

Town of Conception Bay South
Municipal Plan Amendment No. 32, 2024
1440 Conception Bay Highway

Town of Conception Bay South

March 2024

Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South
Municipal Plan Amendment No. 32, 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 Municipal Plan Amendment No. 32, 2024.

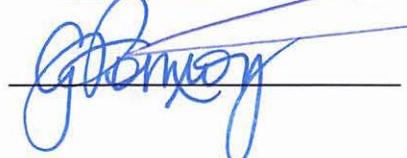
Adopted by the Town Council of Conception Bay South on the 5th day of March, 2024.

Signed and sealed this 16 day of April 2024.

Mayor:



Clerk:



Canadian Institute of Planners Certification

I certify that Conception Bay South Municipal Plan Amendment No. 32, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Conception Bay South
Municipal Plan Amendment No. 32, 2024

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*,
the Town Council of Conception Bay South

- a) Adopted the Conception Bay South Municipal Plan Amendment No. 32, 2024 on March 5, 2024.
- b) Gave notice of the adoption of the Conception Bay South Municipal Plan Amendment No. 32, 2024 by advertisement in the Shoreline News on March 15, 2024 and March 22, 2024.
- c) Scheduled a public hearing to consider objections and submissions for April 4, 2024.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South approves the Conception Bay South Municipal Plan Amendment No. 32, 2024, as adopted.

SIGNED AND SEALED this 16 day of April 2024.

Mayor:

Clerk:

**Municipal Plan/Amendment
REGISTERED**

Number	<u>1145-2024-023</u>
Date	<u>17 MAY 2024</u>
Signature	<u>JP Stannard</u>

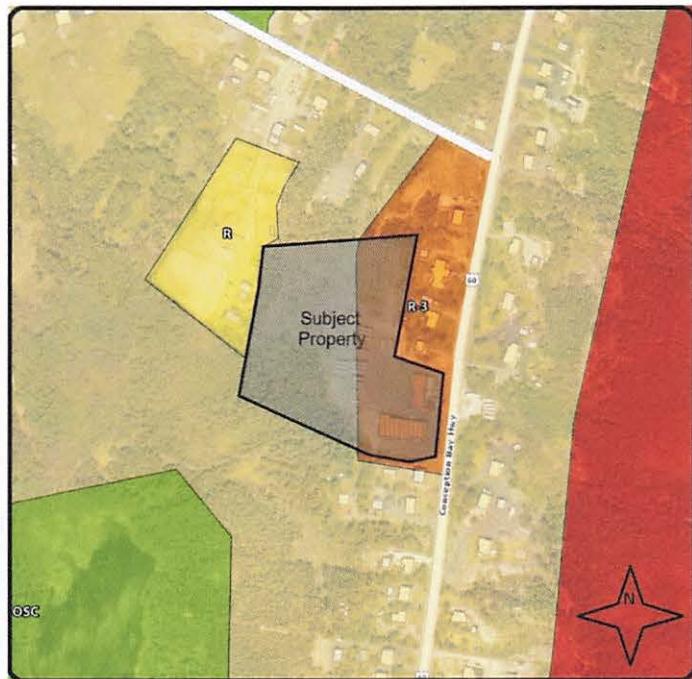
Town of Conception Bay South Municipal Plan Amendment No. 32, 2024

Introduction

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

Background

The Town received a request to change the future land use designation of approximately 2.7 hectares (6.7 acres) of land located at 1440 Conception Bay Highway. The applicant is the property owner. The area that is the subject of the amendment is shown in the image below.



The subject property is within two land use designations. The eastern portion of the property that fronts onto Conception Bay Highway is within "Residential Mixed" designation while the western portion (rear) of the property is within the "Residential Low Density" designation. The property owner is considering expansion of the existing primary use of the property which is a long-standing transportation use consisting of a bus depot, parking area and maintenance facility. Additional uses at the property include a lounge and residence.

The property owner requested that the designation be changed to reflect the primary existing and proposed expansion of the transportation facility. The Town determined that the most appropriate land use designation for such a use is “Commercial/ Light Industrial”. An amendment to the Conception Bay South Development Regulations to re-zone the same lands from the “Residential Mixed” and “Residential Low Density (R-1)” to “Commercial / Light Industrial (CLI)” is being processed concurrently with this Municipal Plan Amendment.

