



**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE
DEVELOPMENT REGULATIONS 2021**

AMENDMENT NO. 5, 2024

(WETLAND DELINEATION ASSESSMENT AMENDMENT)

SEPTEMBER 2024



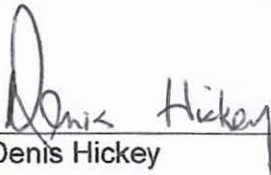
Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021
Amendment No. 5, 2024

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove hereby adopts Amendment No. 5, 2024 to the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the 25th day of November, 2024.

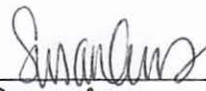
Signed and sealed this 27th day of November, 2024.

Mayor:


Denis Hickey

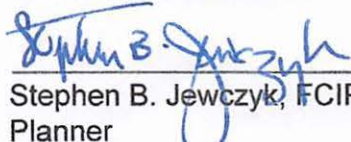
(Council Seal)

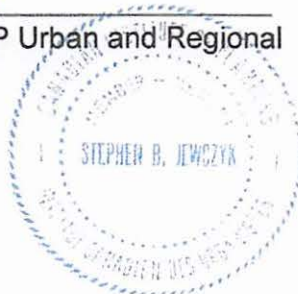
Town Clerk/Manager:


Susan Arns

Canadian Institute of Planners Certification

I certify that Amendment No. 5, 2024 to the Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.


Stephen B. Jewczyk, FCIP Urban and Regional Planner



Development Regulations/Amendment

REGISTERED

Number 2945-0035-2025

Date 15 JAN 2025

Signature [Signature]



**Town of Logy Bay-Middle Cove-Outer Cove
Development Regulations 2021
Amendment No. 5, 2024**

BACKGROUND AND PURPOSE

The Logy Bay-Middle Cove-Outer Cove Development Regulations came into legal effect on February 3, 2023. The Development Regulations outlines development standards, identifies the permitted and discretionary use of land and their development conditions within use zones which are illustrated on the Land Use Zoning Map.

As part of the Municipal Plan and Development Regulations Review that concluded with the approval of the 2021 Municipal Plan and Development Regulations, the Town engaged CBCL to undertake a study on the wetlands, waterways and waterbodies within its municipal boundary. The identification of these waterways and waterbodies were included in the Environmental Protection Overlay Map which was Map 2 of the Development Regulations.

While all waterways, wetland and waterbodies were identified on the map, it was acknowledged in the plan and regulations that a further detailed study was required for each of these water-related bodies to determine their function and if they were to be protected or could be modified or developed upon. This detailed assessment would occur at the rezoning or development application stage.

In general, Municipal Plan Policy 4.2.31, titled Environmental Policies, related to the effects of development in such areas and stated:

b. Effects of Development: Council shall consider potential environmental effects when reviewing development applications within the areas identified on the Environmental Protection Map. Council may require the applicant to engage a qualified consultant to further determine the environmental importance or boundaries of the designated flood risk areas, sensitive development area, watercourse, wetland, waterbody and coastline.

The implementing Development Regulations in Schedule A, titled Environmental Protection Overlay, Section 5 (a) and (b) Wetlands states:

Where Council deems that a proposed Development may involve or may affect a Wetland and its Buffer as identified on the Environmental Protection Overlay Map, it shall be a policy of Council to, at its discretion:

- (a) Require the developer to have the Wetland delineated by a qualified consultant whose team includes a habitat biologist and to consult with the Department of Environment and Climate Change with regard to the requirements of the Water Resources Act and for compliance with the Policy for Development within a Wetland,*
- (b) This work is to be submitted to the Town and undergo a peer review by a likewise*



qualified consultant,

Council has been requiring such assessments to be undertaken by the proponent's consultant where there is development application which may affect a wetland. Once such assessments have been undertaken then Council has been required to undertake a peer review of that assessment or study. Council has realized that most assessments do not require a peer review by a consultant engaged by Council as the initial review is undertaken by a qualified consultant. Further, a peer review involved redoing the full assessment and study which was not the intent of the Regulation.

In its review of the initial assessment by the proponents qualified consultant, Council has been satisfied with the methodology of the assessment which are standard in the environmental industry and Council does not see the need to undertake further review if it is satisfied with the outcome of the initial assessment.

As a result, Council wishes to modify Schedule A, titled Environmental Protection Overlay, Section 5 (b) Wetlands to provide it with the authority to determine if the initial assessment is satisfactory to Council or if a peer review of the initial Wetland Delineation Assessment is required on behalf of Council. This provides Council with the flexibility to require or not require a peer review of the initial assessment.

ST. JOHN'S URBAN REGION REGIONAL PLAN 1976

The proposed amendment to the Logy Bay-Middle Cove-Outer Cove Development Regulations does not conflict with the policies of the St. John's Urban Region Regional Plan. Therefore, an amendment to the St. John's Urban Region Regional Plan is not required.

TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE MUNICIPAL PLAN 2021

The proposed amendment to the Logy Bay-Middle Cove-Outer Cove Development Regulations does not conflict with the policies of the Logy Bay-Middle Cove-Outer Cove Municipal Plan. The amendment is consistent with the intent, goals, and objectives of the Municipal Plan.

Therefore, an amendment to the Municipal Plan is not required.

TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE DEVELOPMENT REGULATIONS 2021

The Council wishes to amend Schedule A, titled Environmental Protection Overlay, Section 5 (b) Wetlands which states:



- (b) *This work is to be submitted to the Town and undergo a peer review by a likewise qualified consultant,*

To

- (b) *If Council determines that it requires further information on the functional assessment and delineation of the wetland, the work will undergo a peer review by a likewise qualified consultant.*

PUBLIC CONSULTATION

In accordance with Section 14 of the *Urban and Rural Planning Act, 2000*, Council undertook the following public notification and consultation initiatives so that individuals and groups could provide input to the proposed Development Regulations Amendment.

The Town Council:

1. Published a notice in The North East Avalon Times on July 14, 2024 advertising the proposed amendment seeking written comments or representations from the public; and,
2. Placed the proposed rezoning amendment on its website and on display at the Town Hall and on its website from July 14, 2024, to August 2, 2024, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment.

The Town Council determined that this consultation opportunity was reflective of the size, structure and complexity of planning issues under consideration and provided reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

No comments or objections were received by the Town during the public consultation period.

DEVELOPMENT REGULATIONS AMENDMENT NO. 5, 2024

The text of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 shall be amended as follows:

Schedule A, titled Environmental Protection Overlay, Section 5 (b) Wetlands which states:

- (b) *This work is to be submitted to the Town and undergo a peer review by a likewise qualified consultant,*



Shall be amended to:

- (b) *If Council determines that it requires further information on the functional assessment and delineation of the wetland, the work will undergo a peer review by a likewise qualified consultant.*

There are no changes to the zoning map of the Logy Bay-Middle Cove-Outer Cove Development Regulations 2021.