

# **TOWN OF SPANIARD'S BAY**

## **MUNICIPAL PLAN**

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

**List of Municipal Plan Amendments**



# Spaniard's Bay Municipal Plan 2009 - 2019



PLAN-TECH

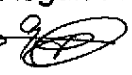


ENVIRONMENT



**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF SPANIARD'S BAY  
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS 2009-2019**

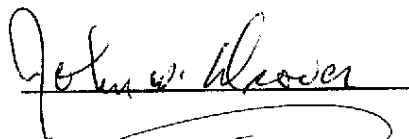
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act*, the Town Council of Spaniard's Bay.

- a) Adopted the Spaniard's Bay Municipal Plan and Development Regulations 2009-2019 on the ~~27<sup>th</sup>~~ day of ~~June, 2009~~. August, 2009   
~~30<sup>th</sup>~~ JUNE, 2009 *RH*
- b) Gave notice of the adoption of the Town of Spaniard's Bay Municipal Plan and Development Regulations 2009-2019 by advertisement inserted on the 28<sup>th</sup> day of July and the 11<sup>th</sup> day of August, 2009 in *The Compass* newspaper.
- c) Set the 19<sup>th</sup> day of August at 7:30 p.m. at the Spaniard's Bay Town Office, Spaniard's Bay for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act*, the Town Council of Spaniard's Bay approved the Town of Spaniard's Bay Municipal Plan and Development Regulations 2009-2019 as adopted (or as amended).

SIGNED AND SEALED this 26<sup>th</sup> day of August, 2009

Mayor:



(Council Seal)

Clerk:





**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF SPANIARD'S BAY  
MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS 2009 - 2019**

Under the authority of Section 16 of the *Urban and Rural Planning Act*, the Town Council of Spaniard's Bay adopts the Town of Spaniard's Bay Municipal Plan and Development Regulations 2009 - 2019.

Adopted by the Town Council of Spaniard's Bay on the <sup>30</sup>~~27~~<sup>30</sup>th day of ~~June~~<sup>August</sup>, 2009.

Signed and sealed this 26<sup>th</sup> day of August, 2009.

Mayor: John W. Brown (Council Seal)  
Clerk: [Signature]

Development Regulations/Amendment  
**REGISTERED**  
Number 4860-2009-001  
Date Sept. 29. 2009  
Signature [Signature]

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Spaniard's Bay Municipal Plan and Development Regulations 2009 - 2019 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Municipal Plan/Amendment  
**REGISTERED**  
Number 4860-2009-001  
Date Sept 29. 2009  
Signature [Signature]

LEONARD BUTT  
CANADIAN INSTITUTE  
PLANNERS  
URBANISTES  
INSTITUT CANADIEN DES  
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[Signature]





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## **1.0 INTRODUCTION**

### **1.1 MUNICIPAL PLAN PREPARATION**

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

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

### **1.2 PLAN APPROVAL**

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation, Council must adopt the draft Plan and allow for further input from the general public through a Public Hearing.

Council shall appoint a qualified Commissioner to conduct a formal hearing to consider objections and representations from the public either opposing or in favour of the Municipal Plan. The Commissioner will formally report his findings to Council

as a result of the public hearing. Council may adopt the report in whole, in part or reject the report in its entirety. Council can then formally approve the Municipal Plan and apply to the Engineering and Land Use Planning Division, Department of Municipal Affairs for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Newfoundland and Labrador Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Planning Area.

### **1.3 PLAN REVIEW AND AMENDMENT**

In accordance with section 28(1) of the Act, every five years from the date on which the Municipal Plan first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read together with, and become part of, the Municipal Plan and so must not conflict with any other of its policies. If circumstances do not permit a Plan review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan review is completed and fully approved.

### **1.4 INTERPRETATION**

The following sections and Future Land Use Maps constitute the legally effective parts of the Municipal Plan.

The general terms referred to hereinafter are defined as follows:

- "Council" shall mean the Council of the Town of Spaniard's Bay.
- "Development Regulations" shall mean the Spaniard's Bay Land Use Zoning, Subdivision and Advertisement Regulations.
- "Municipal Planning Area" shall mean the Spaniard's Bay-Tilton Municipal Planning Area.
- "Town" shall mean the Town of Spaniard's Bay.

The boundaries between the different land uses designated in the Municipal Plan are meant to be general, except in the case of roads or other prominent physical features where they are intended to define the exact limits of each category.

Nothing in the Plan shall affect the continuance of land uses which are lawfully established on the date that this Plan comes into effect.

## **1.5 SPANIARD'S BAY BACKGROUND FINDINGS**

The Spaniard's Bay - Tilton Municipal Planning Area was approved by the Minister of Municipal and Provincial Affairs on January 6, 1992 and published in the Newfoundland and Labrador Gazette on January 17, 1992.

The previous Spaniard's Bay Municipal Plan was drafted in 1993 and came into effect on July 7, 1995. This 2007 Municipal Plan updates all preceding Plans and accommodates various amendments made to the original documents.

