

AFFIDAVIT

NEWFOUNDLAND

CANADA

TO WIT

I, *Patry Somers*

, hereby make Oath and say that:

1. The Town Council of Carbonear gave notice of the adoption of the Carbonear Municipal Plan Amendment No. 23 and Development Regulations Amendment No. 34, 2017 by advertisement inserted on the 19th and 26th days of September, 2017, in the Compass.
2. The Town Council of Carbonear set the 5th day of October, 2017 at 7:00pm at Carbonear Town Hall, for the holding of a public hearing to consider objections and representations to Municipal Plan Amendment No. 23, and Development Regulations Amendment No. 34, 2017
3. Written objections with respect to the Municipal Plan and Development Regulations amendments were received at the Carbonear Town Office within the time stipulated in the notice of public hearing and the hearing proceeded as advertised.
4. A copy of the Commissioner's Report and the written submissions and objections are attached.
5. The Town Council of Carbonear considered the Commissioner's report and approved the Amendments on 13th of February, 2018, as follows:
 - Carbonear Municipal Plan No. 23, 2017 is approved as adopted;
 - Development Regulations Amendment No. 34, 2017 is approved with the following change:
Inserting an additional requirement into Condition 12 of the Residential Medium Density Use Zone to ensure that site features such as parking, lighting, dumpster and waste disposal facilities, loading areas, decks and related outdoor amenity areas be designed and placed to minimize impact on the surrounding residential areas with respect to noise, light and disturbance.

SWORN to at

Carbonear

this 13th day of February, A.D. 2018
before me

C. Davis

Notary Public, Justice of the Peace,
Commissioner of Oaths

CYNTHIA A. DAVIS

A Commissioner for Oaths in and for
the Province of Newfoundland and Labrador.
My commission expires on December 31, 2018.

P. Somers

Town Clerk

**TOWN OF CARBONEAR
MUNICIPAL PLAN AMENDMENT
NO. 23, 2017**

**Crockers Cove Point – Hotel Proposal
Conservation to Residential Medium Density**

**Prepared by:
Mary Bishop, FCIP
May, 2017**

**RESOLUTION TO ADOPT
TOWN OF CARBONEAR
MUNICIPAL PLAN AMENDMENT No. 23, 2017**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Carbonear adopts Municipal Plan Amendment No.23, 2017.

Adopted by the Town Council of Carbonear on the 5th day of September, 2017.

Signed and sealed this 13th day of February, 2018.

Deputy

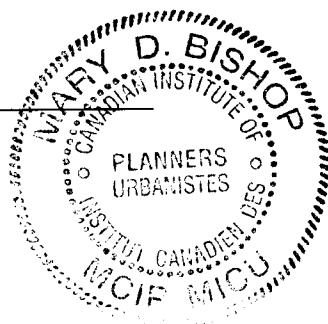
Mayor: Chris O'Grady
Chris O'Grady

Clerk: C. Somers
Cathy Somers

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan Amendment No. 23, 2017 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Mary Bishop
Mary Bishop, FCIP



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF CARBONEAR
MUNICIPAL PLAN AMENDMENT NO. 23, 2017**

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

1. Adopted Municipal Plan Amendment No. 23, 2017 on the 5th day of September, 2017.
2. Gave notice of the adoption of Municipal Plan Amendment No. 23, 2017 by advertisement inserted on the 19th and 26th days of September, 2017 in the Compass.
3. Set the 5th day of October, 2017 at 7:00 p.m. at the Carbonear Town Hall 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 Carbonear approves Municipal Plan Amendment No. 23, 2017 on the 13th day of February, 2018, as adopted.

SIGNED AND SEALED this 13th day of February, 2018.

Deputy Mayor: Chris O'Grady

Clerk: C. Somers
Cathy Somers

March 5, 2018
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MUNICIPAL PLAN AMENDMENT NO. 23, 2017

INTRODUCTION

The Town of Carbonear last reviewed and revised its Municipal Plan in 2004. The Town now wishes to amend the current Plan and Development Regulations and this report has been prepared to explain the proposed change, and to serve as a basis for consideration by the general public before it is approved by Council and submitted to the Minister of Municipal Affairs and Environment for registration.

BACKGROUND

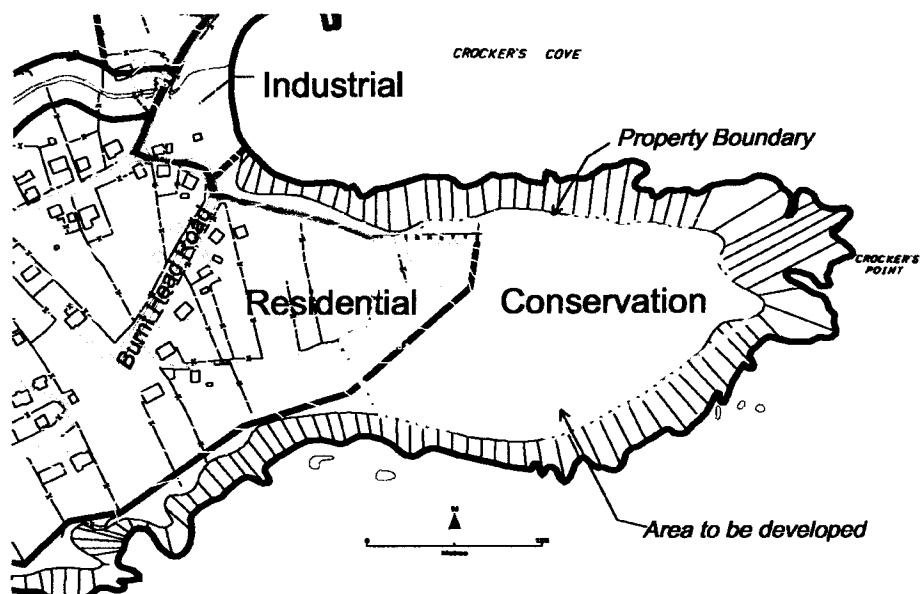
The Town of Carbonear has received an application to construct a 45-50 room hotel at Crocker's Cove Point. The approximately 2.97ha property is designated partly Residential and partly Conservation in the Carbonear Municipal Plan and zoned Residential Medium Density and Conservation in the Development Regulations as shown in the figure below. Commercial residential uses in the form of hotels are not permitted in either of these land use designations and the corresponding use zones. As a result, an amendment to the Plan is required to accommodate the proposed use of the property at this location.

