre contour. While that may be highly desirable, such a policy indiscriminately applied would be practical only in a part of the Municipal Planning Area as said in 3 below.
3. Further to point 2 above, Council acknowledges that significant areas of the community already fully developed along Main Streets North and South and up some side streets are vulnerable to coastal flooding. While the ILUC report recommends that new development not be permitted in areas lying below the 4 metre contour, Council views such a measure applied there as impractical since the area affected is already fully developed. The recommended buffer of lands below the 4 metre contour will be applied only to the undeveloped coastline running southward from the fish plant at the end of Main Street South.
4. Council will endeavour to be well equipped to provide for emergency measures capability and to investigate means by which flood damage can be minimized when it occurs.
5. Certain large areas of land in the Municipal Planning Area predominately feature steep slopes. Information from the ILUC report indicate that development on very steep slopes

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is particularly risky, and thus those areas are designated as Environmental Protection – B and treated accordingly in the Development Regulations 2024. See section 6.2.5.

6. In its deliberations on municipal planning matters, Council will consider 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.

6.3.4 Municipal Services and Public Utilities

Some of the costs of running a municipal government are proportional to the overall length of municipally maintained streets, sidewalks, street lights, water services, drainage, signage and landscaping. Generally, the more spread out a settlement becomes, the more these per unit costs increase.

In order to control these costs, Council's policies are that:

1. Extensions to the water, sewer and street system, including improvements to the water supply works required to service new development and which are not part of the Council's capital works program, shall be the financial responsibility of the developer, although the Council may access senior government financial assistance where possible to encourage and assist desired works.
2. The layout of new streets and services will include features to facilitate efficient services and integration of streets and lines with those on adjacent lands, including endeavouring to create a pattern of loops rather than dead end streets and utility lines.
3. Any such infrastructure which is intended to be conveyed to the Council shall be designed and constructed to modern engineering standards, and shall be subject to approval by Council.
4. Public utility infrastructure for water works, sewerage, flood and storm water management, and for street lines for electrical power transmission and telecommunications, will be permitted in all areas.

6.3.5 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 2002*, the Department of Environment and Climate Change 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 regulations, policies and guidelines to protect, enhance, conserve, develop, control, and effectively utilize the water resources of the province on topics including but not limited to the following:

- a. Development within 15 metres of a waterbody or watercourse if in a Crown land reservation;
- b. Risk of flooding;
- c. Discharge of any effluent off the subject property;
- d. Work in any body of water, including shore waters;
- e. Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
- f. Construction of wharves, breakwaters, slipways and boathouses;
- g. Infilling or dredging associated with marine structures or other works;
- h. Any development in a protected public water supply area;
- i. Providing waste receptacles in work areas;
- j. Waste diversion actions including recycling, reuse or resale programs;
- k. Open burning of waste;
- l. Pesticide and halocarbons use, purchase and storage;
- m. Petroleum (including used oil) storage and dispensing;
- n. Effects of climate change;
- o. Use of water, including development in any protected public water supply area and non-domestic use of water, and,
- p. Energy efficiency in buildings.

These matters will be identified in the Development Regulations 2024 as a reminder that such requirements will apply to proposed developments. In order to ensure that the requirements of

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the provincial *Water Resources Act 2002* are respected in Council exercising its planning authority pursuant to the *Urban and Rural Planning Act 2000*, the Development Regulations 2024 will provide detailed requirements about development near or in any water body, including ponds, streams, rivers, shore waters and wetlands, regardless of the zone in which they are located.

Further to the above, Council's policies are:

1. As a general principle, 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. Owners of dilapidated, unsightly or dangerous buildings and lands will be required to remove or mitigate the offensive features.
3. Operators of fire pits, ponds, pools, and other outdoor features will be required to operate safely and with due regard to preventing nuisance or unsafe conditions affecting others.
4. 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 Municipal 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.

