



Special Planning Areas (SPAs)

What Are They and How Do They Work?

Presentation to the
Land Matters Advisory Committee

November 24, 2020



Topics

1. What Are Special Planning Areas?
2. How Many SPAs are there?
3. SPAs in Municipalities with Official Plans?
4. What Works?
5. What Doesn't Work?
6. Opportunities
7. Questions



1.

What Are
Special Planning
Areas?



Special Planning Areas

What are they?

- *Planning Act* Subdivision and Development Regulations
- Regulations addressing lack of land zoning or land use designations near larger cities or towns and in environmentally sensitive areas
- Provides ground rules for land use in specific designated areas of PEI
- Enhances existing Subdivision and Development Regulations



2.

How Many SPAs
are there?



Special Planning Areas

How Many SPAs are There?

- There are 5 distinct SPAs on PEI
 - *Princetown Point-Stanley Bridge SPA*
 - *Greenwich SPA*
 - *Bordon Region SPA*
 - *Stratford Region, Charlottetown Region, Cornwall Region and Summerside Region SPA*
 - *Morell River Conservation Zone*

Special Planning Area Boundaries



Princetown Point – Stanley Bridge SPA

The Princetown Point - Stanley Bridge SPA was established in 1996 primarily to provide restrictions and controls for land use near scenic viewsapes along the North Shore of Queens and Prince Counties.

- Restricts subdivision of lots to within 1000 feet of the shoreline.
- Provides provisions to ensure an unsubdivided area is left for a viewscape to the water
- Specifies where commercial uses are permitted
- Provides a Scenic Viewscape Zone where restrictions are placed regarding the placement of utility lines and structures



