
**TOWN OF MASSEY DRIVE
DEVELOPMENT REGULATIONS**

AMENDMENT No. 1, 2018

RESOLUTION TO ADOPT; CLERK'S & MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Massey Drive adopts Amendment Number 1, 2018, to the Development Regulations for 2017 to 2027.

Resolved by the Town Council of Massey Drive on the 10th day of August, 2018.

Signed and sealed this 21 day of September, 2018

Mayor: Allen Giesse

Clerk: R. [Signature]

(Council Seal)

Clerk's Certificate:

Certified that the attached is a true copy of Amendment Number 1, 2018 to the Development Regulations for 2017 to 2027, adopted by the Council of the Town of Massey Drive, on the 10th day of August, 2018.

Clerk R. [Signature]

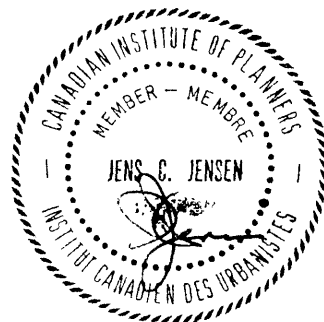
MCIP Certificate

I certify that the attached Amendment Number 1, 2018 to the Development Regulations document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

Jens Jensen Jens Jensen, P.Eng., MCIP (MCIP seal)

Date: 11th day of September, 2018



3167-2018-008
2018-09-11
Jens Jensen

COUNCIL RESOLUTION TO APPROVE; CLERK'S CERTIFICATE

Whereas the Council of the Town of Massey Drive adopted the proposed amendment on the 10th day of August, 2018, gave notices of their intention to so do by advertisements in the *Western Star*, a newspaper circulating in the planning area, on the 15th and 18th days of August, 2018, appointed a commissioner to hold the required public hearing on the 6th day of September, 2018, and cancelled the public hearing as no submissions had been received by the deadline date for doing so,

Under the authority of Sections 16, 17, 18 and 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Massey Drive approves Amendment Number 1, 2018 to the Development Regulations for 2017 to 2027.

Resolved by the Town Council of Massey Drive on the 6th day of September, 2018.

Signed and sealed this 21 day of September, 2018

Mayor: Allen Guespie

Clerk: RAS

(Council Seal)

Clerk's Certificate:

Certified that the attached Amendment Number 1, 2018 to the Development Regulations is a correct copy of Amendment Number 1, 2018 to the Development Regulations for 2017 to 2027, approved by the Council of the Town of Massey Drive, on the 6th day of September, 2018.

Clerk RAS

BACKGROUND

The Town Council of Massey Drive wishes to amend its Development Regulations concurrently with a complementary amendment to the Municipal Plan, to enable residential development on a portion of lands currently designated for Commercial/Industrial on Massey Drive, opposite Tipping Pond. Council has been requested by the owner of an area of land to re-zone his land to Residential and to revise the text of the Development Regulations to enable servicing that area with private water and/or private sewage disposal installations.

PUBLIC CONSULTATION PROCESS

Council carried out a public consultation process by advertising their intention to amend the documents and to call for public comment. An advertisement to that effect was published in the *Western Star*, a daily newspaper circulating in the area, on 14 and 15 June, 2018, shown below as it appeared:



Town of Massey Drive Amendments to Municipal Plan and Development Regulations

The Council of the Town of Massey Drive intends to amend the Municipal Plan and Development Regulations so as to permit residential development in an area designated for commercial and industrial development, at the southeasterly end of Massey Drive opposite Tipping Pond.

Details are available on the Town's website
www.masseydrive.com

Public comments are invited to be submitted by
4 PM Friday, June 29, 2018.

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Two submissions were received by the Town of Massey Drive by the deadline date of 29 June, 2018. These were considered by Council but found to be unpersuasive, and thus no changes were made to the drafts advertised for comment.

PLANNING POLICY ANALYSIS

The reason for the proposed amendment relates to an application made in May, 2018, by a private owner to develop part of the area for single dwellings. This is not the intended future use of the area pursuant to the current Municipal Plan. However, at the time of preparation of the current Municipal Plan, there was considerable debate about the best future use of the subject lands. The result was that the option of seeing it developed for commercial or light industrial use seemed to be the best choice.

