

TOWN OF SPANIARDS BAY

MUNICIPAL PLAN

2021-2031



PLAN-TECH



ENVIRONMENT
October 2021

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF SPANIARD'S BAY MUNICIPAL PLAN 2021-2031

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Spaniard's Bay.

- a) Adopted the Spaniard's Bay Municipal Plan 2021-2031 on the _____ day of _____, 2021.

- b) Gave notice of the adoption of the Town of Spaniard's Bay Municipal Plan 2021-2031 by advertisement inserted on the _____ day and the _____ day of _____, 2021, in *The Shoreline* newspaper.

- c) Set the _____ day of _____, 2021, at 7:30 p.m. at the Spaniard's Bay Community Centre for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Spaniard's Bay approved the Town of Spaniard's Bay Municipal Plan 2021-2031 as adopted.

SIGNED AND SEALED this _____ day of _____, 2021

Mayor: _____ (Council Seal)

Clerk: _____

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF SPANIARD'S BAY MUNICIPAL PLAN 2021-2031

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Spaniard's Bay adopts the Spaniard's Bay Municipal Plan 2021-2031.

Adopted by the Town Council of Spaniard's Bay on the ____ day of _____, 2021.

Signed and sealed this _____ day of _____, 2021.

Mayor: _____ (Council Seal)

Clerk: _____

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Spaniard's Bay Municipal Plan 2021-2031 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



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1.0 INTRODUCTION

1.1 Foreword

The *Town of Spaniard's Bay Municipal Plan 2021-2031* establishes guidelines for the sustainable management of development on lands contained within the Spaniard's Bay Municipal Planning Area (MPA), as illustrated on the Generalized Future Land Use Map (GFLUM) by setting out a ten-year land use strategy. This Plan provides a policy framework for the accompanying Development Regulations to be administered by Council through development and subdivision permits.

In guiding the physical improvement and sustainable growth of the community, the Plan indicates the location and timing of residential development and the general layout and scheduling of capital works to support development such as: maintenance related to municipal servicing, road works, and pursuing economic development opportunities.

It also identifies plans to address the environmental, social, cultural, economic, and governance needs of the community. As required under the *Urban and Rural Planning Act, 2000*, hereby referred to as "the Act," all relevant planning issues have been reviewed in the preparation of this Plan and are presented in this document.

The Plan additionally serves as the basis for preparation of the companion regulatory planning document, the Development Regulations. The Regulations address land use zones, development standards and terms and conditions, advertisement and subdivision requirements in support of the Plan's policies. A Land Use Zoning Map also accompanies the Regulations. Once registered, Town Council administers the Municipal Plan and Development Regulations through its review of development permits and subdivision applications, and all other proposed land development inquiries.

1.2 Plan Contents

The Town of Spaniard's Bay Municipal Plan, 2021-2031, consisting of this document and the associated Generalized Future Land Use Map, constitutes a legal document once approved in accordance with the Act. It proposes the allocation of land for various uses, and includes Council's *vision* (goals, objectives and policies); the plan for the sustainable development of the community; and the timing and costs of recommended capital works over the next decade.

1.3 Municipal Planning Area

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

1.4 Plan Preparation and Consultation

This Plan was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*. The Plan documents are based on a review of current land uses, available mapping and other studies of the community and on Council's perception of the land use problems facing the community, opportunities for improvements to its physical environment, and the direction of future growth. Community and stakeholder consultation has also been sought in the planning process.

Early in 2019, Town Council sent its resolution to hire Plan-Tech Environment Ltd. to undertake a review of the Town's Municipal Plan and Development Regulations, to the Department of Municipal and Provincial Affairs. A follow up letter contained the request to initiate an internal provincial consultation process via the Intergovernmental Land Use Committee (ILUC) to solicit feedback from various departments and agencies that represent provincial interests.

Various meetings were held with Town staff, Council and residents to discuss challenges and opportunities, council priorities and rationale for preparing an updated Municipal Plan and Development Regulations for the community. As part of its background research Plan-Tech Environment personnel conducted a site visit of the community.

1.5 Bringing Into Effect

Sections 15 to 25 of the Act set out the process for bringing a Municipal Plan and Development Regulations into effect. Upon holding public consultations, and when Council is satisfied with the draft Municipal Plan and Development Regulations, it may submit these documents to the Department of Municipal and Provincial Affairs for Ministerial review and release as per Section 15. Upon successful review, the Minister releases the documents, enabling Council to adopt the proposed Municipal Plan and Development Regulations. Council then gives notice of adoption of the documents, where and when they may be viewed, as well as the date, time, and location of the Public Hearing of Objections, as per section 18 of the Act. Council appoints a commissioner to conduct the Public Hearing and to prepare a written report on any representations made. By resolution, Council approves the Municipal Plan and Development Regulations, then submits them to the Department of Municipal and Provincial Affairs for registration. When notified that the documents are registered, Council gives notice of the registration in the Newfoundland and Labrador Gazette and a local newspaper. The date of publication of the notice in the Gazette is the date the Municipal Plan and Development Regulations come into effect.

1.6 Plan Review and Amendment

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

1.7 Plan Administration

Upon being approved by the Minister, the Town of Spaniard's Bay Municipal Plan is legally binding upon Council and all other persons, corporations and organizations undertaking a development within the Municipal Planning Area, as per Section 12 of the *Act*.

Council will administer the Town of Spaniard's Bay Municipal Plan by carrying out the Plan's policies. There are several ways in which this is done:

- By preparing land use zoning and subdivision regulations prepared and approved at the same time as the Municipal Plan;
- By issuing development permits to people wishing to build or change the use of a building or to subdivide in accordance with regulations; and
- By undertaking the capital works and development schemes outlined in the Plan when the financial resources are available.

In five years' time, Council will review this Plan and revise it to provide for the next 10-year period in accordance with Section 28(1) of the *Act*. Amendments may be made at any time prior to the five-year review in response to new development proposals or changed community priorities as outlined in Section 35(5) of the *Act*. These amendments must follow the process outlined in Sections 14 to 25 of the *Act*.

1.8 Interpretation

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

The general terms referred to hereinafter are defined as follows:

- "Council" shall mean the Council of the Town of Spaniard's Bay.
- "Municipal Planning Area" shall mean the Spaniard's Bay Municipal Planning Area.
- "Town" shall mean the Town of Spaniard's Bay.

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

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

2.0 PLANNING CONTEXT

2.1 Background

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

2.2 Settlement History and Land Use Patterns

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

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

2.3 Land Uses and Activities

The municipal boundary of Spaniard's Bay encompasses an area of 65.73 km², which with a population of 2,653 equates to a population density of 40.4 people per km². Although

residential land uses predominate, the town is a vibrant and growing community with modern conveniences and amenities yet maintaining a small town atmosphere.

2.3.1 Residential Uses

Currently, there are 1,180¹ private dwellings in the town, 1,089 of which are occupied by usual residents. Single detached dwellings number 1,015 and this continues to be the predominant housing type in Spaniard's Bay. There are 75 attached dwellings and 25 semi-detached houses. There are 25 apartments (flats) in duplex structures, 20 apartments in buildings with fewer than 5 storeys and 5 other single attached houses. Two-person households predominate at 425 and the average household size is 2.4 persons.

Census data regarding household characteristics by tenure reveal there are 935 owners and 155 renters, while the 3-bedroom house predominates at 655 with 225 2-bedroom homes. The following Table 2.1 illustrates private households by period of construction and that more than half of the housing was built prior to 1981.