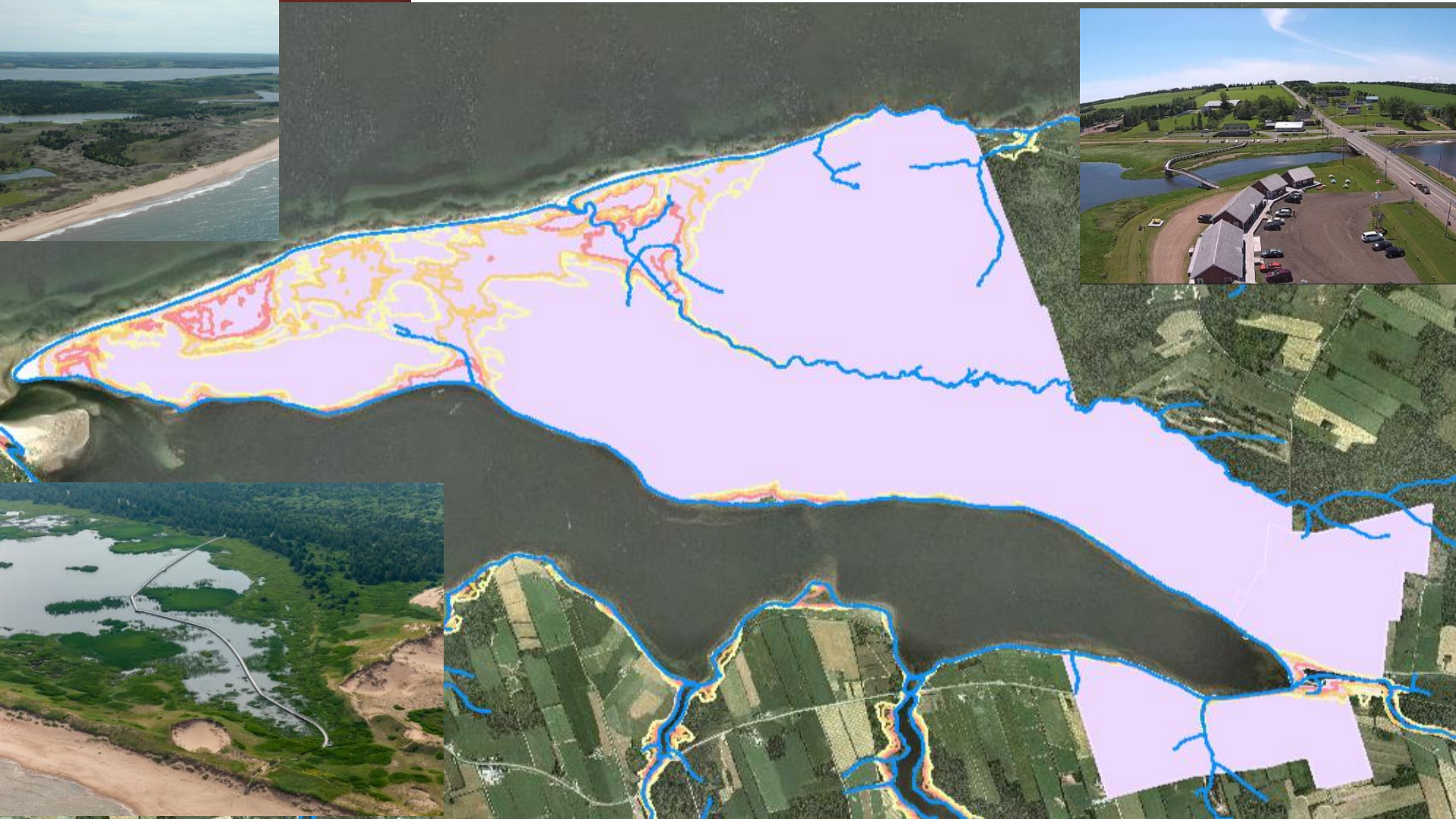
Greenwich SPA

The Greenwich SPA was established in 1996 primarily to provide restrictions and controls for land use for this very unique and environmentally sensitive area of PEI

The Greenwich SPA consists of two primary zones – the Rural Development Zone and the St. Peters Village Zone

Provides provisions for :

- the number of lots permitted to be subdivided
- the location of structures with respect to road setbacks
- architectural standards
- lot coverage
- building height
- permitted uses within a specific zone