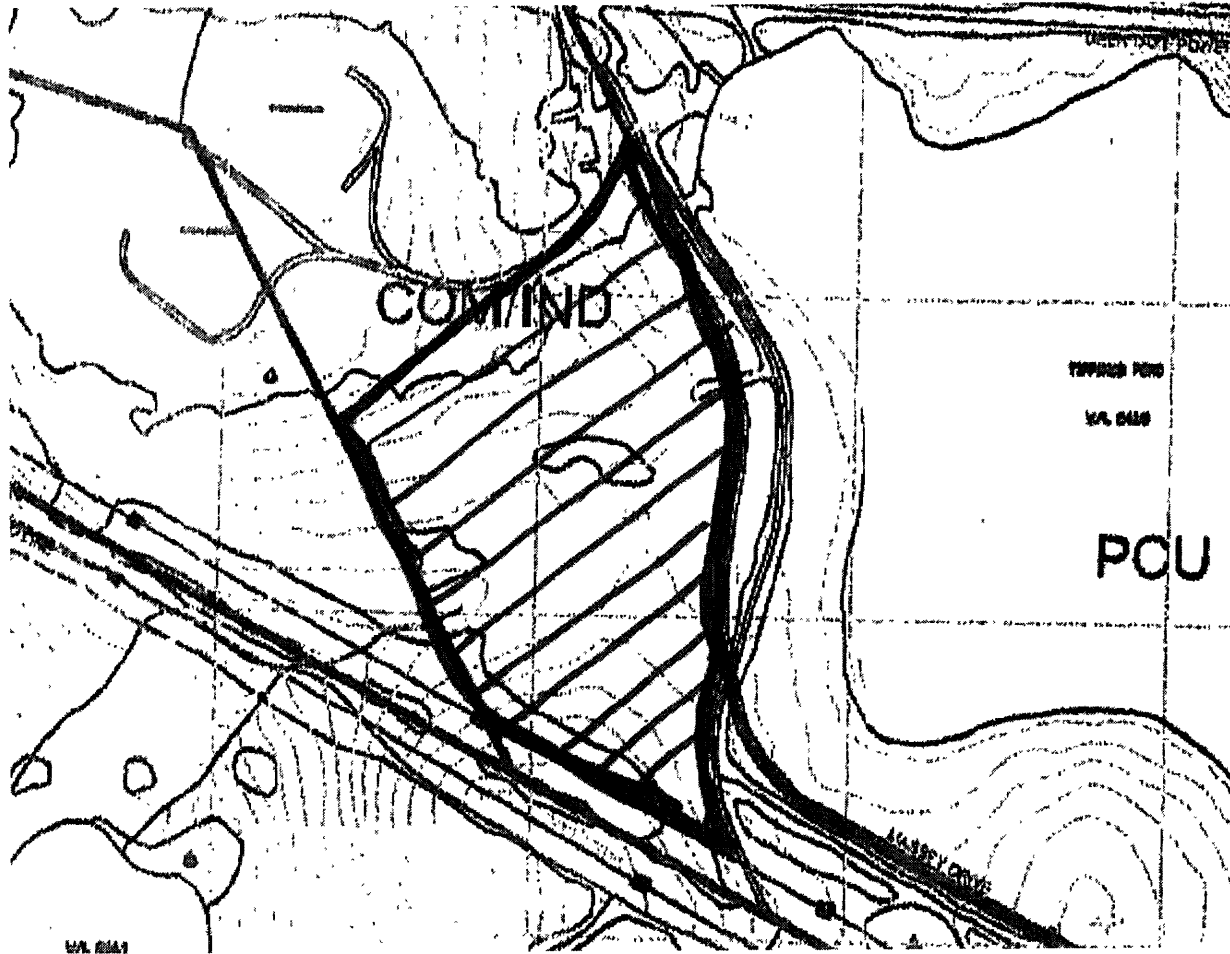
The Municipal Plan addresses this matter as follows, first in general terms in Section 4.2 Economy, Demographics and Demand for Land, as follows:

There is virtually no demand expected for land for non-residential use, other than for recreational and community facilities, such as parks and trails, in which regard considerable progress has been made and plans are being made for expansion and enhancement of those uses.

And then speaking specifically to the subject area in Section 5.0, the Development Concept:

A mostly undeveloped rural area on the southwest side of the planning area, beyond the Deer Lake Power Line, is used for two light industrial uses and one single dwelling. The Town does not plan to extend water and sewer services beyond their present limit. The intended use of that area is for commercial and industrial use, on private water and sewer services. Extension of services may be considered but if deemed acceptable would have to be financed by the proponent. The wide right of way for the Deer Lake Power line serves as a buffer between this area and the adjacent residential areas. The area is designated Commercial/Industrial.

