

**TOWN OF ARNOLD'S COVE**  
**MUNICIPAL PLAN AMENDMENT NO. 4, 2012**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF ARNOLD'S COVE  
MUNICIPAL PLAN AMENDMENT NO. 4, 2012**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Arnold's Cove


- a) adopted the Arnold's Cove Municipal Plan Amendment No. 4, 2012 on the 20<sup>th</sup> day of March, 2012.
- b) gave notice of the adoption of the Arnold's Cove Municipal Plan Amendment No. 4, 2012 by advertisement inserted on the 29<sup>th</sup> day of March, 2012 and the 5<sup>th</sup> day of April, 2012 in the Packet newspaper.
- c) set the 12<sup>th</sup> day of April, 2012 at 7:00 p.m. at the Town Hall, Arnold's Cove 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 Arnold's Cove on the 9<sup>th</sup> day of May, 2012 approves the Arnold's Cove Municipal Plan Amendment No. 4, 2012 as amended by not proceeding to amend Future Land Use Map 2 from Residential to Mixed Development off Spencer's Cove Road.

SIGNED AND SEALED this 24 day of MAY, 2012

Mayor:   
Tom Osbourne

Clerk:   
Wayne Slade

<b>Municipal Plan/Amendment</b>	
<b>REGISTERED</b>	
Number	<u>0110-2012-006</u>
Date	<u>June 4, 2012</u>
Signature	<u></u>

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF ARNOLD'S COVE  
MUNICIPAL PLAN AMENDMENT NO. 4, 2012**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Arnold's Cove adopts the Arnold's Cove Municipal Plan Amendment No. 4, 2012.

Adopted by the Town Council of Arnold's Cove on the 20<sup>th</sup> day of March, 2012.

Signed and sealed this 24 day of MAY, 2012.

Mayor: Tom Osbourne  
Tom Osbourne

Clerk: Wayne Slade  
Wayne Slade

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Municipal Plan Amendment No. 4, 2012 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.

MCIP:



**TOWN OF ARNOLD'S COVE  
MUNICIPAL PLAN AMENDMENT NO. 4, 2012**

**BACKGROUND**

This amendment is designed to achieve the following objectives:

- a) To provide for increased flexibility in the array of permitted and discretionary uses in the Mixed Development designation and amends the provisions regarding open storage in the Mixed Development Zone;
- b) To accommodate apartments or suites attached to a non-residential building as a permitted use, and allow apartment buildings and double dwellings as discretionary uses within the commercial zone.

Further to this, Section 4.5 of the Municipal Plan is amended to allow, among other uses in the Commercial Designation 'appropriate residential' uses. Schedule A (Definitions) is amended by adding a definition for 'Apartment' – that is to say, a self-contained dwelling unit attached to residential or non-residential use. Schedule B of the Development Regulations (Classification of Uses) will be amended by adding 'apartment'. Schedule C – Commercial Zone, is amended by adding 'Apartment' as a permitted use, and apartment buildings and double dwellings as discretionary uses.

**PUBLIC CONSULTATION**

There were two briefing sessions advertised. The first one encompassed two properties – one the Metcalfe Property off Spencer's Cove Road, and the other the Newhook Property off Whiffen Head Road. This was advertised in the February 2<sup>nd</sup> and 9<sup>th</sup>, 2012 editions of the Packet for a briefing session that took place on February 20<sup>th</sup>, 2012. A number of objections were raised concerning the Metcalfe property.

Dropping the Newhook amendment Council reviewed this amendment and decided to proceed with the Metcalfe amendment, together with text changes to the Mixed Development Designation and Zone, and, the Commercial designation zone as noted in the background to this amendment. The changes to the texts of the plan and regulations as they pertained to the Commercial Designation and Zone were then advertised for public comment. This was advertised in the March 1<sup>st</sup>, 2012 edition of the Packet for a briefing session on the 7<sup>th</sup> of March, 2012. No representations were received and this briefing session was cancelled.

**PUBLIC HEARING**

After consideration of the findings from the Commissioner's Report pursuant to the public hearing which took place on April 12<sup>th</sup>, 2012, the Town Council decided not to proceed

with the amendment to Future Land Use Map 2 and Zoning Map 2 which would have redesignated and rezoned a parcel of land off Spencer's Cove Road from Residential to Mixed Development. However the Town Council at its May 9<sup>th</sup> meeting decided to approve the amendments to the texts of the Municipal Plan and Development Regulations as presented below.

## **THE AMENDMENT**

### **1. Section 4.4 of the Municipal Plan WHICH STATES:**

#### **4.4 Mixed Development Designation**

The Mixed Development Designation of land shall mean that the predominant use of the land in the areas so designated is residential. Non-residential uses, including green houses, compatible indoor and outdoor assembly (including campgrounds), commercial, light industrial and public uses – can be allowed as either permitted or discretionary uses.

See also Section 4.1.21 – Uses Permitted In All Designations.

The Development Regulations shall ensure that non-residential uses are compatible with nearby residential uses and do not negatively affect the use and enjoyment of nearby residential properties.

Wherever feasible as determined by the Town, development in this designation shall be connected to municipal water and sewer services.

### **IS AMENDED TO STATE:**

#### **4.4 Mixed Development Designation**

The Mixed Development Designation is applied to areas where there is a mixed array of land uses, where the predominant uses are generally residential or where it is desirable to allow for an array of residential and non-residential uses.

Non-residential uses, including green houses, compatible indoor and outdoor assembly (including campgrounds), commercial, light industrial and public uses – may be allowed as either permitted or discretionary uses.

See also Section 4.1.21 – Uses Permitted In All Designations.

The Development Regulations shall ensure that non-residential uses are compatible with nearby residential uses and do not negatively affect the use and

enjoyment of nearby residential properties.

Wherever feasible as determined by the Town, development in this designation shall be connected to municipal water and sewer services.

2. Section 4.5 of the Municipal Plan WHICH STATES:

**4.5 Commercial Designation**

The Commercial Designation is applied to major commercial and commercial – light sites and industrial park sites.

The Commercial designation accommodates an array of assembly, business and personal service, commercial, light industrial, public, service station, tourism related, and transportation and other similar uses as permitted or discretionary uses.

General industry is a discretionary use in this designation.

A waste transfer station or recycling facility may be permitted as a discretionary use in this designation provided that it is compatible with the other uses of the designation.

See also Section 4.1.21 – Uses Permitted In All Designations.

Wherever feasible as determined by the Town, all development in this designation shall be connected to municipal water and sewer services.

By adding “appropriate residential” IS AMENDED TO STATE:

**4.5 Commercial Designation**

The Commercial Designation is applied to major commercial and commercial – light sites and industrial park sites.

The Commercial designation accommodates an array of assembly, appropriate residential, business and personal service, commercial, light industrial, public, service station, tourism related, and transportation and other similar uses as permitted or discretionary uses.

General industry is a discretionary use in this designation.

A waste transfer station or recycling facility may be permitted as a discretionary use in this designation provided that it is compatible with the other uses of the designation.

See also Section 4.1.21 – Uses Permitted In All Designations.

Wherever feasible as determined by the Town, all development in this designation shall be connected to municipal water and sewer services.