

COMMUNITY OF NORTH RIVER
MUNICIPAL PLAN
1996 - 2006

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

JUNE 1996

NOTICE of ADOPTION

*Resolved, pursuant to section 15 of **the Urban and Rural Planning Act**, that the Council of the Community of North River adopt the Municipal Plan which is attached hereto and is impressed with the Seal of the Council, signed by the Mayor, and certified by the Clerk.*

*Resolved further, pursuant to section 17 of **the Urban and Rural Planning Act**, that the Council apply to the Minister of Municipal and Provincial Affairs for the setting of the time and place of a Public Hearing to consider objections or representations to the Municipal Plan.*

Proposed by: _____

Seconded by: _____

SEAL and SIGNATURE

*Signed and sealed pursuant to section 15 of the Urban and Rural Planning Act this
day of _____, 1996.*

Mayor

SEAL

CLERK'S CERTIFICATE

*Certified that the attached Municipal Plan is a correct copy of the Municipal Plan adopted
by the Community of North River on the _____ day of _____, 1996.*

Clerk

NOTICE of APPROVAL

I, *Arthur D. Reid, Minister of Municipal and Provincial Affairs*, under and by virtue of the power conferred by **the Urban and Rural Planning Act** hereby approve the **North River Municipal Plan 1996-2006**, adopted by the Community Council of North River on the day of _____, 1996.

Dated at St. John's this _____ day of _____, 1996.

Arthur D. Reid, M.H.A
Carbonear-Harbour Grace District
Minister of Municipal and Provincial Affairs

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1.0 INTRODUCTION

1.1 FOREWORD

The North River Municipal Plan is comprised of a series of policy statements about future land use in the community based on information compiled in the Background Report. The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years. The policies are statements by the Community regarding how it intends to guide and regulate development. Future Land Use Maps at the back of the report show the locations of the various categories of land use. Any development to take place within the planning area from the date upon which this Plan has been approved by the Minister of Municipal and Provincial Affairs must comply with applicable policies of the Plan.

The following brief summary of Municipal Planning Legislation and procedures is intended to assist Council in understanding and using its Plan. Details are contained in the *Urban and Rural Planning Act*.

1.1.1 Planning in Newfoundland and Labrador

The Municipal Plan

This Municipal Plan has been prepared in accordance with the requirements of Section 14 of the *Urban and Rural Planning Act*, following surveys and studies of land use, population growth, the local economy, present and future transportation needs, public services, social services, and other relevant factors. These studies and surveys are included in The Background Report.

The Plan describes the goals, objectives and policies of Council regarding the development of the Municipal Planning Area for the next ten years. The Municipal Plan is a formal statement of policy on land use, a device to facilitate communication between Council and community members, and a framework for decision-making. The North River Municipal Plan consists of two parts: the written texts in which the goals, objectives

and policies are set out and the Future Land Use Maps which illustrate the allocation of land into various land use categories.

Ministerial Approval

When the Municipal Plan is formally adopted by resolution of Council under Section 15(1) of the Act, two copies must be impressed with the seal of the Council and signed by the mayor. Council must then give notice of a public hearing on the Municipal Plan, and its intention to seek the approval of the Minister of Municipal and Provincial Affairs by publishing a notice to that effect in the Newfoundland Gazette, and in the newspaper circulating in the community. At the Public Hearing the Commissioner appointed by the Minister will hear objections and representations, and subsequently forward to the Minister a written report together with copies of all evidence taken at the Hearing.

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

The Effect and Variation of the Municipal Plan

When a Municipal Plan comes into effect it is binding upon Council and upon all other persons, corporations and organizations. The Plan must be reviewed by Council at the end of every five years from the date on which it comes into effect and, if necessary, revised to take account of developments which can be foreseen during the next ten-year period.

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

Municipal Plan Administration

When a Municipal Plan comes into effect, Council is required to develop regulations for the control of the use of land in strict conformity with the Municipal Plan, in the form of *Land Use Zoning, Subdivision and Advertisement Regulations*, otherwise known as Development Regulations. The Regulations are prepared at the same time the Municipal Plan is drafted, and are based on Standard Provincial Regulations prepared by the Provincial Planning Office.