The area proposed by the owner to be zoned as Residential is shown in cross hatched form on the sketch below:



The undeveloped area which is subject to the proposed amendment could as credibly have been zoned for Residential (RES) uses, but in balance at the time it was designated in the Municipal Plan as Commercial/ Industrial because of the proximity to existing light industrial uses and the fact that the Town had no plans to extend municipal central water and sewer services further out Massey Drive. There has been practically no interest from anyone to develop commercial or industrial uses in that area.

However, the owner has a credible plan to develop a number of large building lots fronting on Massey Drive and serviced by private water supply and sewage disposal. Such a development does not impact Town services or street infrastructure and represents an agreeable use of the land. The subject area comprises a portion of the Commercial/Industrial area—about half of the developable area. The areas occupied by TNT Truck and Auto Repair Limited and adjacent small properties are not affected.

Should the area become designated in the Municipal Plan as Residential, a conflict with existing policy in the Municipal Plan would be created as Part 6.1.1 Residential, Policy (11), states that: *All development must be serviced by the Town's central water and sewer systems.* The text in that policy should be amended by adding the words: *"except that private water and/or private sewage disposal systems, or both central water and sewer systems, may be utilized in the Residential area lying on the southwest side of the planning area beyond the Deer Lake Power Line, subject to the proponent securing Certificates of Approval from provincial government authorities"* following the final word 'systems' in the existing text of Policy (11).

A related policy in the Municipal Plan is found in the section of the Municipal Plan which addresses all areas, specifically Part 6.2.2 Municipal Services, Policy 2, which states:

Extensions to the water, sewer and road system to support a development and which are not part of the Town's capital works program shall be the financial responsibility of the developer, although the Town may access senior government financial assistance where possible, to encourage and assist desired works

That policy does not specifically mention responsibility for financing private water supplies nor private sewage disposal systems, so to prevent confusion, the following punctuation and words should be inserted immediately following the words and road system in line 1: *“, and/or are private water supply or private sewage disposal systems, subject to the proponent securing Certificates of Approval from provincial government authorities”*

The amendment to the Municipal Plan would simply re-designate the subject area from Commercial/Industrial to Residential and make the text changes as described. That amendment makes it appropriate to amend the requirements in the Development Regulations accordingly, as the existing requirements for the Residential zone do not permit use of private water supply nor

private sewage disposal systems. The current zoning of the area as Commercial-Industrial enables the use of such private systems, but the Residential zone does not.

