

Urban and Rural Planning Act, 2000

**Resolution to Adopt
Town of Conception Bay South
Development Regulations Amendment No. 58, 2024**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Conception Bay South adopts the Conception Bay South Development Regulations Amendment No. 58, 2024.

Adopted by the Town Council of Conception Bay South on the 15 day of October, 2024.

Signed and sealed this 15 day of October 2024.

Mayor:



Clerk:

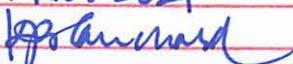


Canadian Institute of Planners Certification

I certify that the attached Development Regulations amendment has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Corrie Davis, MCIP



Development Regulations/Amendment	
REGISTERED	
Number	1145-0043-2024
Date	1 Nov 2024
Signature	

**Town of Conception Bay South
Development Regulations Amendment No. 58, 2024**

**Un-serviced Infill Development within the
Residential Medium Density Zone**

**Prepared by
Town of Conception Bay South**

October 2024

1.0 Introduction

The Conception Bay South Municipal Plan and Development Regulations came into legal effect on July 20, 2012. The Town Council is considering amending the Development Regulations. This report has been prepared to explain the proposed change, and to serve as a background information for the public and Council.

2.0 Background

There are several existing streets within the Town of Conception Bay South where there are no municipal water and / or sanitary sewer services. Additionally, some of those streets are not referenced on the Town's Water and Sewer Priority List.

Council recognizes that, in certain circumstances, allowing development with on-site services may be appropriate if there are no available municipal water and sewer services, nor foreseeable plans for installation of those services. The Municipal Plan includes overall policy guidance regarding development for on-site private services. The Development Regulations include standards for infill development with on-site, private water and sewer system within the Residential Low-Density zone. This amendment proposes to provide regulatory guidance for on-site private services for in-fill development on existing roads within the Residential Medium Density (R-2) zone.

Streets, or portions of streets, within the R-2 Zone where there may be potential for infill development but where there are no municipal water and / or sewer services include (noting the W/S Priority List number):

- Ashapple Way (18)
- Bairds Lane (-)
- Barnacle Road (-)
- Battens Road (-)
- Birchmount Place (36)
- Chamberlains Road (-)
- Chute Place (78)
- Delaneys Road (-)
- Dominion Place (60)
- Dougs Place (39)
- Emmas Place (13)
- Fagans Road (-)
- Fowlers Road (-)
- Garland Place (-)
- Gully Pond Road (27)
- Harveys Path (42)
- Hemlock Place (76)
- Hickory Place (55)
- Hillview Avenue (-)
- Holloway Place (40)
- Jakes Lane (-)
- Laurel Road (-)
- Lazurus Lane (65)
- Marvel Place (28)
- McCutcheons Road (15)
- McKenzie Place (-)
- Midway Access (-)
- Millicent Place (21)
- Misty Lane (64)
- Nugents Place (8)
- Parsons Place (38)
- Pocket Road (54)
- Pomeroy Place (53)
- Scarlet Place (19)
- Somerset Place (-)
- Sutton Place (48)
- Sylvia Place (69)
- Taylors Lane (32)
- Terminal Road (20)
- Yorkshire Road (9)

Council recognizes that it may not be feasible or reasonable to defer infill development pending installation of municipal services, nor will it always be feasible for property owner assume responsibility for extending municipal services over a large distance to accommodate development of their properties. Council therefore determined that the Regulations should be updated to allow, in certain circumstances, infill development within the R-2 Zone on existing streets where the infill development would be serviced with on-site private water and / or sanitary sewer systems.

3.0 Assessment

3.1 The Conception Bay South Municipal Plan

Section 4.3.19(1) of the Conception Bay South Municipal Plan allows infill development on existing public street frontages where there are no municipal services (water and sewer). Section 4.3.19(1) is not worded to restrict such development to any particular future land use designation.

The overall goals for the Town's Land Use Policies, at section 5.1.1 of the Municipal Plan, that the plan will "... promote a pattern of growth and land use that will encourage orderly, efficient, and environmentally sound development." Additionally, Section 5.1.3(3) states that "it shall be a policy of Council to encourage general growth and development that is efficient, cost effective, compatible with existing development, and incorporates sound environmental planning principles...." and continues by stating that Council will encourage "... development in areas that would be contiguous to, or infilling between, existing built up areas."

Section 5.2.3 (2) states that Council's policies for development in the Residential Medium Density Zone for various dwelling types and defers standards for the size of properties, setbacks, and servicing to the Development Regulations. Notwithstanding the policy guidance that allows unserviced infill development, the zoning regulations did not provide specific standards for residential uses serviced by private on-site wells and or septic systems within the Residential Medium Density Zone.

Sections 9.3.1 and 9.3.2 of the Municipal Plan guides Council when considering amendments to the Development Regulations and requires that Council consider how development will be serviced and the adequacy of an area to accommodate on site water and sewer systems. Council determined that the Municipal Plan accommodates a proposed change to allow infill development on existing streets within the Residential Medium Density zone.

3.2 The Conception Bay South Development Regulations

Section 5.25 of the Development Regulations provides general requirements for how residential development will be serviced with water and sanitary sewer. Section 10.10.4 of the Development Regulations relates to un-serviced within the Residential Low Density (R-1) Zone. At present there is no reference to un-serviced development within the Residential Medium Density (R-2) Zone.