Table 2.1 Dwellings by Period of Construction

Occupied private dwellings by period of construction	1,090
1960 or prior	220
1961 – 1980	340
1981 – 1990	115
1991 – 2000	130
2001 - 2005	45
2006 – 2010	115
2011 – 2016	130
Source: Statistics Canada 2016 Census Data	

Based on the Canada Mortgage and Housing Corporation's (CMHC) affordability benchmark of shelter cost to income ratio (30%), in Spaniard's Bay of 1,090 owner/tenants, 915 spend less than 30% of their income on housing while 175 spend 30% or more, indicating that housing in the town is affordable. The average monthly shelter costs for owned dwellings in Spaniard's Bay is \$864 and \$984 for the province. The

¹ Statistics Canada 2016 Census

average dwelling price in Spaniard's Bay is \$228,146 and higher provincially at \$243,157.

Housing permits issued in Spaniard's Bay over the last five year period average 7 per year. While economic conditions in the province have reduced spending from year-to-year, housing permits seem to be on the rise as shown in Table 2.2 following, indicating optimism in the marketplace.

Table 2.2 Housing Permits: 2015–2019

Town of Spaniard's Bay Housing Permits Issued 2015 - 2019	
2019	8
2018	3
2017	10
2016	4
2015	10
Source: Town of Spaniard's Bay	

In the future, the municipality may experience changing housing needs as its population ages and household size become smaller.

2.3.2 Commercial Development

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

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

2.3.3 Rural Development

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

2.4 Demographic Trends

The following discussion of selected demographic indicators is based upon data available from Statistics Canada, Census Profile - 2016 Census. Information was also reviewed available on the Government of Newfoundland and Labrador website, Department of Finance and Community Accounts. This data is gleaned from various sources and tabulated by federal and provincial departments based on 2016 census data, 2011 National Housing Survey data, and the latest facts and statistics gathered by the province. Selected demographic indicators below are compared for provincial and municipal trends.

2.4.1 Population Characteristics

According to the Statistics Canada 2016 census data, the population of Spaniard's Bay has grown consistently since 2006, when the community suffered a population decline of -5.7%. In the last two census periods Spaniard's Bay population has grown by 4.2% in total equaling 2,653 residents. Table 2.3 illustrates population change for the town since 1981 indicating that after several years of decline, the population has started to rebound. Meanwhile, the population of the Province of Newfoundland and Labrador has changed by +1.0% in the last census period.

Table 2.3 Population Change – Spaniard's Bay

Year	Population	Change	% Change
1986	3985	22	.005%
1991	2779	-137	-0.3%
1996	2771	-139	-2.8%
2001	2694	-77	-2.8%
2006	2540	-154	-5.7%
2011	2622	+82	+3.2%
2016	2653	+31	+1.2%

Source: Statistics Canada 2016 Census Data

2.4.2 Age Characteristics

As with provincial age group characteristics, Spaniard's Bay has an aging population. However, the municipality has experienced an increase in total population since the 2006 census, which may be attributed to the migration of individuals into the town from outlying areas in order to be closer to services. Tables 2.4 and 2.5 following, compare age group characteristics for the province and the municipality.

Spaniard's Bay population of 2,653 is almost evenly split between males and females. The population bulge age category 15 – 64 years, is 66.2% of the total population for both the municipality and the province. While the age group 0-15 years is slightly greater in the municipality at 14.5% vs. 14.3% provincially. Of note is the age group 65 - 84 years, which with a population distribution of 19.4% both municipally and provincially is larger than the age group 0-14 years. This reinforces that the province and Spaniard's Bay are experiencing an aging population. The average of Spaniard's Bay residents at 42.9 years, is slightly less than that of the province at 43.7 years.

Table 2.4 Age Group Characteristics: Spaniard's Bay vs. Province

Age characteristics	Spaniard's Bay			Province of NL		
	Total	male	female	Total	male	female
Total age groups	2,650	1,300	1,350	514, 536	253,930	265,790
0 to 14 years	385	190	195	74,440	38,200	36,240
15 to 64 years	1,755	870	885	344,245	168,555	175,695
65 years and over	515	245	270	101,025	47,170	53,855
85 years and over	35	15	25	9,360	3,245	6,125
100 years and over	5	0	0	60	20	75

Source: Statistics Canada 2016 Census Data

Table 2.5 Population Distribution: Spaniard's Bay vs. Province

% Population Distribution	Spaniard's Bay			Province of NL		
	Total	male	female	Total	male	female
0 to 14 years	14.5	14.6	14.4	14.3	15.0	13.6
15 to 64 years	66.2	66.9	65.6	66.2	66.4	66.1
65 years and over	19.4	18.8	20.0	19.4	18.6	20.3
85 & over	1.3	1.2	1.9	1.8	1.3	2.3
Avg age population	42.9	42.3	43.5	43.7	42.9	44.4

Source: Statistics Canada 2016 Census Data

2.4.3 Household and Family Characteristics

In Spaniard's Bay there are a total of 840 census families in private households. Of these 720 identify as couple families (married or common-law) and 370 of those have no children, while 345 have children. There are 120 lone parent families and 80 have one child, 35 have 2 children and 10 are composed of 3 or more children.

2.4.4 Household Income

The average total household income, as reported in 2015 for Spaniard's Bay is \$80,154 and slightly higher provincially at \$87,392. There are 260 households whose 2015 income was less than \$30,000 in that time period. There were 320 households in the municipality that reported a 2015 income greater than \$100,000.

2.4.5 Labour Force Status

Labour force status includes a municipality's total population 15 years and over that is eligible to be in the labour force. In Spaniard's Bay 1,180 individuals are in the labour force, while 1,090 are not in the labour force. The latter may be retired or not actively seeking work. There are 1,030 employed residents and 150 who are unemployed. The unemployment rate for Spaniard's Bay is 12.7% compared to a higher rate of 15.6% provincially. Thus, Spaniard's Bay residents have a higher participation in the labour force than the province as a whole.

2.4.6 Education

The residents of Spaniard's Bay are well educated. About 1,790 individuals in private households, aged 15 years and over have achieved a high school certificate, diploma or degree while 480 have none. There are 615 individuals with a high school diploma or equivalent and 1,175 have a post-secondary diploma certificate or degree. The latter include the trades, college and university certificates, diplomas, and degrees at the bachelor level. Thirty individuals hold a master's degree. Major fields of study include: education, social sciences, business, management and public administration, architecture, engineering technologies, health care and personal, protective and transportation services.

2.5 Municipal Finance and Services

In December 2019, the Town Council of Spaniard's Bay adopted its Annual Operating Budget for 2020. The budget proposes that all rates and fees for 2020 shall remain unchanged for the coming year. Council's Balanced Operating Budget for 2020 with Revenues and Expenses totals \$2,322,292.64.

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

2.6 Summary

According to the 2016 census data, the community of Spaniard's Bay has experienced an increase in population since 2006, with a current total population of 2,653. The community enjoys steady employment rates, incomes almost on par with the province and housing prices that are affordable. The community has grown in the last decade and offers residents a favourable lifestyle in a pastoral rural setting that is within an easy commute to other larger centres.

2.7 A Strategy for Growth and Change

The development strategy for the Town of Spaniard's Bay, Municipal Plan 2021-2031 is to continue to reinforce the patterns of development that have evolved over the last number of decades. The emphasis will be on retaining and strengthening current land use patterns to minimize the inefficient use of land and services. The continued provision of commercial and community services, the enhancement of tourism, recreation and open space opportunities and the protection of significant environmental features and lands will be the focus of this plan.

3.0 VISION, GOALS AND OBJECTIVES

This section outlines the Town's planning vision, goals, and objectives that will be pursued for the period. The vision statement establishes a broad picture of the community's future – a future that Council will endeavour to achieve through the implementation of the policies and proposals outlined in the Municipal Plan. A goal is a desired state that reflects the long range desires of Council and is related to an area of concern. It is concrete, realistic, action-oriented and attainable within a period of three to five years. The realization of an objective should move the goal closer to reality. The community vision, goals and associated objectives were determined through consultation with Council and the public.

