

TOWN OF TRAYTOWN 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

TRAYTOWN MUNICIPAL PLAN 2009

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF TRAYTOWN MUNICIPAL PLAN 2009**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Traytown adopts the Traytown Municipal Plan 2009.

Adopted by the Town Council of Traytown on the 10th day of June, 2009.

Signed and sealed this 26 day of October, 2009.

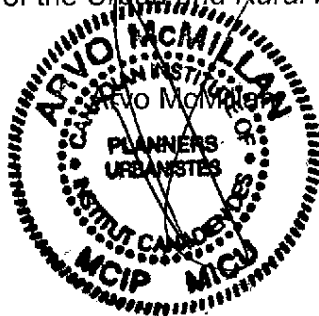
Mayor: 
Leo Tulk

Clerk: 
Sarah Patten

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF TRAYTOWN
MUNICIPAL PLAN 2009**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Traytown:

- a) adopted the Traytown Municipal Plan 2009 on the 10th day of June, 2009.
- b) gave notice of the adoption of the Traytown Municipal Plan 2009 by advertisement inserted on the 8th day of October, 2009 and the 15th day of October, 2009 in the Beacon newspaper.
- c) set the 27th day of October, 2009 at 7:00 p.m. at the Town Hall, Traytown for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, on the 26th day of October, 2009 the Town Council of Traytown approves the Traytown Municipal Plan 2009.

SIGNED AND SEALED this 26 day of October, 2009

Mayor: 
Leo Tulk

Clerk: 
Sarah Patten

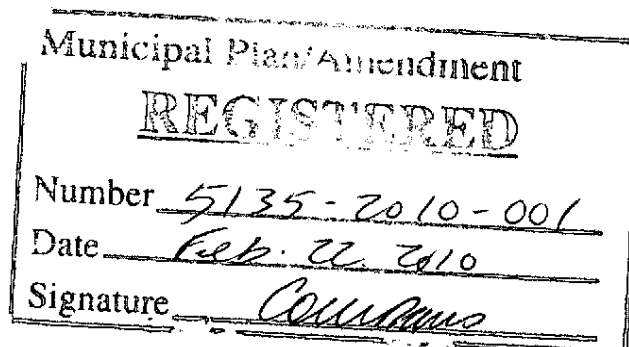


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TOWN OF TRAYTOWN MUNICIPAL PLAN 2009

1 INTRODUCTION

This municipal plan has been prepared in accordance with the provisions of the Urban and Rural Planning Act 2000 of Newfoundland and Labrador. It is accompanied by the Town of Traytown Development Regulations which provides the land use controls necessary to implement the land use policies of this municipal plan.

2 INTERPRETATION

Sections 4, 5 and 6 and the Future Land Use Maps 1 and 2 comprise the Goals and Objectives and Land Use Policies of the Traytown Municipal Plan. The Municipal Plan policies are given effect under the Urban and Rural Planning Act and the Traytown Development Regulations.

Through development regulations under this Plan, the Town shall provide for variance, non-conforming use regulations and comprehensive development, and deal with other matters required under the Urban and Rural Planning Act 2000.

The boundaries between the different land use designations 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 designation on the future land use maps.

In considering amendments to this Plan, Council shall have regard, among other things, to the following criteria:

- ▶ the impact of the proposed change on achievement of the goals, objectives, and policies expressed in this Plan,
- ▶ the need for the proposed change, and
- ▶ the effect of the proposed change on the need for municipal services and facilities.

In addition, when considering amendments which affect the use of a specific site, Council shall consider:

- ▶ whether there is a need to add the site or sites to the lands already designated for the proposed use, and
- ▶ the physical suitability of the land for the proposed use.

3 BACKGROUND

Population

The population of Traytown in 1991 was 374, which subsequently changed to 360 in 2001 and 390 in 2006 (Statistics Canada and Community Accounts Newfoundland and Labrador). The increase between 2001 and 2006 occurred largely in the 45 and older age groups.