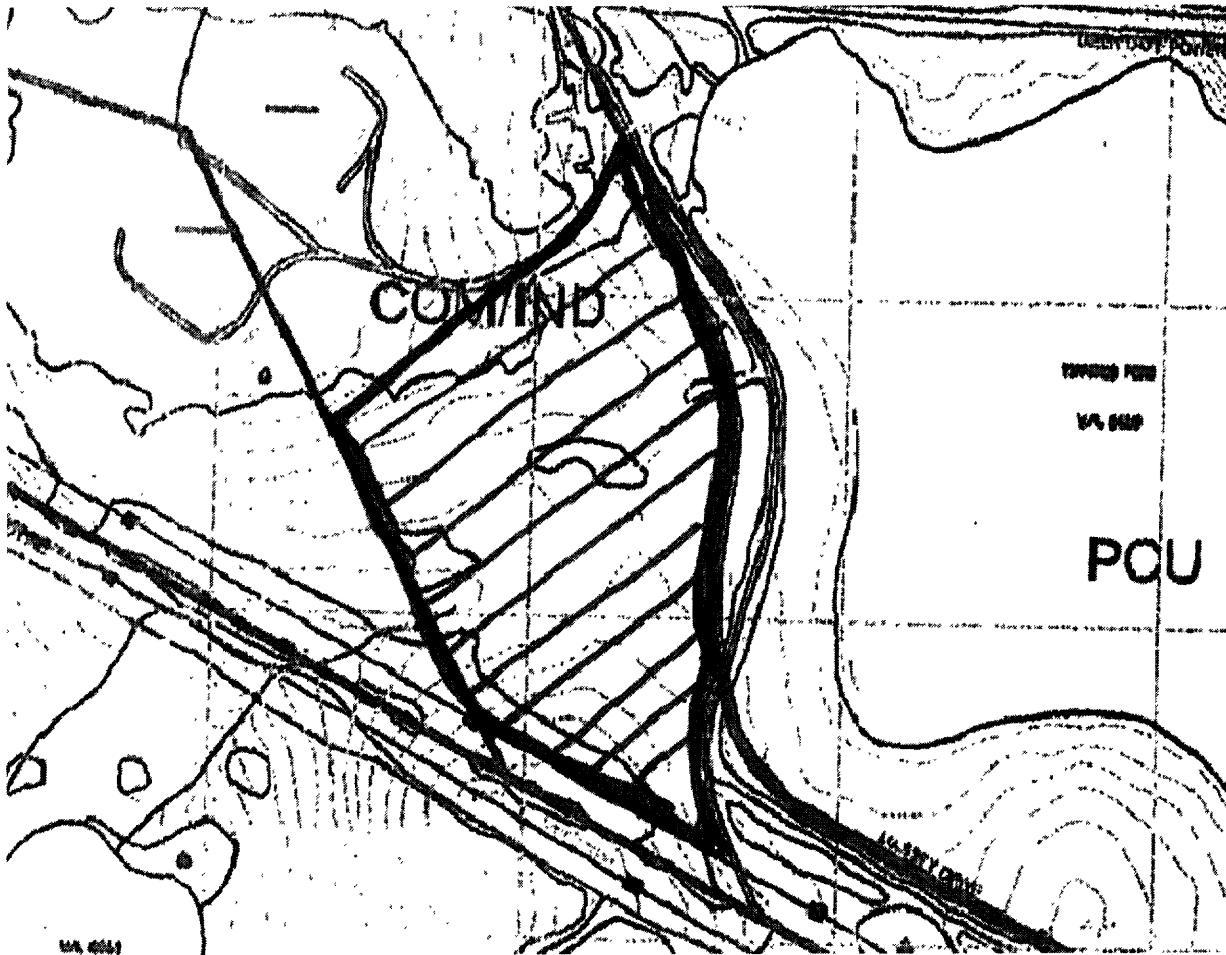
The relevant section of the Development Regulations is the Use Zone Table for the Residential Zone found in Schedule C of the Development Regulations. In that Table, Condition 7, Service, says: *“Structures with plumbing shall be connected to water and sewer services.”* It is appropriate to amend that Condition by adding the following punctuation and words immediately following the word “services” at the end thereof: *“, except that private water supply and/or private sewage disposal systems may be used in the Residential area lying on the southwest side of the planning area beyond the Deer Lake Power Line, subject to the proponent securing Certificates of Approval from provincial government authorities.”*

AMENDMENT No. 1, 2018

The text of the Development Regulations is amended as follows:

Condition 7, Service, in the Use Zone Table for the Residential Zone found in Schedule C of the Development Regulations, is amended by adding the following punctuation and words immediately following the word “services” at the end of the existing text, *“, except that private water supply and/or private sewage disposal systems may be used in the Residential area lying on the southwest side of the planning area beyond the Deer Lake Power Line, subject to the proponent securing Certificates of Approval from provincial government authorities and provided that the minimum lot frontage is 30 metres and the minimum lot area is 1,860 square metres ”.*

The Land Use Zoning Map 1 attached to and forming part of the Development Regulations is amended by changing the zone of the area shown in cross hatched form on the map below from Commercial-Industrial (COM/IND) to Residential (RES):



Town of Massey Drive

Dated at Massey Drive, NL, this 21 day of September, A.D. 2018

Alan Guipre
Mayor, Town of Massey Drive

R. A. S.
Clerk, Town of Massey Drive

(Council seal)

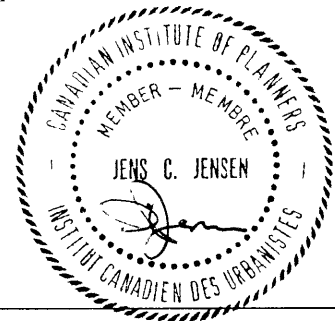
MCIP Certificate: I certify that the map forming part of Amendment Number 1, 2018 to the Development Regulations has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners

(MCIP seal)

Jens Jensen, P.Eng., MCIP

Date: 11th day of September, 2018



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