

**TOWN OF CHANNEL-PORT AUX BASQUES
DEVELOPMENT REGULATIONS**

DEVELOPMENT REGULATIONS No. 1, 2023

**Text Amendment to Allow Development of Specified Properties
in the Commercial Land Use Zone
for the Purpose of an
Apartment Building**

Prepared by Paul Boundridge, MCIP

May 2023


**URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
CHANNEL-PORT AUX BASQUES DEVELOPMENT REGULATIONS AMENDMENT No. 1, 2023**


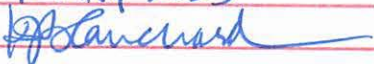
Under the authority of Section 16, Section 17 and Section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Channel-Port Aux Basques:

- a) adopted the Channel-Port Aux Basques Development Regulations Amendment No. 1, 2023 on the 14th day of March 2023;
- b) gave notice of the adoption of the Channel-Port Aux Basques Development Regulations Amendment No. 1, 2023 by advertisement inserted on the 20th day of March 2023 and the 27th day of March 2023 in *The Wreckhouse News* newspaper;
- c) set the 5th day of April at 6:00 P.M. at the Bruce II Sports Complex for the holding of a public hearing to consider objections and submissions; and,
- d) exercised its discretion under Section 21. (1) of the Urban and Rural Planning Act, 2000 to decide to cancel the scheduled public hearing as no signed, written objections had been received by the Town by the stated deadline of 5:00 P.M. of Monday, April 3, 2023.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Channel-Port Aux Basques Town Council approves the Channel-Port Aux Basques Development Regulations Amendment No. 1, 2023, as adopted on March 14, 2023.

SIGNED AND SEALED this 26 day of April 2023

Mayor: 
Brian Button

Clerk: 
REGISTERED
Number 1025-2023-001
Date 17 MAY 2023
Signature 

Provincial Registration

(Council Seal)



**RESOLUTION TO ADOPT
CHANNEL-PORTAUX BASQUES
DEVELOPMENT REGULATIONS AMENDMENT NUMBER 1, 2023**

WHEREAS the Town of Channel-Port Aux Basques Council has decided that it wishes to support the development of new housing to alleviate the housing shortage caused by the destruction of many existing houses by Hurricane Fiona in September 2022, and to promote an opportunity for property in the Commercial Land Use Zone at civic # 223, civic # 225, civic # 227-231, civic # 233-237 and civic # 239-243 Grand Bay West Road to be used for Apartment Building;

BE IT THEREFORE RESOLVED that the Town of Channel-Port Aux Basques hereby adopts the following text amendment to the Town of Channel-Port Aux Basques Development Regulations in accordance with the provisions of the Urban and Rural Planning Act.

- 1. Amend Section 9.16.2 (Commercial Zone – Discretionary Uses) by deleting the existing and substituting the following:**

“9.16.2 Discretionary Uses (subject to Section 3.30)

The following Uses may be permitted at the discretion of the Town provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses; and subject to the requirements of these Regulations:

- a. Apartment Building (at civic # 223, civic # 225, civic # 227-231, civic # 233-237 and civic # 239-243 Grand Bay West Road)
- b. Drive-Thru Business
- c. Rental Storage Use (subject to Section 5.21)
- d. Utilities - Windmills, Wind Farms, Other Energy Sources (subject to Section 5.23)
- e. Wind Turbines - Small Scale (subject to Section 5.24)”

- 2. Amend Section 9.16.3 (Commercial Zone – Zone Requirements/Standards) by the addition of the following:**

“7. Apartment Building (at civic # 223, civic # 225, civic # 227-231, civic # 233-237 and civic # 239-243 Grand Bay West Road)

Development Standard

Lot Area (min)	900 square metres
Lot Frontage (min)	18 metres
Floor Area (min)	50 square metres per Dwelling Unit
Residential Density (max)	200 square metres Lot Area per Dwelling minimum
Lot Coverage (max)	33%

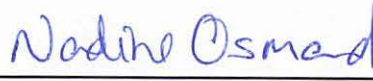
BE IT FURTHER RESOLVED that the Town of Channel-Port Aux Basques requests the Minister of Municipal and Provincial Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**RESOLUTION TO ADOPT
CHANNEL-PORTAUX BASQUES
DEVELOPMENT REGULATIONS AMENDMENT NUMBER 1, 2023**

IN WITNESS THEREOF the Seal of the Town of Channel-Port Aux Basques has been hereunto affixed and this Resolution has been signed by the Mayor and the Town Clerk on behalf of Council this 26 day of April, 2023.



Mayor, Brian Button



Town Clerk, Nadine Osmond

MCIP I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.



Paul Boundridge, MCIP



**14 MARCH 2023
Council Adoption**



DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2023

BACKGROUND

The Town of Channel-Port Aux Basques Municipal Plan 2019-2029 and the Town of Channel-Port Aux Basques Development Regulations 2019-2029 came into effect on December 24, 2020. The Town now wishes to amend the current Plan and Development Regulations and this report has been prepared to explain the proposed change.

The Town of Channel-Port Aux Basques was severely impacted by the destructive effects of Hurricane Fiona in late September 2022. This included many roads being washed out and approximately one hundred and fifty (150) houses being severely damaged or destroyed (many never to be rebuilt at the same location due to the proximity to the seashore), leaving hundreds of residents homeless.