### ***Regional Context and History***

Spaniard's Bay is located on the Baccalieu Trail along Route 70 and is the largest bay in Conception Bay. The Town of Spaniard's Bay was incorporated as a municipality on June 8, 1965. In 1991, the neighbouring community of Tilton was amalgamated as part of the new Municipality of Spaniard's Bay.

The Town considers itself as a vibrant and growing community with modern conveniences while maintaining a small town atmosphere. Spaniard's Bay is centrally located, close to large shopping centers, a hospital and is just a 45 minute drive to St. John's. It is bounded to the north by the Town of Harbour Grace, to the south by the Town of Bay Robert's, to the east by the Atlantic Ocean, and to the west by Towns in Trinity Bay. Spaniard's Bay developed initially around fishing and sustainable farming. In recent years it's strategic location as a residential community makes it attractive for commuters to St. John's, but the Town still strives to retain its rural character.

The name Spaniard's Bay derived from the fishermen of Jersey who came to fish from the Channel Islands around the turn of the 15th century. In 1585, Sir Bernard Drake carried out an extensive attack on Spanish ships in Newfoundland being careful to avoid Spanish centres like Placentia and the Strait of Belle Isle. The Spanish cod-fishing industry never completely recovered. The French records show reports of Spanish fishermen north of Bonavista after the 1660s. By this time, France was dominant in the fishery and England was its only serious rival.

### ***Municipal Planning Area***

The Spaniard's Bay - Tilton Municipal Planning Area was approved by the Minister of Municipal Affairs on January 6, 1992 and published in the Newfoundland and Labrador Gazette on January 17, 1992.

### ***Population Characteristics***

The 2006 census lists Spaniard's Bay population at 2,540 which reflects an -5.7% decrease from the 2001 census population of 2,694. While experiencing a small negative decline since 2001, the population is healthy compared with the provincial population decline which was -1.5%.

**Table 2.1: Population Change**

Year	Population	Change	% Change
1981	3963		
1986	3985	22	.005%
1991	2779	-137	-0.3%
1996	2771	-139	-2.8%
2001	2694	-77	-2.8%
2006	2540	-154	-5.7



### ***Residential Development***

Single detached dwellings will continue to be the predominant housing type in Spaniard's Bay. Nonetheless, smaller household size and an aging population has resulted in changing housing needs.

Some businesses and community facilities are located in the midst of residential areas. A number of home occupations and backyard businesses also exist in the built-up areas of Spaniard's Bay. In general, these businesses are small scale and operate out of a dwelling or on a residential property.

### ***Commercial Development***

Spaniard's Bay has developed a niche in the regional economy as a location for service oriented, light industrial businesses. Most businesses and commercial operations front onto the Conception Bay Highway.

### ***Rural Development***

Blueberry management areas, a domestic cutting area, two pine plantations and land having aggregate potential exist in the rural portion of Spaniard's Bay.

## **2.0 GOALS AND OBJECTIVES**

It is the intention of the Municipal Plan to establish a number of goals and objectives. A goal is a desired state which reflects the long-range purpose of the Plan and is related to a major area of concern. An objective is a short-range step toward the goal. It is concrete, realistic, action-oriented and attainable within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Spaniard's Bay Planning Area the following are the goals and objectives of this Municipal Plan, which are to be pursued within the ten year planning period.

### **2.1 PHYSICAL STRUCTURE**

#### **Goals:**

- To encourage a growth structure for Spaniard's Bay which will ensure land use compatibility, orderly development and the economic use of municipal services.
- To control future growth of the town in such a manner as to develop a balanced and attractive community.

#### **Objectives:**

- To allocate land for future development on the basis of its best use considering its physical characteristics and location.
- To permit development to occur only with appropriate municipal or on-site services.

## **2.2 HOUSING**

### **Goals:**

- To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.
- To provide for a good quality residential environment through good site design and a high standard of municipal services.
- To provide for residential growth which maximizes the efficient use of land and services

### **Objectives:**

- To provide an adequate amount of serviced land to accommodate residential development within the municipality.
- To encourage the improvement of substandard dwellings.
- To provide for a mixture of housing types within the municipality.
- To encourage the development of residential infilling lots within the built up area of the municipality.

## **2.3 MUNICIPAL SERVICES**

### **Goal:**

- To provide, where possible, a full range of municipal services to Spaniard's Bay.

**Objectives:**

- To ensure that on site services meet the standards of the Government Service Centre.
- To provide fire protection to all residences through the provision of adequate residential fire flows.

**2.4 ENVIRONMENT**

**Goals:**

- To provide a pleasant and safe living and working environment in Spaniard's Bay.
- To maintain and enhance the natural resources of the Spaniard's Bay Planning Area (e.g., ponds, shoreline areas).

**Objectives:**

- To provide water, sewage and solid waste disposal services which are at an environmentally acceptable standard.
- To prohibit development in excessively marshy areas.
- To protect the designated Spaniard's Bay Brook Pond Protected Watershed from any development or activity which could affect the quality of the water supply.
- To ensure the preservation and enhancement of existing hiking trails as points of public access.