3.1 Community Vision

Spaniard's Bay Town Council adopted an Integrated Community Sustainability Plan (ICSP) in 2011. The ICSP defines the five pillars of sustainability including Environmental, Economic, Social, Cultural, and Governance matters. Residents of the municipality were invited to participate in the development of the ICSP and together with Council, created a vision for the future growth of the town that reflects their goals and aspirations. It was determined by the participants, that the ICSP Vision of 2011 is still relevant and should be adopted as the community's long term planning aim, as follows:

“Spaniard's Bay, drawing its strength from the “Lassy Wall”, is unique both in its physical location and its culture. The "Lassy Wall," which can be seen on the shoreline in front of the Holy Redeemer Anglican Church, was constructed by community residents during the Great Depression. Built on the strength of rock, the Town of Spaniard's Bay has a rock solid foundation as it moves to the future.”

In order to achieve this *vision*, a number of goals have been identified to provide the foundation for specific objectives and land use policies as described in the following sections. The following community goals reflect the Vision Statement and will guide the Town of Spaniard's Bay over the next decade.

3.2 Community Goals

Based on a comprehensive background study of the Spaniard's Bay Planning Area, the following goals and objectives have been developed for a ten year planning period. The goals and objectives also reflect the intent of the ICSP.

Goal A: Physical Structure

A1. To encourage a growth structure for Spaniard's Bay which will ensure land use compatibility, orderly development and the economic use of municipal services.

A2. To control future growth of the town in such a manner as to develop a balanced and attractive community.

A3. And to protect the natural environment and natural resources throughout the Planning Area.

Objectives:

1. To allocate land for future development on the basis of its best use considering its physical characteristics and location.
2. To permit development to occur only with appropriate municipal or on-site services.
3. To ensure that natural areas such as drainage courses, rocky outcrop and rugged shorelines, and steep slopes are protected from development to preserve environmental resources and the rural character of the Town.
4. To preserve the rural character of the Town allowing residents to maintain activities such as small-scale traditional uses without creating problems for neighbouring residents.

Goal B: Economic Development

B1. To encourage diversified and balanced economic development that fosters employment opportunities for local residents, promotes a high quality of life,

contributes financially to the municipality, and protects the environment.

B2. To promote Spaniard's Bay as an attractive place to live drawing on its pleasing residential environment, natural and scenic character, municipal services, and reasonable cost of living.

Objectives:

1. To support continued operation of existing home occupations through provision of high quality municipal services.
2. To encourage the emergence of new commercial businesses including additional home occupations.

Goal C: Housing

C1. To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.

C2. To provide for a good quality residential environment through good site design and a high standard of municipal services.

C3. To provide for residential growth which maximizes the efficient use of land and services.

Objectives:

1. To provide an adequate amount of serviced land to accommodate residential development within the municipality.
2. To encourage the improvement of substandard dwellings.
3. To provide for a mixture of housing types within the municipality including affordable housing and housing geared to seniors.

4. To encourage the development of residential infilling lots within the built up area of the municipality.
5. To maintain the present high standard of housing in the community, through residential site design and a high standard of municipal servicing.

Goal D: Transportation

D1. To provide a safe and efficient network of local roads that adequately serves the residents of Spaniard's Bay.

Objectives:

1. To maintain existing municipal roads through a regular maintenance and improvement program.
2. To improve the road network by connecting streets which require a second access.
3. To reserve land for future access to backlands.

Goal E: Municipal Services

E1. To provide, where possible, a full range of municipal services and social to residents of Spaniard's Bay.

Objectives:

1. To ensure that on site services meet the standards the Department of Digital Government and Service NL.
2. To provide fire protection to all residences through the provision of adequate residential fire flows.
3. To ensure that land is reserved throughout the town for recreation, open space, and cultural land uses.

4. To ensure public access to the major natural features of the planning area such as the vistas, ponds, streams, and ocean shorelines.

Goal F: Environment

F1. To provide a pleasant and safe living and working environment in Spaniard's Bay.

F2. To encourage a community philosophy that values and protects its natural environment, and conserves, protects, and where possible, enhances important and sensitive environmental resources.

F3. To encourage the preservation of natural resources and promote the development of sustainable development activities.

Objectives:

1. To provide water, sewage and solid waste disposal services which are at an environmentally acceptable standard.
2. To prohibit development in excessively marshy areas.
3. To protect the designated Spaniard's Bay Brook Pond Protected Watershed from any development or activity which could affect the quality of the water supply.
4. To discourage development in areas with slopes greater than 15 percent, recognizing that development in such areas can result in environmental damage and higher costs for servicing and maintenance.
5. To maintain a minimum 15 - 30 metre buffer of land from the high water mark of ponds, lakes, streams, and shorelines for conservation use.
6. To ensure development in the floodway and floodway fringe receives prior approval from the Water Resources Management Division, Department of Environment and Climate Change.

7. To protect natural resources from degradation including water, air, soils, traditional agricultural land, forests, and scenic areas.
8. To ensure the preservation and enhancement of existing hiking trails as points of public access.

Goal G: Municipal Finance

G1. To manage municipal expenditures and revenues so as to provide necessary municipal services within a framework of long-term financial stability.

Objectives:

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

Goal H: Culture, Recreation and Open Space

H1. To provide a range of leisure and recreation facilities that address the needs of all residents of Spaniard's Bay and that are within the Town's financial capabilities. To support the provision of services and facilities that enhance the personal and physical well-being of residents.

Objectives:

1. To facilitate and ensure that sufficient space, facilities and programs are provided to meet the year round recreational, and leisure needs of Spaniard's Bay residents.
2. To develop and maintain facilities and natural areas to accommodate a range of active and passive recreational opportunities.

3. To facilitate and encourage the provision of leisure and recreation programs by community based groups that are responsive, accessible and affordable for all Spaniard's Bay residents.

4.0 THE LAND USE PLAN

The following policies with accompanying Generalized Future Land Use Maps constitute the land use component of the Spaniard's Bay Municipal Plan, 2021-2031. Included are policies which are seen as necessary by Council to ensure that the physical development of Spaniard's Bay is undertaken in an efficient and economic manner during the ten-year (2021 - 2031) life of this municipal plan.

4.1 General Land Use Policies

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

GLUP-1 Subdivision Policies

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

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

- A review of municipal servicing proposals by the developer and the public costs of providing and maintaining these services.
- Development works within the Town that disturb an existing Control Survey Marker must be reported to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

GLUP-2 Non-Conforming Uses

It is the policy of Council, in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*, to recognize that any development or land use that legally exists on the day this Plan comes into effect, may continue. Where a building or use exists which does not comply with the intent of the Plan and the designation use, it shall not be allowed to substantially expand. Minor extensions may be approved provided there will be no adverse effects on surrounding properties or the environment and a change from one non-conforming use to another more acceptable use may be permitted.

GLUP-3 Development Agreement

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

GLUP-4 Public Open Space

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

GLUP-5 Easements and Emergency Access

Where land is required for utility easements or emergency access, such land shall

be obtained for the appropriate agency in the course of approving subdivision or other development applications.

GLUP-6 Soils and Drainage

It is Council's policy that 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.

GLUP-7 Building Setbacks

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

GLUP-8 Access to a Public Street

It is Council's policy that all development shall front onto a publicly maintained street, unless otherwise specified in this Plan.

GLUP-8 Archaeological Sites

It is Council's policy that archaeological sites, areas with archaeological potential and fossil site shall not be disturbed. Any ground disturbance requires a Permit from the Provincial Archaeological Office (PAO), Department of Tourism, Culture, Arts and Recreation for all of these sites which are identified on zoning map A.

