

Prepared by  
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Project # 003125

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF BAY ROBERTS  
MUNICIPAL PLAN 2010-2020**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Bay Roberts adopts the Bay Roberts Municipal Plan, 2010-2020.

Adopted by the Town Council of Bay Roberts on the 25<sup>th</sup> day of January, 2011

Signed and sealed this 26<sup>th</sup> day of January, 2011.

Mayor: 

(Council Seal)

Clerk: 

**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: 

(MCIP Seal)

COR 2011 10533

**Urban and Rural Planning Act  
Resolution to Approve  
Town of Bay Roberts  
Municipal Plan, 2010-2020**



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

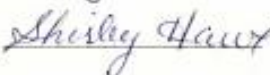
- a) adopted the Bay Roberts Municipal Plan 2010-2020 on the 25<sup>th</sup> day of January, 2011.
- b) gave notice of the adoption of the Bay Roberts Municipal Plan by advertisement inserted on the 8<sup>th</sup> day and the 10<sup>th</sup> day of February, 2011 in the Compass.
- c) set the 2<sup>nd</sup> day of March, 2011 at 7:00 p.m. at the Wolverines Search and Rescue Building, 12 Station Road, Bay Roberts, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Bay Roberts approves the Bay Roberts Municipal Plan 2010- 2020 amended as follows:

Changing a small portion of the Environmental Protection Land Use Designation on the Future Land Use Map 2A to include the developed residential properties at Civic Numbers 2-8 Mercer's Cove.

**SIGNED AND SEALED** this 28<sup>th</sup> day of June, 2011.

Mayor: 

Clerk: 

**Municipal Plan/Amendment  
REGISTERED**  
Number 265-2012-004  
Date January 5 2012  
Signature Cookman

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## **1.0 Introduction**

### **1.1 Purpose**

The Bay Roberts Municipal Plan is Council's comprehensive policy document for the sustainable management of growth within the Municipal Planning Area over the 10-year planning period 2009 to 2019.

The Plan contains policies for the management of growth and development in the community. It incorporates plans to address the environmental, social, cultural and economic needs of the community over the next decade and identifies infrastructure, facilities and research priorities that will help the community achieve its goals and objectives.

The Plan contains goals, objectives and policies of Council regarding development within the Municipal Planning Area. It is Council's aim, through the Plan to promote the health, safety and economic well-being of the community and protect the environment through the efficient utilization of land, water and other resources. The Municipal Plan consists of written text and Future Land Use Maps 1 and 2.

### **1.2 Municipal Plan Preparation**

The first Municipal Plan for the Town was prepared by the Department of Municipal Affairs and approved in 1987. In 2003, the Plan underwent a review, following a number of changes including alterations to the boundaries of the Town and the Municipal Planning Area.

This Municipal Plan reflects a 2009 review of the 2003 Plan and subsequent amendments. The Plan has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2000. Relevant planning issues have been reviewed including current land use, demographic and economic data.

### **1.3 Community Consultation**

Residents of Bay Roberts were consulted and given the opportunity to provide feedback during the review process. On May 11, 2009, a public meeting was held at the Lion's Club. Approximately 30 people attended. Notices were posted at the Town Council Office, on the Town website and in the local newspaper. Following the meeting, residents had the opportunity to provide further input by email and phone.

The public meeting included a presentation by the consultants outlining the municipal plan review process and sustainability issues. Participants worked in small groups to generate ideas and concluded with an exchange of ideas in a large group discussion. The participants identified existing land use issues and opportunities for improvement by discussing what is important to the community and what changes are needed. Feedback from the meeting provides a vision for the future that is integrated throughout the Municipal Plan.

#### **1.4 Approval**

When the Municipal Plan is formally adopted by resolution of Council under Section 16(1) of the Urban and Rural Planning Act, 2000 Council gives notice of a public hearing. At the public hearing a Commissioner, appointed by the Council, will hear objections and representations regarding the Municipal Plan, then will write a report to Council together with copies of all submissions taken at the hearing.

After the Commissioner's report has been submitted, Council considers the recommendations and may approve the Plan, or approve it with changes that may be recommended by the Commissioner. Council then submits the Municipal Plan and accompanying Development Regulations to the Minister of Municipal Affairs to be registered. The Plan comes into effect on the date notice of its registration is published in the Newfoundland and Labrador Gazette.

#### **1.5 The Effect and Variation of the Municipal Plan**

When the Municipal Plan comes into effect, it is legally binding upon Council and upon all other persons, corporations and organizations proposing to develop or use land within Bay Roberts.

#### **1.6 Plan Implementation**

When a Municipal Plan comes into effect, Council is required to create regulations for the control of the use of land, in the form of Land Use Zoning, Subdivision and Advertisement Development Regulations, in strict conformity with the Municipal Plan. These "Development Regulations" are prepared and approved at the same time as the Municipal Plan, and like the Plan, may be amended at any time to include new land uses and specific regulations.

Day-to-day administration of the Municipal Plan and Development Regulations will be conducted by staff members authorized by Council, who will issue permits for developments approved by Council. Staff will also make recommendations to Council on matters pertaining to development in accordance with the Municipal Plan and enforce the regulations.

#### **1.7 Plan Review and Amendment**

Under the Urban and Rural Planning Act, 2000 Council must review the Plan every five years from the date on which it comes into effect, and if necessary, revise it to reflect changes in the community that can be foreseen during the next 10-year period. The Plan may be amended as necessary prior to the five-year review in response to new development proposals, changed policies, or community priorities. Such



amendments must follow the process outlined in Sections 14 to 24 of the Urban and Rural Planning Act, 2000.

## **1.8 Interpretation**

In this Municipal Plan:

"Council" shall mean the Council of the Town of Bay Roberts.

"Development Regulations" shall mean the Bay Roberts Land Use Zoning, Subdivision and Advertisement Regulations.

"Municipal Planning Area" shall mean the Bay Roberts Municipal Planning Area.

"Town" shall mean the Town of Bay Roberts.

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 of land use.

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

## **1.9 Municipal Planning Area**

The Planning Area is governed by Town Council, which exercises control over all development, watersheds and amenities of the municipality.

## **2.0 Planning Context**

### **2.1 Introduction**

Planning for long term sustainability in Bay Roberts requires consideration of the current status of the community's social, cultural, environmental and economic situation, as well as how the Town administration works to achieve long term success. This section sets a context for sustainability and land use issues in the Town that are addressed in the Municipal Plan and the implementing Development Regulations. More detailed information is contained in Appendix 1 Bay Roberts Community Context: Background Report.

### **2.2 Planning for Social and Cultural Sustainability**

The Town experienced a growth in population of 3.4 % in the census period between 2001 and 2006. In 2006, the town was home to 5,415 residents. It is notable that Bay Roberts was able to grow over a period when the province as a whole experienced a population decline of 1.5%. The population in Bay Roberts has remained fairly steady since 1986, with a slight increase in shown between 2001 and 2006.

Much of the new growth that is being experienced in Bay Roberts is from young families moving to the Town, attracted by the availability of shopping and other amenities as well as the prospective re-sale value of their homes (Town Manager, pers. comm. December 10, 2008).

While Bay Roberts has a large proportion of its population who are in the "Baby Boomer" age group, the median age of the population is 40.5, slightly younger than the provincial median age. Compared to many other communities in the province, Bay Roberts has a fairly large population of young adults, teenagers and children, which means there is strong human capital for the current and future labour force in the community. Like the provincial profile, Bay Roberts' population pyramid shows a large number of baby boomers, with the largest number in the younger boomer cohorts (35-44 years old).

Bay Roberts is a growing municipality, which affords the town many advantages that other communities in Newfoundland do not have as their population declines. Bay Roberts faces the challenge of continuing to provide live, learn, work and play opportunities for families and individuals of all ages in order to remain an attractive place to move to.

### **Built Heritage Area**

The areas on the north side of Bay Roberts Harbour along Water Street and older streets to the north have a number of historic buildings and properties. The original street pattern of the community remains intact and provides an interesting, attractive and walkable environment. A number of buildings have been preserved and there is growing interest in identifying and promoting a heritage area within this part of the community as a form of economic development.

For many towns experiencing pressure for new development, the challenge will be to identify aspects of the community that should be preserved to retain cultural and historic aspects that make it unique, and to encourage new development in a manner that sees historic buildings re-used and preserved for the benefit of residents and visitors alike.