## **2.5 MUNICIPAL FINANCE**

### **Goal:**

- To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

### **Objectives:**

- To manage municipal expenditures within a framework of restraint and maximum return of investment.
- To manage the municipal debt, considering the Town's ability to meet its expenditures over the long term.
- To encourage a more diversified economic base to generate more revenues through business taxes.

### **3.0 THE LAND USE PLAN**

The following policies with accompanying Future Land Use Maps constitute the land use component of the Spaniard's Bay Municipal Plan, 2007 - 2017. Included are all policies which are seen as necessary by Council to ensure that the physical development of Spaniard's Bay is undertaken in an efficient and economic manner during the ten-year (2007 - 2017) life of this municipal plan. The Land Use Plan is meant to complement the Goals and Objectives outlined in Section 2.

#### **3.1 GENERAL LAND USE POLICIES**

The following policies can be categorized as general in scope in that they can be applied to more than one land use and to different sections of the Town of Spaniard's Bay. They are therefore presented as a separate section of this Land Use Plan.

##### **l) Subdivision Policies**

All proposed subdivision developments shall be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Spaniard's Bay Development Regulations and will include:

- an investigation of physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- an outline of how the proposed subdivision will integrate with existing development and roads and services on adjacent lands and provide for future access to undeveloped lands in the area;

- ensure compatibility between the subdivision and surrounding land uses, both existing and future; and
- a review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.

#### **ii) Subdivision Agreement**

As a condition of approval, the Council may require the developer to enter into a subdivision agreement with the Town.

#### **iii) Public Open Space**

A minimum of 10% of the gross area of land developed for subdivision purposes shall be dedicated to the Town as Public Open Space. This land would be suitable for walking trails, tot lots, green belts etc. Council may accept from the developer in lieu of such area of land, payment of a sum of money equal to the fair market value of the land which would otherwise be required to be dedicated.

#### **iv) Easements and Emergency Access**

Where land is required for utility easements or emergency access, such land shall be obtained for the appropriate agency in the course of approving subdivision or other development applications.

**v) Soils and Drainage**

Development shall only be permitted on lands having soil and drainage conditions which are suitable to permit the proper siting and development of the proposed uses.

**vi) Building Setbacks**

Building setbacks from roads shall be provided in accordance with the Spaniard's Bay Development Regulations to preserve the right-of-way widths specified in this Plan. Such setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

**vii) Access to a Public Street**

All development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

**viii) Archaeological Sites and Artifacts**

There are three archaeological sites located within the planning area and on record with the provincial archaeological office. A significant ediacaran fossil site at Green Head; A late 19<sup>th</sup>. century farming archaeological site; and Mint Cove is identified as an area having historic resource potential. No



development shall be permitted in these areas without written approval of the Provincial Archaeology Office, Department of Tourism, Culture and Recreation.

**ix) Forestry/Wildlife Uses**

Traditional use of the land base for activities such domestic wood cutting, commercial wood harvesting, hunting, fishing and other outdoor recreational opportunities and important values to the residents of Spaniard's Bay.

Currently, there is one domestic and one commercial wood harvesting areas within the planning area. The Cat Hills domestic area is also located within the Kelly's Pond/Spider Pond water supply areas. These are traditional harvesting areas and are continually monitored for sustainability and environmental damage by Forestry Branch, Department of Natural Resources.

There are three plantations located within the planning area. These areas consist of two Jack Pine stands and a recent plantation of Japanese Larch and White Spruce and are designated on the Spaniard's Bay Land Use Zone Maps.

## **3.2 ENVIRONMENTAL POLICIES**

### **i) Preservation of Trees**

Mature trees shall be preserved and replaced where necessary. Such trees shall be removed only if they become dangerous because of age, disease or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy, or if they will unduly inhibit construction.

### **ii) Protection of Watercourses, Wetlands Fish and Waterfowl Habitat**

Rivers, streams, ponds, and shorelines shall be protected from pollution. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within a minimum of 15 metres of a watercourse without approval from the Department of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans Canada.

### **iii) Alterations to the Natural Environment**

Development proposals for altering the natural environment shall include plans for grading, ditching, and landscaping. Significant alterations (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will

adversely affect adjacent property or watercourses shall not be permitted. Topsoil or sods shall not be removed except with the approval of Council.

**iv) Environmentally Sensitive Areas**

Development shall be prohibited in environmentally sensitive areas such as steep slopes and bogs. Development shall also be prohibited in areas prone to landslides and rockfall.

**v) Mining, Quarrying and Mineral Exploration**

The adverse effects of mining and quarrying such as dust, noise, and visual impact shall be minimized through adequate separation from adjacent land uses. Derelict lands are to be rehabilitated by the operator prior to abandonment.

Mineral exploration shall be permitted in the planning area as set out in the policies of this Plan and conditions of the Spaniard's Bay Development Regulations. Aggregate mining and extraction shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Natural Resources and approval of the Town of Spaniard's Bay.