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

Development Schemes

At any time after the adoption of the Municipal Plan, the Council can prepare and adopt Development Schemes under Sections 30, 31, and 32 of *the Urban and Rural Planning Act* for the purpose of carrying out specific proposals described in the Municipal Plan. A Development Scheme may enable the municipality to acquire, assemble, consolidate, subdivide and sell or lease land and/or buildings which are necessary to carry out provisions of the Municipal Plan.

Council may reserve land for future acquisition as the site of any public roadway, service or building, or for a school, park or other open space, and may make such agreements with owners of the land as will permit its acquisition and use for those purposes. Council may also specify the manner in which any particular area of land is to

be used, subdivided or developed, and may regulate the construction of buildings which would interfere with any development project.

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

1.2 SUMMARY AND CONCLUSIONS OF BACKGROUND STUDIES

North River is a residential community in close proximity to the Town of Bay Roberts, which contains most of the area's commercial establishments. It is unlikely that North River will attract any significant numbers of commercial or business ventures. Therefore the best planning strategy is to enhance the residential qualities of the existing Community.

Another conclusion reached by the Background Report was the expected lack of future growth in the community. It is important to plan for limited growth, however, and there are still areas within the community boundaries where this growth could take place.

Because North River is an area with good mineral aggregate potential, it is important to develop guidelines for mineral workings or policies to prevent any gravel extraction, depending on Council's needs.

Finally, there are plans to eventually supply water and sewer to the Community of North River once Clarke's Beach is supplied with services. However, the Council of North River would like to keep its options open concerning the supply of services. The Community may opt to continue using septic systems because of the high cost of water and sewer servicing, and because of the higher taxes that would have to be collected to finance the servicing debt.

North River Municipal Planning Area

2.0 MUNICIPAL PLAN

2.1 THE FUTURE COMMUNITY

The purpose of the Municipal Plan is to provide a guide for growth in the municipality and to control the type and form of development over a ten year period. The Plan, which establishes a systematic pattern for future growth and development to enhance the social, physical and economic well-being of residents, achieves this by dividing the Planning Area into groups of complementary land uses or zone designations.

The Municipal Plan attempts to guide development within land use designations by separating activities that have conflicting requirements and functions. It is not the intent of this Plan to segregate land uses for the sake of segregation but for the purpose of preventing conflicts between groups of activities and reserving land for its potential best use. Development is ultimately controlled for the good of the entire community and for future generations.

2.2 GOALS, OBJECTIVES AND POLICIES

The Municipal Plan goal and objectives express Council's aim for the future form of the Municipal Planning Area. They represent a framework for the long and short term development of the Municipal Planning Area, upon which the Plan's policies will be based.

Planning Goal

- **To maintain and improve the economic, ecological and social health of the community by establishing a policy framework to guide Council's decisions regarding the location of land uses, the provision of municipal services, the protection of the environment, and other matters relating to the growth and development of the Municipal Planning Area.**

General Objectives

- **To protect existing and future development from land use conflicts.**
- **To adopt Development Regulations to implement the Municipal Plan.**

2.3 POLICY STATEMENTS

The following policies express a course of action or intention adopted by Council, for the entire time frame of this Municipal Plan. All development within the North River Planning Area shall be managed in accordance with the following general land use policies and designations. The Future Land Use Maps in the Appendix establish the pattern of development in conjunction with the land use policies.

2.3.1 General Development

Background

The following policies are general in scope and can be applied to all development within the Planning Area. In specific circumstances they may apply to different sections of the municipality.

A. Objective: To provide a framework for development throughout the Municipal Planning Area.

(1) **Policy:** To provide sufficient areas for development and redevelopment that meet the future needs of the community, the following land use areas are established in the Plan and designated on the Future Land Use Maps in the Appendix.

