

Request for Decision/Direction

Title: Municipal Plan and Development Regulations Amendment – 45 Upper Jenkins Cove Road

Date Prepared: 2024.04.29

Prepared by: Graeme Buffett, MPLAN and Ian Watson, MCIP

Decision/Direction Required:

To consider a Municipal Plan amendment and rezoning to allow a Vacation Rental at 45 Upper Jenkins Cove Road.

Background

The Town has received a request from [REDACTED] and [REDACTED] to allow a Vacation Rental consisting of a one storey building with two bedrooms at 45 Upper Jenkins Cove Road. The subject site is within the Marine and Industrial (M) Designation and the corresponding Marine and Industrial (M) Zone. Vacation Rentals are not a permitted use within the Marine and Industrial (M) Zone. To accommodate the applicant's request, a Municipal Plan amendment and Development Regulations amendment would be required to place the subject site into the Residential (RES) Designation and the corresponding Residential (RES) Zone. The Residential (RES) Zone enables Council to consider a Vacation Rental as a discretionary use.

The subject site includes a Poleline easement registered to Newfoundland Power running across property and providing service to the community stage. The service was requested to be relocated and the current owners are in the process of removing the easement. A three metre wide laneway is depicted on the survey adjacent to the subject property along the western property line.

The subject site is approximately 379 square metres in area and is currently vacant. The surrounding area consists of a primarily low-density dwellings, and the community stage to the southwest. The site is serviced with municipal sewer and water. Access would be from Upper Jenkins Cove Road.

Municipal Plan Policy

Policy 4-1 of the Municipal Plan states:

"Council shall, through the policies of this Plan and through the Development Regulations, prioritize and encourage new development to locate in areas of existing development and infrastructure."

Further, Policy 4-9 of the Municipal Plan states:

"Council shall through the Development Regulations, require new development to connect to central sewer, water, or both, where such services are available. Where

services are not available, proposed development must show to the satisfaction of the appropriate provincial departments, the site has the capacity to bear such services over the long term without adverse or off-site impacts.”

and, Policy 5-10 of the Municipal Plan states:

Council shall, through the Development Regulations, establish the Residential Zone, intended to permit lower density residential development and small multi-unit dwellings on serviced and unserviced lots. Zone standards shall provide flexibility for the location of dwellings and promote infill development, particularly on serviced lots.

Policy 4-11 of the Municipal Plan states:

Council shall, through the Development Regulations, require all development to have proper road access accommodating access for emergency vehicles; expected traffic capacity or flow; and pedestrian and vehicular safety.

Policy 4-19 of the Municipal Plan states:

Council may work with residents to identify and map traditional footpaths and public rights of way through the community and to develop policies to ensure that such routes are taken into consideration when reviewing development applications”

Policy 5-6 of the Municipal Plan states:

Council shall, through the Development Regulations, relax lot requirements or provide alternative development options for existing undersized lots if wastewater treatment can be adequately provided”

The proposed amendment is consistent with the Municipal Plan policies for residential development. The subject site is capable of being connected to central sewer and water. The Town’s public works has reviewed the request and indicates there are no known issues relative to water and sewer service for the property and area. At approximately 379 m² the subject site is less than the 400 square meters required in the Residential Zone. However, as indicated in Policy 5-6 of the Municipal Plan, the Development Regulations contain provisions existing undersized lots and Council has the ability to consider development of a dwelling on such a lot subject to the following:

Section 3.19 of the Development Regulations is as follows:

3.19 Existing Undersized Lot

3.19.1 Council may approve, as a discretionary use, development of a dwelling on a lot that exists at the time of coming into effect of these Regulations that has insufficient frontage or area to permit the owner or purchaser of the lot to comply with the provisions of these regulations.

3.19.2 Such approvals shall only be issued where the lot coverage is not greater; and the setbacks and floor area are not less than the standards set out in these Regulations.

3.19.3 Development of an existing undersized lot shall comply with all applicable wastewater and drinking water regulations

3.19.4 Development of an existing undersized lot shall not be permitted in the Conservation (C) Zone.

The subject property is in close proximity to the Coast. As such, the following policies of the Municipal Plan should be considered:

Policy 4-56 of the Municipal Plan states:

Council shall, through the Development Regulations, require development adjacent to the coastline to ensure existing public access points to the coastline are retained. Where residential subdivisions are proposed, pedestrian access to the coastline may be provided as part of the lands required for dedicated open space.