There are four archaeological sites and a significant fossil site located within the planning area and on record with the PAO. The four known archaeological sites are protected under the Historic Resource Act. The PAO indicates that an unnamed point east of Mint Cove has been identified as having archaeological potential

GLUP-9 Forestry Uses/Wildlife

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

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

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

Three avian species, Red Knot, Barrows Goldeneye, and Harlequin Duck are located in the Municipal Planning Area. These three species are protected under the Newfoundland and Labrador *Endangered Species Act, 2009*, Section 16(1) which states: "*A person shall not disturb, harass, injure, or kill an individual of species designated as threatened, endangered, or extirpated.*"

GLUP-10 Survey Control Marker

It is Council's policy that development works within the Town that disturb an existing Control Survey Marker must be reported to the GIS and Mapping Division, Department of Fisheries, Forestry and Agriculture.

GLUP-11 National Building Code of Canada

Council shall direct developers to the National Building Code of Canada.

GLUP-12 Highway Sign Regulations, 1999

It is Council's policy to require signage along any provincial highway be referred to and approved by the Department of Digital Government and Service NL for approval.

GLUP-13 Protected Road, Route 75

The Veteran's Memorial Highway, Route 75, is a Protected Road. Development within 100 metres of the highway centerline requires a Permit under the *Protected Road Zoning Regulations*. Applications shall be referred to the Department of Digital Government and Service NL.

4.2 Environmental Policies

EP-1 Preservation of Trees

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

EP-2 Protection of Watercourses, Wetlands Fish and Waterfowl Habitat

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

EP-3 Alterations to the Natural Environment

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

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

EP-4 Environmentally Sensitive Areas

Development shall be prohibited in environmentally sensitive areas such as steep slopes and bogs. Development shall also be prohibited in areas prone to landslides, rockfall, and coastal flooding due to storm surge and sea level rise.

Based on the potential future impact of sea level rise and storm surge, the Geological Survey considers the areas below the present 4.0 metre contour are highly vulnerable to coastal flooding. Council shall monitor development below the 4.0 metre contour to ensure proposed developments incorporate coastal protection measures or enhanced engineering solutions.

Areas above the 4.0 metre contour may also be at risk from coastal flooding and erosion including storm surge in the future. During the planning period, Council shall monitor lands above the 4.0 m contour that may also be at risk.

Steep slopes and other areas of geological hazard shall be subject to development restrictions or other conservation measures designed to minimize environmental impacts and mitigate risks to adjacent properties resulting from development. Council shall prohibit development in areas within 30 metres of the rock cliff along the coastline where coastal erosion has been identified or is of concern.

EP-5 Mineral Workings

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

Mineral exploration shall be permitted in the planning area as set out in the policies

of this Plan and conditions of the Spaniard's Bay Development Regulations. Aggregate mining and extraction shall only be permitted with the approval of a quarry permit from the Mineral Lands Division, Department of Industry, Energy and Technology and approval of the Town of Spaniard's Bay.

EP-6 Habitat Management Plan

The Town of Spaniard's Bay, along with the Town of Bay Roberts, signed a joint Municipal Wetland Stewardship Agreement on June 6, 1997, and is now an important link in wetland conservation. Through this agreement, the town agrees to manage wetlands within its jurisdiction with technical advice from the partners of the Eastern Habitat Joint Venture.

Habitat Management Plan Objectives:

- Restore, enhance and/or protect the important wetlands in Spaniard's Bay and Bay Roberts;
- Promote a greater appreciation of wetlands and wetland values; and
- Include wetland values in the municipal plan.

Habitat Management Plan Benefits:

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

Significant Wetlands within the Stewardship Zone

The Towns of Bay Roberts and Spaniard's Bay both border on the Shearstown estuary. This estuary receives an inflow of both freshwater from the Shearstown River and saltwater from Spaniard's Bay. The Conception Bay Highway and the old railway has bisected the estuary into what is known as Arnie's Pond and Shearstown Pond. The water depths of the estuary are quite shallow, often less

than one metre and supports extensive beds of eel grass. In areas of lower salinity levels and shallower water widgeon grass tends to form large mats over the mud substrate. The inner portion of Spaniard's Bay and Arnie's Pond remain relatively ice free throughout the year. From late fall to early spring overwintering waterfowl congregate to feed on the abundant populations of invertebrates that live among the aquatic vegetation.

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

Management Units

There are two management units that form part of the Stewardship Zone. One is the Aquatic Management Unit which comprises of the estuary which receives an inflow of both freshwater from the Shearstown River and saltwater from Spaniard's Bay. For Spaniard's Bay, the second Terrestrial Management Unit is the wetlands bound by the estuary running north to Muddy Hole Road as identified on the Future Land Use Map.

Review Process

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

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

4.3 Flood Risk Areas

General Intent

In the Spaniard's Bay Municipal Planning Area, most watercourses and wetlands are contained in the watershed of Shearstown River, which is the common border with its neighbour to the south, Bay Roberts. The outlet of Shearstown River empties into Conception Bay within the southern built-up area of the town.

Spaniard's Bay has a small Flood Risk area that has been subject to flooding in past. These areas include land near the mouth of Shearstown River as well as some areas along the northside of Shearstown River that may be prone to flooding. (See Figure 1)

Land use zones should consider areas that are prone to flooding and/or are low-lying in relation to the watercourse and their proximity to existing developed areas and infrastructure in addition to areas of future development.

Within the area designated as Flood Risk on the Future Land Use Map(s), areas shall be further categorized on the Zoning Map(s) as the following zone:

Flood Risk - FR

Permitted uses in the Flood Risk (FR) zone include: Environmental Protection.

Criteria for the location and establishment of Rural Uses are outlined in the policies of this Plan and in the Development Regulations – Use Zone Tables, Schedule C. Other uses may be permitted in the rural designation at the discretion of council.

Discretionary Uses include: Open Space Recreation limited to Passive Recreation uses only.

These uses may be permitted at the discretion of the Council provided they are compatible the intent and character of the Flood Risk zone. In addition to the standards outlined in the Development Regulations, Council may apply terms and conditions to discretionary uses.

Flood Risk Policies

FR - 1. Development Not Permitted

It is Council's policy to prohibit development, within the flood plain or buffer, other than low-impact land uses such as trails, minor accessory buildings. In addition to the standards outlined in Schedule C the Development Regulations, Council may apply further terms and conditions.

FR - 2. Policies for Flood Plain Management - Section 48, Water Resources Act, 2002

- It is Council's policy that no development shall be permitted in a designated flood risk area prior to applying for permitting from the Department of Environment and Climate Change, Water Resources Management Branch under Section 48 of the *Water Resources Act, 2002*.
- Any work within a designated flood risk area must comply with the Department's Policy for Flood Plain Management and any conditions that may be imposed by the Department.

- Uses in the flood plain are restricted and shall comply with Section 6.04 – Project Classifications, as identified in [Policy for Flood Plain Management - Environment and Climate Change \(gov.nl.ca\)](#).

FR - 3. Non-conforming Residential Uses

It is Council's policy that existing residential uses may be renovated however, no building or structure shall be increased in terms of its building footprint or height.

Objectives:

1. To prohibit development in areas prone to flooding as identified on the Generalized Future Land Use Map (figure 1).
2. To ensure development in the flood risk area receives prior approval from the Water Resources Management Division, Department of Environment and Climate Change.