### **Historic and Scenic Area - Mad Rock**

The current Municipal Plan designates an area from French Cove to Mad Rocks for Heritage Conservation. An historic and windswept area of the community was once populated by early settlers who had fishing stages, homes and root cellars, vegetable gardens and grazing areas for sheep and cattle. Over the years, people moved out of this exposed area and it is now essentially a natural scenic area. Today, traditional walking paths have been identified and promoted. Over the years, controversy has arisen between landowners and the town over the future of this area as land prices have risen and property owners seek to realize value in their property. Some wish to see homes developed in this area.

While there have been attempts to resolve outstanding issues associated with this area, no firm plan has been developed to date that might recognize private property rights within the broader community interests in this area. A process involving property owners, municipal leaders, heritage interests and the broader community is needed.

### **2.3 Planning for Environmental Sustainability**

Within the town, the Shearstown Estuary has been identified as an important wetland that provides habitat for waterfowl and other wildlife. Here, freshwater from the Shearstown River meets and mixes with the saltwater in Spaniard's Bay. The Estuary includes the Shearstown River, Shearstown, Muddy Hole, and Arnie's Pond, and the shallow inner reaches of extensive beds of eel grass and water widgeon grass Spaniard's Bay. The shallow estuary supports extensive beds of eel grass and water widgeon grass that grow over the mud substrate. Portions of the estuary remain ice-free in the winter and as a result, from late fall to early spring, over-wintering waterfowl congregate to feed on the abundant populations of invertebrates that live among the aquatic vegetation.

In 1997, the Towns of Bay Roberts and Spaniard's Bay entered into a Wetland Stewardship Agreement with the province to protect and enhance this area of important wetland habitat. Through the agreement, the Town agrees to designate the area as a conservation area within its Municipal Plan. In 2008 the Towns continued this tradition of cooperation for the protection of the Shearstown Estuary by signing a Habitat Conservation Plan for this area.

In 2010, the Department of Environment and Conservation will study the floodplain of the Shearstown River and prepare a floodplain map that identifies the extent of potential flooding. At the time of preparation of this plan, there is no floodplain mapping available that would identify areas vulnerable to flooding. As this information becomes available, changes to the plan may be required to reflect the identified floodplain and policies to address development within vulnerable areas developed in accordance with the provincial Floodplain Policy.

Development along the coastline in Bay Roberts can be expected to increase over the next decade as people seek shoreline access and views. Climate change research has shown that rising sea levels and increased intensity of storm events pose risks for development in shoreline areas. It will be important for the town to ensure that new development is kept back from vulnerable shorelines in areas where erosion is occurring and in low-lying areas susceptible to storm surges.

At the present time, sewage effluent is discharged untreated into the ocean at Bears Cove and Coleys Point, and at other small outfalls into Bay Roberts Harbour and Spaniards Bay. The Town has plans to eventually develop sewage treatment plants to prevent untreated sewage from entering these bays.

### **Local Agriculture**

The Town of Bay Roberts has an agricultural heritage with ongoing presence in the community that provides local produce, employment and income for residents of the community. This should be encouraged to continue through protection of small farms and farmland, and provision of opportunities for producers to market their products locally.

## **2.4 Planning for a Sustainable Built Environment**

The population of Bay Roberts has fluctuated over the years as a result of a combination of factors. During periods of downturn in the fishery and the provincial economy, the Town experienced an exodus of young people. In more recent years, with the opening of the Conception Bay North Bypass Road and a more buoyant provincial economy, the population of the Town has stabilized and begun to increase. There is increase in demand for housing - particularly single family housing - as young people within the community form their own households, early retirees move into the community from outside, and retiring residents look to move into smaller homes. Should this demand continue over the next decade at a rate of between 30 and 60 new units per year, the Town could see an increase in population by an additional 800 to 1,600 people by 2019?

### **Municipal Infrastructure**

Additional growth in the community requires adequate municipal water and sewer infrastructure to accommodate it. At the present time, most of the town is serviced with piped water and sewer services. New development is occurring in new subdivisions and as infill in existing residential areas.

The condition of existing water, sewer and road infrastructure and the Town's ability to maintain them are currently limiting factors in the physical and economic growth and future sustainability of the Town.

### **Water Supply and Distribution**

The Town has been experiencing problems with its infrastructure for some time. In 2007 a study on the water and sanitary sewer system was commissioned. This study found that several areas throughout the

town experience low water pressure, and for the most part, the existing water system does not have the ability to deliver flows adequate to meet fire safety requirements. In addition, the study found that water usage was high, but attributed this to leaks in the distribution system. Water from the Rocky Pond Protected water supply is good, and recent upgrades have been made to ensure a continued supply.

### **Sanitary Sewer System**

Sewage is collected and discharged untreated into Conception Bay from two large sewage basins with outfalls at Bears Cove and Coley's Point. Several smaller outfalls fed by smaller systems are located on the east side of the Town along Water Street. The 2007 study found areas where aging sewage pipe was 40 years old and, in a number of areas, pipes are too small to handle existing flows and to accommodate new development within the community. A number of lift stations and force mains in several areas are in poor condition and may need to be replaced. Land also needs to be proposed industrial park near the Conception Bay Bypass Road will require servicing in acquired for sewage treatment plants at the Coley's Point and Bears Cove outfalls . An order for that area to be developed.

The study recommended water and sewer infrastructure improvements in eight phases at a total cost of \$20,000,000. This cost did not include estimates for new sewage treatment plants at Bears Cove and Coleys Point that will also require considerable capital expenditures.

### **Roads**

Bay Roberts maintains an extensive network of local streets. Many are in need of maintenance, repair and resurfacing. An annual program of street upgrading and paving is required to ensure that the existing road network is adequately meeting the needs of the community. In this regard, it will be important for the town to require any new development that proposes new streets or the extension of existing ones to be constructed to the highest standards. While the main street through the town is the responsibility of the Department of Transportation and Works, that Department's mandate is only to ensure the road can function for the safe movement of vehicles. In order for the street to function as a commercial main street, attention will have to be given to providing sidewalks and crosswalks to facilitate pedestrian movement to businesses in this area.

## **2.5 Planning for a Sustainable Economy**

The local economy of Bay Roberts is driven by retail and wholesale trade, distribution, and secondary fish processing. As the largest community in Conception Bay North, Bay Roberts has traditionally acted as a regional service center for communities of the region and the town remains an important center of commercial activity. A large Shoppers Drug Mart, a Subway restaurant and dentist office were all recently constructed in the town.

The town is planning a business and industrial park to be developed by the intersection of the Access Road and the Veterans Memorial Hwy where 45-50 acres are available for development pending availability of servicing.

### **Main Street**

The Town's main street along the Conception Bay North Highway is the primary commercial area in Bay Roberts. However, over time, as the area has built up, the main street has become congested and has the appearance of a commercial strip. While individual developments have improved and maintained their premises, the area is not generally visually attractive and has poor pedestrian access and safety. Buildings left vacant as businesses moved out to construct new building premises which have the potential to become eyesores if not maintained. The area has much potential to accommodate a range of retail and service companies.

### **Water Street**

The harbourfront of Bay Roberts along historic Water Street has potential to be developed into an important component of the community. An established hotel, interest in new bed and breakfast accommodations, the museum, the boardwalk and

Interpretive signage gives this area a good mix of what is needed for future economic development. Access to a working waterfront is an attraction for tourists and residents, and the Town needs to consider ways to encourage the co-existence of tourism and traditional industrial and fishery uses of the Harbor.

### **Industrial Use at Coley's Point**

The Avalon Coal and Salt Company at Coleys Point has been in business since 1842. In recent years, the company's operations have expanded. However, the business located along the harbourfront - has limited area for expansion. As the business has expanded, the impact of its operations on residents along Coley's Point Road North has increased, particularly at peak times when increases in truck traffic and nighttime operations are necessary. Two small ponds separate the business from the local street and the company has requested permission to fill in the two ponds to expand their storage yard. This has met with opposition from surrounding residents of the area who fear increased disturbance from an expanded operation.

While it is in the interests of the Town to encourage economic development, expansion for this and other industrial uses must be done in a manner that takes into consideration potential impacts on adjacent residential areas.

One of the main challenges for Bay Roberts is to encourage business activity in the Town, including the creation of the business and industrial park to make it a destination of choice for manufacturing and service sector businesses. These developments could help retain the current labour force and attract skilled residents who have migrated from other areas.

### **Expansion of Town Boundary**

An area of land around Rocky Pond has been proposed for development. At the present time, this area is located outside the Town's municipal boundary, but within its Planning Area boundary. Any development in this area should be included within the boundaries of the municipality so that property tax revenues are available to the Town to cover municipal services that would be provided. It is Council's intention to request an expansion of its municipal boundary to include the area around Rocky Pond.