Policy 4-59 of the Municipal Plan states:

“Council shall, through the Development Regulations, prohibit coastal development below a 2.7-metre elevation relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), with the exception of low-value development and development that is required to be at the water.”

The proposed development is not expected to impact access to the coastline. Development is proposed on the subject site only and no encroachment is shown onto the existing access routes adjacent to the site leading to the community slip. The three metre lane referenced previously is also shown on the survey as being outside of the site boundaries and therefore would not be affected. The subject site is at an elevation that exceeds 2.7 metres relative to the Canadian Geodetic Vertical Datum of 2013 (CGVD2013), and therefore is not affected by the threshold established in Policy 4-59 of the Municipal Plan.

As a proposed Vacation Rental, Policy 4-45 of the Municipal Plan is applicable:

“Council shall, through the Development Regulations, limit the short-term rental of whole residential dwellings to the travelling public (“vacation rentals”) to two per lot.”

The proposal is currently for one vacation rental with two bedrooms.

There are no Marine and Industrial policies that would be inconsistent with the proposed removal of this Marine and Industrial (M) designation and zoning in this location.

Municipal Plan Amendment

The Municipal Plan is intended to be comprehensive in its outlook, however it is not intended to be a static document. As such amendments are possible provided they are consistent with the Policies of the Plan and the overall intent of the Plan.

Policy 6-8 of the Municipal Plan states:

“Council shall require an amendment to this Plan if:

- (a) any policy intent is to be changed;*
- (b) an amendment to the Development Regulations would conflict with any portion of the Municipal Plan; or*
- (c) the Boundaries of a Planning Area or Designation are changed.*

The request to allow a Vacation Rental on the subject site would require an alteration to the boundaries of a designation by removing the site from the Marine and Industrial (M) Designation and adding the site to the Residential (Res) Designation as per item (c). A simultaneous rezoning of the site from Marine and Industrial (M) Zone to Residential (Res) Zone would satisfy item (b). Item (a) would not be impacted as no change to policy intent is required.

Amending the Development Regulations

Amending the Development Regulations may be required in conjunction with an amendment to the Municipal Plan, as is the case with this application. Amendments to the Development Regulations may come in the form of a text change or as a zoning map change. In this case accommodating the request would require a change to the zoning map. Such changes must be considered within the context of this Plan subject to the following policy:

Policy 6-11: Council shall not amend the Development Regulations or enter into a Development Agreement unless Council is satisfied the proposal:	
(a) is consistent with the intent of this Municipal Plan;	The proposal is generally consistent with the intent of this Municipal.
(b) does not conflict with any Municipal or Provincial programs;	The proposal does not conflict with any known Municipal or Provincial Programs.
(c) is not premature or inappropriate due to:	

i.	the ability of the Town to absorb public costs related to the proposal;	It is not anticipated that the Town will incur public costs as a result of the proposal.
ii.	impacts on existing drinking water supplies, both private and public	As the site is not located in a protected watershed and will be serviced via central water and municipal sewer there are no anticipated impacts to public or private drinking water supplies
iii.	the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services;	There are no known issues relative to water and sewer service for the property.
iv.	the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks with, adjacent to, or leading to the proposal;	As a single dwelling unit, used as a Vacation Rental, excessive traffic hazards and congestion on transportation networks are not anticipated. The subject site is a smaller lot, options for access and driveway are limited by the small lot size.
v.	the adequacy of fire protection services and equipment;	The proposal is not anticipated to negatively impact fire protection services. A fire inspection of the building once completed is a condition of the Approval in Principle (AIP).
vi.	the adequacy and proximity of schools and other community facilities;	The proposal is not anticipated to impact schools or other community facilities. Access to and operation of the community stage should not be impacted by development of the site.
vii.	the creation of new, or worsening of a known, pollution problem in the area, including, but not	There are no known pollution problems in the area that