The Town also determined that minor consequential changes beyond the subject property boundary are appropriate in conjunction with this amendment. Those consequential changes include elimination of a “Residential Mixed” designation sliver along the frontage of the subject property and elimination of the “Residential Mixed” designation that extends into the residential property at 1448 Conception Bay Highway, which is immediately to the south of the subject property.

Assessment

The property is located in the Seal Cove area of the Town and immediately abuts existing residential development to north and south. The property has been used as a bus depot since before the area became a part of the Town of Conception Bay South. The property also abuts an area to the west that is designated as “Rural” and used as an equestrian facility.

The proposed amendment is intended to recognize the primary use of the property and allow the expansion of that development.

The Municipal Plan policies for Residential Mixed Development references areas in transition that have both commercial and residential uses. However, that designation does not provide for uses such as the transportation use at the subject property that pre-dates inclusion of this area within the Town. The current land use designation and zoning cause the property to be considered a legal non-conforming use in accordance with Section 108 of the *Urban and Rural Planning Act, 2000*. The property and business owner’s ability to expand the development at the property to accommodate their existing business needs is limited by Act. The Town is prohibited by provincial law to permit the expansion of a building associated with a legal non-conforming use by more than 50% of its original floor area.

The Municipal Plan Policies for the Residential Low Density designation notes that the designation applies to areas on the basis of available infrastructure, access and existing land use patterns. The policy also states that the designation includes areas intended for infill development along existing streets south of Peacekeepers Way (Route 2). Those circumstances do not apply to the portion of the subject property within that designation.

Municipal Plan policy 4.3.14 was also considered in the context of this amendment. The property is within the Low Geological Hazard Vulnerability area identified in the “Report on Vulnerability to

Geological Hazards in the Town of Conception Bay South" (Batterson and Stapleton, GNL, 2011). The municipal plan policy does not restrict development within the Low Geological Hazard Vulnerability Area.

The Municipal Plan policies for Commercial / Light Industrial areas specifically notes that general industry, service stations and passenger assembly use may be permitted. That policy and designation and therefore more aligned with the existing use and proposed further development at the property.

Section 9.6 of the Municipal Plan provides guidance to Council when considering amendments to the Municipal Plan. The policy is supportive of changes to the Municipal Plan when a development proposal provides sufficient information and rationale to support the change. Council considered that the existing use of the property pre-dates inclusion of the area within the Town and that the current designation does not reflect the primary use of the property.

If implemented, the amendment would transfer the uncertainty that accompanies the non-conformity from the primary use (the transportation business and its associated maintenance garage) to the secondary uses of the property (the residence and lounge). The property owner has acknowledged and is agreeable to that scenario.

St. John's Urban Region Regional Plan

The St. John's Urban Region Regional Plan (Regional Plan) identifies Conception Bay South as a sub-regional centre. Upon installation of municipal services, the Regional Plan encourages a wide range of residential densities, a variety of commercial operations, parks and recreational facilities and other uses that are characteristic and appropriate for a sub-regional centre.

The Regional Plan designates the subject property as "Urban Development" which allows for a range of urban uses connected to municipal water and sewer services. The proposed change to the Municipal Plan is consistent with the intent of the Regional Plan.

Consultation

A notice outlining the proposed amendments was distributed to known property owners within 100 metres of the subject property. In addition, notices were published in the November 10, and 17, 2023 editions of The Shoreline newspaper. The notice was also posted on the Town's website and social media. Written submissions are initially requested by November 27, 2023. A public information session was scheduled for November 29, 2023 but postponed due to forecasted inclement weather on that day. The Public Information Session was re-scheduled to January 10,

2024. Notices of the re-scheduled Public Information Session were published in the December 15 and 29, 2023 editions of the Shoreline newspaper.

As result of the notices, the Town received one written inquiry related to the process. A number of individuals attended the Public Information Session.

