

**Town of Conception Bay South
Land Use Zoning, Subdivision and Advertisement
(Development) Regulations
Amendment No. 30, 2019**

**Bulk Storage Uses within the
Industrial General (IG) Land Use Zone**

**Prepared by the
Town of Conception Bay South**

April 2019


**Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Conception Bay South
Development Regulations
Amendment No. 30, 2019**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South hereby adopts Amendment No. 30, 2019 to the Conception Bay South Development Regulations.

Adopted by the Town Council of Conception Bay South on the 16th day of April 2019.

Signed and sealed this 16 day of April, 2019.

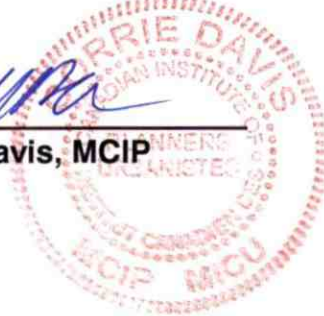
Mayor: 

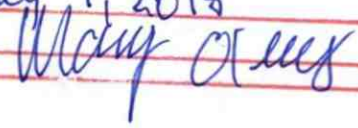
Clerk: 



Canadian Institute of Planners Certification

I certify that Amendment No. 30, 2019 to the Conception Bay South Development Regulations has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.


Corrie Davis, MCIP


**Development Regulations/Amendment
REGISTERED**
Number: 1145-2019-021
Date: May 9, 2018
Signature: 

Town of Conception Bay South Development Regulations Amendment No. 30, 2019

Purpose

The Conception Bay South Land Use Zoning, Subdivision and Advertisement (Development) Regulations came into legal effect on July 20, 2012. Several properties in the Long Pond Port area include bulk storage facilities (silos and tanks). The Town wishes to amend its regulations so that bulk storage structures are regulated differently than habitable buildings.

Background

A bulk storage facility within the Long Pond port is proposing to expand by adding a new storage silo for non-hazardous / non-petroleum products. In reviewing the proposal, the Town determined that many of the existing bulk storage facilities within the Long Pond port do not comply with the building location and height requirements expressed in the Town's Development Regulations.

The applicant therefore requested that the Town consider amending its regulations to recognize the existing size and placement of bulk storage facilities and provide for expansion of those facilities. The Town considered the request and determined the request is reasonable.

Schedule A, "Classification of land Uses and Buildings" of the Conception Bay South Development Regulations lists bulk storage facilities as an example of uses within the "General Industry" use classification. The Long Pond Port facility is located with the Industrial General Zone (IG) established by the Conception Bay South Development Regulations and "General Industry" uses are listed as permitted in that Zone. However, there are no specific conditions related to bulk storage uses noted in the IG Zone.

A "building" is defined by the *Urban and Rural Planning Act, 2000*, and includes "a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land, ...". The individual silos and tanks associated with bulk storage facilities are therefore considered buildings.

Many of the silos and tanks associated with bulk storage structures in the Long Pond Port currently do not comply with development standards expressed in the IG zone such as minimum building line setback and maximum building height.

The Town undertook a review of how other jurisdictions regulate capacity, size and location of silos and tanks within bulk storage facilities. One common approach is to exclude silos and tank associated with bulk storage facilities from the overall building height restrictions. It is also common throughout Canada, that placement of silos and tanks associated with bulk storage facilities on a lot are flexible in order to

accommodate operational requirements for such facilities. The Town is therefore proposing similar flexibility within its regulations for bulk storage facilities within industrial areas.

St. John's Urban Region Regional Plan

All development within Conception Bay South must comply with the requirements of the St. John's Urban Region Regional Plan (Regional Plan). The 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 size and placement of bulk storage facilities in the Conception Bay South sub-regional centre does not conflict with the policies of the Regional Plan.

The Conception Bay South Municipal Plan

The Conception Bay South Municipal Plan came into legal effect on July 20, 2012.

Policy No.1 of Section 5.5.3 of the Conception Bay South Municipal Plan notes that lands designated for general industry development within and around the port of Long Pond are intended to include a number of uses, including "bulk storage uses".

The Municipal Plan defers regulation of building height lot requirements to the Town's Development Regulations. This amendment therefore does not contravene the intent and policies of the Conception Bay South Municipal Plan.

Consultation

In accordance with section 14 of the *Urban and Rural Planning Act, 2000*, notices seeking feedback on the proposed amendment were published in the February 27 and March 6, 2019, editions of *The Shoreline* newspaper

The Town determined that this consultation process accommodates the size, structure and complexity of planning issues under consideration and provided a reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

As a result of the Town's consultation efforts, one written submission was received by the Town that expressed support for the proposed changes.

Development Regulations Amendment No. 30, 2019

The Conception Bay South Land Use Zoning, Subdivision and Advertisement (Development) Regulations shall be amended as follows:

1. Add the following definitions Section 2 of the Conception Bay South Development Regulations:

“2.20.1 Bulk Storage Tank is any static storage tank, silo, elevator or other such structure where large quantities of raw or refined materials or industrial related goods such as liquids, fuels, oils, gases, minerals, fertilizers or grains along with their associated products is stored for transshipment purposes and does not include a supply tank that is connected to heating, manufacturing, or agricultural building where the bulk material is used for its ultimate purpose.”

“2.80.1 Port Facility is an area that includes a wharf, pier, breakwater or other work or installation located in, on or adjacent to navigable waters and includes any land to which it is attached or other adjacent lands necessary for the operation of the port.”

2. Section 10.23.10, “Bulk Storage Facility” is added to the Conception Bay South Development Regulations as follows:

“10.23.10 Bulk Storage Facility

1. A Bulk Storage Facility may be permitted in association with the Port Facility at Long Pond.
 2. Section 10.23.3 shall not apply to a Bulk Storage Tank to be erected within a Bulk Storage Facility in the Port facility at Long Pond.
 3. Notwithstanding subsection 5.7 of these Regulations, the Authority may permit a Bulk Storage Tank to be erected within a Bulk Storage Facility with a height greater than that specified in Section 10.23.3 without a further increase in the Minimum Building Line Setback or Minimum Rear Yard Depth.”
3. All other sections of the Conception Bay South Land Use Zoning, Subdivision and Advertisement (Development) Regulations not referenced in this amendment retain their current wording.