Existing Land Use

Development in Traytown has largely followed the shoreline of Northeast Arm. Older structures are mostly located on relatively flat land near the shore. Most new development is located on higher ground inland in an area known locally as "Ploughed Ground". Steep topography limits the area of possible expansion in the built up area. Development density is fairly low. Because of the pattern of private land ownership, infill opportunities will most likely occur as family members build on family land.

The developed land is primarily residential. There is some backlot development and development on private driveways. Most commercial services are provided by neighbouring Glovertown. Commercial uses in Traytown are mostly limited to tourist cabin complexes and a convenience store. There are few industrial uses and these are small in scale and scattered through the community. Public uses include the community centre and post office on the main road and a church and Orange Lodge on Aspen Drive.

The most significant land use in the rural part of the Planning Area is aggregate extraction. The Department of Natural Resources, Mineral Lands Division, has recommended that an area be designated as an aggregate reserve area. Part of this area lies near the Ploughed Ground area. Close cooperation between Council and the Department of Natural Resources, Mineral Lands Division, is recommended to minimize conflict in this area.

A red pine stand also exists in Ploughed Ground. This protected species requires protection from urban development as well as aggregate extraction.

Municipal and Public Services

The community is supplied by groundwater from private wells. Many of these wells are shared and may be located off-site. In areas of concentrated off-site private dug wells, protection from development must be provided.

Approximately 57 of the Town's 166 residential properties are connected to a municipal sewage system. The rest are serviced by private septic systems.

The Town is considering extending municipal services to all remaining properties.

Route 39 links Traytown with Glovertown and Eastport and is maintained by the Department of Transportation and Works.

4 GOALS AND OBJECTIVES

4.1 Land Use and Community Development

Goals:

- ▶ To foster the physical, social, cultural, and economic well-being of present and future residents.
- ▶ To ensure the long-term orderly, efficient, and environmentally sound development of the community.
- ▶ To protect the quality and integrity of the natural environment for its aesthetic, recreational, and resource value.

Objectives:

- ▶ To protect existing and future development from incompatible uses.
- ▶ To provide opportunities for residential, community and business uses in areas where mixed uses are traditional, provided that the non-residential uses do not have negative impacts on the area.
- ▶ To encourage a compact development pattern which will make efficient use of land and infrastructure.
- ▶ To make a clear distinction between urban and rural areas and land use activities.
- ▶ To protect sensitive natural resources such as the red pine stand.
- ▶ To enable the utilization of natural resources by directing development which is not directly related to their use away from natural resource areas.
- ▶ To prevent development from occurring in environmentally sensitive areas, areas with significant scenic qualities, and areas hazardous to development.

- ▶ To enable the efficient and adequate delivery of emergency services.
- ▶ To involve the community in the planning and decision-making process, wherever possible, to produce policies and decisions which are fair in their distribution of benefits and adverse effects.

4.2 Housing

Goals:

- ▶ To provide for an amount, variety, and quality of housing adequate to meet the requirements of the projected population.

Objectives:

- ▶ To ensure that an adequate supply of suitable land is designated for the community's future residential needs.
- ▶ To continue with the conventional single family detached dwelling as the housing form which satisfies the majority of Traytown residents, while assessing other forms as needs arise, eg., housing for the elderly.

4.3 Economic Base

Goals:

- ▶ To encourage economic opportunities that may expand and diversify the community's economic base.

Objectives:

- ▶ To provide appropriate locations for future commercial and industrial development.
- ▶ To support the development of facilities and the preservation of important natural and heritage resources which will promote the tourism industry within the community.
- ▶ To support natural resource activities and the efficient use and proper management of these resources.

4.4 Transportation

Goals:

- ▶ To provide a safe, efficient, and adequate transportation system.