	limited to, soil erosion and siltation of watercourses;	would be worsened or created by the development of a single dwelling unit in the area commonly used for such development.
viii.	the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;	There are no known issues with flooding or drainage for the subject site.
ix.	impacts on sensitive environments;	There are no known impacts on sensitive environments.
x.	impacts on known habitat for species at risk;	There are no known impacts on habitat for species at risk.
xi.	the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, proximity to utility rights-of-way; and	There are no known issues relative to the site in terms of soil and geological conditions, watercourses and wetlands. There is an existing utility easement running across the subject site. The applicant indicates the owners have requested the relocation of the service line and are in the process to removing the easement.
xii.	negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operation procedures.	There are no negative impacts on the viability of existing businesses in the area anticipated. Vacation Rental Operations can generally contribute to increased activity on a site with visitors coming and going. However, as a single vacation rental with 2 bedrooms such impact should be minimal. Further, adjacent land uses are predominantly residential and can be used as Vacation

	Rentals at Council's discretion.
--	----------------------------------

Proposed Public Engagement

Section 14 of the *Urban and Rural Planning Act, 2000* requires an opportunity for public review and comment on proposed amendments to the Municipal Plan and Development Regulations. Such consultation must, “accommodate the size, structure, and complexity of planning and policy issues that exist in the planning area under consideration.”

As no local newspaper is currently circulating in Twillingate for this application we propose to post a physical notice and request for public comment in the local grocery store and post office. Notice and request for comment will also be posted on the Town website and Facebook page. The comment period will be open for 14 days.

Recommendation

That Council consider amending the Municipal Plan and Development Regulations to redesignate and rezone lands at 45 Upper Jenkins Road from the Marine and Industrial (M) Designation and Marine and Industrial (M) Zone and Conservation Designation to the Residential (RES) Designation and Residential (RES) Zone.