### **Land Use and General Description**

Bay Roberts originally developed in a linear pattern along an elongated peninsula facing Bay Roberts Harbour. With the construction of the Conception Bay North Highway, development moved inland and began to spread north and south along the road. The oldest area, along Water Street, consists mostly of residential development but also contains businesses and public offices and other facilities. Most homes and buildings in the downtown area are quite old and provide the area with a distinct urban form.

The Conception Bay North Highway has become the focus of commercial development, particularly with the construction of shopping malls during the last two decades. Quite a few businesses have located along the commercial strip on the highway through the main part of town, including two shopping malls. Construction of the new Conception Bay North Bypass and an access road to the Highway in Bay Roberts will doubtless shift the pattern of commercial and other business uses in the Town, and the Plan will have to take account of this potential.

Beyond the highway and waterfront, developed areas consist primarily of single family residential development, but also contain some farmland, public buildings, businesses, recreation areas and industrial uses. In more recent years, residential development has expanded along back roads such as Country Path and Shearstown Road. The most recent addition to the Town is the community of Butlerville. Most homes in Bay Roberts (98%) are serviced with municipal water and sewer. Residents in some of the outlying areas depend on private water sources, primarily individual wells. Rural parts of the Planning Area provide resource areas for the town's residents; most notably blueberry grounds, community pasture, agricultural land and forest resources, as well as a surrounding natural setting.

A sufficient land base appears to be available to accommodate new business and industrial development should opportunities arise. Extensive areas adjacent to the new Conception Bay North Bypass and access road can be reserved for future industrial and commercial development.

Most of the new housing that was developed in the Planning Area during the previous plan took place as infilling along existing roads. About half of these new houses were in Bay Roberts itself. The rest were built in the other communities that make up the Planning Area.

## **2.6 Planning for Sustainable Governance**

**Bay Roberts has an active Municipal Council comprised of seven Councilors. Members of Council are involved in a number of committees, including the Recreation Committee, Economic Development Committee, Tourism Committee, and the Bay Roberts Festival of Lights Organizing Committee. The administration of town business is carried out by qualified staff that includes the Chief Administration Officer, Town Clerk, Accounts Receivable Clerk, Clerk Receptionist, Directors of the Departments of Development and Tourism, and Recreation and Sports, Works Superintendent, Seasonal Maintenance Supervisor, Municipal Enforcement Officer and Fire Chief.**

**Municipal elections have been fairly well attended, however, like much of Newfoundland and Labrador, and even Canada-wide, voter turnout has decreased over time and it is increasingly challenging to restore community engagement. In the future we will need to consider how to use both new and traditional methods of public engagement to increase interest in municipal matters.**

## **2.7 Collaborations and Partnerships**

**Currently there is little regional cooperation occurring in Bay Roberts. We support and have an ongoing partnership with the Bay Arena Association which serves the Region and our Recreation Department has forged a Sport Tourism Alliance with the Towns of Harbour Grace and Carbonear. We participate in a Joint Council process and are willing to work on any regional issues with member municipalities. Within the tourism industry, our Department of Economic Development and Tourism is continually working on regional and provisional and co-operation. While we are not looking to expand into other regional operations at this time, there is an opportunity to strengthen our existing partnerships.**

[MPA-2012-1](#) and [NL Gazette](#)



### 3.0 Community Planning Goals and Objectives

#### 3.1 Community Vision

The Community Vision for Bay Roberts identified through the planning process is:

Proud of its past and poised for the future, Bay Roberts aspires to be a vibrant community that prospers economically, socially and culturally by placing a high priority on the quality of life it offers its citizens. This will be achieved through protection of the environment and natural beauty of the community, its history and culture; provision of opportunities for active living, quality municipal services, and sound planning. The Town will support a thriving and diverse business sector that caters to local and regional needs.

#### 3.2 Community Goals

The following community-wide goals are consistent with the Vision and will guide the Town of Bay Roberts over the next decade:

**Compact Built Environment** - To minimize future costs of municipal servicing by managing growth in a manner that ensures orderly development, and encourages a compact physical structure in the community by utilizing land that is available within the boundaries of existing serviced development.

**Community Health and Well-being** -To protect and enhance the physical and social well-being of present and future generations of residents and ensure that town remains a pleasant place in which to live, work and visit.

**Environmental Protection** - To identify, enhance and protect sensitive natural areas of the community in a manner that supports viable species habitat, and provides nature experiences for residents of the community.

**Sustainable Economy** - To support new opportunities for business growth, by ensuring an adequate land base, an efficient road network and municipal infrastructure that supports expansion and diversification of local employment and businesses.

**Sound Fiscal Management** - To manage growth, development and the provision of services in a manner that is in keeping with the financial resources of Town.

**Open and Accessible Government Decision-making** - To provide opportunities for citizen input regarding development decisions affecting the community.

#### 3.3 Community-Wide Land Use Objectives

The Town will pursue the following land use objectives in order to achieve the community-wide goals:

- Upgrade the community's existing water and sewer infrastructure so that it can accommodate future growth of the community.

- Minimize public capital works expenditures by ensuring that expansion of the developed portions of the Town takes place in a logical, orderly manner – as infilling on existing streets, or within or immediately adjacent to existing serviced areas.
- Protect the natural and scenic assets of the community by ensuring that development occurs in an environmentally safe and responsible manner.
- Identify and establish a Heritage District in the older part of town in the area around the Town Hall and develop policies and programs to ensure protection of existing heritage structures, as well as sensitivity of design in new development.
- Encourage a mix of housing that can accommodate a range of household types and incomes.
- Recognize and protect built heritage and cultural landscape areas of the community for their aesthetic, historic and economic value.
- Encourage economic development by supporting home occupations and ensuring an adequate supply of serviced land to accommodate new businesses.
- Provide for natural resource uses such as agriculture, forestry and mineral workings in the community and implement measures to prevent and reduce conflicts between such uses and urban development.

### **3.4 General Land Use Policies**

The Municipal Plan designates land within the Planning Area Boundary for general land uses that are deemed most appropriate for future development. Future Land Use Maps 1 and 2 identify the major land use categories for the Town of Bay Roberts.

The following policies shall apply throughout the Municipal Planning Area:

**Policy G-1 - Growth Management** - New development will be located in areas that can be easily serviced from the existing water and sewer infrastructure as infill development and in those areas identified for new development adjacent to the built up areas of the Town. New commercial development will be encouraged to locate along the commercial main street (Conception Bay North Highway) while the harbour front areas (along Water Street) will continue to function as a working harbour and, particularly on the north side of the Harbour, as a commercial area for tourism developments.

**Policy G-2 - Land Use Conflicts** - In considering applications for new development, Council will consider the impact of any development (whether permitted or discretionary) on surrounding land uses and may limit or prevent any development which could negatively affect the health, safety, well-being or lifestyles of residents, or the peaceful and quiet enjoyment of their residences . The protection of residential amenity will have priority in situations where a decision has to be made concerning whether or

not a non-residential use (whether or not it is located on land designated Residential) is acceptable within the general vicinity of residential uses.

**Policy G-3 - Livestock Buffer** - In considering application for development near livestock operations , the Town may establish appropriate buffer areas and limit development within the buffer areas to prevent conflicts between agricultural and non-- agricultural uses.

**Policy G-4 - Non-Conforming Uses and Development** - In accordance with Section 108 of the Urban and Rural Planning Act, 2000, Council shall recognize that any development or land use that legally exists on the day, in which the Plan came into effect, may continue. Where a building or use exists that does not comply with the intent of the Plan and the designated use, it shall not be substantially expanded. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment. A change from one non-conforming use to another more acceptable non-conforming use may be permitted.

**Policy G-5 - Servicing Considerations for New Development** - The implications of future servicing costs to the Town and whether or not a development proposal represents a logical, incremental and orderly extension to existing development will be a guiding principle in deciding whether or not to approve a development application or undertake a Municipal Plan amendment.

**Policy G-6 - Frontage on Publicly Maintained Street** - Except for accessory buildings and non-residential buildings associated with agriculture, forestry, sawmilling, mineral workings or other resource or industrial uses for which public road frontage would be unnecessary or undesirable, all new buildings shall have appropriate frontage on a publicly maintained road, except where other policies or requirements of this Plan specify or allow otherwise.

**Policy G-7 - Service Requirements** - Unless it is physically impossible, or unreasonably costly, all new dwellings, commercial establishments and all other buildings (with the exception of sheds, barns, accessory buildings, or any other buildings not intended for human use or occupancy for extended periods of time) are to be connected with the municipal water and sewer system, at the developer's expense . If they cannot be integrated with the town's water and sewer system, they must be capable of meeting the requirements of the Sanitation Regulations administered by the Government Service Centre with regard to provision of water and sewage services.

