

**TOWN OF BIRCHY BAY
DEVELOPMENT REGULATIONS 1995 - 2005**

DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2008

“Rural to Residential”

“Commercial to Residential”

“Residential to Mixed Development”

Off Main Street

APRIL, 2008

PLAN-TECH



ENVIRONMENT

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF BIRCHY BAY
DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2008**

Under the authority of section 16, section 11 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Birchy Bay.

- a) Adopted the Birchy Bay Development Regulations Amendment No. 2, 2008 on the 9th day of June, 2008.
- b) Gave notice of the adoption of the Town of Birchy Bay Development Regulations Amendment No. 2, 2008 by advertisement inserted on the 25th day of June day and the 2 day of July, 2008 in *The Pilot* newspaper.
- c) Set the 9th day of July at 7:30 p.m. at the Town Hall, Birchy Bay 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 Birchy Bay approves the Town of Birchy Bay Development Regulations Amendment No. 2, 2008 as adopted (or as amended).

REGISTERED
Number <u>0375-2008-001</u>
Date <u>Sept 22, 2008</u>
Signature <u>Conie Paus</u>

SIGNED AND SEALED this 16 day of July, 2008

Mayor:



(Council Seal)

Clerk:

Cynthia Baker

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF BIRCHY BAY
DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2008**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Birchy Bay adopts the Town of Birchy Bay Development Regulations Amendment No. 2, 2008.

Adopted by the Town Council of Birchy Bay on the 9th day of June, 2008.

Signed and sealed this 16th day of July, 2008.

Mayor:



(Council Seal)

Clerk:

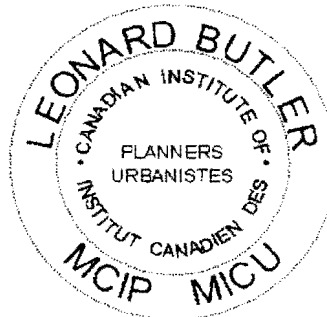
Cynthia Baker

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Birchy Bay Development Regulations Amendment No. 2, 2008 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:

Leonard Butler



TOWN OF BIRCHY BAY

DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2008

BACKGROUND

The Town of Birchy Bay wishes to amend its Development Regulations. The Council has reviewed land along Main Street near the intersection with Route 340, and has determined that the existing land use zoning does not reflect existing development patterns and the best use of land in this area. As the Town has experienced modest growth, more land is required to accommodate existing land uses and future development for both residential and a mix of other land uses.

This Amendment proposes to amend the existing Development Regulations to re-zone three areas of land located along Main Street. Area 1 will re-zone an area of land north of Main Street from **Rural** to **Residential**. Area 2 will re-zone an area of land north of Main Street and east of Area 1, from **Commercial** to **Residential**, and area 3 will re-zone an area of land south of Main Street and areas 1 and 2, from **Residential** to **Mixed Development**.

The Town of Birchy Bay is aware of seasonal remote cottages in the Rural Land Use Zone and has received requests to apply for more seasonal remote cottages. The present Rural Land Use Zone Table does not allow for seasonal residential (seasonal remote cottages). The Town views this recreational activity as part of the Rural landscape, but would like to control this type of development. This Amendment further proposes to add seasonal residential (seasonal remote cottages) as a discretionary use to the Rural land Use Zone Table. A new condition specifically for remote seasonal cottages will also be added to this table.

PUBLIC CONSULTATION

During the preparation of this amendment, Council undertook the following initiatives so that individuals and groups could provide input to the proposed Development Regulations amendment. The Town Council of Birchy Bay published a notice in *The Pilot* newspaper on April 16, 2008, advertising the development proposal seeking comments or representations from the public. The Town placed the proposal on display at the Town Office. No verbal or written comments were received during the time period.

DEVELOPMENT REGULATIONS AMENDMENT NO 2, 2008

The Town of Birchy Bay Development Regulations is amended by:

- A) **Changing** an area of land as shown on the attached copy of the Town of Birchy Bay Land Use Zoning Map 2, from:
"Rural" to "Residential"
"Commercial" to "Residential", and
"Residential" to "Mixed Development".

B) **Adding Seasonal Residential (Remote Seasonal Cottage)** as a Discretionary Use to the Rural Land Use Zone Table found in Schedule C, as shown below:

USE ZONE TABLE

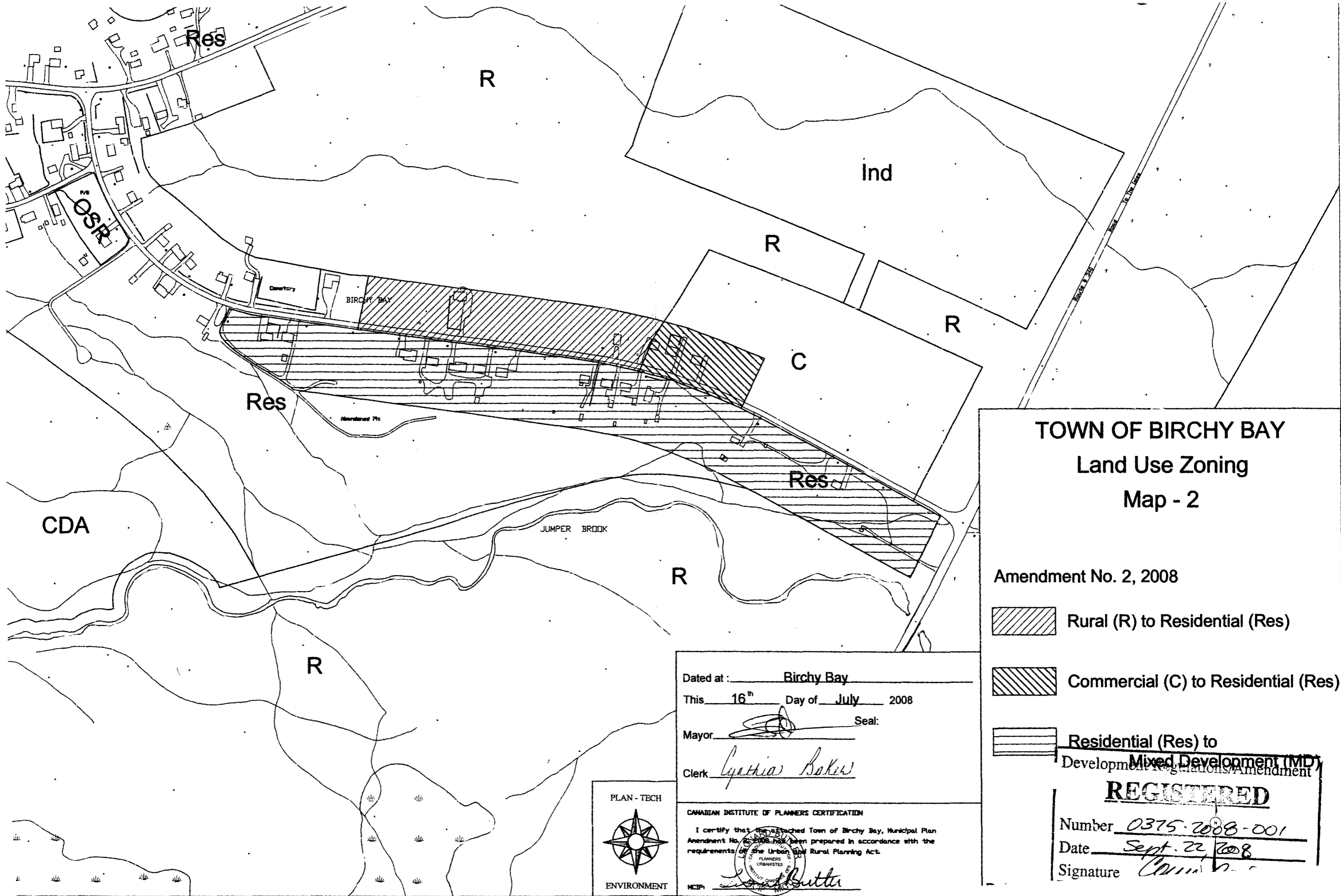
ZONE TITLE	RURAL & RESOURCE (RR)	(BIRCHY BAY)
PERMITTED USE CLASSES - (see Regulation 85)		
Agriculture, forestry.		
DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)		
Outdoor assembly; single dwelling; veterinary; outdoor market; general industry; service station; mineral working; cemetery; animal; antenna; scrap yard, solid waste, recreational open space and seasonal residential (remote seasonal cottage - see condition 8) .		

C) **Adding a new condition 8, Remote Seasonal Cottage**, to the List of Conditions for the Rural Land Use Zone Table as shown below:

8. Remote Seasonal Cottage


Remote seasonal cottages may be permitted at the discretion of Council and subject to the following conditions:


- (i) Remote seasonal cottages shall only be permitted provided that they are a minimum of 1 kilometre from an existing public road;**
- (ii) Access shall only be via an approved ATV trail licensed by the Department of Environment and Conservation; by snowmobile during winter months; or access by boat;**
- (iii) Remote seasonal cottages shall require prior approval by Crown Lands Administration Division, Department of Environment and Conservation.**
- (iv) New road construction to access seasonal remote cottages shall be prohibited;**
- (v) Remote seasonal cottages shall be limited to recreational purposes only.**

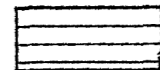


**TOWN OF BIRCHY BAY
Land Use Zoning
Map - 2**

Amendment No. 2, 2008

 Rural (R) to Residential (Res)

 Commercial (C) to Residential (Res)

 Residential (Res) to
Mixed Development (MD)
Development Regulations/Amendment

REGISTERED

Number 0375-2008-001

Date Sept. 22, 2008

Signature Cynthia Baker

Dated at: Birchy Bay

This 16th Day of July 2008

Mayor  Seal:

Clerk Cynthia Baker

PLAN - TECH



ENVIRONMENT

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Birchy Bay, Municipal Plan Amendment No. 2, 2008, has been prepared in accordance with the requirements of the Urban and Rural Planning Act.


MCIPI 