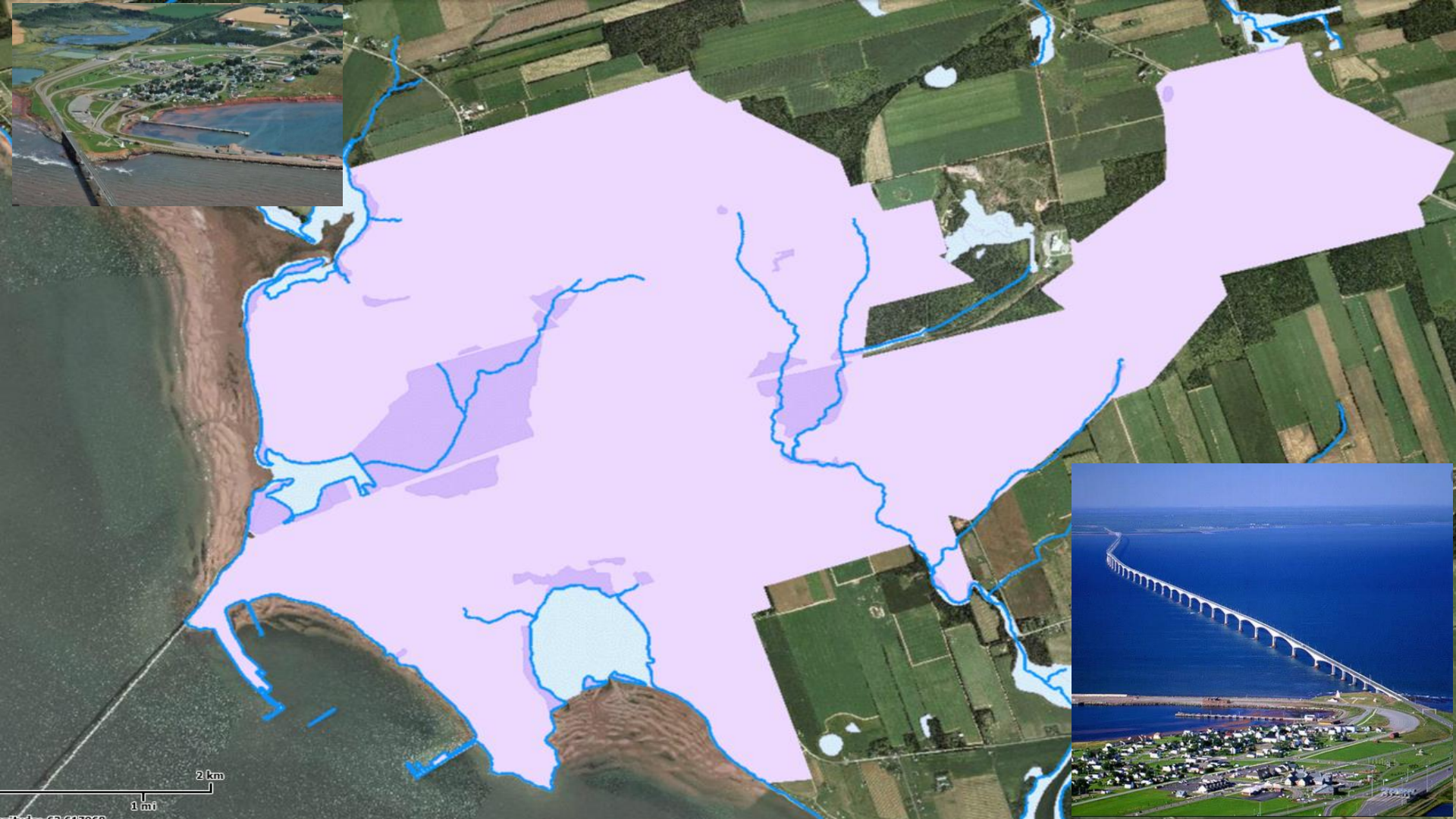
Borden Region SPA

The Borden Region SPA was established in 1996 primarily to provide restrictions and controls for land use in this very industrial/commercial development area

The Borden Region SPA consists of two designated areas– the Confederation Bridge Development Corridor and Rural Development Area

Provides provisions for :

- the number of lots permitted to be subdivided
- the location of structures with respect to road setbacks
- very detailed development standards – parking, signage, public services, landscaping, etc.
- building height
- permitted uses within a specific zone
- viewscape areas
- development agreements



Stratford Region, Charlottetown Region, Cornwall Region, Summerside Region SPA

The Stratford Region, Charlottetown Region, Cornwall Region, Summerside Region SPA was established in 1994 to encourage large scale development to be located within the surrounding larger cities and towns rather than in the rural areas.

The main objective are:

- **(a) to minimize the extent to which unserviced residential, commercial and industrial development may occur;**
- **(b) to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and**
- **(c) to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses**

Provides provisions for :

- the number of lots permitted to be subdivided
- permitted uses
- lots for children



Morell River Conservation Zone

The Morell River Conservation Zone was established in the late 1980's primarily to provide restrictions and controls for land use along the Morell River

The objectives are as follows:

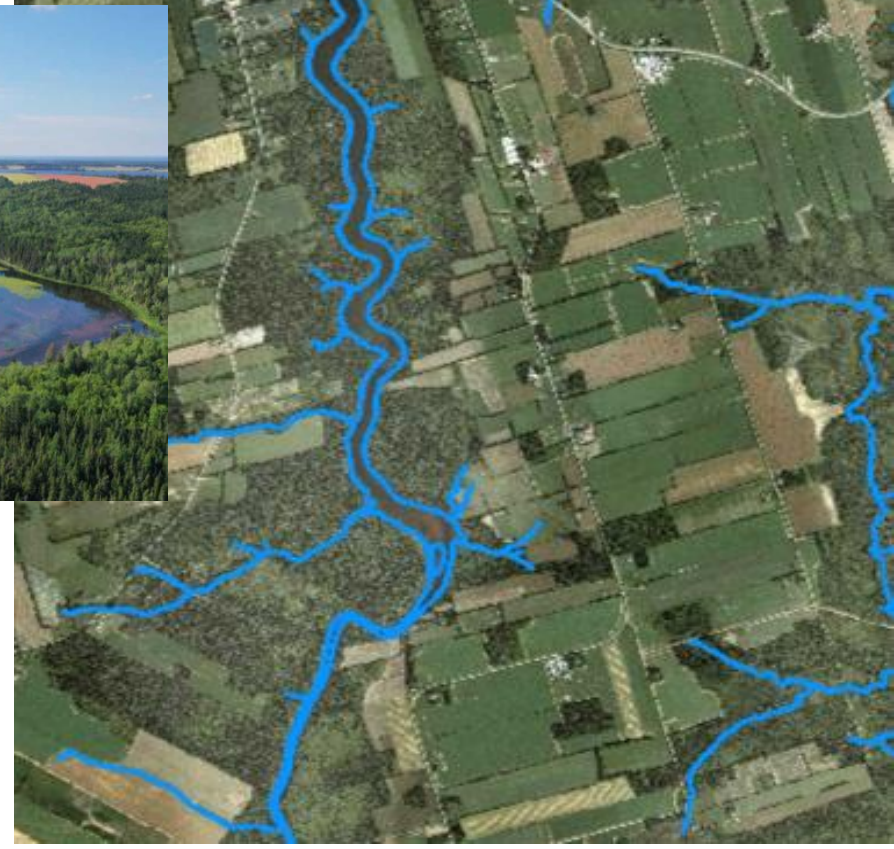
- (a) to maintain the recreational value of the Morell River;
- (b) to retain its unspoiled state for the use and enjoyment of present and future generations; and
- (c) to protect it from encroachment of undesirable and incompatible land uses.