Objectives:

- ▶ To upgrade and maintain existing roads under a regular maintenance programme.
- ▶ To ensure that new streets are developed only in accordance with an overall plan which provides for convenient access and linkages to other streets.

4.5 Municipal Servicing

Goals:

- ▶ To provide cost-effective and efficient municipal servicing.

Objectives:

- ▶ To promote a development pattern which will minimize future servicing and infrastructure costs.
- ▶ To encourage infill development within existing serviced areas before extending servicing.

5 POLICIES

5.1 Municipal Services

Council shall ensure that new development will make the most efficient use possible of existing roads and infrastructure. Council shall further ensure that new development will not create unreasonable servicing demands or costs.

Except for accessory buildings and non-residential buildings associated with agriculture, forestry, mineral workings, or other resource or industrial uses for which public road frontage would be unnecessary or undesirable, all development must have proper road access and, in urban land use designations, standard frontage onto a public road, unless specified otherwise. These specifications and standards will be set out in the Development Regulations.

Within the built up area, new development will only be permitted when provided with water and sewer services at the developer's cost unless otherwise specified in this Plan.

Where development cannot be connected to municipal water and/or sewer services, an on-site private well and/or septic system must be provided. It must be demonstrated to the satisfaction of the Department of Government Services that the site has the capacity to bear such services over the long term without adverse on- or off-site impacts.

New development with on-site services shall be sited to allow infill development should municipal water and/or sewer services be provided in future.

Council shall ensure that new development does not encroach upon an existing private off-site well and water line.

5.2 Effects on Adjacent Activities

Council shall ensure that new development will not negatively affect existing land uses by creating a hazard or nuisance such as noise, dust,

odour or unsightly appearance. Consultation with surrounding residents and property owners shall be undertaken, where appropriate, to ensure that their concerns are taken into account. Council may require a developer to provide appropriate screening or to undertake any other measures to minimize negative off-site effects.

5.3 Site Conditions

Any proposal for building on a site having a slope in excess of 15%, or which is potentially subject to flooding or any other hazard, must be certified by an engineer to ensure that development of the site would not endanger health or safety.

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.

5.4 Subdivision Development

Proposed subdivision development will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Land Use Zoning and Subdivision Regulations and will include:

- ▶ a full investigation of all physical features of the site and the opportunities and constraints to development that they represent. The layout of proposed lots and roads should conform to the topography, wherever possible.
- ▶ a demonstration of how the proposed subdivision will mesh with existing development and roads on adjacent lands and provide for future access to undeveloped lands in the area.
- ▶ an investigation to ensure compatibility between the subdivision and surrounding land uses, both existing and proposed.
- ▶ an examination of the long-term costs of providing and maintaining municipal services.

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

5.5 Roads and Parking

The safe and efficient circulation of people and goods throughout the Planning Area requires careful planning and regular maintenance of the road network and the provision of adequate parking facilities.

All streets shall be constructed to the required right-of-way width, length, turning circle radius and other minimum standards stipulated in the Development Regulations.

Council will upgrade and maintain existing roads under a regular maintenance programme to maximize the safety and efficiency of vehicular and pedestrian traffic.

Council shall ensure that development will not occur in such a way as to impede future linkage of local roads. New local roads shall be connected wherever possible and appropriate and Council shall not permit construction of new dead-end streets nor extensions to existing dead-end streets unless a second access to a collector road is provided.

Land shall be reserved along existing roadways for access to backland intended for residential development.

All development shall provide an adequate number of parking spaces as stipulated in the Development Regulations.

Building setbacks from roads shall be provided in accordance with the Development Regulations. Setbacks should be sufficient to allow appropriate landscaping and to permit the parking and movement of vehicles clear of any road allowance.

5.6 Easements and Emergency Access

Where land is required for utility easements or emergency access, such land may be obtained for the appropriate agency, eg. Newfoundland

Power, in the course of approving subdivision or other development applications.