**Policy G-8 - Servicing Capacity** - Regardless of whether or not a proposed development otherwise conforms with the Plan and Regulations, Council may refuse to approve a development in any area where water pressure cannot be sustained at high enough levels to provide adequate firefighting capability, or where it is not located close enough to a water supply source suitable for firefighting purposes. Development may also be refused where the development would overburden the capacity of the town's water and sewer system, or would exacerbate existing problems with the system, or would otherwise contribute toward unsanitary conditions.

**Policy G-9 - Servicing Cost Policies** - Public funds will not be spent to extend services to areas beyond the limits of the Town's Limit of Servicing Agreement. Extensions to water and sewer systems which are not part of the town's approved capital works program shall be the financial responsibility of developers or individual property owners.

**Policy G-10 - Development Above Water Servicing Limits** - Public funds will only be spent to pump water above the upper limit for adequate gravity water service if development already exists, infilling is possible once services are installed, and if it is acceptable to the Town and province to do so.

**Policy G-11 - Preventing Development in Hazardous areas** - Council shall prohibit development in areas with excessive slopes or on land susceptible to erosion, flooding, or any other hazard. In areas designated for development, Council may require detailed backfilling on steeply sloped land is proposed, or where there is potential for flooding, engineering studies to evaluate the suitability of the land for a development, where erosion or other natural hazard to occur.

**Policy G-12 - Parking Design Standards** - In the Development Regulations, Council shall establish standards to ensure that developments include adequate off-street parking in appropriately designed parking lots with adequate parking lot access and landscaping.

**Policy G-13 - Subdivision Design Standards** - Council will establish design standards for roads in new subdivisions in the Development Regulations implementing this Plan. The standards shall take account of traffic safety, accepted design principles, based on the traffic expected to use each road.

**Policy G-14 - Property Maintenance, Landscaping and Tree Retention** - Unless financially prohibitive or physically impossible, all development shall take place in a manner in which mature trees are retained on building lots. Council may specify individual trees and other vegetation to be retained, particularly if needed as part of a buffer between differing kinds of development or to maintain local aesthetics.

**Policy G-15 - Ecological Integrity** - It shall be a policy of Council to encourage the preservation of natural features such as beaches, mature tree cover, areas of steep slopes and wetlands to support the preservation of ecosystems and cultural landscape features for future generations. New development shall be required to be designed to minimize environmental impacts. Council may require an environmental impact assessment of any new development proposed for undeveloped areas or where known natural resources such as wetlands, productive forest, coastlines or rivers may be affected.

**Policy G-16 - Public Utilities** - It shall be a policy of Council to permit the location and placement of utilities throughout the Planning Area provided that they do not cause pollution, present a danger to health, create a nuisance to residents, or cause unsightliness. If deemed necessary by Council, adequate screening and buffering or any other measures to minimize negative visual impacts shall be put in place.

**Policy G-17- Signs** - Signs and advertisements erected in community shall be of high quality, good design, and located and constructed in a safe manner. Signs must conform to standards established in Part IV of the Development Regulations.

**Policy G-18 - Protection of Archaeological Resources** - Council shall consult with the Provincial Archaeology Office, Historic Resources Division, Department of Tourism, Culture and Recreation, before

undertaking any municipal works or considering an application for development that is proposed to occur on undeveloped land within the community.

**Policy G-19 - Home Occupations** - It is Council's intention to foster the growth of small businesses as home occupations in a manner that is compatible with surrounding land uses. Businesses in the form of home occupations may be considered in any residential dwelling in any land use designation within the community. Businesses that consist only of an office in a dwelling will be a permitted use. Businesses operating as home occupations shall not, to surrounding properties, be highly visible, generate traffic, noise, odors or create any potential hazards by virtue of the nature of the business.

**Policy G-20- Agriculture** - The Town recognizes the importance of agriculture within the community as an economic activity and source of locally produced goods. It shall be a policy of Council to protect large scale, commercial agricultural lands from urban encroachment to ensure their continued use for agricultural purposes.

**Policy G-21- Small-scale agriculture** - Small-scale agricultural production in the form of community and market gardens, or for home use may be considered within the built-up areas of the community. Livestock may be kept on residential property if the lot is of a sufficient size to allow safe, nuisance-free dissipation of wastes and animals are limited in number and of a type that Council considers traditional for households on small plots in the Planning Area. Home livestock-keeping shall not be undertaken as a commercial operation and must not cause disturbance to nearby residential uses.

**Policy G-22 - Mineral Exploration** - comprising development may be carried out throughout the Municipal Planning Area except in locations which Council may find to be sensitive to exploration activity. Before approving mineral exploration, Council shall evaluate the impact of the proposed exploration activity on surrounding uses. Council will ensure that mineral exploration shall not negatively impact on residential development ; water bodies especially in water supply areas ; wetlands ; steep or unstable slopes ; lands essential for wildlife (nesting sites, corridors , etc. .); and Blueberry Management Units.

**Policy G-23 - Protecting Heritage Structures** - It shall be a policy of Council to identify buildings or structures that has a traditional or distinctive architectural style (or otherwise is deemed to have historic or aesthetic value by Council, or a department or agency of other levels of government). Council may refuse to approve any development which involves the destruction or inappropriate alteration or use of any structure it deems to have heritage value.

**Policy G-24 - Adaptive Re-use of Heritage Buildings** - Council shall consider and encourage the adaptive re-use of any heritage building or structure in a manner that will preserve the traditional appearance and integrity of the building, structure and property on which it is located.

**Policy G-25 - Effects on Surrounding Area Policies** - Council shall, when considering any application for development, take into account potential effects on surrounding areas. Where there will be impacts that cannot be moderated to acceptable levels, the development shall not be approved, even if the proposed development otherwise conforms to the requirements of the land use designation in which it is to take place.

**Policy G-26 - Public Consultation on Development Applications** - If a development that could have undesirable off-site effects is proposed near developed or undeveloped residential areas, primary consideration shall be given to protection of the safety and amenity of the residential areas when evaluating the application. In that regard, Council shall hold public meetings or otherwise consult with surrounding residents and property owners to ensure they are aware of the potential effects of the proposal and shall take any concerns they express into consideration before any decision to approve or refuse is made.

## **4.0 Land Use Designations**

This Plan sets out a number of land use designations that reflect both current land use and potential future use of land. The Future Land Use Map shows the following Land Use Designations:

Residential  
Mixed Development Commercial Industrial  
Rural  
Open Space Recreation  
Environmental Protection  
Comprehensive Development Area - Mad Rocks Heritage Area  
Highway Reserve

The following policies apply to development within the specified land use designations as depicted on the Future Land Use Maps of the Municipal Plan.

### **4.1 Residential**

Residential development in Bay Roberts consists primarily of single family dwellings. In recent years, the Town has experienced an increase in new residential development and larger dwellings being constructed. With development demand in the order of 60 new residential building lots per year, the challenge for the Town will be to ensure that it is compatible with existing development in areas of the town where there is a concentration of heritage dwellings, and where there are opportunities for infill development. Areas for both infill and new residential development in backland areas or where services need to be extended must be able to be adequately serviced before development is permitted. The town currently has issues with a lack of capacity in the sewer system and water low pressures in others that must be taken into account before new development is permitted. While current demand is for single dwellings, this will change in future as the population ages, and opportunities for higher density, smaller residential units must be provided.

#### **4.1.1 Residential Objectives:**

The following objectives for residential development in Bay Roberts are:

- Designate sufficient land for anticipated future residential development in a manner that makes efficient use of existing municipal infrastructure.
- Ensure that development within Residential land use designation is compatible with the residential character and amenity of such areas.

- Ensure unserviced residential infill development can be serviced with on-site well and sewage disposal that will operate safely and effectively for the foreseeable future.

#### **4.1.2 Policies**

**Policy R-1 - Primary Uses** - Areas designated for residential use on the Future Land Use Map are reserved primarily for residential uses in the form of single and double dwellings, with provision for some compatible non-residential uses. There will be two Residential Land Use zones in the implementing Development Regulations:

Residential zones will be for serviced development with lot size requirements reflecting the existing pattern of lots in the older established "urban" parts of the Town. In Residential II zones, connection with the Town's water and sewer system is required where feasible and for new subdivisions. Mobile homes and prefabricated homes may be developed in the Residential use zones, subject to Policy R-10. Other forms of residential development may also be considered, including duplexes, townhouses, apartment buildings and seniors housing in the form of apartment units and a range of assisted living accommodations.