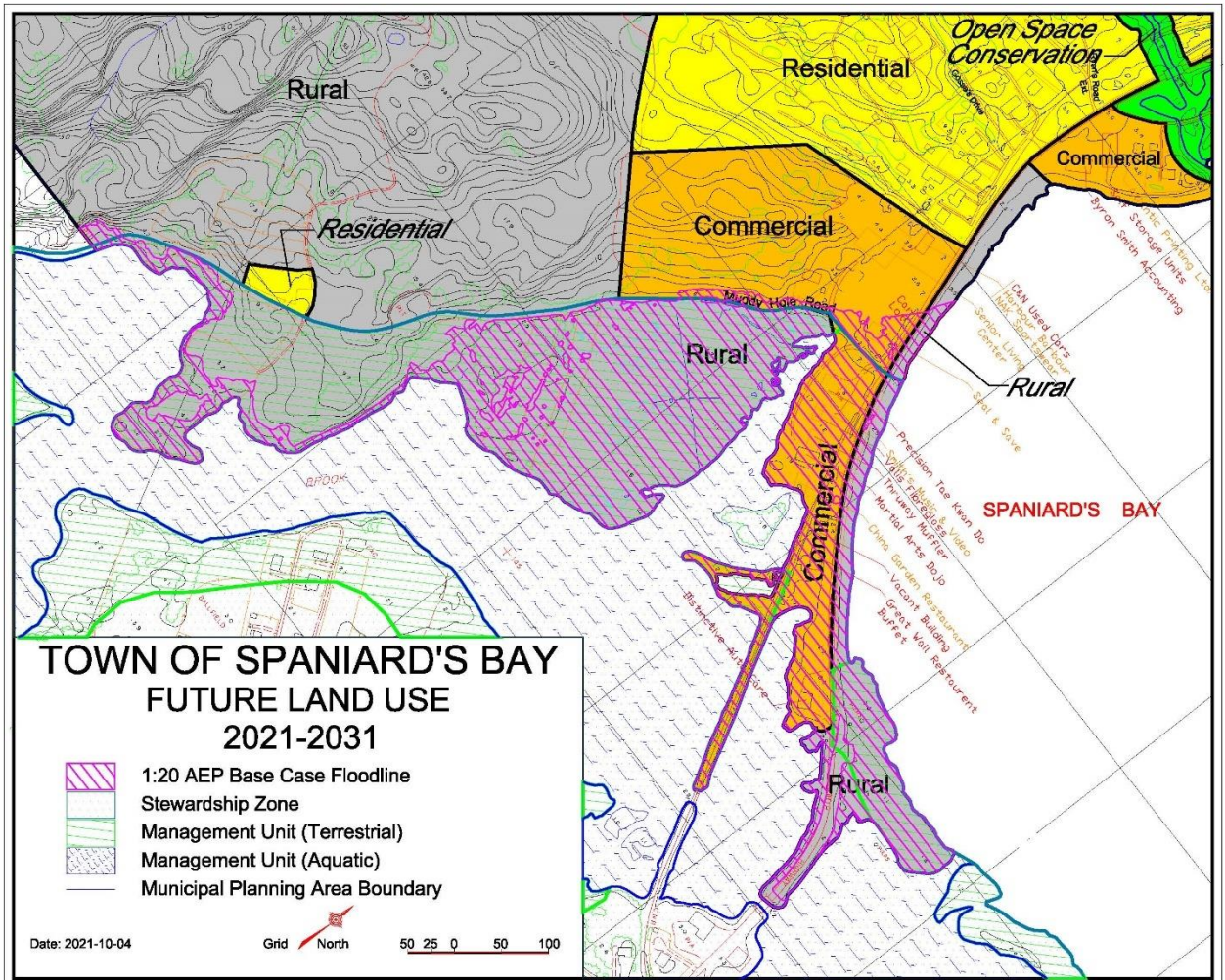


Figure 1

4.4 Servicing Policies

SP-1 Municipal Services

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

SP-2 On-Site Sewerage Disposal

No on-site sewerage disposal system shall be closer than 30 metres from a waterbody or watercourse and shall comply with Digital Government and Service NL, Septic or Water Systems Approval.

SP-3 Groundwater Assessment

New subdivisions consisting of five (5) or more lots shall require a groundwater assessment to be undertaken to determine the acceptable quality and quantity of drinking water. The *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced, by Individual Private Wells*, provide administrative and technical guidance to developers. The Water Resources Management Division, Department of Environment and Climate Change, should be contacted prior to new residential subdivision development

4.5 Specific Policies – Land Use Designations

LUD-1 The land resources of the Spaniard's Bay Planning Area shall be managed in accordance with the proposed land uses shown on the Generalized Future Land Use Maps 1 and 2 and the land use policies contained within this Municipal Plan. Ten land use designations apply to the municipality of Spaniard's Bay.

LUD-2 The Generalized Future Land Use Maps establish the pattern of development by dividing the Planning Area into the following land use designations:

- Residential
- Mixed Use
- Commercial
- Industrial
- Public Use
- Open Space Recreation
- Open Space Conservation
- Transportation Highway

- Watershed
- Rural

The following policies are applied specifically to the land use designations listed above.

4.5.1 Residential

Residential - General Intent

Residential is the major land use in Spaniard's Bay. The need for new building sites will be primarily for housing. There are very few areas of land in the older part of Town capable of development. Little infilling of residential areas remains. Council's intention is to see the completion of a major subdivision along the north side of Big Pond. Ridge Road area has some infill potential but may be limited for residential development due to provincially regulated Blueberry Management Units.

Objectives:

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

General Residential Policies:

RES-1: It is the policy of Council to encourage and support a mix of housing types and densities within designated residential areas.

RES-2: It is the policy of Council to encourage and support the design and development of high quality and innovative forms of housing.

- RES-3:** It is the policy of Council to encourage and support the development of affordable housing as well as housing appropriate to the needs of seniors.
- RES-4:** Development of residential units shall be permitted only in areas with direct access to a public street.
- RES-5:** It is the policy of Council that Home Based Businesses shall be permitted in residential areas in accordance with provisions as outlined in Schedule C of the Development Regulations.
- RES-6:** Backlot development may be permitted at the discretion of Council in developed areas behind existing dwellings where vacant parcels of land exist which are of sufficient size for a building lot, but which do not have the required frontage on a publicly maintained street. In such cases, the following requirements shall be met:
- The site is located in an area zoned for Residential development in the Spaniard's Bay Development Regulations;
 - Approval for on-site water supply and sewage disposal must be obtained from Council and Digital Government and Service NL;
 - The development of the lot does not prejudice the use of adjoining backland. Where there is potential for additional development in the area, the lot and access shall be developed in a manner which will accommodate future development. In such cases, access to the public street must be of sufficient width (15 metres) to accommodate future public use;
 - Where there is no potential for additional development, the access road shall be treated as a private driveway and only one backlot development shall be permitted;
 - Council shall be satisfied that the backlot development will not detract or

restrict other types of development on adjacent lands;

- Approval of any backlot development shall not affect the legal conformity of any existing lots;
- To ensure that Council can meet its responsibility for public safety and emergency access, the dwelling on a backlot shall be a minimum of 32 metres and a maximum of 100 metres from a public street; and
- Standards for backlot development shall be established in the Spaniard's Bay Development Regulations.

Residential Density

The areas designated as Residential Use on the *Generalized Future Land Use Map*, shall be further categorized on the *Land Use Zoning Map* as the following zones:

- **Residential Medium Density (RMD)**
- **Residential Infill (RI)**
- **Residential Subdivision Area (RSA)**

The detailed requirements of these zones are outlined in the Schedule C of the Development Regulations. All residential development shall comply with the general land use policies of this Plan and as set out by regulation in the Development Regulations.

Residential Medium Density (RMD)

The Residential Medium Density zone is applied to areas where priority will be given to new serviced residential development or to maintaining existing residential neighbourhoods during the Planning Period.

Residential Medium Density Policies:

RMD-1: It is the policy of Council to permit specific uses in the form of single dwelling, double dwelling, and recreational open space as the primary uses within the

Residential Medium Density Zone.

