

**TOWN OF BIRCHY BAY  
MUNICIPAL PLAN 1995 - 2005**

**MUNICIPAL PLAN 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  
MUNICIPAL PLAN 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) <sup>9<sup>th</sup></sup> Adopted the Birchy Bay Municipal Plan Amendment No. 2, 2008 on the day of JUNE, 2008.
- b) Gave notice of the adoption of the Town of Birchy Bay Municipal Plan Amendment No. 2, 2008 by advertisement inserted on the 25<sup>th</sup> day of JUNE and the 2<sup>nd</sup> day of JULY, 2008 in *The Pilot* newspaper.
- c) Set the 9<sup>th</sup> 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 Municipal Plan Amendment No. 2, 2008 as adopted (or as amended).

SIGNED AND SEALED this 16<sup>th</sup> day of JULY, 2008

Mayor:

  
\_\_\_\_\_

(Council Seal)

Clerk:

Cynthia Baker  
\_\_\_\_\_


Municipal Plan Amendment	
REGISTERED	
Number	<u>0375-2008-001</u>
Date	<u>Sept 22, 2008</u>
Signature	<u>Cowling</u>

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF BIRCHY BAY  
MUNICIPAL PLAN 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 Municipal Plan Amendment No. 2, 2008.

Adopted by the Town Council of Birchy Bay on the 9<sup>th</sup> day of JUNE, 2008.

Signed and sealed this 16<sup>th</sup> day of JULY, 2008.

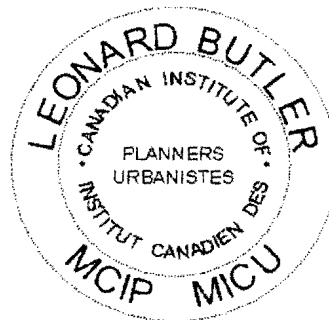
Mayor:  (Council Seal)

Clerk: Cynthia Baker

**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*.

MCIP: Leonard Butler



**TOWN OF BIRCHY BAY**  
**MUNICIPAL PLAN AMENDMENT No. 2, 2008**

**BACKGROUND**

The Town of Birchy Bay wishes to amend its Municipal Plan. The Council has reviewed land along Main Street near the intersection with Route 340, and has determined that the existing land use designations do 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 Municipal Plan to re-designate three areas of land located along Main Street. Area 1 will re-designate an area of land north of Main Street from **Rural** to **Residential**. Area 2 will re-designate an area of land north of Main Street and east of Area 1, from **Commercial** to **Residential**, and area 3 will re-designate 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 planning area and has received requests to apply for more seasonal remote cottages. The present Plan does not allow for or address this type of land use activity. 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 new policy to allow Council to permit remote seasonal cottages as a discretionary use.

## **PUBLIC CONSULTATION**

During the preparation of this amendment, Council undertook the following initiatives so that individuals and groups could provide input to the proposed Municipal Plan 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.

## **AMENDMENT No. 2, 2008**

The Town of Birchy Bay Municipal Plan is amended by:

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

- B) **Deleting** section **2.3.7.C Rural** land Use Policy as identified by ~~strikeout~~ below:

~~**C. Objective: To provide for uses not well suited to the Urban and Rural Environment.**~~

~~(1) **Policy:** The Council may at its discretion permit uses which because of their nature and/or land requirements would not be possible or compatible with the urban environment. For example, waste disposal sites, scrap yards, asphalt plants, and certain recreational facilities such as golf courses, trailer/camping parks, water slides, theme and amusement parks, driving ranges, and ski slopes.~~

And **replacing** with:

**C. Objective: To provide for uses not well suited to the Urban and Rural Environment.**

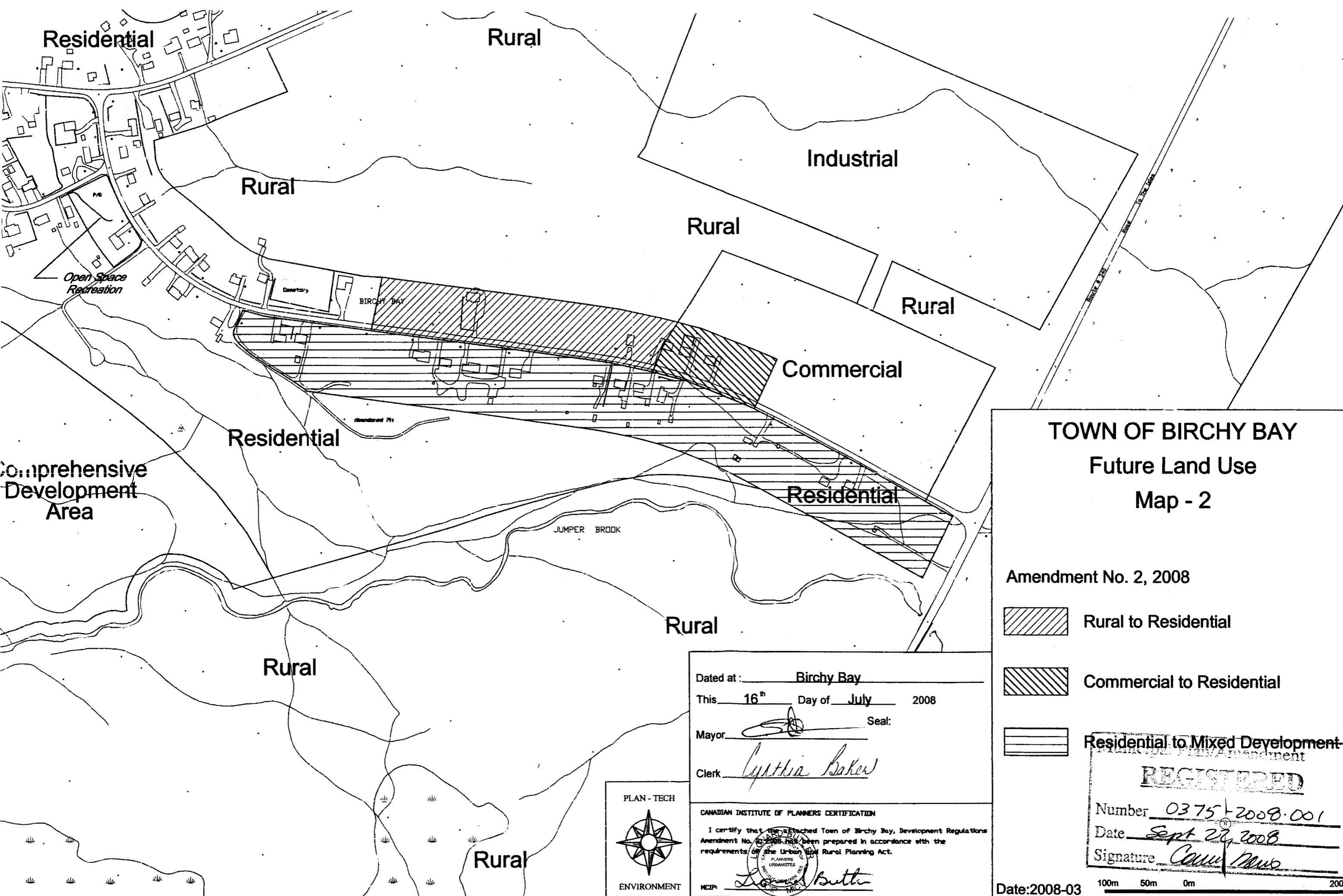
**(1) Policy: The Council may at its discretion permit uses which because of their nature and/or land requirements would not be possible or compatible with the urban environment. For example, waste disposal sites, scrap yards, asphalt plants, and certain recreational facilities such as golf courses, trailer/camping parks, water slides, theme and amusement parks, driving ranges, ski slopes and remote seasonal cottages.**

**A Remote Seasonal Cottage is defined as a cottage that is not accessible by a conventional passenger vehicle or difficult to access by off road vehicles such as four wheel drive vehicles, all terrain vehicles or snowmobiles.**

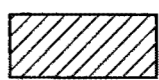

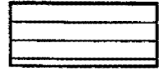
**(2) Policy: The Council may at its discretion permit uses such as remote seasonal cottages. A Remote Seasonal Cottage shall only be permitted provided it is a minimum of 1 kilometre from an existing public road.**

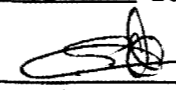
**(3) Policy: Roads shall not be constructed to access remote seasonal cottages and access shall only be via an approved All Terrain Vehicle (ATV) trail licensed by the Crown Lands Administration Division, Department of Environment and Conservation; by snowmobile during winter months; or access by boat.**

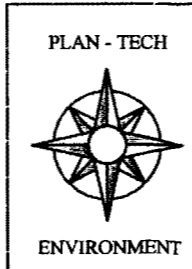
**(4) Policy: Remote seasonal cottages shall require the approval (Licence to Occupy) of Crown Lands Administration Division, Department of Environment and Conservation.**




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

- Amendment No. 2, 2008**
-  Rural to Residential
  -  Commercial to Residential
  -  Residential to Mixed Development

Dated at: Birchy Bay  
 This 16<sup>th</sup> Day of July 2008  
 Mayor:  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: 

**REGISTERED**  
 Number 0375-2008-001  
 Date Sept 22, 2008  
 Signature Carm Muro