**Policy R-2 - Non-Residential Uses** - Within areas designated for residential use on the Future land use map, other uses such as community-oriented buildings for the assembly of groups of people, such as schools, stadiums, theatres, churches, meeting halls, and child care centers currently exist. Expansion to existing, or new uses such as these may also be considered. Recreation uses such as outdoor recreation facilities may be developed in the residential land use designation provided that Council is satisfied that the facility is compatible with surrounding development. Temporary catering and retail uses may take place in association with established assembly uses and may be developed in the building involved provided the scale is accessory and operated in conjunction with the main activities in the building. Other uses, such as antenna and utilities may also be considered.

**Policy R-3 - Cemeteries** within the Residential land use designation may be expanded or new ones developed provided they are associated with a place of worship.

**Policy R-4 - Convenience Stores** - Convenience stores, attached to a dwelling unit in which the store owner or operator resides, may be developed in the Residential land use designation if Council considers the location, size, and other features acceptable for convenience stores shall not be developed on dead-end roads except on a corner lot of the surrounding area. To minimize potential traffic problems on residential streets, a collector road or a secondary street that intersects a collector road. In all cases, adequate on-site parking must be provided.

**Policy R-5 - Home Based Occupations** - Home based occupations (such as doctors' offices or other personal services) may be developed in a dwelling provided it meets other Plan requirements. Child care may be permitted if an outdoor play area is available on-site, or within a short walking distance, and the dwelling and area are otherwise suitable. Tourist homes and bed and breakfast accommodations may be located in homes in the Residential land use designation. Light industrial uses like craft manufacturing or small scale repair may take place as a home occupation in the dwelling or in a subsidiary building on the home lot in the Residential designation. No home-based occupation will have off-site effects, such as



noise, fumes, excessive traffic or parked vehicles drawn to the area by the activity, or outdoor storage, which are unacceptable in a residential area. A Home office will be permitted.

**Policy R-6 - Backland Residential Development** - Lands without existing road access or frontage may only be developed in accordance with an approved plan of subdivision. Access points to backland areas shall be preserved for future street access.

**Policy R-7 - Accessory Buildings** - Any residential accessory building must be of an appropriate size and shape and must be clearly incidental to the dwelling with which it is associated.

**Policy R-8 - Residential subdivisions** may be developed in any Residential zone according to an approved subdivision plan and in accordance with requirements of the Development Regulations. Such developments must contribute to the overall efficiency of street and open space networks, be able to be connected to the Town's water and sewer system and be compatible with surrounding uses.

**Policy R-9 - Open Storage** - of materials, machinery or equipment associated with any non-residential uses shall be prohibited in the Residential land use designation. Open storage shall be limited to that which is normally associated with the residential use. No open storage or maintenance of any machinery, equipment, vehicle or boat shall be permitted on a residential property where such activity causes a nuisance to neighboring properties.

**Policy R-10 - Mobile homes** - A prefabricated building, including a mobile or mini- home, may be developed on a standard lot and may be required to meet standards established by Council for building appearance and finish.

**Policy R-11- Backlot Development – Notwithstanding Policy G-6 and Policy R-6, limited backlot development may be considered in areas designated for residential use and zoned Residential II in the Development Regulations. Such development may be considered where:**

1. **There is sufficient land for a lot to be developed, but topography or other constraints would preclude development of adjoining lands on a more comprehensive basis;**
2. **The lot will be serviced by municipal piped water and sewer;**
3. **The lot will have adequate access to an existing public street;**
4. **There is no objection from abutting property owners who may be affected by the proposed development.**

**Backlot development will not be permitted where it would prevent future development of adjoining undeveloped lands.**

[MPA-2012-1](#) and [NL Gazette](#)

## **4.2 Mixed Development**

Along main transportation routes there are stretches of development that have a mix of residential and commercial/industrial use. Over time, as these areas develop, they may become more commercial or more residential. The Plan identifies these areas for Mixed Development.

#### 4.2.1 Objective:

- Provide for the continuation of a mixture of residential and non-residential uses along main transportation routes where such development has traditionally taken place.
- Promote a pattern of development that is compatible with residential uses located in the Mixed Development land use designation.

#### 4.2.2 Policies:

**Policy MD-1 - Mixed Development** land use designation is intended to accommodate residential uses as the primary use of the area. However, a number of non-residential uses may be considered including commercial and industrial, assembly, cultural and civic, recreational, educational, business, medical and personal service uses. Single and double dwellings, apartments and townhouses, as well as home offices will be permitted. Other types of development will be evaluated for their compatibility with surrounding uses. As an area for mixed residential and non-residential uses, the emphasis will be on ensuring that non-residential development is done in a manner that reduces impacts on residential properties.

**Policy MD-2 - Residential development** in the Mixed Development land use designation must conform to the policies and requirements of the Residential Land Use designation and the Residential II Land Use Zone.

**Policy MD-3 - Agriculture** in the form of greenhouses and florists nurseries may be developed in Mixed Development, Commercial, Industrial and Rural land use designations.

### 4.3 Commercial

Over the past couple of decades, extensive commercial development has occurred along the Conception Bay Highway in Bay Roberts, away from the older commercial area along the waterfront. Further consolidation and development of land fronting along the Highway for commercial development is to be encouraged, along with areas near its intersection with the access road to the Conception Bay North Bypass Road.

#### 4.3.1 Objectives:

- Maintain the role of Bay Roberts as an important commercial and administrative center in Conception Bay North.
- Identify locations with good road access and other features suitable for future retail commercial and office uses and compatible public uses.

- Consolidate further commercial and related infilling of land fronting on the existing Conception Bay Highway and around the western extremity of Bay Robert's Harbour in areas which are already predominantly developed for such uses, and prevent further development of residential dwellings in these areas.
- Provide for the development of commercial uses in appropriate locations in relation to the proposed highway bypass route.

#### 4.3.2 Policies:

**Policy C-1 - Commercial Lands** are intended for a range of commercial uses such as retail, professional, medical and personal service uses, office and assembly uses. In the Development Regulations implementing this Plan, lands shall be zoned to identify areas for general commercial retail uses, offices and for traffic dependent commercial uses such as service stations along the access road from the existing Conception Bay North Highway to the Bypass Road. **Shopping centers and large format shops shall be a permitted commercial use.** Agriculture, in the form of commercial greenhouses, nurseries and markets may also be considered.

[MPA-2012-1](#) and [NL Gazette](#)

**Policy C-2- Light Industry Uses** may take place in the Commercial Land use designation, provided they are compatible with surrounding development. Large-scale public or assembly uses and other uses requiring good road access, which are compatible with commercial activity, may also be located in this land use designation.

**Policy C-3 - Residential and Institutional Uses** - Apartments or independent living accommodations for seniors may be permitted in the Commercial land use designation. Such uses should be located near complementary commercial uses such as grocery stores and other services. Mixed commercial developments containing a residential component will be encouraged and facilities for medical treatment and special care may also be considered.

## 4.4 Industrial

Industrial uses, at varying levels of intensity occur throughout the Planning Area. Bay Roberts's wishes to encourage further industrial development within the Town. To that end, in the previous Plan several areas had been designated as Industrial Development Areas, within easy access of transportation routes or marine access, to accommodate such development. In this Plan, some adjustments to the locations of these sites have been made to reflect changes in the route of the Conception Bay North Bypass. Land-based industrial activities benefit from level sites, easily accessible from provincial highways. Such locations can steer truck traffic away from commercial and service areas and residential areas.

#### 4.4.1 Objectives:

- Ensure sufficient space is readily available for various kinds of industrial development in locations where they will not create unwanted effects upon other parts of the Planning Area.
- Reserve appropriate shoreline frontage for ocean-related industrial and fishery uses.
- Reserve appropriate accessible areas for large scale industrial development and industrial parks.
- Ensure industrial development takes place in a safe and acceptable manner.

#### 4.4.2 Policies:

**Policy IND-1 - Industrial Lands** are intended for a mix of general and light industrial uses such as warehouses and storage facilities, garages, workshop and contractors yards, and traditional marine industrial uses located around the harbor. Lands in the area around the intersection with the Conception Bay Bypass Road may also accommodate commercial uses such as shops, service stations, restaurants and offices. Lands designated for industrial use around the harbor shall be limited to marine industrial uses. Three land use zones will be established in the Development Regulations and will set out the particular mixes of industrial and other uses permitted in each use zone. The mix of uses shall reflect current uses, proximity to the harbor and marine activities or transportation arteries.