Mixed Development

Rural

(2) **Policy:** No development shall be carried out within the Planning Area, except in accordance with this Plan and the accompanying development regulations, unless a permit for the development has been issued by Council.

- (3) **Policy:** All development must have proper road access, and building setbacks from public roads shall be provided in accordance with the development regulations.
- (4) **Policy:** The boundaries between types of land use portrayed on the Future Land Use maps are general only and, except in the case of roads or other physical barriers, are not intended to define exact limits. Therefore, minor adjustments may be made to these boundaries for the purpose of implementing the Plan.
- (5) **Policy:** Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan was approved by the Minister of Municipal and Provincial Affairs. Where a building or use exists which does not comply with the intent of the Plan and the designated use, then it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment.

B. Objective: To protect and enhance the environment.

- (1) **Policy:** Development in proximity to any watercourse or waterbody shall be subject to the requirements of the Department of Environment and Labour.
- (2) **Policy:** A 30 metre protective buffer of undisturbed soil and vegetation shall be retained along the shoreline of North River to prevent erosion, retain natural drainage features, prevent siltation, preserve natural amenity, provide public access and protect fish habitat. A 15 metre protective buffer shall be maintained along the shoreline of all other waterbodies.
- (3) **Policy:** Plans for any activities that have the potential to affect fish habitat should be forwarded to Fisheries and Oceans Canada for review.
- (4) **Policy:** There are areas of land within the planning area which are considered environmentally and hydrologically sensitive areas. In these areas, protective rather than development measures must take priority. These areas can be grouped into natural drainage routes, flood plains, areas of steep terrain and unstable slopes,

wetland, shoreline frontage and coastal areas. These areas need to be protected and reserved in the interest of public safety and well being.

C. Objective: To protect archaeological resources.

(1) **Policy:** Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Historic Resources Division of the Department of Tourism, Culture and Recreation consulted.

(2) **Policy:** Council shall refer any applications involving substantial excavation or extensive site disturbance to the Historic Resources Division of the Department of Tourism, Culture and Recreation prior to issuing a development permit.

2.3.2 Mixed Development

Background

Housing is the major land use in North River and will remain so during the plan period. Most of the housing in North River is scattered along the river. There are a number of community facilities such as churches, the community hall and All Hallows Elementary school, located amongst the dwellings. Several small businesses serving the local residents are established in North River.

The area designated *Mixed Development* reflects the traditional pattern of development in North River while maintaining the residential character of the community. Single and double dwellings shall be permitted. Some types of commercial and public uses may be permitted in order to optimize utilization of the community land base and to maintain a viable combination of compatible land uses.

A. Objective: To ensure an adequate supply of housing sites to meet community needs.

(1) **Policy:** Single and double dwellings shall be permitted in the Mixed Development designation. Council may consider other types of housing, on a scale and at a

concentration which preserves the low density character of existing neighbourhoods and promotes a similar character in newly developing areas.

B. Objective: To provide for the health and safety of residents and visitors.

(1) **Policy:** An adequate level of all community services and facilities shall be provided at each stage of community development, including police and fire protection, public health facilities, a water supply and distribution facility, sanitary sewerage, roads and pedestrian ways, schools, parks and refuse disposal.

C. Objective: To provide for the continuation of the traditional mix of residential, commercial, and public buildings.

(1) **Policy:** In the Mixed Development designation, residential uses shall be the predominant use. Commercial, small scale industrial, public and recreational uses may be accommodated where not in conflict with a residential use.

(2) **Policy:** Permitted uses in the Mixed Development designation shall be single and double dwellings. Compatible or complimentary uses may be permitted at Council's discretion including: assembly uses such as halls, schools and restaurants; higher density residential uses; retail and service facilities; and service stations, workshops and other light industrial uses.

D. Objective: To maintain residential amenity.

(1) **Policy:** Development shall be sited and carried out in a manner that provides for proper site drainage, avoids erosion at levels below the site, and does not contribute to pollution of existing, low lying wet areas and bogs. All new dwellings and other development in residential areas shall front on publicly-maintained streets which meet appropriate standards to be established by Council.