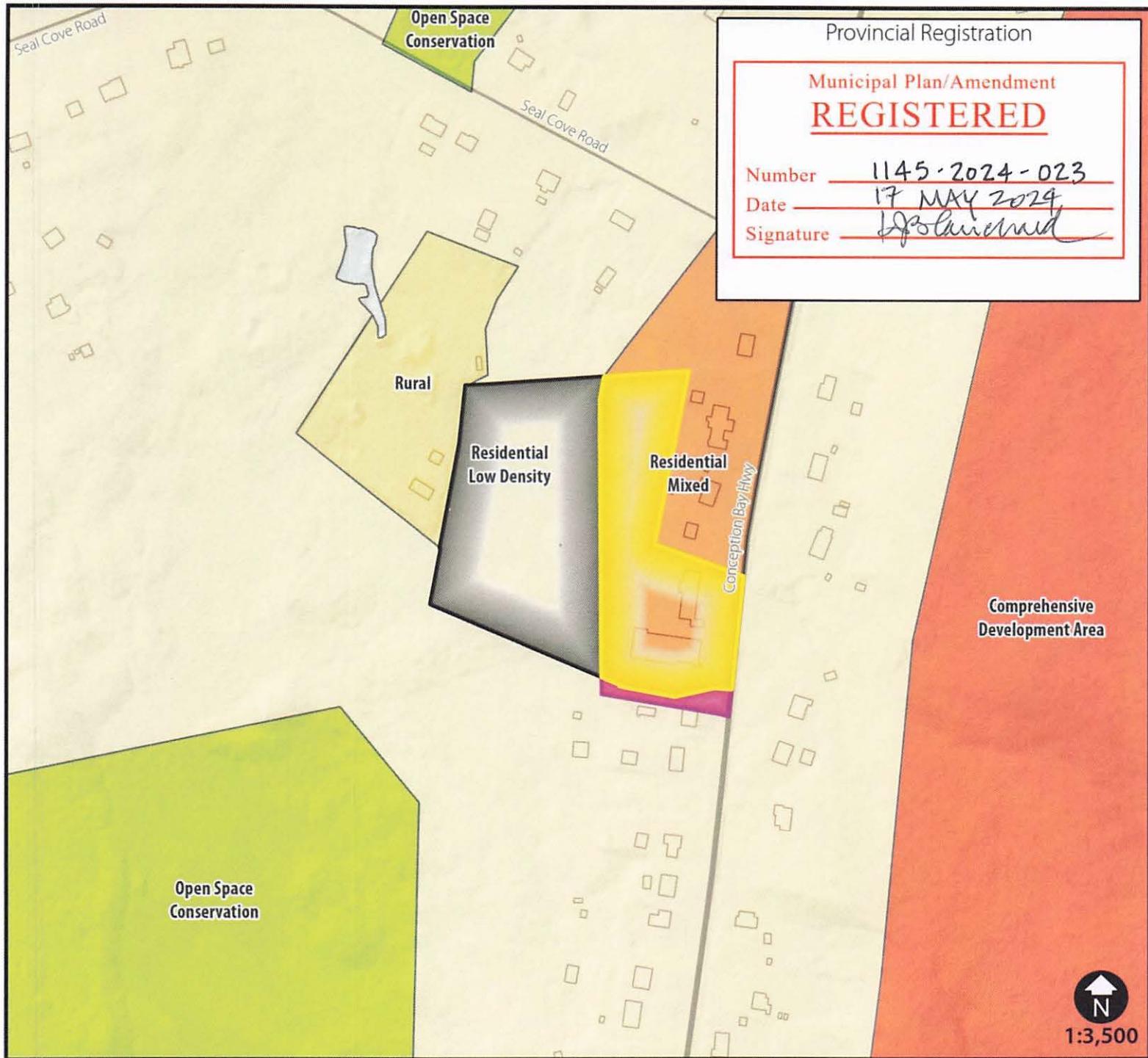
Council considered the comments received through the engagement process and determined that the proposed amendments should proceed as initially presented.

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.

Amendment

The Conception Bay South Municipal Plan Future Land Use Map shall be amended as follows:

1. The Future Land Use Map is amended as shown on the attached plan.



Town of Conception Bay South
Municipal Plan
Amendment No. 32, 2024
Future Land Use



From: Residential Low Density

To: Commercial Light Industry



From: Residential Mixed

To: Commercial Light Industry

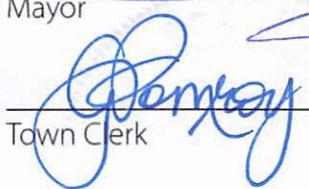


From: Residential Mixed

To: Residential Low Density

Signed and sealed at the Town of Conception Bay South, NL
This 16 day of April, 2024


Mayor


Town Clerk

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