**vi) Habitat Management Plan**

The Town of Spaniard's Bay, along with the Town of Bay Roberts, signed a joint Municipal Wetland Stewardship Agreement on June 6, 1997 and is now

an important link in wetland conservation. Through this agreement, the town agrees to manage wetlands within its jurisdiction with technical advice from the partners of the Eastern Habitat Joint Venture.

**The Plan Objectives are to:**

- restore, enhance and/or protect the important wetlands in Spaniard's Bay and Bay Roberts;
- promote a greater appreciation of wetlands and wetland values; and
- have wetland values included in the municipal plan.

**The Plan Benefits are to:**

- maintain healthy populations of waterfowl, other species and water quality;
- Provide opportunities for canoeing, hiking, photography, birdwatching, and hunting; and
- provide opportunity to learn more about nature, especially wetlands and waterfowl conservation.

**vii) Significant Wetlands Within the Stewardship Zone**

The Towns of Bay Roberts and Spaniard's Bay both border on the Shearstown estuary. This estuary receives an inflow of both freshwater from the Shearstown River and saltwater from Spaniard's Bay. The Conception Bay Highway and the old railway has bisected the estuary into what is known as Arnie's Pond and Shearstown Pond. The water depths of the estuary are quite shallow, often less than one metre and supports extensive beds of eel grass. In areas of lower salinity levels and shallower water widgeon grass tends to form large mats over the mud substrate. The inner portion of

Spaniard's Bay and Arnie's Pond remain relatively ice free throughout the year. From late fall to early spring overwintering waterfowl congregate to feed on the abundant populations of invertebrates that live among the aquatic vegetation.

Applications for development located within the Stewardship Zone and within wetland areas shall be reviewed by Council to ensure that sensitive waterfowl habitats are preserved and protected. Council shall refer development proposals within sensitive wetland habitat to Wildlife Division, Department of Environment and Conservation, for review and comment. Council may use mitigating measures to reduce any habitat degradation that may result from development within the Zone.

#### **vii) Review Process**

Where a development is proposed within the Stewardship Zone, and the Town is unsure of the impacts to the conservation of the area, the Town shall refer the proposal to the Wildlife Division for a 30 day review. The Wildlife Division shall provide advice to the Town on the possible impacts of the proposal and mitigative measures that can be implemented. The Town's decision shall be consistent with the spirit of the Stewardship Agreement.

Where a proposed Municipal Plan amendment, regulation or bylaw may affect land within the Management Units, that proposal shall be referred to the Wildlife Division for a 30 day review to ensure that it is consistent with the purpose of the Management Plan. Any proposed amendment to this Municipal Plan that may have an impact on a Management Unit must be approved by both partners.

Proposed development within the Management Unit that may potentially threaten or negatively impact the habitat of the Unit, shall require the approval of the Wildlife Division.

### **3.3 Servicing Policies**

#### **i) Municipal Services**

Within and near serviced areas, new development shall only be permitted in areas which can be provided with full municipal water and sewage services. In areas where water and/or sewage must be pumped, Council will evaluate the cost of installing and maintaining pumping stations before permitting development to proceed.

#### **ii) On-Site Sewerage Disposal**

No on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse.

### 3.4 SPECIFIC POLICIES - LAND USE DESIGNATIONS

The land resources of the Spaniard's Bay Planning Area shall be managed in accordance with the proposed land uses shown on the Future Land Use Map 1 and 2 and the land use policies contained within this Municipal Plan.

The Future Land Use Maps establish the pattern of development by dividing the Planning Area into the following land use designations:

- Residential • Residential Medium Density
- Residential Infill
- Residential Subdivision Area

Mixed Use

Commercial

Public

Industrial

- Open Space • Recreation
- Conservation

Watershed

Rural

The following policies are to be applied specifically to the designations listed above and outlined on the Future Land Use Maps.

### **3.4.1 RESIDENTIAL**

Residential is the major land use in Spaniard's Bay. The need for new building sites will primarily be for housing. There are very few areas of land in the older part of Town capable of development. Very little infilling of residential areas remains. Future residential development will be mostly along the Spaniard's Bay Line and Spaniard's Bay Line Extension. These areas also have limited area for residential development.

#### **Objectives:**

- To promote a safe and serviced residential environment by controlling the classes of land use and characteristics of development permitted within residential areas.
- To designate land for residential use and promote its further development in a manner designed to make efficient use of municipal services.
- To ensure that residential development takes place in a manner that does not prejudice access to and appropriate development of neighbouring land.



**Policies:**

- Single and double dwellings shall be permitted within areas designated Residential Serviced and Residential Infill as set out in the Spaniard's Bay Development Regulations.
- Multiple unit dwellings, such as town houses and apartment buildings, row dwellings, apartment buildings, churches, schools, convenience stores or small business offices may be permitted within areas designated Residential Serviced and Residential Infill and may be permitted at the discretion of Council
- Development shall only be permitted only in areas which have direct access to a public street.