- (2) **Policy:** To preserve the large lot residential environment and to provide for the long-term operation of on-site septic systems and private wells, the minimum residential lot size shall be 2787 square meters.
- (3) **Policy:** Adverse effects of any proposed development on the adjacent existing residential uses shall be prevented or minimized through proper site planning and buffering.
- (4) **Policy:** Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.
- (5) **Policy:** All development shall have adequate frontage on a publicly maintained road, incorporate necessary off-street parking and loading facilities, and be serviced with municipal water where available.
- (6) **Policy:** Council shall require adequate off-street parking for each development.

2.3.3 Rural and Resource

Background

The Rural and Resource Designation includes the remainder of the planning area that is not identified for urban use or open space. Natural resources such as forest, blueberry areas, and undeveloped land have a significant economic and recreational value and are important community resources. It is important to make optimum use of natural resources such as blueberry harvesting while, at the same time, attempting to preserve, protect and enhance the natural environment.

A. Objective: To provide land that may be used for the existing and future outdoor recreational needs of the community.

- (1) **Policy:** Permitted uses shall be those related to outdoor recreation, such as parks and playing fields, and building designed for such activities.
- (2) **Policy:** Structures associated with an outdoor recreation use shall be designed and located in order to preserve the natural amenities of the area.
- (3) **Policy:** The development and operation of recreation facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic, and hours of operation.

B. Objective: To protect natural resources from development that may adversely affect their future utilization or enjoyment and to ensure the optimum utilization of these natural resources.

- (1) **Policy:** The uses permitted in rural areas include agriculture, forestry, fishing, recreational open space, conservation, cemeteries, public utilities and antenna. At Council's discretion, uses related to the permitted activities, such as rural resource industries, accessory dwellings and open-air assembly uses may be permitted.
- (2) **Policy:** Council may also permit aggregate extraction in rural areas. Separation buffers shall be established around all aggregate extraction operations to protect them from conflicting land uses.
- (3) **Policy:** The location and operation of permitted Rural Resource uses, with particular regard for the proximity of residential development to any Blueberry Management Areas or aggregate extraction operation, shall be subject to standards to be determined by appropriate government agencies.
- (4) **Policy:** Council may issue permits for summer cottages, provided such uses are extensively removed from the centre of town to prevent year round occupancy and the density of development is controlled so as to prevent environmental damage and the need to provide municipal services.

- (5) **Policy:** Agriculture and forestry management and harvesting shall conform to the regulations and guidelines of the Department of Forestry Resources and Agrifoods and any regulations and conditions prescribed by Council.
- (6) **Policy:** Residential development shall not be permitted in the Rural and Resource Zone unless needed for the continual on-site supervision of a permitted and established operation, and then only at the discretion of Council.
- (7) **Policy:** The Authority may attach conditions to development approval for any permitted Rural use, where appropriate.

C. Objective: To protect the route of the Conception Bay North Bypass Road.

- (1) **Policy:** In order to preserve the route of the proposed Conception Bay North Bypass Route, no development shall be permitted in proximity to the proposed bypass right-of-way without approval by the Department of Works, Services and Transportation.

3.0 IMPLEMENTATION

The North River Municipal Plan provides the basis from which all development within the Planning Area will be controlled and monitored. The Municipal Plan must be implemented by means of the regulatory powers conferred upon Council by section 36 of the *Urban and Rural Planning Act* and other such statutes, enabling legislation and programs as are applicable. Council will implement the Municipal Plan by establishing and adopting a set of Land Use Zoning, Subdivision and Advertisement Regulations. The Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, policies and programs which it contains.

The preparation, adoption and approval of this Municipal Plan represents only a part of the planning process. The Plan is not an end in itself and does not have any purpose without being implemented. Furthermore, the Plan cannot implement itself and can be functional and effective only through Council's actions and efforts to carry it out.