**Policy IND-2- Shoreline Development** - Sites suitable for harbor facilities may be reserved for marine-related industrial, fishery and other industrial uses requiring access to ocean frontage.

**Policy IND-3- Development Schemes** may be prepared to direct the development of the large undeveloped industrial areas adjacent to the Conception Bay North Bypass and at Bear's Cove.

**Policy IND-4- Impact on Adjacent Uses** - New industrial development shall not create unacceptable impacts on neighboring uses or planned development. Industrial uses that are unsightly or represent potential environment and health hazards must be adequately screened from view and designed to minimize negative effects upon the environment, with these measures established before development proceeds.

Landscaping, proper exterior finishing of all buildings and property maintenance are required. Industrial development of a large-scale nature that cannot be rendered visually acceptable shall not be situated where it will be in general view of residential or scenic areas. Additional measures may also be required as a condition of development approval in order to reduce the effects of any objectionable noise, smell, dust, smoke, vibration, or other forms of pollution emanating from or caused by an industrial development.

**Policy IND-5 - Servicing** - All commercial and industrial development shall have adequate water and sewerage disposal; suitable access, parking and loading spaces; adequate buffering and landscaping.

Adequate and safe truck, car and emergency vehicle access must be provided, usually by way of frontage on a public road.

**Policy IND-6 - Mineral workings** may be developed in Industrial land use designations west of the bypass highway in accordance with Policy RUR-5 and 6.

**Policy IND-7- Agriculture** in the form of greenhouses and florists nurseries may be developed.

**Policy IND- 8 - Industrial Development** - Coley's Point Road North. It shall be a policy of this plan to allow expansion of existing industrial uses along the Harbour in Coley's Point. Such development shall be done in a manner that maintains a separation from residences on Coley's Point Road North. In this regard, infilling of the ponds adjacent to Coley's Point Road North may be permitted, where it is in accordance with a plan approved by Council and appropriate government regulatory agencies, and in consultation with area residents. Where expansion of business operations could result in increased frequency of truck traffic on Coley's Point Road North, Council may require the owner to prepare a traffic impact assessment and undertake measures to ensure adequate off-street parking, access and street improvements where necessary.

## 4.5 Open Space Recreation

Several existing open space recreation areas in the Town are identified on the Future Land use map. Other parks and open spaces exist throughout the Town but are not specifically identified on the Future Land Use map.

### 4.5.1 Objectives

- Provide safe, convenient and accessible locations for both passive public outdoor Recreation and active recreation in a variety of recreational facilities.

### 4.5.2 Policies

**Policy OSR-1- Recreational Open Space** - The primary purpose of Open Space Recreation areas is to provide for the active and passive outdoor recreation needs of the public. Active parks and facilities for organized sports and community recreation are to be permitted. Uses that are complementary to the primary recreational use, such as small catering facilities and storage sheds may also be permitted.

**Policy OSR-2 Recreational Uses in Other Land Use Designations** – Recreational uses in the form of playing fields, playgrounds, walkways and trails may also be permitted in residential areas. In such cases, Council shall ensure that such development will not create a nuisance to surrounding residential areas by virtue of noise, light or traffic congestion.

**Policy OSR-3 - Multipurpose Recreation Facility** - It shall be a policy of Council to pursue the development of a new recreational leisure center in the community to meet the needs of the Town's growing population.

## 4.6 Rural

Lands designated Rural on the Future Land Use Map are generally undeveloped lands beyond urbanized areas. They provide areas for natural resource development, such as forestry, blueberry grounds and mineral workings. They include agricultural areas and water supply conservation areas. They have aesthetic value as a surrounding natural setting for developed urban areas and they provide areas for outdoor recreational uses. Rural areas can also be used for large-scale or other development not suitable for urbanized areas. Some rural land areas close to the built-up part of Town have value as historic landscapes and present an opportunity for small-scale development to enhance and explain the historic significance of the area.

### 4.6.1 Objectives:

- Preserve undeveloped rural lands to conserve resources and to protect the natural environment.
- Provide suitable sites for resource or other uses that may be of a scale or nature that would be inappropriate near urban or residential areas.
- Protect agricultural and forestry lands.
- Provide land for extraction of quarry materials for in support of construction activity in the town.

### 4.6.2 Policies:

**Policy RUR-1 - Rural Lands** are reserved mainly for agriculture, forestry including domestic cutting, conservation purposes and passive recreational activities. Other types of development that require relatively large amounts of land, or which would be unsuitable within or near urban development, may be permitted provided there are legitimate reasons for placing the development there rather than in areas already zoned for such development. Examples may include some types of general and light industrial development, mineral workings, large-scale public assembly uses, cemeteries, veterinary, transportation and communication facilities and public or private outdoor recreational developments.

**Policy RUR-2 - Offices** associated with approved agriculture, industrial, forestry or mineral working uses may be allowed.

**Policy RUR-3 - Dwellings** shall be restricted to a farm dwelling that is necessary for the farm enterprise.

**Policy RUR-4- Salvage Yards** and other industrial-related uses where proposed to be located in the Rural Land use Designation shall be well removed from existing and planned residential areas, shall be adequately serviced and have access to a public street in a manner that will minimize nuisance or interference with other land use activities.

**Policy RUR-5 - Mineral Workings and Aggregate Resource Areas** - Council recognizes the importance of aggregate resources in supporting construction activities in the Town. Where lands are identified as having Aggregate Resources on the Future Land Use map, mineral working uses will be

encouraged. In reviewing applications for mineral working activities, Council shall take into consideration:

1. The potential for pollution beyond the boundaries of the proposed site;
2. The creation of any hazards resulting from the development; and
3. The visual impact of the development on the community, especially from public roads or recreation areas.

**Policy RUR-6 - Rehabilitation of Quarry Sites** - It shall be a policy of the Town that no new quarry sites shall be established until existing quarry sites have been exhausted. Where practical, rehabilitation of sites within quarry areas shall begin in a phased approach, prior to the exhaustion of the quarry material. Where quarry activities cease, equipment and buildings shall be removed and the site rehabilitated.

**Policy RUR-7 - Private Recreation Development Policy** - Private outdoor recreational development may be located in the rural land use designation. Compatibility with nearby development must be considered, including impacts on the environment, traffic on local roads, noise levels and the nature of nearby land uses that may be affected, particularly if the proposed development is to be located near residential development or in a visually prominent area.

**Policy RUR- 8 - Blueberry Management Units** - Development within designated Blueberry Management areas shall be limited to management and harvesting of blueberries, unless otherwise allowed by the Department of Natural Resources, Forest Resources and Agrifoods Branch. Council shall refer all development proposals within 100 meters of Blueberry Management Units to the Agrifoods Branch for advice regarding potential conflicts such as seasonal burning, and the use of pesticides, herbicides and fertilizer. Should the proposal be approved, Council shall advise the proponent and other applicants accordingly.

**Policy RUR-9- Forestry uses** - It shall be a policy of this Plan to protect areas of productive forest from urban development for the purposes of providing wildlife habitat, natural open space, and a source of domestic firewood for residents.

## **4.7 Environmental Protection**

### **4.7.1 Objectives**

- Prevent development from taking place in hazardous locations.
- Protect scenic and environmentally sensitive areas such as coastlines and watercourses.
- Provide buffers between incompatible forms of development.

#### 4.7.2 Policies

**Policy EP-1- Environmental Protection Areas** are intended to remain undeveloped to protect them from development for safety reasons and for environmental conservation. Environmental protection areas adjacent to the shoreline may be used for small-scale fishery and marine-related uses, such as wharves and sheds, if these activities are compatible with adjacent development. Because of their important role in controlling flooding and providing wildlife habitat, some natural drainage areas and wetlands are designated to protect them from development or alteration. Hiking trails and small parks may be permitted where they can be safely located and maintained and will not damage or affect wildlife.

**Policy EP-2 - Habitat Management Plan** - The Town of Bay Roberts, along with the Town of Spaniard's Bay, signed a joint Municipal Wetland Stewardship Agreement on June 6, 1997. As such, it shall be a policy of this plan to manage wetlands within the Stewardship Agreement with technical advice from the partners of Eastern Habitat Joint Venture for the purposes of

1. Restoring, enhancing and/or protecting the important wetlands in Spaniard's Bay and Bay Roberts; and
2. Promoting a greater appreciation of wetlands and wetland values.

**Policy EP-3- Significant Wetlands** within the Stewardship Zone - Applications for development located within the Stewardship Zone 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.