- RMD-2:** It is the policy of Council to permit on a discretionary basis: row dwelling, apartment building, mini home and modular home, boarding house residential, place of worship, educational, convenience store, catering, childcare, bed and breakfast, home occupation, cultural and civic uses, special care institutional (seniors living, long term care home), light industry, personal service, utilities, traditional agriculture, antenna and cemetery; subject to terms and conditions as outlined in Schedule C of the Development Regulations.
- RMD-3** It is Council's policy that compatible open space and uses such as parks maybe permitted as a discretionary use within residential areas, provided that
- a) The use does not conflict with neighbouring uses;
 - b) The dominant use within the area is residential; and
 - c) Adequate pedestrian and vehicular access and on-site parking can be provided.
- RMD-4:** It is Council's policy local convenience stores and other limited commercial uses which serve local neighbourhood needs may be permitted within residential areas provided that the commercial use is clearly subsidiary to the residential use (e.g., where the commercial use is contained within the residence), as outlined in Schedule C of the Development Regulations.
- RMD-5:** It is Council's policy that local commercial uses within Residential areas should be located in proximity to a major road.
- RMD-6:** It is Council's policy that Boarding House Residential uses may be permitted at the discretion of council and subject to terms and conditions as set out in Schedule C of the Development Regulations.
- RMD-7:** It is Council's policy that infilling between existing buildings and properties shall be permitted subject to the policies of this Plan and other requirements for

servicing, design and safety as outlined in the Development Regulations, and from appropriate provincial agencies, including the Department of Digital Government and Service NL and the Department of Municipal and Provincial Affairs.

Residential Infill (RI)

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

Residential Infill Policies:

- RI-1:** It is the policy of Council to permit single dwelling, double dwelling, recreational open space as the primary uses of land in the RI land use zone.
- RI-2:** It is the policy of Council to permit on a discretionary basis: childcare, bed and breakfast, home occupation, mini home and modular home, personal service, light industry, convenience store, traditional agriculture, and antenna subject to terms and conditions as outlined in Schedule C of the Development Regulations.
- RI-3:** It is Council's policy that new dwellings shall be built on lots large enough to permit the long term operation of an on-site sewage disposal system. Each individual lot must be capable of supporting on site services and approved by the Department of Digital Government and Service NL.
- RI-4:** It is Council's policy that home based businesses involving the manufacture of goods or the provision of services may be permitted at the discretion of Council provided the primary use of the property remains residential; the home based business is entirely enclosed within a building; and the home based business will

not be in conflict with or negatively affect the surrounding residential area because of noise, fumes, dust, objectionable odours, hours of operation, traffic, size, or inappropriate location.

Residential Subdivision Area (RSA)

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

Future residential development in Residential Subdivision Areas shall require a Development Scheme to be completed to Council's satisfaction before development is permitted to occur. The Development Scheme document with text and appropriate maps and drawings shall be prepared by an accredited professional. Council will offer public consultation regarding the development proposal and will consider comments or representations received prior to adopting an amendment to the Development Regulations for rezoning. The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

Residential Subdivision Area Policies:

RSA-1: Council shall consider permitting a Residential Subdivision Scheme when it is satisfied the following conditions have been met:

- (a) An engineering evaluation is completed of the capability of the site to accommodate onsite water and sewage services, including assessment of soil, drainage, and vegetation cover, ensuring that the property can sustain private water and sewage services for the long term;

- (b) Street layout and linkages with existing or proposed streets surrounding the scheme area;
- (c) Requirements for play areas or parks, as per the standards of Council and the requirements of the Urban and Rural Planning Act 2000;
- (d) Compatibility with surrounding land uses (those uses which could be incompatible with residential uses in terms of adverse visual, noise or other impacts, will be planned very carefully in the areas surrounding the Scheme areas);
- (e) The most suitable mix and location of housing, and;
- (f) A phasing plan outlining the stages in which the property will be developed.

RSA-2: Upon approval by Council of a Residential Subdivision Scheme, an amendment to the Development Regulations is required to bring the scheme into effect.

4.5.2 Mixed Use

The predominant land use along the Conception Bay Highway between Spaniard's Bay is residential. The area also contains several commercial and light industrial businesses. To provide opportunities for further commercial/light industrial development, while protecting residential development, this area is designated Mixed Use on the Generalized Future Land Use Maps and will also be categorized on the Land Use Zoning Maps as Mixed Use (MU). The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

Policies:

MU-1: It is the policy of Council to permit the following uses: single dwelling, double dwelling, row dwelling, apartment building; office, medical and professional,

personal service, general service, communications, police station, taxi stand, take-out food service, veterinary, shop, indoor market, outdoor market and convenience store as the primary use of land in the MU land use zone.

MU-2: It is the policy of Council to permit home occupation and light industrial uses as a discretionary use that are limited to small scale uses such as: carpentry shop, appliance repair, manufacturing, or storage of goods subject to terms and conditions as outlined in Schedule C of the Development Regulations.

MU-3: Light industrial uses shall be considered provided that the surrounding residential uses are not negatively affected by the light industrial use due to noise, smoke, odour, dust, vibrations or unsightly appearance; the light industrial use is designed and built in a style which is compatible with the surrounding land uses; a buffer is provided between the light industrial use and surrounding residential uses; and adequate off-street parking and loading facilities are provided for each commercial and light industrial land use.

4.5.3 Commercial

Spaniard's Bay serves the local area with various professional services and light industrial businesses. Spaniard's Bay also provides a broad variety of businesses which meet the consumer needs of the local population.

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

A new commercial/industrial park is proposed at the end of Brown's Road where it intersects with Veteran's Memorial Drive. The area proposed for the commercial/industrial park is approximately 1 km² in area with approximately 39 individual sites having areas of approximately 2 hectares. The main access points are from Veteran's memorial Drive with possible connection with the Tilton interchange. A referral to the Department of

Transportation and Infrastructure shall be required prior to any development permit being issued by the Town.

Areas designated as Commercial on the *Generalized Future Land Use Maps*, will be further categorized on the *Land Use Zoning Map* as Commercial General - CG Zone. The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

Policies:

- CG-1:** It is the policy of Council to permit the following uses: theatre, cultural and civic, general assembly, educational, place of workshop, passenger assembly, club and lodge, catering, funeral home, childcare, amusement, indoor assembly, outdoor assembly, office, medical and professional, personal service, general service, communications, police station, veterinary, shopping centre, shop, indoor market, convenience store, commercial residential, light industry, service station, medical treatment and special care, transportation, single dwelling, and apartment building as the primary use of land in the Commercial General land use zone.
- CG-2:** Council may permit on a discretionary basis the following uses: outdoor market, supplementary attached residence, antenna, taxi stand, take-out food service, and general industry, subject to terms and conditions as outlined in Schedule C of the Development Regulations.
- CG-3:** All commercial and industrial buildings shall be connected to the municipal water and sewer at the developer's cost and front on a public road.
- CG-4:** Council may require a buffer or screen so that surrounding land uses are not negatively affected by activities associated with commercial or industrial uses.
- CG-5:** Adequate off-street parking and loading facilities shall be provided for each commercial and light industrial land use.

4.5.4 Industrial

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

The areas designated as Industrial on the *Generalized Future Land Use Map*, shall be further categorized on the *Land Use Zoning Map* as Industrial General (IG). The detailed requirements of this zone are outlined in the Schedule C of the Development Regulations.

Policies:

- IG-1:** It is the policy of Council to permit General Industry uses such as sawmill, lumber yard and cement batching plant, where these industrial uses are contained primarily within buildings wherein the scale and type of storage or work activity will not be intrusive or otherwise objectionable to neighbouring residential areas. Light Industry uses shall also be permitted.
- IG-2:** Council may permit on a discretionary basis industrial uses that involve limited hazardous substances and processes such as scrap yard, animal (kennel), veterinary, and antenna, with terms and conditions as outlined in Schedule C of the Development Regulations.
- IG-3:** It is the policy of Council to reserve sufficient land in appropriate locations to accommodate industrial growth and relocation during the planning period.
- IG-4:** It is the policy of Council to locate intrusive industrial uses in suitable locations to minimize land use conflict between industrial uses and urban development, and to protect other land uses and the natural environment from adverse effects of industrial operation.