5.7 Property Maintenance

All building lots shall be landscaped. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to tourists, shall be properly finished and maintained to the satisfaction of Council.

Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in general public view.

5.8 Protection of Water Bodies

- (1) A protective buffer of undisturbed soil and vegetation shall be retained along the shorelines of all, except very minor, water bodies to prevent erosion, retain natural drainage features, prevent siltation, preserve natural values of affected streams and ponds, preserve public access and protect fish habitat.
- (2) The basic Provincial policy is to protect waterways and wetlands. These policies are set out in statutes, particularly the Water Resources Act, the Environmental Protection Act and various policy directives, including Newfoundland and Labrador Policy Directives W.R. 91-1 - Infilling Bodies of Water, W.R., W.R. 97-1 - Development in Shore Water Zones and W.R.-97-2 - Development In Wetlands. The Lands Act provides for a 15 metre Crown Land reserve along all Crown waterways - which can be reduced to 10 metres in certain cases.

Provincial policies establish a basic buffer of 15 metres along all bodies of water under provincial control which can only be developed if the use is relatively benign and it cannot be located elsewhere. Development of wetlands is subject to stringent requirements and oversight by the Province.

- (3) Subject to the appropriate approvals and reviews, including that of the Department of Environment and Conservation, only public works, public utilities, trails and accessory uses and uses requiring direct access to a body of water such as wharves and docks, can be permitted in these buffer areas.
- (4) The matter of adequate and usable legal public access to the waterway may be used as a consideration in the review of an application for a structure within a buffer and/or waterway.
- (5) Any activity that has the potential to affect fish habitat shall be forwarded to Fisheries and Oceans Canada for review.
- (6) The minimum buffer is measured from the high water mark of the bay, river, stream, pond, or other body of water and wetland. If the embankment is steep, then the buffer is measured from the top of the embankment.
- (7) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.

5.9 Environmental Protection

Council shall ensure that development will not adversely affect natural features by creating or contributing to erosion or contamination of air, water or soil and their systems. The following development proposals must be referred to and approved by the Department of Environment and Conservation before any permits are issued by Council:

- ▶ any development on lands adjacent to environmentally sensitive areas;
- ▶ development which may adversely affect natural functions or qualities (eg. water quality or quantity);

- ▶ all development proposals involving any temporary or permanent alteration to a waterbody;
- ▶ any proposed use which could involve the handling, manufacturing or storage of potentially hazardous or toxic substances, including any waste materials or by-products (eg. underground storage tanks);
- ▶ any application for the establishment, expansion or closure of a waste storage/ disposal site or scrap yard.

5.10 Heritage Preservation

Council will encourage the conservation of historic sites and structures. Archaeological sites and discoveries are protected under the *Historic Resources Act, 1985*. If such a site is discovered, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation shall be consulted.

5.11 Aquaculture

Aquaculture operations shall be permitted at Council's discretion along the shoreline. Consultation with surrounding residents and property owners shall be required. Development proposals must be referred to and approved by the Department of Fisheries and Aquaculture before any permits are issued by Council. A minimum separation distance of 400 metres from another aquaculture facility and 125 metres from a public wharf shall be required in order to minimize potential conflicts. Council shall also ensure that adequate distances from industrial operations and sewage outfalls are maintained in consultation with the Department of Fisheries and Aquaculture. Application through the Department of Government Services is required in cases where shore-fastened gear will be used. Adjacent property owners must be ensured right of access to the mean low water mark at some point on the shore front of the their property.

5.12 Quarry Buffer

Council will minimize land use conflicts between quarry operations and urban uses by establishing a buffer.