Provides provisions for :

-The types of development permitted – scientific projects to improve the river or a proposed development where selective cutting of trees is aimed at improving a tree stand.

-Requirements for many approvals prior to commencement from:

- Morell River Land Steering Committee
- Department of Fisheries and Oceans Canada
- Provincial Department responsible for Fish and Wildlife





3.

SPAs in Municipalities with Official Plans



How the Stratford Region, Charlottetow n Region, Cornwall Region, Summerside Region SPA Works within an Official Plan

There are many municipalities which include, within their boundaries, portions of land within the Stratford Region, Charlottetown Region, Cornwall Region, Summerside Region SPA. These municipalities are still bound by the objectives of the SPA but can deviate from some of the restrictions found in areas without Official Plans in place.

Sections 63.(9) & 63.(10) of the *Planning Act* Subdivision and Development Regulations:

63.(9) Subdivisions or development permits approved under subsections (4), (5), (5.1) and (7) shall, in areas where a municipal official plan is in place, also be subject to all applicable land use and development regulations made pursuant to the municipal official plan.

How the Stratford Region, Charlottetow n Region, Cornwall Region, Summerside Region SPA Works within an Official Plan

63.(10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and

- (a) are consistent with the objectives set out in subsection (3);
- (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
- (c) revoked by EC421/09;
- (d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use to no more than five lots per existing parcel of land, unless
 - (i) central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, is available, and
 - (ii) an irrevocable agreement has been signed between the developer and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service, or both of them, to all lots prior to the conveyance of any lot from the approved subdivision; and
- (e) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use.



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Home Cross Rd E RTE - 220

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4. What Works?



What Works

The Good:

- Ensures major development cannot occur immediately outside major cities and towns
- Protects environmentally sensitive areas
- Provides provisions to establish commercial and industrial uses in certain areas
- Expands upon existing subdivision and development regulations
- Attempts to protect the rural landscape of PEI
- Some of the objectives of a few of the SPAs could/should be used as a basis for Planning all across PEI.



5.

What
Doesn't
Work



What Doesn't Work

Identified Issues for Review

- Promotes a 'leap frogging effect' – development occurs outside the SPAs further in the rural areas
- Is outdated and in need of a major overhaul
- In some instances is too restrictive
- Originally a temporary measure that has lasted decades
- Difficulty for Municipalities to ensure Official Plans and bylaws reflect the requirements of the SPA
- In some instances, promotes land use conflicts
- Creates confusion/delays for staff processing applications

Land Matters Survey Comments Regarding SPAs

Special Planning Areas

- 4 Respondents referenced Special Planning Areas (SPAs).

“Special Planning Areas surrounding Charlottetown are oppressive and unnecessary.” (R186)



6.

Opportunities



Opportunities

Land Use Policy/Zoning

- SPAs were to be temporary until proper land use zoning was in place. SPAs would not be necessary, in most cases, if PEI had proper land use zoning
- As zoning is a daunting task, at the very least, provide land use designations for the rural areas of PEI. SPAs could be used to ensure those areas are protected - Land Use Policy/Zoning (Designating Agriculture for a start)
- Adopt the main objective of the SPAs all across PEI to promote sustainable development while reducing land use conflicts
- Adopt some provisions of each of the SPAs with regards to lot coverage, building height, comprehensive development agreements.

Key Points & Take Aways

1. The SPAs are outdated and clearly not working as they should
2. The main objectives of the SPAs should be adopted for all areas of PEI
3. Land Use Policy/Zoning should be the main priority moving forward – this would all but eliminate the need for SPAs



7.

Questions