6.3.6 Advertisements (Signage)

Council's policies concerning signage are as follows:

1. All advertisements (signs) are to be tastefully presented (in terms of size and overall design), properly situated and well maintained in order to prevent unwanted visual effects. Detailed requirements are found in the Development Regulations 2024.
2. The provincial *Highway Sign Regulations 1999* under the *Urban and Rural Planning Act 2000*, as amended in 2016, apply to all highways constructed and maintained by the Department of Transportation and Infrastructure. The requirements of these regulations must be reflected in Municipal Plan and Development Regulations. A provincial

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government permit is required for any sign erected within designated control lines of a highway. In that regard, Council's information and policies are as follows:

- a. According to section 5 in the said regulations, the control lines extend 400 metres from the centerline of the road except within incorporated municipalities, where the control line extends 100 metres from the centerline. Within this control line, corridor 1 is reserved for regulatory, directional and fingerboard information signs. Off-site promotional signs are restricted to those associated with uses listed in the Schedule and are restricted to corridor 2. The Highway Sign Regulations do not provide for other types of off-site signage including digital signs.
- b. The Government Service Centres, Digital Government and Service NL, are the authority for the *Highway Sign Regulations, 1999*.
- c. The said regulations provide an opportunity for municipalities to apply for an exemption so that Council's own Development Regulations can have effect. This exemption only applies where the speed limit is less than 60 km/hr. In order to do so, the sign regulations must be drafted and circulated to the Departments of Tourism, Culture, Arts and Recreation, Transportation and Infrastructure and Digital Government and Service NL. Once these regulations are accepted by these departments, they can then be included in a Council's municipal plan and development regulations.
- d. Council's policy is that once this Municipal Plan 2024 and Development Regulations 2024 are brought into effect, due consideration of the desirability of an exemption will be given, and if desired, Council will then formally request an exemption to the *Highway Sign Regulations 1999* and upon approval will then move to amend the Municipal Plan 2024 and Development Regulations 2024.
- e. In the meantime, requirements affecting all locations in the Municipal Planning Area will be included in the Development Regulations 2024, and a clear statement will be made that they will have no effect within the control lines established in the *Highway Sign Regulations 1999*.

6.3.7 Keeping of Animals

People keep animals for a variety of reasons: as pets for the companionship and enjoyment of them in the household, and as economic assets in some cases providing food, fur and other materials as well as labour for the benefit of the owner. Keeping of pets is rarely a matter of concern in a Municipal Plan 2024, as the activity tends to be self-regulating as far as land use is concerned. Council's policy will therefore be to permit keeping of pets, for which no application

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will be required. A reasonable number of animals of acceptable types will be defined in the Development Regulations 2024 for clarity.

Municipal planning laws are not intended to be used to deal with situations where pets are not properly housed or not given appropriate care. In those cases, regulations concerning public health, cruelty to animals, noise and other such matters enable authorities to deal with offending behaviour.

However, when animals are bred, raised or kept for purposes other than as small pets, it is appropriate to regulate the locations of buildings and outdoor ranges and characteristics of various species for sanitary and nuisance reasons. Agricultural uses involving all sizes and species of animals are permitted in the Rural designation. Elsewhere, where so provided in the applicable designation, Council's policy is to consider applications involving keeping of animals, other than as pets as said above, at their discretion. Applications in either case will be referred to the Department of Fisheries, Forestry and Agriculture for review.

In either case, the approval of that Department of the proposed operation, including but not limited to a manure management plan and renewals of their permits, and other permits as detailed in the Development Regulations 2024, shall be a condition of approval of related Council permits. Further, Council will be vigilant to ensure that any undesirable impacts of agricultural animal activities are brought to the attention of that Department for review and remedial action.

6.3.8 Removal of Quarry Materials

Quarry materials produced as a by-product of an approved development may be removed from the development site. 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. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat. Note that removal of quarry materials for the purpose of development shall not constitute mineral workings, which are subject to provincial approval.

The Department of Industry, Energy and Technology requires that they be notified of upon issuance of a permit for a development involving removal of quarry materials from the site for any reason, so that they can ensure that provincial government regulations are observed.

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In order to assist the provincial government in this regard, Council's policy is that the said Department will be made aware of approved developments where the excavation of quarry materials may take place and that the Development Regulations 2024 will contain a statement to the effect.

6.3.9 Archaeological and Heritage Resources

Archaeological sites and discoveries are protected pursuant to the *Historic Resources Act 1985*. At the time of writing this Municipal Plan 2024, there were three known archaeological sites in the Municipal Planning Area.

Council's policy is to direct proponents to initiate consultation with the Provincial Archaeology Office during the early planning stages of any major development in any area, and for any scale of development located within 50 metres of the ocean shoreline, that involves land use or ground disturbance. These discussions are necessary to ensure that appropriate measures are taken to protect known sites, and where deemed appropriate, archaeological surveys be undertaken in areas of high potential prior to development to safeguard any sites yet to be discovered.