This amendment will add a definition for “infill development” to remove any ambiguity created by its absence. This amendment will also delete Section 10.10.4 and incorporate that language into a revised Section 5.25 of the Regulations which will also be expanded to add criteria that must be met when considering infill development with on site services in any zone where it is permitted. Finally, this amendment adds lot standards to the Residential Medium Density (R-2) Zone for un-serviced lots.

4.0 Consultation

Notices for the proposed amendment was published in the September 9 and 16, 2024 editions of The Shoreline newspaper. The notice was also posted to the Town’s website and social media. A public information session was scheduled to discuss the proposed amendment at the Conception Bay South Town Hall on September 25, 2024, and subsequently postponed to October 2, 2024. Notice of the postponed information session was posted to the Town’s website and social media. A similar notice regarding the postponement was also published in the September 30, 2024 edition of the Shoreline newspaper.

No residents or interested individuals attended the information session. Written submissions are requested by October 7, 2024. The Town received one written inquiry regarding the proposed amendment; the inquiry did not indicate any opinion on the proposed amendment.

The Town determined that this consultation effort was reflective of the size, structure and complexity of planning and policy issues under consideration for the proposed amendments.

5.0 Amendment

The Conception Bay South Development Regulations are amended as follows:

1. Add the following definition to Part 2:

2.52.1 Infill Development means developing or redeveloping structures on vacant or underutilized parcels of land within existing urban or suburban areas that are already largely developed utilizing and/or enhancing existing infrastructure, such as roads, utilities, and public services.

2. Modify Section 5.25 that currently states:

5.25 Servicing Development

1. Except where permitted as part of an approved Residential Estate Lot Subdivision, development of backlands or beyond the end of existing public streets, will only be permitted on the basis of full municipal water and sewer servicing.
2. Servicing with on-site well and septic systems may be permitted as infill development along existing public streets.
3. Where permitted, private on-site septic systems, shall be properly designed, installed and maintained. Approval for on-site septic systems is required from the Government Service Centre.
4. Where development on the basis of water supply wells (either in unserviced infill areas or in a Residential Estate subdivision) an assessment of groundwater quantity and quality may be required in accordance with the Provincial Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009.
5. Where there is insufficient groundwater yield to support any development proposed on the basis of a well, the Authority shall refuse the development.

So that it now states:

5.25 Servicing Development

1. Development of back lands or beyond the end of existing public streets, will only be permitted on the basis of full municipal water and sewer servicing except where it is permitted as part of an approved Residential Estate Lot Subdivision.
2. Where permitted, private on-site septic systems, shall be properly designed, installed and maintained. Approval for the design and installation of on-site septic systems is required from the Digital Government and Service NL.
3. Where development on the basis of water supply wells (either in unserviced infill areas or in a Residential Estate subdivision) an assessment of groundwater quantity and quality may be required in accordance with the *Provincial Department of Environment and Conservation Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells*,

2009. Where there is insufficient groundwater yield to support any development proposed on the basis of a well, the Authority shall refuse the development.

4. Single dwellings as infill development may be approved with on-site well and/ or septic systems along existing public streets where there are no municipal water and / or sanitary sewer services, subject to the following conditions:
 - a) The lot must meet the minimum frontage and lot area requirements for un-serviced development as set out in the appropriate zone;
 - b) Installation of municipal water / sewer services by the Town is reasonably unlikely within the next ten years based on the street's position on the Town's Water and Sewer Priority List;
 - c) That the adjacent properties on the same street are serviced by private on-site water and / or sanitary sewer systems;
 - d) Where the property owner is unable to come to a cost sharing agreement with other property owners that would be serviced by their extension of municipal water and / or sewer to the subject property;
 - e) That the property is more than 100m from the nearest municipal water and / or sanitary sewer mains that would need to be extended to service the property;
 - f) That development beyond the last developed property on any street only occur if the property can already be reasonably be serviced by at least one existing municipal service, be it water or sanitary sewer;
 - g) If, in the opinion of the Authority, development can only be undertaken where provision of private on-site water and or sanitary sewer systems would not have a negative impact on adjacent properties or the Town's future ability to provide municipal water and / or sanitary sewer services to the area; and
 - h) Other than improvements to existing roads such as conveyance of land for future road upgrades, re-alignment of intersections, widening or completion of turning areas, no road shall be extended to accommodate the infill development.

3. Section 10.10.4 is deleted.
4. Add columns titled “Single, on site services” and “Single, semi serviced” to Section 10.11.3, so that it now reads:

10.11.13 Lot Requirements

Standard (* per unit)	Single	Single, on site services	Single, semi serviced	Double	Row	Apartment	Grouped
Minimum lot area (m ²)	450	1860	1400	280*	220*	210*	210*
Minimum lot frontage (m)	15	30	23	15	6m/unit	30	30
Minimum building line setback (m)	10	10	10	10	10	10	10
The minimum building line setback along Lawrence Pond Road north of Route 2, shall be set at 12m to ensure future functioning of the street as a collector road.							
Minimum side yard	1.2	1.2	1.2	1.2	3	5	5
Minimum flanking yard	8	8	8	8	8	8	8
Minimum rear yard	10	10	10	10	8	10	10
Maximum lot coverage	33%						
Maximum building height	8	8	8	8	10	10	10

5. All parts and sections of the Development Regulations not impacted by this amendment retain their wording as it was immediately prior to implementation of this amendment.