**3.4.2 RESIDENTIAL DENSITY**

There are three categories of residential land use designated within the Planning Area.

- Residential Medium Density
- Residential Infill
- Residential Subdivision Area

### **3.4.2.1 Residential Medium Density**

This designation is applied to areas where priority will be given to new serviced residential development or to maintaining existing residential neighbourhoods during the Planning Period.

#### **Policies:**

- Single family and double dwellings shall be permitted within this designation. Row housing and apartment buildings may be permitted at Council's discretion in order that they be compatible with surrounding areas. The specific types and densities of uses permitted shall be established in the Spaniard's Bay Development Regulations.
- Compatible open space and uses such as parks, churches, etc, ) may be permitted as a discretionary use within residential areas, provided that:
  - a) the use does not conflict with neighbouring uses;
  - b) the dominant use within the area continues to be residential; and
  - c) adequate pedestrian and vehicular access and on-site parking can be provided.
- Local convenience stores and other limited commercial uses which serve local neighbourhood needs only may be permitted within residential areas provided that the commercial use is clearly subsidiary to the residential use (e.g., where the commercial use is contained within the residence).

- Local commercial uses within Residential areas should preferably be located in proximity to a major road.
- Boarding House Residential may be permitted subject to the discretion of council and conditions as set out in the Spaniard's Bay Development Regulations.
- Infilling between existing buildings and properties shall be permitted subject to the policies of this Plan and other requirements for servicing, design and safety of the Town of Spaniard's Bay, and appropriate provincial agencies, including the Departments of Health and Community Services and Environment and Conservation.

#### **3.4.2.2 Residential Infill**

The intent of the Residential Infill designated lands is for land where water and sewer services are not expected to be installed in the immediate future and Council wishes to allow for infill residential development. Development will be required to provide for onsite services such as water and sewer. A high priority will be attached to meeting physical and environmental site criteria. New residential development shall front on existing roads. No new residential roads shall be constructed

**Policies:**

- Single detached dwellings shall be the only residential use permitted within this designation.
- New dwellings shall be built on lots large enough to permit the long term operation of an on-site sewage disposal system. Each individual lot must be capable of supporting on site services and approved by the Government Service Centre.
- The primary use of land shall be residential. At its discretion, Council may also allow complementary uses such as child care facilities; bed and breakfast operations; home based businesses; and convenience stores.
- Home based businesses involving the manufacture of goods or the provision of services may be permitted at the discretion of Council provided the primary use of the property remains residential; the home based business is entirely enclosed within a building; and the home based business will not be in conflict with nor negatively affect the surrounding residential area because of noise, fumes, dust, objectionable odour, hours of operation, traffic, size or inappropriate location.
- All residential development shall comply with the general land use policies of this Plan (Section 3.1) and as set out in the conditions of the Spaniard's Bay Development Regulations.

### **3.4.2.3 Residential Subdivision Area**

Council intends that these areas be developed as comprehensive residential subdivisions fully serviced with water and sewer. Development shall only occur with the installation of water and sewer mains connecting to municipal services. These areas shall be developed by approval of a subdivision development scheme. The Residential Subdivision Area shall take into account onsite service requirements, topography, adjacent land uses, future development of surround lands, road networks, and any other specific requirements as established in the plan.

Future residential development in Residential Subdivision Areas shall require a Development Scheme to be completed to Council's satisfaction before development is permitted to occur. A Development Scheme shall be a professionally prepared document with text and accompanying maps. Council will offer public consultation of the development proposal and will consider comments or representations received prior to adopting an amendment to the Development Regulations for rezoning.

#### **Policies:**

- Lands in the Residential Subdivision Areas are intended to be developed for residential uses.
- The specific issues to be addressed within individual Residential Subdivision Scheme are outlined below. Certain

issues should be addressed by all schemes, including the following:

### **General Requirements**

- i) an engineering evaluation of the capability of the site to accommodate onsite water and sewage services, including assessment of soil, drainage and vegetation cover, ensuring that the property can sustain private water and sewage services for the long term;
  - ii) street layout and linkages with existing or proposed streets surrounding the scheme area;
  - iii) requirements for play areas or parks, as per the standards of Council and the requirements of the Urban and Rural Planning Act, 2000;
  - iv) compatibility with surrounding land uses (those uses which could be incompatible with residential uses in terms of adverse visual, noise or other impacts, will be planned very carefully in the areas surrounding the Scheme areas);
  - v) the most suitable mix and location of housing within the area, and;
  - vi) a phasing plan outlining the stages in which the property will be developed.
- Upon approval of a Residential Subdivision Scheme by Council, an amendment to the Development Regulations is required to bring the scheme into effect.

### **3.4.3 MIXED USE**

The predominant land use along the Conception Bay Highway between Spaniard's Bay and Tilton is residential. The area also contains a number of commercial and light industrial businesses. To provide opportunities for further commercial/light industrial development, while protecting residential development, this area is designated Mixed Use.