The Development Regulations 2024 will specify that anyone discovering potential artifacts or conditions during work on a development shall stop work and report the finding to Council and the Provincial Archaeological Office, and not proceed until authorized in accordance with the specified procedure.

Council's policy is to scrutinize development applications for information on proximity to any known registered sites in the Municipal Planning Area, and where applicable notify the Provincial Archaeological Office before approval of any permit.

The specific locations of registered sites will not be identified in the Municipal Plan 2024 or Development Regulations 2024, to minimize their exposure to vandalism and looting, but the sites will be known to the Council.

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6.3.10 Minerals, Mines and Petroleum Resources

The Municipal Planning Area does not feature any active mining or petroleum extraction activity. There has been considerable interest in hydrocarbon resources on the west coast of Newfoundland, with several exploratory wells and seismic testing having been carried out.

Although there are no active quarry permits at the time of writing this Municipal Plan 2024, there is some interest in establishing a new quarry on Dump Road. There are several areas of recognized aggregate resource potential which are of provincial interest for their sand and gravel deposits. Many of those recognized areas lie under the already developed community and are essentially inaccessible for extraction. There are substantial deposits of sand and gravel toward the southeastern end of the Municipal Planning Area, at the southern end of Dump Road.

Provincial government interests require that exploration and extraction of minerals and petroleum be enabled in areas where appropriate. This is recognized in that mineral and petroleum exploration is permitted in the Rural designation and in the Industrial/Commercial designation lying along Dump Road. New development in the mineral workings, mines and petroleum exploration and extraction classes may be approved at Council's discretion in those designations. The Development Regulations 2024 include measures appropriate to these land uses.

6.3.11 Comprehensive Development

At the discretion of Council and where permitted as a discretionary use in the subject designation, a comprehensive development containing two or more individual developments, may be permitted as a single comprehensive development. It must have access to a publicly owned and maintained road but may include both public and private roads, and other standards may be modified or waived in accordance with a development agreement with Council. The development must be compatible with adjacent developments, and the use classes and overall density of the comprehensive development must comply with the use zone schedule of the zone in which it is located.

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6.3.12 Flag Lots

The availability of building lots for new development is constrained by topography and natural barriers and the extent to which the community and municipal infrastructure are already developed. Sometimes the challenge is simply that of access to a public street. Innovative use of “back lot” developments in the form of “flag lots” can enable development on areas of land lying behind existing lots fronting on streets.

It is Council’s policy to approve subdivisions of land involving creation of flag lots and for development on flag lots, as enabled by Section 13 (3) (n) of the *Urban and Rural Planning Act 2000*, including measures where specified in the use zone tables to provide for Council’s discretionary approval of reduction of the widths of the legs of flag lots where the width is less than the minimum requirement, so as to maximize the availability of lands for development where the impact of doing so is minor in nature.

6.3.13 Temporary Uses

Generally, the Municipal Plan 2024 contemplates developments of a permanent nature in all of the Municipal Planning Area,. Two areas of concern to Council are the growing number of cases of undesirable use of land for portable accommodations of all kinds, and the desire to be able to consider situations involving the placement of a motor vehicle or travel trailer or equipment or use of land for short terms.

Council’s policies in these regards are:

1. Dwellings or other land uses for human occupancy comprising temporary or portable structures (other than mobile homes), including but not limited to travel trailers, recreational motor homes, tents, open air camping, houseboats and watercraft are to be located only in permitted campgrounds or marinas and are otherwise prohibited, other than for one such unit as an accessory use on a lot on which a main residential building exists (for this purpose, outbuildings, sheds, garages, barns and the like are not to be deemed “main buildings” where located on an otherwise undeveloped lot).
2. Council may approve a temporary use other than as described in 1. for vehicles and equipment at events such as community festivals or for a laydown or equipment yard for a construction project or in extremely rare, severe and compelling cases for a residential

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use for compassionate reasons. Provisions will be included in the Development Regulations 2024 for suitable discretionary approval criteria and maximum time periods applicable to these cases.

This policy is not to be confused with policies concerning short term rentals set out in Section 6.3.2.