5.13 Mineral Exploration

- (1) Mineral Exploration is subject to the approval of the Department of Natural Resources, Mineral Lands Division, and other departments and agencies as may be required.
- (2) Subject to the other provisions of this Municipal Plan and the Development Regulations, mineral exploration which is not classed as development by virtue of drilling, appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (3) Mineral exploration which is classed as development can be permitted as either a permitted or discretionary use in the Rural and other designations, provided that adequate provision is made for buffering/and or other mitigations of impacts on existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
 - a) Buffering may take the form of a buffer between such mineral exploration and areas set aside for urban purposes within which higher impact mineral exploration is either prohibited outright, or is treated as a discretionary use.
 - b) Higher impact mineral exploration shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up areas and uses sensitive to noise and ground disturbance.

- c) Where there is ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

6 LAND USE DESIGNATIONS

The following policies apply only to development within the specific land use designations, unless stated otherwise. The land use designations are described on the Future Land Use Maps.

Subject to the other policies of the Municipal Plan, accessory buildings and uses, conservation, public utilities and services, recreational open space, roads and trails can be allowed in all designations as either permitted or discretionary uses.

6.1 Residential

This designation covers most of the newer built area of Traytown. Designating this area as *Residential* ensures that the amenity of residential neighbourhoods is not compromised by development which is incompatible with the residential character. It also ensures that an adequate supply of suitable residential land is reserved for future development. Future residential development is expected to be concentrated in the Ploughed Ground area, with the rear boundary of the cemetery on Pinetree Road providing the limit for urban development.

- (1) Single-family dwellings, uses subsidiary to single dwellings, including home businesses and bed and breakfasts (small scale), and recreational open space shall be permitted uses.
- (2) Other compatible residential, public, commercial assembly and marine related uses may be permitted at Council's discretion. Council shall consult with local residents and ensure that adequate steps are taken to prevent intrusion into the residential environment. Commercial uses should be permitted only when clearly subsidiary to the residential use of the area.
- (3) Development with on-site services must meet the standards of the Government Service Centre. Development must be sited at an appropriate distance from adjacent development to allow future infill development.

- (4) Development will normally only be permitted on lots which have standard frontage on publicly maintained roads. In special circumstances, such as when a regulation size building lot is owned but adequate land cannot be acquired for full public road frontage, backlot development may be permitted at the discretion of Council in consultation with residents and surrounding property owners. In such cases, Council will be satisfied that:
 - ▶ municipal sewer services and/or on-site systems meeting Department of Government Services standards can be provided.
 - ▶ adequate access is provided to the lot.
 - ▶ the development will not prejudice the future use of adjacent lands.

6.2 Mixed Development

The area designated *Mixed Development* reflects the traditional pattern of development in Traytown with a greater range of uses than would be permissible in other areas. This zone comprises a large section of the older area following the shoreline.

- (1) Permitted uses shall include single dwellings, seasonal dwellings, offices, and personal services. Other uses such as mobile homes, multiple unit dwellings, row dwellings, assembly uses, tourist accommodation, mercantile uses, service stations, and light industrial uses shall be considered at Council's discretion in consultation with surrounding residents and property owners.
- (2) Council may impose appropriate limits on size and siting of development.
- (3) Buffering or screening may be required between light industrial and commercial uses and adjacent development.

- (4) All buildings shall provide adequate off-street parking and loading spaces.
- (5) Council shall require all development to complete proper landscaping and exterior finishing of all buildings and maintain the property as required under the policies of the Plan.

6.3 Highway Commercial

An area on the Trans Canada Highway adjacent to Terra Nova National Park is designated *Highway Commercial* on the Future Land Use Map. In addition, land at the intersection of the park boundary and the road leading from Route 310 into Traytown shall be designated *Highway Commercial*.

- (1) Uses directly associated with service to the travelling public, such as service stations, restaurants or motels, are permitted in this zone and other compatible uses may be permitted at Council's discretion subject to Policy 6.2 (3)
- (2) Access points and off-street parking must be provided to the satisfaction of Council and the Department of Transportation and Works.
- (3) The Trans Canada Highway is a Class I Protected Road and any development along it requires the approval of Council and the Government Service Centre pursuant to the *Protected Road Zoning Regulations, 1994* under the Urban and Rural Planning Act 2000..