In order to implement this Plan, Council must take the necessary action, as required by the Urban and Rural Planning act and outlined below:

- i) Prepare, adopt and request the Minister of Municipal and Provincial Affairs to approve Development Regulations.
- ii) Control future development by enforcing the Development Regulations and the policies of this Plan.
- iii) Undertake a municipal program of water servicing geared to the availability of community resources and financial assistance from the higher levels of government.
- iv) Prepare and adopt development schemes for any area when and if the need for their development arises.

- v) Make necessary amendments on the Plan when conditions of the community change, and undertake a review of the Plan every five years.

3.1 Administration and Development Regulations

For the purpose of administering the Plan, Council will proceed to establish and adopt Land Use Zoning, Subdivision and Advertisement Regulations pursuant to Section 37 of the Urban and Rural Planning Act. The Development Regulations will be drawn up in strict conformity with the objectives and policies of the Plan, and will contain general land use regulations designed to control the use of all land within the Planning Area. These regulations also constitute the legal device for implementing the Plan.

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

- i) The powers of Council, including rules and administrative procedures governing Council's consideration of, and decision on, planning applications.
- ii) Rules and administrative procedures for appeal boards.
- iii) General development standards for all zones.
- iv) Regulations governing advertisements.
- v) Regulations governing the subdivision of land, covering but not limited to, subjects such as services to be provided, building lines, public open space, and design standards.
- vi) Definitions of key words and phrases to be used in the interpretation of the Regulations.
- vii) Classification of land and building uses to be used, in a Use Zone Table.

- viii) Tables tailored specifically for each use zone, listing the permitted and discretionary uses and the standards and conditions for development in each specific zone.
- ix) Use Zone Maps dividing the Planning Area into zones corresponding with the use zone tables.

Zoning is essentially a means of ensuring that the future land uses and development are in conformity with the Municipal Plan, that they are properly situated in the community, and that they do not conflict with or adversely affect neighbouring uses. It attempts to provide adequate space for each type of development. It directs new growth into appropriate areas and protects existing property by requiring that development afford adequate light, air and privacy for persons living and working within the community. Zoning also allows for the control of development density in each area so that property can be effectively serviced by such public facilities as roads, schools, utilities, municipal and recreational facilities.

Subdivision regulations, on the other hand, govern the development of areas larger than individual building lots for residential or other purposes. They prescribe standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes, and other necessary requirements.

Existing development which does not conform to the land use designations in this Plan may continue in this non-conforming use subject to limitations on enlargement. A non-conforming use may be changed to another use only if the new use is deemed more compatible with surrounding properties and the Plan policies.

3.2 DEVELOPMENT CONTROL

All persons, groups, or organizations wishing to develop land for any purpose shall apply to Council for permission on the prescribed form. Council shall examine the application on the basis of the Regulations, which reflect the policies and proposals of the Municipal Plan, and may approve the application, approve it with conditions, or refuse it.

Any applicant who is dissatisfied with the decision of Council may appeal to the appropriate appeal board.

All applications to Council must include a sketch plan of the proposed development, indicating as accurately as possible the location of the development, the proposed use of the lands and the location of existing and proposed buildings or structures. Applications for development in areas under the control of other government departments as well as Council, shall be referred to the concerned agency for review.

3.3 CAPITAL WORKS PROGRAM

In compliance with the *Municipal Grants Act*, and in order to ensure that adequate funds are available at the appropriate time to implement each feature of the Municipal Plan, Council shall prepare and submit annually to the Department of Municipal and Provincial Affairs a five-year forecast of anticipated capital expenditure requirements.

The realization of many of the goals contained in the North River Plan is brought about through a definite allocation of development funds for the most important projects. Through the development of a project time frame and cost schedule, Council can allocate funds for these projects and remain within the financial capabilities of the community.

3.4 AMENDMENT AND REVIEW OF PLAN

Since conditions in the Community may change during the Plan period, Council may amend this Plan at any time by following the same procedures which brought the Plan into effect. Any such amendment shall be read together with and form part of this Plan.