6.3.14 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 existed before the registration of this Municipal Plan 2024 and Development Regulations 2024 under section 24 of the *Act*. 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.

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 2024. Council's policy is to set this period at twelve months, and to so indicate in the Development Regulations 2024.
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 2024 and Development Regulations 2024, 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 2024 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, and be posted on the Council's website if such is used for posting municipal notices, at least ten days prior to the date upon which Council will consider the matter.

6.3.15 Cottage Planning and Development Areas (Crown Land)

The Land Management Division of the Department of Fisheries, Forestry and Agriculture administers areas in which the provincial government will consider use of Crown land for cottage development. Policies in the Municipal Plan 2024 must harmonize with those provisions, as follows:

1. Cottage Planning Area: provincial government Directive 004-96 identifies the entire part of the Municipal Planning Area lying north of Highway 430 as a “cottage planning area”. Pursuant to that directive, no more cottages (including any on Eastern Arm Pond) are to be developed until a cottage development plan is prepared. In this Municipal Plan 2024, that area is designated in two parts, as Rural or Water Supply. Council’s policy shall be that no cottages are to be permitted in the Water Supply designation at any time in the future, and the same to apply to the Rural designation until such time as a cottage development plan for the Rural designation is prepared and is approved by Council, at which time this Municipal Plan 2024 and Development Regulations 2024 will be amended accordingly.
2. Cottage Development Areas: there are six distinct areas of land located within the Cottage Planning Area in which the provincial government has in the past allocated cottage lots. The Department of Fisheries, Forestry and Agriculture have advised that all available lots were allocated through a public draw system in 2012, and there is no indication if or when more lots will be made available.

6.4 Certain Matter Carried Forward—General Garage at 48 Main Street South

Generally, all of the policies in the previous Municipal Plan will cease to have effect upon the coming into effect of this wholly new Municipal Plan 2024. However, there is a topic that of necessity must be carried forward.

This matter concerned enabling approval of a general garage in the then Mixed Development designation at 48 Main Street South (subject to conditions). This was achieved by way of amendments made to the previous Municipal Plan and Development Regulations, which added that use (subject to conditions) at that location to the permitted uses lists for the Mixed Development designation in which it was located. The conditions included in the corresponding amendment to the Development Regulations, such as fencing, restrictions on range of goods for sale, landscaping, signage, and the like, were devised to minimize off-site impacts or address

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potential negative impacts of the said development, are to be included in the Mixed Development Zone in the Development Regulations 2024.

It is Council's policy to continue the policy in the former Municipal Plan to do with the subject development by adding "general garage class use at 48 Main Street South, subject to conditions" to the permitted use list for the Mixed Development designation in this Municipal Plan 2024, and correspondingly state the same in the permitted uses list and carry forward the previous conditions into the Use Zone Table for the Mixed Development Zone in the Development Regulations 2024.

7.0 MUNICIPAL PLAN IMPLEMENTATION

7.1 Introduction

In order to enforce and implement the policies of the Municipal Plan 2024, Development Regulations 2024 and a capital works program conforming with them, are required.

7.2 Development Regulations

Development Regulations ensure that development takes place in accordance with the goals and objectives and within the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the *Urban and Rural Planning Act*. Like the Municipal Plan, the Development Regulations are binding upon the Council and all other persons and organizations unless specifically exempted by superior legislation.

The Development Regulations 2024 consists of five parts: General Regulations, General Development Standards, Advertisement Regulations, Subdivision of Land Regulations and Land Use Zones. The first four are similar for all communities in the province, though variations are found. However, the Land Use Zone section (Schedule C), is extensively tailored to conform to this Municipal Plan 2024.

I. General Regulations

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

II. General Development Standards

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

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III. Advertisement Regulations

Advertisement (signage) regulations control the size, shape, location, siting, illumination and material construction of signs for safety and the general aesthetics of the community.

IV. Subdivision of Land Regulations

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

V. Land Uses Zones

Zoning is a means of implementing Municipal Plan 2024 policies. Land Use Zone tables are given, in which lists are presented of permitted and discretionary uses and prohibited uses, together with applicable conditions, for each land use.

In addition, the Development Regulations 2024 include a recitation of regulations made by the then Minister of Municipal and Provincial Affairs to apply to all municipalities. That text, being Newfoundland Regulation 3/01, made under the *Urban and Rural Planning Act, 2000*, came into force on January 1, 2001, and is included in all municipal development regulations, to bring them more effectively to the attention of the reader.