**Policy EP-4 - Review Process for Development within the Stewardship Zone** - 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. Proposed development within the Management Unit identified in the Stewardship Agreement that may potentially threaten or negatively impact the habitat of the Unit shall require the approval of the Wildlife Division.

**Policy EP-5 - Amendments in the Stewardship Zone** - Where a proposed Municipal Plan Amendment, regulation or bylaw may affect land within the Management Units; they 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.

**Policy EP-6 - Development Adjacent to Water bodies** - In order to protect fish habitat, prevent erosion, retain natural drainage capacity and patterns, prevent siltation, preserve scenic areas and public rights-of-



way, and to keep development from places prone to periodic flooding, all proposals for development near or adjacent to wetlands, water bodies and watercourses or within any flood-prone area, shall be referred for review to the Water Resources Management Division of the provincial Department of Environment and Conservation and the Habitat Management Division of the federal Department of Fisheries and Oceans for advice and any necessary approvals. Standards for appropriate separation distances or buffers along water bodies will be established in the Development Regulations.

**Policy EP-7- Flood Risk Mapping-** As flood risk mapping for the town becomes available through the Department of Environment and Conservation, the town will review and revise the Environmental Protection and other land use designations where necessary to reflect Provincial Land Use Policy on Flood Risk Areas.

#### **4.8 Highway Reserve**

The Highway Reserve reflects the right of way of the Conception Bay North Bypass Road, a controlled access highway.

##### **4.8.1 Objective**

- To ensure the continued functioning of the Conception Bay North Bypass Road.

##### **4.8.2 Policies**

**Policy HR-1 - Development in Highway Reserve** - No development shall have direct access onto the Conception Bay North Bypass Road. Future industrial development around the intersection of the Bypass Road and the Bay Roberts Access Road shall be done in a manner that provides safe access.

#### **4.9 Comprehensive Development Area - Mad Rocks Heritage Area**

Land at the northeastern tip of Bay Roberts has been identified as having cultural and heritage features important to the community. In the previous Municipal Plan, the area was designated for environmental and heritage conservation and in the intervening years, traditional walking trails around the peninsula have been upgraded and promoted, including the provision of interpretive signage and so on. This area requires further planning to address its future, resolve a number of issues with property owners, and to establish what development, if any would be appropriate for this area in the future.

##### **4.9.1 Objectives**

- To identify the Heritage area from French Cove to Mad Rocks as an historic area, for which a comprehensive development plan will be prepared.

##### **4.9.2 Policies**

**Policy CDA-1 - Comprehensive Development** - In the Mad Rocks Comprehensive Development Area, no new buildings or other development shall be permitted. It is the policy of the Town to develop a Comprehensive Development Plan for the future of the Mad Rocks Heritage Area; to determine the objectives for this area, including public access, appropriate uses, scale and form of future development.

**Policy CDA-2 - Collaborative Planning Approach** - Council will consult with the public and local landowners in the process of developing a Comprehensive Development Plan for the Mad Rocks CDA.

## **5.0 Municipal Services Infrastructure**

The provision of municipal infrastructure such as streets, sidewalks, water treatment and distribution systems, sewers and sewage treatment facilities, and waste collection and disposal is the primary responsibilities of municipal government. This infrastructure supports growth and development of the community and contributes to community safety, health and well-being.

### **5.1 Municipal Services Infrastructure Objective**

- Provide a safe, convenient and efficient street network in the community;
- Upgrade and maintain the existing system to ensure adequate fire flows and sewage capacity throughout the municipality.
- Ensure continued safety, supply and distribution of potable water in the community.
- Implement measures to reduce waste and energy consumption in municipal operations and the community in general.

### **5.2 Municipal Servicing Policies**

**Policy MS-1- Street Standards and Functions** - Council shall adopt road design standards specified in the Development Regulations implementing this plan. All new road development shall conform to these standards.

**Policy MS-2 - Street Rights of Way** - All development , including but not limited to buildings, fences, sheds, and parking lots, shall be set back far enough from the right of way of a road to provide an adequate level of public safety and space for snow clearing and maintenance. Setback requirements shall be set out in the Development Regulations.

**Policy MS-3 - Traffic Impact Studies** - Where development has potential to result in an increase in street traffic that would cause a concern for public safety or require street upgrading to accommodate it, the Town may require a traffic impact analysis to be carried out by the proponent.

**Policy MS-4 - Private Roads** - Maintenance of private roads shall be the responsibility of the owners. Private roads may only be taken over by the Town where the road is constructed to meet the Town's street design standards.

**Policy MS-5 - Road Upgrading and Paving** - The selection of roads to be upgraded and paved under the Town's road maintenance program shall be undertaken on the basis of need and in accordance with the Town's Limit of Servicing Agreement.

**Policy MS-6 - Municipal Infrastructure** - Over the planning period, Council will continue to upgrade and maintain existing municipal water and sewer servicing in the community as a priority for municipal capital works programming. In this regard, funding will be sought to implement the recommendations of a 2007 review of the town's infrastructure and to explore the best approach to achieving an appropriate level of sewage treatment for the Town.

**Policy MS-7 - System Capacity** - It shall be a policy of Council that all development proposed to connect to the Town's water and sewer system will be evaluated to determine the capacity of the system to accommodate it. Where capacity is not sufficient, the development shall be refused, or the developer required contributing to the costs of upgrading infrastructure to accommodate the development.

**Policy MS-8 - Potable Water Supply** - Council will monitor the capacity and supply of water in the Protected Water Supply Area and evaluate proposals for new development to ensure that the system has sufficient capacity and water pressures to service development.

**Policy MS-9 - Water Conservation** - To ensure the long term supply of potable water, Council will undertake to review and where necessary repair, the water distribution system to reduce leaks. Working with citizens, Council will promote measures to reduce household water consumption.

**Policy MS-10 - Solid Waste Management** - Council will explore and implement measures to reduce the volume of solid waste generated by the Community through recycling, composting and other measures as may be identified.

**Policy MS-11 - Energy Conservation** - It shall be a policy of Council to reduce energy consumption in municipal operations and through a program of continuous review of measures to improve energy efficiency in municipal buildings and facilities.

## **6.1 Implementation**

The Bay Roberts Municipal Plan lays out a ten year vision for efficient, safe, sustainable and well-designed development within the Town. Municipal Services, regulations and expenditures are a means to encourage the extent and form of new development.

Successful implementation of the Plan involves:

- Effective administration of the Plan;
- Adoption of Development Regulations;
- Adoption of annual budgets and five-year capital works budgets;
- Preparing and implementing recommended studies;
- A consistent procedure for considering amendments to the Plan and Development Regulations; and
- Working in partnership with citizens, groups and organizations to achieve the collective goals of the community.

### **6.1 Administration of the Municipal Plan**

The Municipal Plan must serve as a continuing reference and guide to Council and its officials in order to achieve the goals, objectives, and programs it contains.

Where possible, land use designations coincide with roads, fences or property lines or other prominent physical features, or as a specified offset from physical features. It is intended that no amendment of this Plan will be required to permit minor adjustments to these boundaries where it is reasonable to do so in response to a proposal for development.

All proposed development within the Planning Area must conform to the policies of the Plan and Development Regulations, and be approved by Council. Council will ensure that development proposals are given a comprehensive review, including circulation to appropriate public departments and agencies.

Council may refuse or approve applications, with or without conditions. Decisions of Council made according to the provisions of this Plan and the accompanying Development Regulations may be appealed to the appropriate Appeal Board established under Part VI of the Urban and Rural Planning Act, 2000.

Council may require that a Development Agreement for major land developments within the Planning Area be agreed to and signed by the developer and the Town. This agreement shall establish the conditions under which development may proceed and shall be legally binding on both parties.

## **6.2 Public Consultation**

Council is committed to consultation with citizens and will seek input from the public on planning and development matters that:

- Require an exercise of Council discretion in arriving at a decision on a development application;
- Involve significant development proposals that are of interest to the community at large;
- Would require a change of Town policy, amendment to the Plan or Development Regulations; and
- Would result in significant expenditures of Town resources for implementation.

Council will develop a policy to guide its consultation processes that is consistent with the requirements of the Urban and Rural Planning Act 2000.

## **6.3 Amendment and Receiving the Municipal Plan**

During the Planning period, conditions in the Town may change, and where necessary, require amendments to the Municipal Plan. An amendment may be considered when:

- There is an apparent need to change policy due to changing circumstances;
- Studies have been undertaken which contain recommendations or policies that and should be incorporated into the Municipal Plan;
- A Provincial Land Use Policy has been released that requires a change in policy by the Town;
- There is a development proposal that provides sufficient information and rationale to support a change in the Municipal Plan.