#### **Policies:**

- Mixed Use designations shall be predominately reserved for residential uses which shall be a single-family dwellings, double dwellings and apartment buildings. Other forms of uses such as commercial, professional, tourist related and industrial that form a mixture of uses characteristic of the general area shall be permitted.
- Light industrial uses may be permitted at the discretion of Council, provided that the surrounding residential uses are not negatively affected by the light industrial use because of noise, smoke, odour, dust, vibrations or unsightly appearance; the light industrial use is designed and built in a style which is compatible with the surrounding land uses; and a buffer is provided between the light industrial use and surrounding residential uses.
- Adequate off-street parking and loading facilities shall be provided for each commercial and light industrial land use.

- Light industrial uses shall be limited to small scale uses such as carpentry shops, small appliance repairs, small manufacturing, or storage of goods where its use can take place without any unwanted effects on surrounding properties or residents.

### **3.4.4 COMMERCIAL**

Spaniard's Bay serves as a location for small scale service and light industrial businesses. Spaniard's Bay also provides a broad variety of businesses which meet the consumer needs of the local population.

Spaniard's Bay does not have a concentrated commercial core; businesses form commercial nodes loosely distributed along the Conception Bay Highway. These nodes are located at Northern Cove Pond; in the vicinity of Mint Cove Pond; and at the Bay Roberts town boundary.

A new commercial/industrial park is proposed at the end of Brown's Road where it intersects with Veteran's Memorial Drive. The area proposed for the commercial/industrial park is approximately 1 km<sup>2</sup> in area with approximately 39 individual sites having areas of approximately 2 hectares. The main access points are from Veteran's memorial Drive with possible connection with the Tilton interchange. A referral to the Department of Transportation and Works shall be required prior to any development permit being issued by the Town.



The proposed commercial/industrial park is presently designated as a blueberry management area which shall require the approval of the Department of Natural Resources prior to any development permit being issued by the Town.

Council shall encourage concentrated commercial development by designating existing commercial uses as Commercial. Within the Commercial designation, a broad range of commercial, light industrial and public buildings shall be permitted.

**Policies:**

- A broad range of commercial and industrial uses, and public buildings shall be permitted.
- All commercial and industrial buildings shall be connected to the municipal water and sewer at the developer's cost and have frontage on a public road.
- Council may require a buffer or screen so that surrounding land uses are not negatively affected by activities associated with commercial or industrial uses.
- Adequate off-street parking and loading facilities shall be provided for each commercial and light industrial land use.

### **3.4.5 INDUSTRIAL**

To accommodate industrial uses, the north side of the Conception Bay Highway between Round Pond and Riverhead Long Pond shall be designated Industrial. The following policies restrict uses within this designation to those that cannot appropriately locate within the built-up portion of Spaniard's Bay because of the potential for severe land use conflict.

#### **Objectives:**

- To reserve sufficient land in appropriate locations to accommodate industrial growth and relocation during the planning period.
- To provide a suitable location for intrusive industrial uses.
- To minimize land use conflict between industrial uses and urban development.
- To control and direct industrial development in a manner designed to protect other land uses and the natural environment from adverse effects of industrial operation.

#### **Policies:**

- Permitted uses shall include warehousing, workshops and other industrial uses contained primarily within buildings wherein the scale and type of storage or work activity will not be intrusive or otherwise objectionable to neighbouring residential areas.

- Industrial activities related to resource uses, such as saw mills, lumber yard's and cement batching plants, shall be permitted.
- Adequate off-street parking and loading facilities shall be provided.
- Hazardous industrial uses may be permitted at Council's discretion and with conditions outlined in Industrial - Light Land Use Zone found in the Spaniard's Bay Development Regulations.
- Industrial uses permitted within this designation shall be those which are appreciably free of hazards or nuisances, (e.g., noise, smell, unsightly properties) to adjoining properties, if properly managed. Examples may include wholesaling and warehousing uses, electrical substations and accessory office uses. Service stations are included in the industrial designation because of their potential hazard due to explosion or fire.

### **3.4.6 OPEN SPACE**

Two categories of Open Space land uses designated within the Planning Area are:

- Open Space • Conservation; and
- Recreation.

Limited open space and recreation uses are also permitted within all other designations of this Plan.

**Objectives:**

- To provide recreational opportunities for residents.
- To protect physical resources, including cemeteries and environmentally sensitive lands.
- To preserve access to and protect the environmental quality of ponds, watercourses and shorelines.
- To ensure that cemeteries, historic sites and sites of archaeological significance, are preserved and maintained.

**3.4.6.1 Open Space - Conservation**

Land designated for Open Space - Conservation uses include areas that offer potential for future open space/conservation uses, taking advantage of natural features, such as heights of land, scenic views, special waterways which provide the community with recreation corridors to link various areas of the community.

Cemeteries which are located separately from a church are designated as Open Space-Conservation. Those cemeteries which are accessory to a church property are included in the Public Use designation.