Attachments

- Image of subject site
- Survey Plan
- Proposed amendments

Town of Twillingate

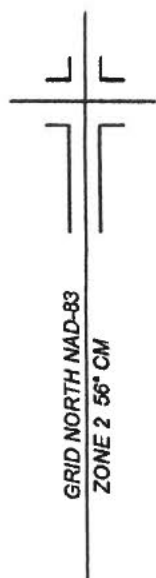


Subject Site

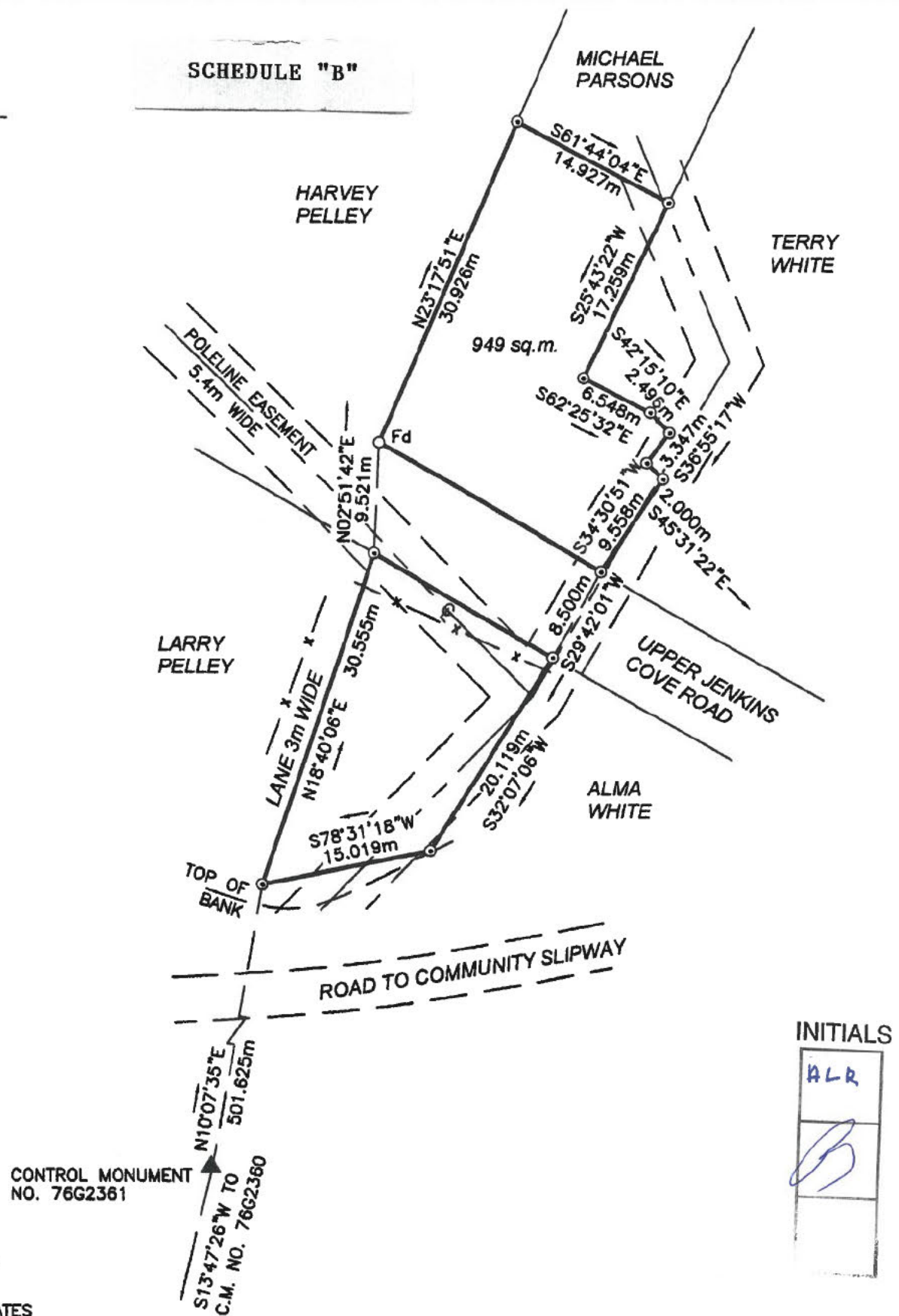
LONG LAKE ROAD

UPPER JENKINS COVE ROAD





SCHEDULE "B"



SCHEDULE "B"

3' MTM COORDINATES

STATION	NORTHING	EASTING
76G2360	5 503 183.177m	394 448.436m
76G2361	5 503 644.310m	394 561.620m
STARTING PT.	5 504 138.117m	394 649.816m

SCALE FACTOR = 0.999992

ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.

© RED INDIAN SURVEYS LIMITED, 2006. UNAUTHORIZED USE, ALTERATIONS OR REPRODUCTION IS PROHIBITED BY LAW AS OUTLINED IN "THE COPYRIGHT ACT." HOWEVER, USE & REPRODUCTION THEREOF BY OR ON BEHALF OF THE PERSON FOR WHOM THIS SURVEY PLAN IS PREPARED IS PERMITTED, PROVIDED THAT NO ALTERATIONS WHATSOEVER ARE MADE THERETO.

LEGEND

CONTROL MONUMENT	▲
CAPPED IRON PIN	○
PLACED IRON PIN	○
NAIL	●
POLE OR LIGHT STANDARD	○
PROPERTY DEALT WITH	—
FENCE LINES	—x—x—
CHAIN LINK FENCE LINES	—
POWER TELEPHONE LINES	—
EASEMENTS	---
FOUND	Fd
RE-ESTABLISHED	R