In response to the situation created by Hurricane Fiona and in an effort to alleviate the resultant housing shortage, the Town is endeavouring to improve the supply of dwellings in the Town by accommodating the reuse of several vacant commercial properties in the Town for apartment buildings. These commercial properties at civic # 223, civic # 225, civic # 227-231, civic # 233-237 and civic # 239-243 Grand Bay West Road. To accommodate applications for the possible redevelopment of the commercial properties as apartment buildings, it would be necessary to amend the text of the Town of Channel-Port Aux Basques Development Regulations. The effect of the text amendment would be to add an "Apartment Building" as a Discretionary Use in the Commercial (COM) Zone and to introduce appropriate development standards for this use; this will require a municipal plan amendment – a parallel text amendment to the Commercial (COM) Designation.

At the Regular Meeting of the Town of Channel-Port Aux Basques Council held on January 31, 2023, Council passed a Motion to refer the proposed amendments to the public consultation process (issuance of a public notice of Council's intent to consider the amendments and any representations received at a subsequent public meeting of Council) and the amendment process set out in the *Urban and Rural Planning Act, 2000* (URPA).

A Public Notice of Council's intent to amend the text of the Town of Channel-Port Aux Basques Municipal Plan and Development Regulations was published in *The Wreckhouse News* newspaper on Monday, February 6, 2023, and Monday February 13, 2023. The Notice described the proposed amendments and invited interested persons to view the proposed amendments and provide their written comments to the Town Clerk by 1:00 P.M. on Friday, February 24, 2023. In addition, the Public Notice was placed on the Town's website and Facebook page. In response to the Public Notice, the Town received one statement of support for the proposed amendments.

Subsequently, at the Regular Public Council Meeting of February 28, 2023, Council passed a Motion to adopt-in-principle resolutions for Channel-Port Aux Basques Municipal Plan Amendment Number 1, 2023 and Channel-Port Aux Basques Development Regulations Amendment Number 1, 2023, and to authorize the Planning Consultant to submit, on behalf of the Town, a written request to the Department of Municipal and Provincial Affairs for a review of the proposed amendments against Provincial policies and interests and a release from further review.

A Release from the Department of Municipal and Provincial Affairs was issued on March 6, 2023. The Town of Channel-Port Aux Basques Municipal Council decided at the Regular Meeting of Council of March 14, 2023 to adopt the proposed Channel-Port Aux Basques Municipal Plan Amendment Number 1, 2023 and Channel-Port Aux Basques Development Regulations Amendment Number 1, 2023. At that Meeting of Council, Council decided to appoint Mr. Jerome Battiste as Commissioner for a Public Hearing scheduled for 6:00 p.m. on Wednesday, April 5, 2023 at the Bruce II Sports Complex.

The public hearing was advertised in accordance with the requirements of the *Urban and Rural Planning Act 2000* – notices were placed in the *Wreckhouse News* newspaper, and on the Town's website and Facebook page. No written objections to the proposed amendments were received by the Town Clerk by the stated deadline of 5:00 p.m., Monday, April 3, 2023; and, in accordance with Section 21. (1) of the of the *Urban and Rural Planning Act 2000*, Council exercised its discretion and the scheduled hearing was cancelled.

At the Regular Public Council Meeting of April 11, 2023, Council passed Motions to approve Channel-Port Aux Basques Municipal Plan Amendment Number 1, 2023 and Channel-Port Aux Basques Development Regulations Amendment Number 1, 2023.

PUBLIC CONSULTATION

During the preparation of the amendment, Council undertook the following initiatives so that individuals and groups could provide input to the proposed Municipal Plan Amendment No. 1, 2023 and Development Regulations Amendment No, 1, 2023.

At the first stage, a Public Notice of Council's intent to amend the text of the Town of Channel-Port Aux Basques Municipal Plan and Development Regulations was published in *The Wreckhouse News* newspaper on Monday, February 6, 2023, and Monday February 13, 2023. The Notice described the proposed amendments and invited interested persons to view the proposed amendments and provide their written comments to the Town Clerk by 1:00 P.M. on Friday, February 24, 2023. In addition, the Public Notice was placed on the Town's website and Facebook page. In response to the Public Notice, the Town received one statement of support for the proposed amendments.

At the second stage following the receipt of the Release of the amendments by the Department of Municipal and Provincial Affairs, Council decided to schedule a public hearing on the proposed amendments for Wednesday, April 5, 2023 at 6:00 p.m. The public hearing was advertised in accordance with the requirements of the *Urban and Rural Planning Act 2000* – notices were placed in the *Wreckhouse News* newspaper, and on the Town’s website and Facebook page. No written objections to the proposed amendments were received by the Town Clerk by the stated deadline of 5:00 p.m., Monday, April 3, 2023; and, in accordance with Section 21. (1) of the *Urban and Rural Planning Act 2000*, Council exercised its discretion and the scheduled hearing was cancelled.

AMENDMENT

The Town of Channel-Port Aux Basques Development Regulations 2019-2029 shall be amended as follows:

1. **Amend Section 9.16.2 (Commercial Zone – Discretionary Uses) by deleting the existing and substituting the following:**

“9.16.2 Discretionary Uses (subject to Section 3.30)

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