**Policies:**

- No permanent buildings or structures shall be permitted on lands designated for Open Space Conservation Uses, except those necessary for environmental protection (e.g., for erosion control).
- Passive recreational uses such as hiking trails or a small picnic park may be permitted at Council's discretion.
- Public access will be preserved to Open Space - Conservation areas.
- New cemetery sites may be located in areas designated for Open Space-Conservation at Council's discretion. Approval shall be contingent on the use having access to an existing public road, require no additional municipal services and is designed to facilitate public access.
- Expansion of existing cemeteries to areas outside those designated for Open Space-Conservation may be permitted by amendment to this Plan and once the area is re-zoned to accommodate the expansion area.

### **3.4.6.2 Open Space - Recreation**

Areas designated for open space - recreation will be reserved primarily for active outdoor recreational uses including ball fields, playgrounds and civic parks. Small scale buildings accessory to the main outdoor recreation use may be permitted.

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. Adequate off-street parking facilities shall be provided.

#### **Policies:**

- Recreational facilities such as ball fields, community parks and playground facilities shall be permitted on lands designated Open Space Recreation. Subsidiary structures such as change rooms or a small catering facility shall also be permitted. Activities which require the use of major developed facilities are included under the Open Space - Recreation Facility designations.
- Open Space Recreation land shall provide pedestrian access to recreation facilities and to act as a buffer between incompatible land uses (e.g., Industrial and Residential uses).

### **3.4.7 PUBLIC USE**

There are a number of schools, churches, and public buildings in the Town which are necessary to the continued social and economic functioning of the community. It is important to protect and encourage development of these uses within the community to provide for the further development of public uses and services in conveniently central locations having ease and safety of access and adequate parking accommodation.

#### **Policies:**

- Public uses including schools, churches, government offices and facilities and community service organizations shall be permitted.
- Accessory uses such as school recreational facilities may also be permitted within the Public Use designation.

### **3.4.8 WATERSHED**

The municipal watershed is a distinctive conservation land use where more stringent measures are required for protection of public health and preservation of the natural resource.

Rocky Pond serves as the main water supply within the Spaniard's Bay Municipal Planning Area. The Rocky Pond watershed is protected under the Water Resources Act.

Use of the watershed shall be limited to passive recreation uses such as hiking. No permanent buildings or structures shall be permitted within the watershed, except those required to control erosion.

**Objectives:**

- To protect and preserve the quality of water of Rocky Pond as a source of municipal water supply.
- To ensure the continuous supply of an adequate volume of water to serve the town.

**Policies:**

- Within the Rocky Pond watershed, forestry, agriculture, mineral exploration and recreational open space uses may be permitted on a discretionary basis, subject to approval and compliance with the Department of Environment and Conservation.
- Council shall monitor the capacity of the catchment to ensure a safe and adequate water supply for the Town.



### **3.4.9 TRANSPORTATION**

To ensure an improved road system for the Town, it is necessary to establish a hierarchy of roads according to their functions. There are three classifications of roads as follows:

**Arterial roads** - intended to function as the principal network for through traffic. The Veteran's Memorial Drive, Route 75, shall be considered as an Arterial Road.

**Collector Roads** - link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access should be properly planned with limited on-street parking allowed. The main road through Spaniard's Bay, Route 70, is a collector road.

**Local Roads** – all other roads in the town are considered as local roads and serve adjacent properties and generally, are not used as through traffic. The width of pavement and the provisions of sidewalks should be related to the volume of traffic.

#### **Objectives:**

- To improve the Town's road system.
- To establish a hierarchy of roads and road standards.
- To provide for the safety and convenience of the Veteran's Memorial Drive.

**Policies:**

- Access from individual properties onto an arterial road such as the Veteran's Memorial Drive, is prohibited in order to preserve the efficiency of the roads. Access shall be limited to public road intersections as designated by the Department of Transportation and Works to ensure free flow of traffic. For new residential development, new individual access will be prohibited.
- Collector roads link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access points should be properly planned. Limited on-street parking may be allowed. Route 70 is the main collector road through Spaniard's Bay.
- The remainder of the roads shown on the Future Land Use maps are local roads. The speed and volume of traffic on local roads shall be kept at a safe level by means of traffic signs and proper design for streets and intersections. Cul de sacs or dead-end roads shall be provided with an adequate space where vehicles can turn around.
- Adequate off-street parking shall be required for all uses of land in the Planning Area. This will include parking for owners, residents, employees, visitors, and customers, as appropriate, with parking standards to be established in the Spaniard's Bay Development Regulations.

### **3.4.10 RURAL**

The remaining lands within the Spaniard's Bay Planning Area are designated Rural. No development shall be permitted on land within this designation except those associated with agriculture, forestry, mineral workings, outdoor recreation, resource conservation, or other uses as may be outlined in this Municipal Plan.

In order to protect the natural resources, blueberry management areas, land with aggregate potential and productive forest are identified on the Spaniard's Bay Future Land Use Map.