4.5.5 Public Use

Lands designated Public Use are intended for purposes that serve the general public. There are a number of civic and cultural building such as schools, churches and public facilities in the town that form the basis of the social and economic fabric of the community. Council will continue to support and encourage the development of public uses to expand the economy and enhance the quality of life for residents.

Lands that are designated Public Use on the Generalized Future Land Use Maps are also categorized on the Land Use Zoning Maps as Public Use (PU).

Policies:

- PU-1:** It is the policy of Council to permit the following uses: cultural and civic, general assembly, educational, place of worship, office, recreational open space, and indoor and outdoor assembly.
- PU-2:** It is the policy of Council to permit the following discretionary uses: theatre, passenger assembly, catering, amusement, collective residential, taxi stand, club or lodge, child care, medical and professional, funeral home, cemetery, take-out food service, and antenna subject to terms and conditions outlined in Schedule C of the Development Regulations.
- PU-3:** The development of new public uses will be permitted subject to the following conditions:
- a) The site is adjacent to arterial or collector streets;
 - b) The proposed development is compatible with surrounding land uses, and will provide for protection of adjacent residential uses through controls on signage in addition to the provision of landscaping and buffering if required; and

- c) The proposed development can be connected to the existing municipal water and sewer systems.

4.5.6 Open Space

The Town of Spaniard's Bay is fortunate to have an abundance of natural open spaces, parks, recreational areas and magnificent shorelines, public access to water and impressive views. Open spaces provide lands for small parks and playgrounds, for walking and hiking, and can provide buffers between potentially conflicting uses. They may also provide habitat for wildlife.

Lands designated for open space shall be used for purposes that serve several functions including the provision of opportunities for active and passive recreation, the separation of incompatible uses, and the protection of sensitive natural areas and wildlife habitats. Lands that are unsuitable for development due to steep slopes or that are necessary for protect waterways or wildlife will be identified for conservation.

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

- **Open Space Recreation (OSR); and**
- **Open Space Conservation (OSC)**

Lands that are designated Open Space Recreation and Open Space Conservation on the Generalized Future Land Use Maps are also categorized on the Land Use Zoning Maps as Open Space Recreation (OSR) and Open Space Conservation (OSC). Limited open space and recreation uses are also permitted within all other land use designations and land use zones as described by this Plan and outlined in the Development Regulations.

Open Space Recreation

Areas designated for open space recreation will be reserved primarily for active outdoor recreational uses including recreational open space, and outdoor assembly. Structures and small scale buildings that enhance the outdoor recreation use may also be allowed.

The development and operation of recreation facilities shall not impose adverse effects

on adjacent residential and other uses in terms of noise, light, traffic, and hours of operation. Adequate off-street parking facilities shall be provided.

Policies:

OSR-1: It is the policy of Council to permit the following recreational open space and outdoor assembly in the Open Space Recreation Land Use Zone.

OSR-2: It is the policy of Council to permit the following discretionary uses: convenience store, take-out food service, catering, antenna, and indoor assembly subject to terms and conditions outlined in Schedule C of the Development Regulations.

OSR-3: At its discretion, Council may also permit structures and small scale buildings that are accessory to the main outdoor recreation use and outdoor assembly use subject to terms and conditions outlined in Schedule C of the Development Regulations.

OSC-4: It is the policy of council that land within the open space recreation zone shall be a means of providing pedestrian access to recreation facilities and act as a buffer between incompatible land uses (e.g., Industrial and Residential uses).

Open Space Conservation

Land designated for Open Space Conservation (OSC) shall serve to protect areas that are environmentally sensitive such as natural features, scenic views, wildlife habitats, protected water courses and shorelines that may function as recreation corridors to link various areas of the community; or that are not conducive to development due to steep slopes, potential for rock fall and erosion. Several cemeteries in the community which are not located adjacent to church facilities also fall into this land use designation.

Policies:

OSC-1: It is the policy of Council to permit conservation uses in the Open Space Conservation land use zone.

- OSC-2:** It is the policy of Council to permit the following discretionary uses cemeteries and antenna subject to terms and conditions outlined in Schedule C of the Development Regulations.
- OSC-3:** It is the policy of Council to protect physical resources, such as environmentally sensitive lands and wildlife habitat.
- OSC-4:** It is the policy of Council to ensure that cemeteries, historic sites, and sites of architectural and archaeological significance, are preserved and maintained.
- OSC-5:** It is the policy of Council that the approval of new cemeteries in the Open Space Conservation zone will be contingent on access to an existing public road, a layout that facilitates public access, and no requirement for additional public services.
- OSC-6:** It is the policy of Council that no permanent buildings or structures, except accessory buildings, shall be permitted on lands designated Open Space Conservation.

4.5.7 Transportation Highway

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

- **Arterial Roads** - intended to function as the principal network for through traffic. The Veteran's Memorial Drive, Route 75, shall be considered as an Arterial Road.
- **Collector Roads** - link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access should be properly planned

with limited on-street parking allowed. The main road through Spaniard's Bay, Route 70, is a collector road.

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

Lands that are designated Transportation on the Generalized Future Land Use Maps are also categorized on the Land Use Zoning Maps as Transportation Highway (TH).

Objectives:

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

Policies:

TH-1: It is the policy of Council to prohibit access from individual properties onto an arterial road such as the Veteran's Memorial Highway, in order to preserve the efficiency of the roads. Access shall be limited to public road intersections as designated by the Department of Transportation and Infrastructure to ensure free flow of traffic. In new residential development, new individual access will be prohibited.

TH-2: Collector roads link local roads with arterials and carry traffic from town to town, as well as local traffic within town. Access points should be carefully planned. Limited on-street parking may be allowed.

TH-3: The remainder of the roads shown on the Future Land Use maps are local roads. The speed and volume of traffic on local roads shall be kept at a safe level by means of traffic signs and proper design for streets and intersections. Cul-de-

sacs or dead-end roads shall be provided with an adequate space where vehicles can turn around.

TH-4: Adequate off-street parking shall be required for all uses of land in the Planning Area. This will include parking for owners, residents, employees, visitors, and customers, as appropriate, with parking standards to be established in the Spaniard's Bay Development Regulations.

4.5.8 Watershed

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

Rocky Pond serves as the main water supply within the Spaniard's Bay Municipal Planning Area. The Rocky Pond watershed is protected under the Water Resources Act, 2002. Use of the watershed shall be limited to passive recreation uses such as hiking. No permanent buildings or structures shall be permitted within the watershed, except those required to control erosion.

Objectives:

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

Lands that are designated Watershed on the Generalized Future Land Use Maps are also categorized on the Land Use Zoning Maps as Watershed (W).

Policies:

W-1: It is the policy of Council to permit conservation uses in the Watershed land use

zone.

W-2: It is the policy of Council to permit the following discretionary use: mineral workings, mineral exploration within the Rocky Pond watershed subject to terms and conditions outlined in Schedule C of the Development Regulations. These discretionary uses will also be subject to approval by the Department of Environment and Climate Change.

W-3: Council shall monitor the capacity of the catchment to ensure a safe and adequate water supply for the Town.

4.5.9 Natural Resource Areas

Blueberry management areas, lands with aggregate potential and productive forest are identified on the Spaniard's Bay Generalized Future Land Use Map. In some parts of the rural and watershed areas, blueberry management areas, productive forest, and land with aggregate potential overlap.

Blueberry Management Areas

Prior to the approval of any development on land identified as a blueberry management area on the Spaniard's Bay Generalized Future Land Use Map, Council shall refer the application to the Agriculture Branch, Department of Fisheries, Forestry and Agriculture.

Forest Management

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

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

Mineral Working

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

Policies:

NRA-1: It is Council's policy that no development shall be permitted in natural resource areas except those associated with blueberry management, forest management and mineral working.

NRA-2: It is Council's policy that Blueberry management areas, lands with aggregate potential and productive forest are identified on the Spaniard's Bay Generalized Future Land Use Map

4.5.10 Rural

The remaining lands within the Spaniard's Bay Planning Area are designated Rural. No development shall be permitted on land within this designation except those associated with agriculture, forestry, mineral workings, and outdoor recreation.