In accordance with Section 27 of the Urban and Rural Planning Act, 2000, Council will charge a proportion of the cost of carrying out an amendment to the person or association of persons, who request an amendment. The proportion to be charged will be set by Council as part of its annual budget process in setting its Schedule of Rates and Fees. The costs may include, but are not limited to, research and preparation of amendments public notices and consultation, administrative processing costs and the costs associated with a Public Hearing.

## **6.4 Development Schemes**

Sections 31 to 33 of the Urban and Rural Planning Act, 2000 provide Council with the authority (after having adopted a Municipal Plan) to prepare and adopt Development Schemes which are detailed localized plans outlining the manner in which a specified part of the Planning Area is to be developed. Through a Development Scheme, land may be reserved for such things as public roadways, residential subdivision, schools, parks or open space. Development Schemes can also provide for the acquisition, and

buildings by the municipality, they are prepared and adopted in a manner similar to the process of adopting a Municipal Plan and when approved form part of the Plan.

## **6.5 Development Regulations**

After adoption of the Municipal Plan, Council will adopt Development Regulations pursuant to Section 35 of the Urban and Rural Planning Act, 2000. The Development Regulations will implement the goals, objectives and policies set out in the Municipal Plan and consist of five parts: General Regulations, General Development Standards, Sign Regulations, Subdivision of Land Regulations and Use Zones.

All land within the Municipal Planning Area is covered by land use zones which provide detailed requirements for such things as lot size, frontage, building setbacks and subdivision and parking standards.

## **6.6 Consideration for Re-Zonings**

Development Regulations are amended in two ways: text and map amendments. Text amendments may include an addition of a permitted use within a use zone, addition to or changes in a condition, or a change in a definition. Map amendments usually mean a change to the zoning map, also called "re-zoning".

In order for consideration of any proposals for an amendment to the Development Regulations, Council shall require a proposal to be submitted that clearly shows:

- The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- The proposed means by which the site is/will be serviced;
- The proposed location of all driveways and parking areas;
- Areas that are to be landscaped or left in a natural state to provide necessary buffers;
- The proposed location of all buildings on the site; and
- Identification of adjoining land uses natural hazards or sensitive natural areas both on site and on adjoining properties that may be affected by the development.

When considering proposals for development that necessitate amendments to the text or maps of the Development Regulations, Council shall have regard to the goals, objectives, policies and programs outlined in this Plan, and whether or not the proposal is in conformance with the intent of the Municipal Plan, Development Regulations and all other Town policies and regulations . Council will also have specific regard to the following:

- Cost or revenue implications for the Municipality;

- Adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
- Adequacy of the road network and potential for generating traffic concerns adjacent to or leading to the development;
- Potential for causing negative impacts on the environment, including contamination or sedimentation of fresh or sea water, erosion, habitat disruption, water and soil pollution;
- Potential for causing negative impacts on surrounding land uses such as excessive noise or other nuisance;
- Previous uses of the site that may have caused contamination and render the site unsuitable until such time as proper site remediation can occur;
- Suitability of the site terms of grade, soil and bedrock conditions, proximity to watercourses and wetlands; and
- Compatibility of the proposed development with surrounding properties in terms of height, scale, lot coverage, and bulk aesthetics.

## **6.7 Municipal Land Assembly**

Municipalities are empowered by the Municipalities Act, to acquire lands for municipal works or economic development purposes. Such projects generally entail the Town acquiring parcels of land from private landowners or other levels of government for a variety of reasons including:

- To facilitate new growth and development in an area which is actively being revitalized or redeveloped where such land assemblies cannot by virtue of time or money be assembled privately;
- To facilitate the development of municipal parks, recreation and conservation areas;
- To facilitate development of municipal parking lots; available for development but which are necessary for logical and contiguous growth of the community; and
- To encourage or make available lands which by virtue of ownership are not
- To facilitate redevelopment of a major non-conforming use where the redevelopment is either a conforming use or use consistent with the Municipal Plan.

During the planning period, the Town may undertake land assembly projects and transactions that are consistent with the objectives of this Plan.



## **6.8 Professional Advice**

Council may obtain its own professional advice in regard to any proposed amendment to the Municipal Plan or Development Regulations. Council may also seek professional planning advice in regards to the evaluation of development proposals.

## **6.9 Municipal Boundary Revision**

It is the intention of Council to pursue a revision of the Town's Municipal Boundary to include lands for future development currently within the Planning Area around Rocky Pond.

## **6.10 Municipal Budgeting and Capital Works Program**

The Town of Bay Roberts has an annual operating budget of approximately \$6,000,000 and through prudent fiscal management has a debt servicing ratio of less than 20%. A number of capital projects have been identified that need to be financed in order to achieve the goals and objectives of the Town and implement this Plan.

Over the planning period the Town will:

1. Invest in capital works projects to upgrade and pave existing streets and water and sewer services in the community by utilizing cost-shared federal-provincial infrastructure programs;
2. Work with community groups to undertake community development projects consistent with the community vision, its goals and objectives ;
3. Work with municipalities in the region to advance areas of common interest to federal and provincial agencies; and
4. Work with regional development organizations to propose and secure funding to implement community development projects.

Implementation of capital works projects will be undertaken as funding is available. In an effort to ensure that adequate funds are available at the appropriate time to implement capital projects identified in this Plan, Council shall prepare and submit every year, a five-year forecast of their anticipated capital expenditure requirements. This is required for compliance with Section 94 of the Municipalities Act.

The following tables identify priority works projects and studies that have been identified to implement the Plan over the Planning period. It includes municipal public works projects, identified studies, community partnership projects and initiatives. Projects will be pursued with due consideration of the financial position of the town, its revenue sources, borrowing capabilities and available funding

opportunities. Where possible, the Town will partner with community economic development agencies to support and pursue funding opportunities for identified projects as necessary.

<b>Municipal Infrastructure</b>	<b>Cost</b>	<b>Sustainability Outcome</b>
<b>Water and Sewer Servicing:</b>		
Phase 2 – Bears Cove Outfall (under construction)	\$531,000	Improved water supply
Phase 3 – Lift Station and Coley’s Point Forcemain (tendered issued)	\$2,388,000	Improved wastewater quality
Phase 4 – Conception Bay Highway Sewer replacement (tender for partial completion issued)	\$1,700,000	Reduced discharge impacts
Phase 5 – Loop water Lines, twin Goose Pond Road water line and extend water and sewer into industrial area (currently in design phase)	\$4,154,000	
Phase 6 – Twin water line from Goose Pond to Rock Pond (900m) and upgrade sewer Access Road	\$1,350,000	
Phase 7 – Replace remaining undersized sewers	\$467,000	
Phase 8 – Remaining infrastructure upgrading as demand increases (implement over time as part of asset management)	\$9,523,000	
Construct Sewage Treatment Plant – Bear’s Cove	TBD	
<b>Roads:</b> Upgrading for Streets as part of Capital Investment Plan:	TBD	Improved efficiency of streets and traffic
<b>Research and Design Studies</b>	<b>Estimated Cost</b>	<b>Sustainability Benefit</b>
Begin developing Geographic Information System Database including cadastral mapping tied to Municipal Assessment Roll	\$10,000 annually over 5-10 years	Improved municipal capacity
Water Usage/Leakage Study	FCM Green Fund Gas Tax.	Conservation of water resources, effective infrastructure management
Lift Station Assessment		
Water Street Sanitary Sewer Inspection		
Municipal Building Energy Audit and retrofit	FCM Partners for Climate Protection.	Reduced GHG emissions
Mad Rocks Comprehensive Development Plan		Long term planning, economic development
Commercial Main Street Study		
Bay Roberts Harbour Study		

<b>Community Partnership Projects</b>		
Multi-Purpose Recreation Facility	\$20,000,000+	Improved community health
Establish a designated heritage area within the older part of the town and prepare and adopt a heritage preservation plan.	\$20,000	Preservation of cultural heritage
<b>Other</b>		
Review need for in-house professional planning expertise	Potential for Cooperation with adjoining towns	Increased municipal capacity
Review need for in-house engineering expertise	Potential for Cooperation with adjoining towns	Increased civic engagement
Develop Public Consultation Process and Policy		Improved public and private safety in flood risk areas
Incorporate Flood Risk Mapping and Provincial Land Use Policy on Flood Risk Areas into Municipal Plan and Development Regulations as mapping becomes available		
Pursue boundary expansion in area around Rocky Pond to accommodate new development		Property Tax revenues from development to cover cost of services