Blueberry management areas, a domestic cutting area, two pine plantations and land having aggregate potential exist in the rural portion of the Municipal Planning Area. In some parts of the rural area, blueberry management areas, productive forest and land with aggregate potential overlap

#### ***Blueberry Management Areas***

Prior to the approval of any development on land identified as a blueberry management area on the Spaniard's Bay Future Land Use Map, Council shall refer the application to the Land Resource Stewardship Division, Department of Natural Resources.

#### ***Forest Management***

The Town of Spaniard's Bay has no direct control over forest management within the Planning Area. It shall ensure that forestry activities are in accordance with good management practices.

The Rural area contains wood stands that are valuable as a long term domestic wood supply for residents of Spaniard's Bay. The Forestry Branch, Department of Natural Resources has designated one area for domestic wood harvesting (Cat Hills area); an area for commercial wood harvesting (Kelly's Pond area); and three plantations - two Jack Pine stands and a recent plantation of Japanese Larch and White Spruce.

### ***Mineral Workings***

Mineral workings may be permitted as a discretionary use by Council. Mineral workings shall be subject to conditions outlined in the Spaniard's Bay Development Regulations. Mineral workings may include the extraction, exploration, processing or storage of gravel, sand, rock or any other mined material, concrete and asphalt making, rock crushing, quarrying, sand and gravel pits and other types of mining in general.

### **Policies:**

- No development shall be permitted within Rural areas except that associated with agriculture, forestry, outdoor recreation, mineral exploration and workings, and resource conservation.
- An accessory residence to a permitted land use in a Rural area shall be permitted only in accordance with the Conditions specified for this Zone in the Spaniard's Bay Development Regulations.
- Small scale quarrying and other types on mineral working, may be permitted as a discretionary use by Council and shall be subject to approval of the Department of Natural Resources.

- Council may require buffer distance separation between permitted or discretionary uses and ponds, watercourses and other types of development.

## **4.0 IMPLEMENTATION**

The Municipal Plan will be implemented over the next ten years through decisions of Council and affected agencies such as the Departments of Municipal Affairs; Transportation and Works; Environment and Conservation; and Natural Resources. Of particular importance to Council are the following:

- effective administration of the Plan;
- the adoption of five year capital work budgets;
- land use zoning, subdivision and advertisement regulations;
- the adoption of development schemes and plans of subdivision; and
- the procedure for considering amendments to the Plan.

### **4.1 PLAN ADMINISTRATION**

For the purposes of administering the Plan, the Proposed Land Use Maps shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications will be carefully evaluated as to their conformity to the Plan. The full conformity of all proposals to the Plan shall be required by Council.

The boundaries between land uses designations are meant to be general, except where they coincide with roads or other prominent physical features, where they are intended to define the exact limits. It is intended that no amendment to this Plan shall be required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

All persons wishing to develop land for any purpose within the Spaniard's Bay Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without conditions.

The appeal of all Council decisions to the Regional Appeal Board shall be permitted.

Prior to the major development of land within the Planning Area, a development agreement may be required, which will be signed by both the developer and the Council. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing developments may also be enforced by being attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

## **4.2 PLAN IMPLEMENTATION**

The preparation, adoption and approval of the Spaniard's Bay Municipal Plan represents only a part of the planning process. 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 2000 outlined below:

- control future development by enforcing the Development Regulations and the policies of this Plan;
- undertake the capital works program on a progressive basis geared to the available resources of the community and financial assistance from the provincial government; and
- make necessary amendments to the Plan if conditions of the community change, and undertake a review of the Plan every five years.

### **4.3 DEVELOPMENT REGULATIONS**

To implement this Plan, Council shall prepare and adopt Development (Land Use Zoning, Subdivision and Advertisement) Regulations on the basis of this Plan. These regulations are intended for Council's control over future use of land and development within the Planning Area and they outline land use zoning, development standards and application procedures necessary to implement this Plan.

### **4.4 DEVELOPMENT CONTROL**

Council shall exercise proper control over development within the Planning Area in accordance with this Plan and the Development (Land Use Zoning, Subdivision and Advertisement) Regulations.

All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission on the prescribed form(s) and shall submit a detailed plot/sketch plan of the proposal indicating the location and dimensions of the land and of the development. Council shall examine the application on the basis of the Regulations, which reflect the policy of this Plan, 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 Central Regional Appeal Board.

Development in areas under the control of Council as well as other government departments will be referred to the concerned departments for review.



#### **4.5 PUBLIC WORKS AND MUNICIPAL SERVICES**

In order to properly implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include the annual preparation of a "5 year Capital Works Budget" which outlines proposed capital works to be undertaken by Council over a five year period, subject to the availability of government funding.

An annual public works program will be adopted and implemented by Council. This will include five year projections of work to be undertaken as required by The Municipalities Act.

The Town of Spaniard's Bay provides the usual municipal services (water and sewer, road construction and maintenance, snowclearing, street lighting, garbage collection, volunteer fire brigade and recreational sites. The Town's major service expenditures are the water and sewer systems, followed by road construction and re-surfacing.