7.3 Development Control

Before any development can take place, an application must first be made to Council for a development permit. Development may take place only after Council has reviewed the application and issued a permit. If the approval is considered as a discretionary use, the proper process of advertisement and hearing as required by the *Urban and Rural Planning Act, 2000*, shall be carried out.

Council's policy is that anyone who fails to follow the required application process or who otherwise violates the Municipal Plan 2024 and Development Regulations 2024 shall be ordered to stop work and make a proper application and if said application be not made or if made not approved, then to remove any illegal structure and restore the site, land use and buildings on it to their original state, pursuant to section 102 of the *Urban and Rural Planning Act 2000*. Such orders shall take precedence over orders made pursuant to the *Municipalities Act 1999* for

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classifications which fall under the definition of “development” in section 2(g) in the *Urban and Rural Planning Act 2000*.

Day-to-day administration is the responsibility of Council and its authorized staff members. It is the duty of authorized staff members to implement the Municipal Plan 2024 through the Development Regulations 2024, refer development applications to outside agencies and issue all required permits when approval is granted.

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

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

Council has discretionary authority to grant a variance (not to be confused with a discretionary approval) of up to 10% of a numerical requirement applicable to a proposed development which does not strictly comply with the development standards. However, the proposed development must conform to the general intent of the Municipal Plan 2024. A proposed development must not change the permitted land use, or negatively impact on adjoining properties. Where Council deems it useful and necessary so as to better consider the details of a complex project, a Site Plan may be required of the applicant; in such cases, Council can require some or all of the information listed in the Site Plan Information list appended to the Municipal Plan 2024.

The Town of Rocky Harbour has brought the National Building Code into effect in 2013. Its requirements and administration are separate from those of the Municipal Plan 2024 and Development Regulations 2024. Often, building and planning regulations are considered in conjunction with each other, as the prospective builder is usually considering them both, and Council may integrate information requirements on a common application form. However, the approval of a building permit under the National Building Code does not signify an approval of a permit pursuant to the Development Regulations 2024, and vice versa.

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Council's policy is that the municipality does not provide building design reviews nor 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 2024 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 requesting building design review or inspection related to compliance with the National Building Code or other codes will be advised to retain professional services at their own discretion and expense. Council does not issue occupancy permits.

7.4 Public Works

Essential to the implementation of the Municipal Plan 2024 is the carrying out of complementary public works project. Council must also demonstrate its ability to cover its share of costs in any capital works requests. It is recognized that extensions of the water and sewer systems required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments.

7.5 Development Schemes

Section 29 of the *Urban and Rural Planning Act, 2000* provides Council with the authority (upon adoption of a municipal plan) to prepare and adopt Development Schemes. Development Schemes are detailed localized plans outlining the manner in which a specified part of the community is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivisions, schools, parks or open space.

Development Schemes can also provide for the acquisition, subdivision, sale or lease of land and buildings by the municipality. They are prepared and adopted in the same manner as adopting a Municipal Plan, and when approved, form part of the Municipal Plan 2024.

7.6 Municipal Code of Conduct in Matters of Municipal Planning

When making decisions concerning municipal planning, including applications for discretionary approvals, Council will act in accordance with their Code of Conduct as it relates to potential for conflict of interest, pursuant to the *Municipal Conduct Act 2022*.

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 Maps and the maps in the Development Regulations be considered as approximate, as the available base mapping does not provide highly accurate information. 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.

Where feasible, the boundary lines of areas designated in this Municipal Plan are laid out to follow lot boundaries and prominent physical features, including roadways and shorelines, and shall be interpreted in that way. Where this does not apply, measurement from the maps and relative location on the ground shall be considered.

8.2 Figures and Quantities Approximate

Some figures and quantities herein shall be considered as approximate. Amendments to the Municipal Plan 2024 or Development Regulations 2024 will not be required for appropriate interpretation of figures or quantities.

APPENDIX SITE PLAN INFORMATION

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 dimensions and area of the lot;
- (b) the features of buildings for water supply and treatment of sewage;
- (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) NL Hydro, provincial highways, and Council streets right-of-ways on site or adjacent to it, other easements for municipal infrastructure, and the means of satisfactorily maintaining 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 Council of Rocky Harbour or its departments and agencies.