Lands that are designated Rural on the Generalized Future Land Use Maps are also categorized on the Land Use Zoning Maps as Rural.

Rural Policies:

RUR-1: It is the policy of Council that no development shall be permitted within Rural areas except that associated with agriculture, forestry, mineral exploration, and conservation.

RUR-2: It is the policy of Council to permit the following discretionary uses: single dwelling, seasonal residential, mineral working, general industry, scrap yard, solid waste, open space recreation, cemetery, and antenna subject to terms

and conditions outlined in Schedule C of the Development Regulations.

RUR-3: Council shall require buffer distance separation between permitted or discretionary uses and ponds, watercourses, and other types of development.

RUR-4: Council shall permit limited seasonal residential use on the north shore of Swile Pond as a discretionary use with terms and conditions as outlined in Schedule C of the Development Regulations.

5.0 Implementation

The Municipal Plan will be implemented over the next ten years through decisions of Council and consultation with government agencies such as the Departments Municipal and Provincial Affairs, Environment and Climate Change, Transportation and Infrastructure, Digital Government and Service NL, and Industry, Energy and Technology that have responsibility for various aspects of development that affect the Town. Of particular importance to Council are the following:

- a) Effective administration of the Plan;
- b) The adoption of a five year capital works program, updated annually;
- c) The adoption of Development Regulations;
- d) The adoption of Development Schemes and plans of subdivision; and
- e) The procedure for considering amendments to the Plan.

5.1 Administration of the Plan

For the purposes of administering the Plan, the Generalized Future Land Use map shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications shall be carefully evaluated as to their conformity to the Plan. Council shall require the full conformity of all proposals to the Plan.

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

Once conformity to the Plan has been established, Council will ensure that all development proposals are given a comprehensive review that shall include circulation to all affected public departments and agencies. Council's final decisions will be based on the desire to guide the

development of Spaniard's Bay in the best long-term interests of its citizens.

All persons wishing to develop land for any purpose within the Spaniard's Bay Municipal Planning Area shall apply to Council for permission through the established procedure. Council may refuse or approve applications, with or without conditions. The appeal of all Council decisions to the appropriate Appeal Board will be permitted in accordance with the Part VI of the *Urban and Rural Planning Act, 2000*.

Prior to the major development of land within the Planning Area are approved, a development agreement may be required and will be signed by both the developer and Council. This agreement shall establish the conditions under which development may proceed and shall be binding on both parties. Conditions governing development attached to the development permit and shall be enforced. Nothing in this Plan shall affect the continuance of land uses that are lawfully established on the date that the Plan comes into effect.

5.2 Financial Evaluation for Municipal Capital Works Projects

In order to suitably implement the goals and objectives of the Plan, an annual public works program will be adopted and implemented by Council. This will include a financial overview and preparation of a *Financial Evaluation for Municipal Capital Works Projects* which outlines proposed capital works to be undertaken by Council subject to the availability of government funding. The Evaluation will include a five-year program of works to be undertaken as required under the *Municipalities Act*. The proposed capital works plan for 2020 is intended to maintain existing municipal infrastructure in the community and provide the same level of services to residents.

5-Year Capital Works Plan

The following list of capital works projects outlines Council's priorities for the town. Items already approved and scheduled to be completed in 2020 include:

- Paving and Road Reconstruction at Mint Cove Pond Road North;
- Lift Station Upgrade at Northern Cove adjacent the gazebo area; and
- To install a backup generator system at the Town's Chlorination Plant.

Further to this, Council has applied to complete Paving and Road Reconstruction at Pondsideroad and is awaiting approval for this project. Financing involved with these projects are included in the 2020 Operating Budget.

5 Year Municipal Capital Works Program (2021-2024)

The following is a list of priorities recommended as a guide for Applying for Funding for Municipal Capital Works. Priorities are listed in order.

- 1. Pondsideroad, Tilton** - Area to include from intersection at Back Track to the Basketball Court near the last hydrant.

- 2. Rectory Avenue-Casey's Lane, Annie's Lane** - The area is commonly referred to as the loop.

- 3. Cemetery Road, Tilton - Road** leading to the graveyard at e. This road intersects with Back Track at both ends.

- 4. Wastewater Treatment** - This project may shift along the priority list depending on availability of provincial and/or federal funding. Council is unable to provide an estimate at this time.

Council's ability to undertake major public works during the Planning Period will depend largely on its financial management program. Overall, the objective will be to minimize the increase in municipal debt load and to economize on project costs where possible.

The following are regarded as important components of a financial management program for the municipality:

- (a) All proposed public works, which qualify for assistance from the provincial or federal governments, should be financed on this basis. This shall include cost sharing programs with the provincial government and grants.

- (b) Funds raised by the municipality to undertake public works shall be obtained from local revenues where possible. The principle source from which funds could be realized for this purpose is new development. Minor public works in particular should be financed from current accounts where possible.
- (c) Mill rates and service fees shall be managed during the Planning Period to keep pace with inflation and to ensure that an acceptable level of municipal services can be achieved.
- (d) Additional borrowing to undertake major public works shall preferably be on the basis of government guaranteed loans.
- (e) Annual locally generated revenue shall be applied against the municipality's long-term debt. Payments shall be in keeping with the policy of the Department of Municipal and Provincial Affairs agreement between the Town and the Department.
- (f) For subdivision development, Council shall pursue a break-even policy for development that will require the developer to pay for the installation of all services to municipal standards.

5.3 Development Regulations

Once this Municipal Plan has been adopted, Council will proceed to adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act, 2000*.

The regulations will be drawn up so as to implement the Goals, Objectives and Land Use Policies of the Municipal Plan. The document will contain general land use and subdivision regulations designed to control all land subdivision and development within the Spaniard's Bay Municipal Planning Area

All land within the Planning Area will be covered by land use zones which will provide for such

detailed requirements as lots size and coverage, building setbacks and parking regulations.

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*.

5.4 Procedures for Amending the Municipal Plan

The administration and implementation of a Municipal Plan is a continuous process. During the planning period, conditions in the town may change, and where necessary, amendments to the Municipal Plan may be undertaken as per Sections 14 to 25 of the *Urban and Rural Planning Act, 2000* and adopted by Council.

In accordance with Section 27 of the Act, Council will charge a proportion of the cost of carrying out an amendment to the person or association of persons, who request and 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 notice and consultation, administrative processing costs, and the costs associated with a Public Hearing.

Any such amendment will be read with and form part of this Plan. After five years from the date on which this Plan comes into effect, Council shall review the Plan and revise it if necessary. Any revision should take account of development that can be foreseen during the following ten years. Amendment and review of the Plan shall be carried out in the same manner as this Plan was brought into effect.

5.5 Procedure for Considering Re-Zonings

Development Regulations can be changed through text amendments (the addition of a permitted use within a use zone, additions to or changes in a condition, or a change in definition) or through

map amendments (a change to the zoning map) as per Sections 14 -25 of the Act. In the consideration of any proposals to amend the Development Regulations, Council shall require a clear proposal to be submitted that shows:

- (a) The location of the subject property, to scale, showing lot dimensions, area, street frontages;
- (b) The proposed means by which the site is/will be serviced;
- (c) The proposed location of all driveways and parking areas;
- (d) Areas that are to be landscaped or left in a natural state;
- (e) The proposed location of all buildings on a site;
- (f) Identification of adjoining land uses; natural hazards; or sensitive natural areas; and
- (g) The identification by a qualified consultant, of steep slopes and construction methods that will be employed to ameliorate potential negative or hazardous effects of the proposed development.

When considering proposals for developments that necessitate amendments to the Development Regulations, Council shall give regard to the goals, objectives, and land use policies outlined in this Municipal 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.