Subject Property

The subject property has access to Burnt Head Road via a right-of-way. The property is currently not developed and the exposed headland is largely an open area of meadow and shrub cover. The applicant proposes to develop approximately 2 ha of the parcel. Of the area proposed to be developed, 0.5 ha is currently designated Residential, and 1.5 ha designated Conservation.

The property is not currently serviced, although water and sewer services are available from Burnt Head Road.

The subject property is surrounded to the north, east and south by the coastline of Conception Bay. Lands to the west of the property consist of low density residential development



along Burnt Head Road. The closest residential dwelling is located approximately 150m from the property.

Municipal Plan Policy

Section 2.2.3 (page 16) of the Municipal Plan sets out the policies that provide for a variety of residential and non-residential uses within the Residential land use designation:

Policies:

- Single and double dwellings and recreational open space may be permitted within areas designated for residential land use as shown on the Future Land Use Maps.
- Row dwellings, apartment buildings, churches, schools, convenience stores or small business offices may be permitted within serviced residential land use areas at the discretion of Council.
- Development may be permitted only on sites which are directly accessible to a public street.
- Boarding House Residential may be permitted within all residential land use areas at the discretion of council.
- Special care institutional may only be permitted as a discretionary use within the Residential Rural land Use Zone.

The Plan provides for larger residential buildings such as apartment buildings, and non-residential buildings such as churches and schools in the residential designation at the discretion of Council where municipal services are available.

The proponent proposes that the Conservation land use designation be retained along the coastline, and proposes that the building be set back from the cliff edges and that this area be retained in its current natural state.

Having reviewed the area in question and the proposed use, the Town of Carbonear is proposing to extend the Residential land use designation to include the area of the subject property that is proposed to be developed, and add new policies to the Residential policies of the Plan to permit commercial accommodations, limiting their location to Crocker's Cove Point. A corresponding amendment to the Development Regulations would re-zone the property to the Residential Medium Density land use zone, add Commercial-Residential as a Discretionary use to the Residential Medium density use zone, with conditions to limit such uses to Crocker's Cove Point.

Such an amendment would enable future re-development of the property for residential uses without further amendment to the Plan and Regulations.

PUBLIC CONSULTATION

The Provincial Archaeology Office has been consulted and will require a Stage 1 Archaeological Assessment of the site.

The Town of Carbonear provided an opportunity for public review and comment on the proposed amendments by publishing a notice in May 23rd, 2017 edition of The Compass inviting written submissions by May 31st. The amendment document was also posted on the Town's Facebook page and website and available for public viewing at the Town Office. A public meeting was held on July 5th to discuss the proposed development.

As a result of public comments on the proposed amendment, the Town consulted with the provincial Department of Forest and Land Resources concerning potential of the site as habitat for the Short-Tailed Swallowtail Butterfly. The advice received indicated that this is not a species at risk and is quite common in the province, along coastal beaches. The Department recommends that a 20m buffer around the point be retained to ensure continuation of the habitat for this and other wildlife species.

AMENDMENT

The Carbonear Municipal Plan shall be amended as follows:

1. By redesignating property at Crockers Cove Point, currently designated Conservation on the Future Land Use Map, to the Residential land use designation. The land to be redesignated is shown on the attached Map 2 - Town of Carbonear Municipal Plan Amendment No. 23, 2017.
2. Adding the following (highlighted text) to the second bullet of Residential Policy 2.2.3 of the Municipal Plan:
 - Row dwellings, apartment buildings, churches, schools, convenience stores or small business offices may be permitted within serviced residential land use areas at the discretion of Council. Commercial accommodations such as hotels may also be considered at Council's discretion, but shall be limited to Crocker's Cove Point.

		<p>Municipal Plan/Amendment REGISTERED</p> <p>Number <u>950-2018-027</u> Date <u>March 5, 2018</u> Signature <u>Mary Bishop</u></p> <p>CARBONEAR, LABRADOR</p>
<p>Town of Carbonear</p> <p>Municipal Plan Future Land Use Map 2 Amendment No. 23, 2017</p> <p>From: Conservation To: Residential</p> <p>Dated at Carbonear, Newfoundland and Labrador This <u>13th</u> day of <u>February</u> 2018</p> <p><u>Chris O'Grady</u>, Deputy Mayor <u>John Somers</u>, Town Clerk</p> <p>I certify that this Municipal Plan Amendment to the Town of Carbonear has been prepared in accordance with the requirements of the Urban and Rural Planning Act 2002.</p> <p>MARY BISHOP BISHOP CANADIAN INSTITUTE OF PLANNERS INSTITUTE CANADIEN D'URBANISTES Signature <u>Mary Bishop</u> Mary Bishop, FCIP Dated: May 6, 2017</p>		