GANDER

RED INDIAN SURVEYS LIMITED
NEWFOUNDLAND LAND SURVEYORS
GRAND FALLS - WINDSOR LEWISPORTE

PROPERTY SURVEYED ON BEHALF OF

DURRELL, TWILLINGATE, NL

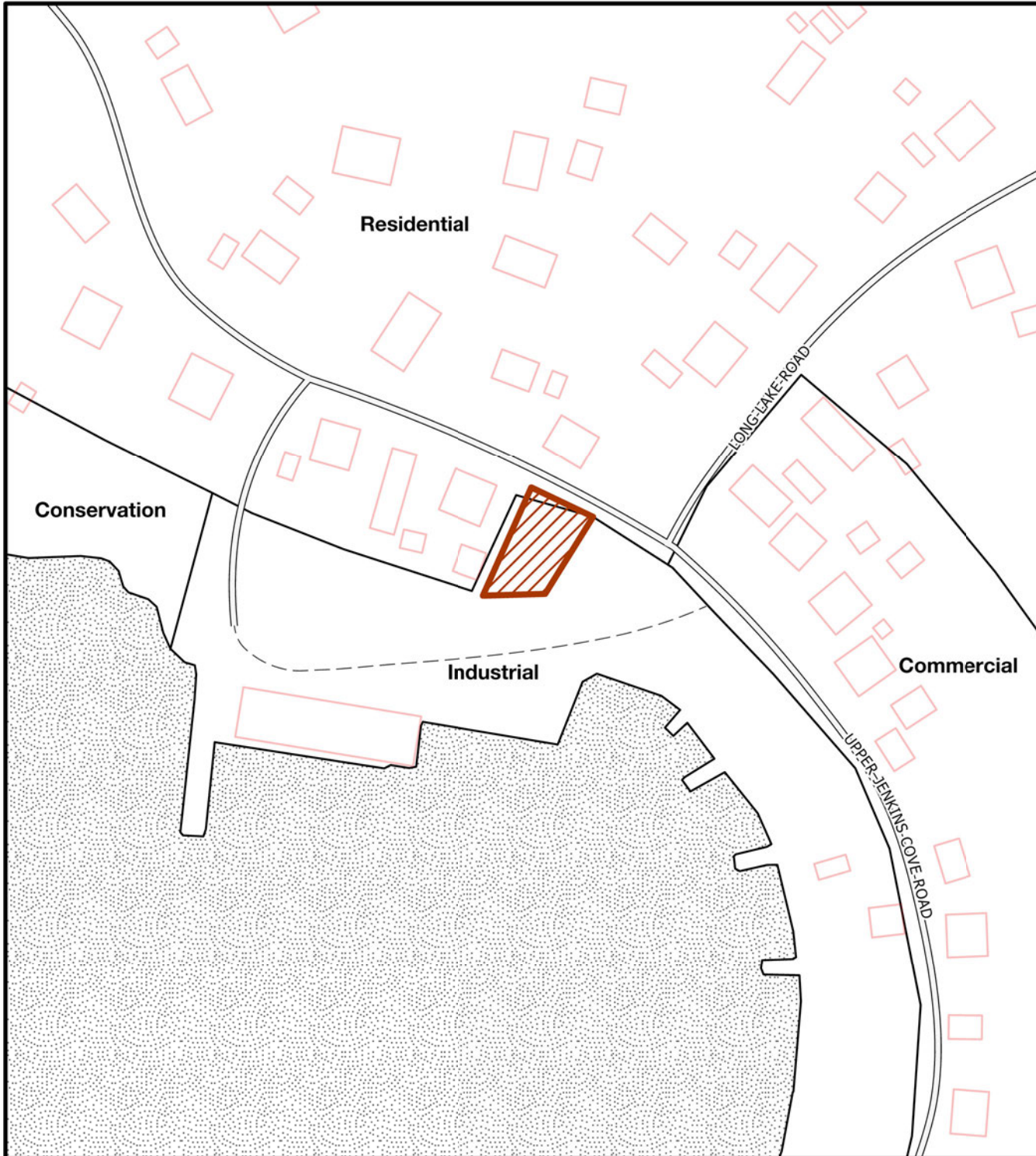
SCALE : 1:500

DATE : AUGUST 21, 2006

DRAWN BY : TY

SURVEYED BY : TY

JOB NO. : 06096



Town of Twillingate

Municipal Plan

2021

Future Land Use, Schedule B

Amendment No. 001, 2024



From: Industrial
To: Residential

Municipal Plan/Amendment
REGISTERED

Number _____

Date _____

Signature _____

Dated at Twillingate, Newfoundland and Labrador

Day _____ Month _____ Year _____

Justin Blackler, Mayor

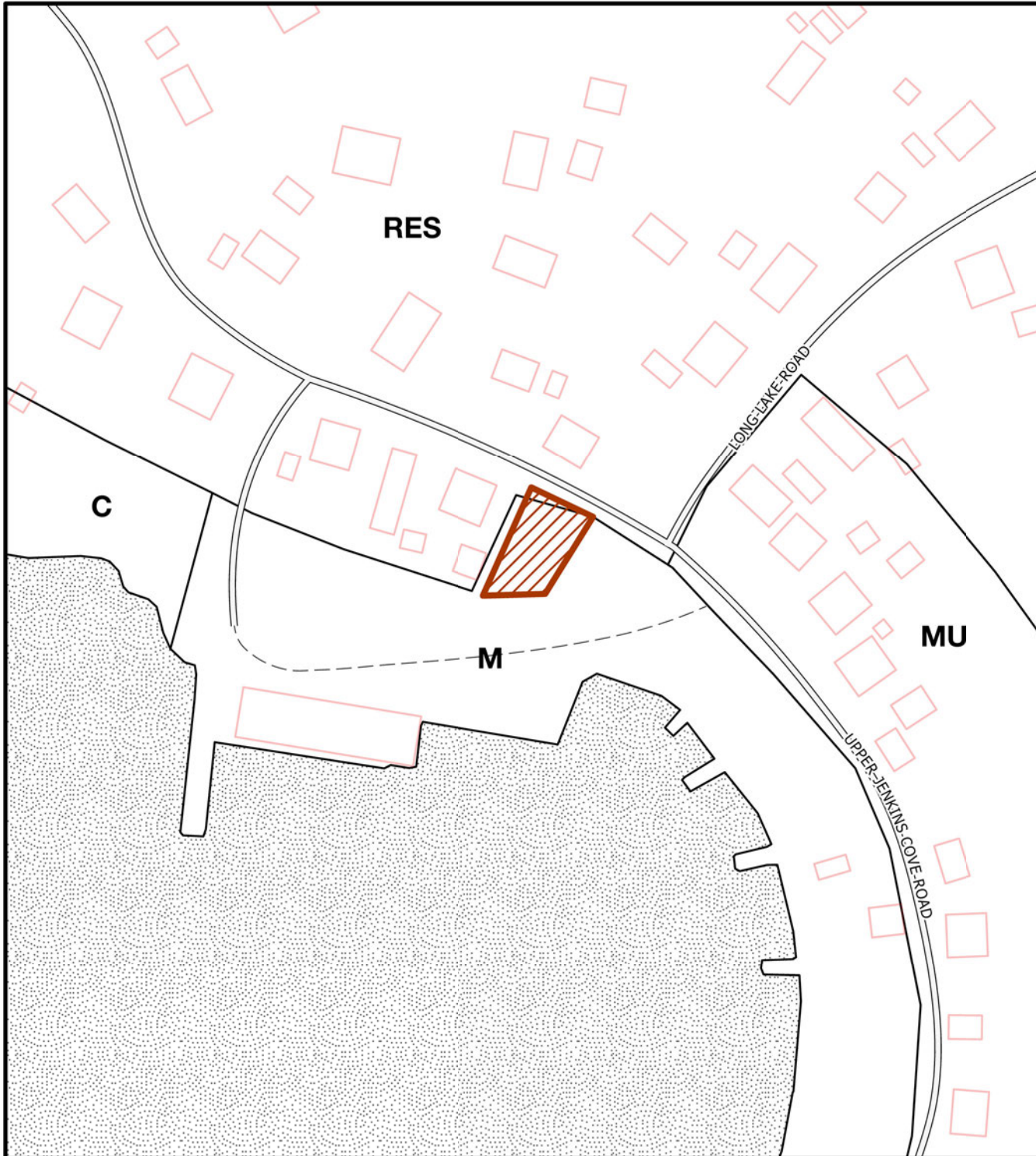
Jeff Burt, Town Clerk

I certify that this Municipal Plan Amendment No. 001, 2024 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

Ian Watson, MCIP, LPP

UPLAND
PLANNING + DESIGN STUDIO

1489 Hollis St, level 2
Halifax, NS
B3J 3M4
info@uplandstudio.ca
+1 902 423 0649



Town of Twillingate
Development Regulations
2021
Land Use Zoning, Schedule B
Amendment No. 001, 2024



From: Marine and Industrial (M)
To: Residential (RES)

Municipal Plan/Amendment
REGISTERED

Number _____
Date _____
Signature _____

Dated at Twillingate, Newfoundland and Labrador

Day _____ Month _____ Year _____

Justin Blackler, Mayor

Jeff Burt, Town Clerk

I certify that this Development Regulations Amendment No. 001, 2024 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000:

Ian Watson, MCIP, LPP

UPLAND
PLANNING + DESIGN STUDIO

1489 Hollis St, level 2
Halifax, NS
B3J 3M4
info@uplandstudio.ca
+1 902 423 0649