6.4 Wellhead Protection

A number of dwellings get their domestic water from shared dug wells that are not located on private property. Areas with a concentration of these wells shall be designated *Wellhead Protection Areas*. This designation is intended to protect the quality and quantity of domestic water used by these dwellings by preventing incompatible development and protecting water levels.

- (1) Permitted uses shall be restricted to conservation. No digging or building shall be permitted. Vegetative cover shall be maintained. Council may permit hiking and/or cross country ski trails.
- (2) All development within a Well Head Protection Area as shown on the Future Land Use Maps shall be approved by the Department of Environment and Conservation before a permit is issued by the Town.

6.5 Rural

There are several purposes for providing a *Rural* designation in the Municipal Plan. Limiting development in this area protects natural resources from development that may adversely affect their future utilization or enjoyment and facilitates the optimum utilization of these resources. As well, the *Rural* designation protects the environment and the amenity of the community and limits the unnecessary and costly outward expansion of the community while providing a reserve to accommodate future expansion of the community if needed.

- (1) Permitted uses include agriculture, wood harvesting, silviculture operations, mineral exploration, and recreation uses. Transmission lines, other public utilities and road construction and maintenance may be permitted. In addition, uses such as indoor and outdoor assembly, recreational open space and cemeteries may be permitted.
- (2) Aggregate extraction operations outside the Mineral Workings Area may be permitted at the discretion of Council. Mineral workings shall conform to the regulations for pit and quarry operations as established by the Department of Natural Resources, Mineral Lands Division, and any regulations and conditions prescribed by Council. No extraction shall be permitted within 300 metres of urban development. In Ploughed Ground, a permit for an extraction operation shall not be issued within 300 metres of the rear boundary of the cemetery on Pinetree Road. Council shall require site rehabilitation upon termination of

extraction activity in order to render the site suitable for future development.

- (3) Rural industrial uses, particularly those which require locations near raw materials and those which are highly land intensive or which for any other reason cannot be feasibly located close to built-up areas, may be permitted at the discretion of Council.
- (4) Council shall require appropriate screening and/or buffering for any rural industrial or aggregate extraction operation in this zone.
- (5) Residential uses will not be permitted except where they are accessory to the permitted uses noted above. Such residences may be allowed at the discretion of Council.

6.6 Mineral Workings

- (1) The Mineral Workings Area shall be reserved for activities associated with aggregate extraction such as quarries, sand and gravel pits, aggregate storage, and rock crushing. High intensity industrial uses associated with aggregate processing such as concrete and asphalt plants may be permitted at Council's discretion provided such uses do not negatively impact on surrounding land uses because of noise, dust, vibration, traffic or other nuisance factors.
- (2) A pit cannot locate within 300 metres of urban development and a bedrock quarry must be separated by at least 1000 metres. Any development within these separation buffers must be referred to the Department of Natural Resources, Mineral Lands Division.
- (3) Council shall require appropriate screening and/or buffering for any rural industrial or aggregate extraction operation in this zone.
- (4) Council, in conjunction with the Department of Natural Resources, Mineral Lands Division, shall investigate the possibility of preparing an Aggregate Extraction Plan for this area. This plan should require phasing of extraction activity within the reserve

area, the depth of extraction and ensure that site rehabilitation is undertaken upon termination of the extraction activity such that the site is left suitable for urban development.

6.7 Sensitive Natural Area – Red Pine Stand

Red Pine is a protected species. Recently, a Red Pine stand was discovered in Ploughed Ground. In order to protect this stand from urban development and disturbance from aggregate extraction, it is designated *Sensitive Natural Area* on the Future Land Use Map.

- (1) The Red Pine stand in Ploughed Ground shall be designated *Sensitive Natural Area*. Uses shall be restricted to conservation.