

TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE

MUNICIPAL PLAN 2021



DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2024

**“RESIDENTIAL SUBDIVISION AREA (RSA)” to “RURAL
RESIDENTIAL 2 (RR-2)**

**Jones Pond Subdivision
82-84 Middle Cove Road**

JUNE 2024

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE
DEVELOPMENT REGULATIONS AMENDMENT No. 2, 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 adopts the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 2, 2024.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the 16th day of December, 2024.

Signed and sealed this 18th day of December, 2024.

Mayor: Dennis Hickey (Council Seal)

Clerk: Susan Ohr



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 2, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
REGISTERED	
Number	2945-0034-2024
Date	30 DEC 2024
Signature	<u>Reginald J. Garland</u>



TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE

DEVELOPMENT REGULATIONS AMENDMENT No. 2, 2024

BACKGROUND

The Town of Logy Bay-Middle Cove-Outer Cove proposes to amend the 2021 Development Regulations. The Town has received a development proposal for a sixteen-lot residential subdivision on the south side of Jones Pond, north of Middle Cove Road and Nageira Crescent. The land holding contains an area of 82.3 hectares with a proposed access from Middle Cove Road and terminating into a cul-de-sac.

Lots 1 and 2 of the subdivision design will not form part of this amendment, but will form part of Development Regulations Amendment No. 3, 2024. The remaining lots, 3 to 16, of the larger parcel and will be processed as part of a Residential Subdivision Area (RSA).

ANALYSIS

The purpose of this Amendment is to re-zone the original portion of the land holding of the proposed residential subdivision from **Residential Subdivision Area (RSA)** to **Rural Residential-2**. As the portion of the land holding, containing lots 3-16, including the proposed access road, is presently designated as Residential on the Future Land Use Map of the Municipal Plan.

The area is currently zoned **Residential Subdivision Area (RSA)**, as per the Logy Bay-Middle Cove-Outer Cove Development Regulations, 2021, Land Use Zoning Map. A mapping amendment (rezoning) to the Land Use Map of the Municipal Plans required for Council to consider a development application.

A **Residential Subdivision Area (RSA)** is not a Development Scheme as outlined under s.29 of the Urban and Rural Planning Act, 2000. Residential Subdivision Areas are tracts of undeveloped land which border developed residential areas. They may be suitable for large-scale residential development in the future. RSA's do not require an amendment to the Municipal Plan.

An Area Concept Plan has been prepared pursuant to Regulation 15.4.2 of the Development Regulations for the 16-lot residential subdivision.

DEVELOPMENT REGULATIONS

- All new Residential Development shall be designed in accordance with s7.15 – Subdivision Design Standards and s7.16 – Cul-de-Sac Streets.
- New development shall conform to the Town of Logy Bay-Middle Cove-Outer Cove Development Design Manual.
- Council may require the Developer to enter into a Development Agreement which shall establish criteria and conditions under which development may be carried out.

St. John's Urban Region Regional Plan

The St. John's Urban Region Regional Plan Map has designated the land proposed in Development Regulations Amendment No. 2, 2024, as Urban Development on the Regional Plan map. Residential Development is a permitted use under this designation. It is determined that an Amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 2, 2024.

PUBLIC CONSULTATION

In accordance with Section 14 of the *Urban and Rural Planning Act, 2000*, the 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. Mailed a notice of the initial concept plan and rezoning amendment to the surrounding property owners in the Middle Cove Road, Nageira Crescent and Marine Drive area on March 5th, 2024.
2. This was followed up with the mailing of a notice regarding the concept plan and rezoning to all property owners in the Town on July 10, 2024 and sent a social media notice via Voyent Alert.
3. Published a notice in the North East Avalon Times in the July 2024 edition advertising the proposed amendment and seeking written comments or representations;
4. Placed the proposed rezoning amendment on its website for residents to view

and to provide any comments or concerns in writing to the Council concerning the proposed amendment.

5. Held a public meeting to present the concept plan and amendment proposal and receive public feedback on July 29, 2024, and,
6. Referred the concept plan and amendment proposal to the Town of Torbay, the abutting municipality to the proposal, for comment and feedback.

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.

Public Commentary

In response to the initial public notice, Council received 21 written responses. All responses either have concerns or are opposed to the development proposal.

Council then proceeded with a more comprehensive public notice process which included the holding of a public meeting. The Town received 8 written representations prior to the public meeting.

At the public meeting the following pertinent points were raised:

- Lack of appropriate public notice and consultation
- Water supply concerns including the reduction in ground water capacity for existing area wells.
- Traffic concerns
- Construction activities will disrupt tranquility of the area.
- Safety concerns regarding on site testing and construction activities
- Impacts of roadway location on Middle Cove Road
- Natural green area being destroyed.
- Conservation area should not form part of residential lots.
- Proposal not in keeping with the rural character of the area.
- Concerns about impact of development on the health of Jones Pond
- Impact on wildlife and the flora and fauna in the area
- Surface water drainage
- Loss of privacy to Nageira Crescent residents
- Concern about property values
- Questions the demand for more subdivision development in this area.
- Proposal does not address housing affordability and will result in increased property values and taxes for existing residential property owners.
- Concern about detention pond location as property backs onto the pond

One additional representation was received after the meeting in support of the development.

Provincial Department of Environment and Climate Change

In response to the public commentary regarding potential concerns about the development's implications on the sustainability of the capacity and quality of the ground water supply for the general area, Council required the developer to proceed with a level I and Level II Ground Water Assessment study prior to considering the proposed rezoning of the property. A report was prepared by FracFlow and was reviewed by the provincial Department of Environment and Climate Change who advised that Level I and II Groundwater Assessment is conditionally approved.

Town of Torbay

The concept plan and proposal was referred to the Town of Torbay. The Torbay Council reviewed the referrals pertaining to the Jones Pond Rezoning at its regularly scheduled public meeting of October 28, 2024 and resolved the following:

"Respond to the October 15 and 17, 2024 referrals by the Town of LBMCOC in support of their proposed amendments south of Jones Pond to be able to accommodate a 16 lot residential subdivision within their municipal boundary (accessed via Middle Cove Road), subject to including a number of points outlined in attached Background Report for consideration and review by the Town of LBMCOC as they consider the amendments and future subdivision application."

All public notices and submissions are attached.

AMENDMENT No. 2, 2024

The Town of Logy Bay-Middle Cove-Outer Cove Development Regulations are amended by:

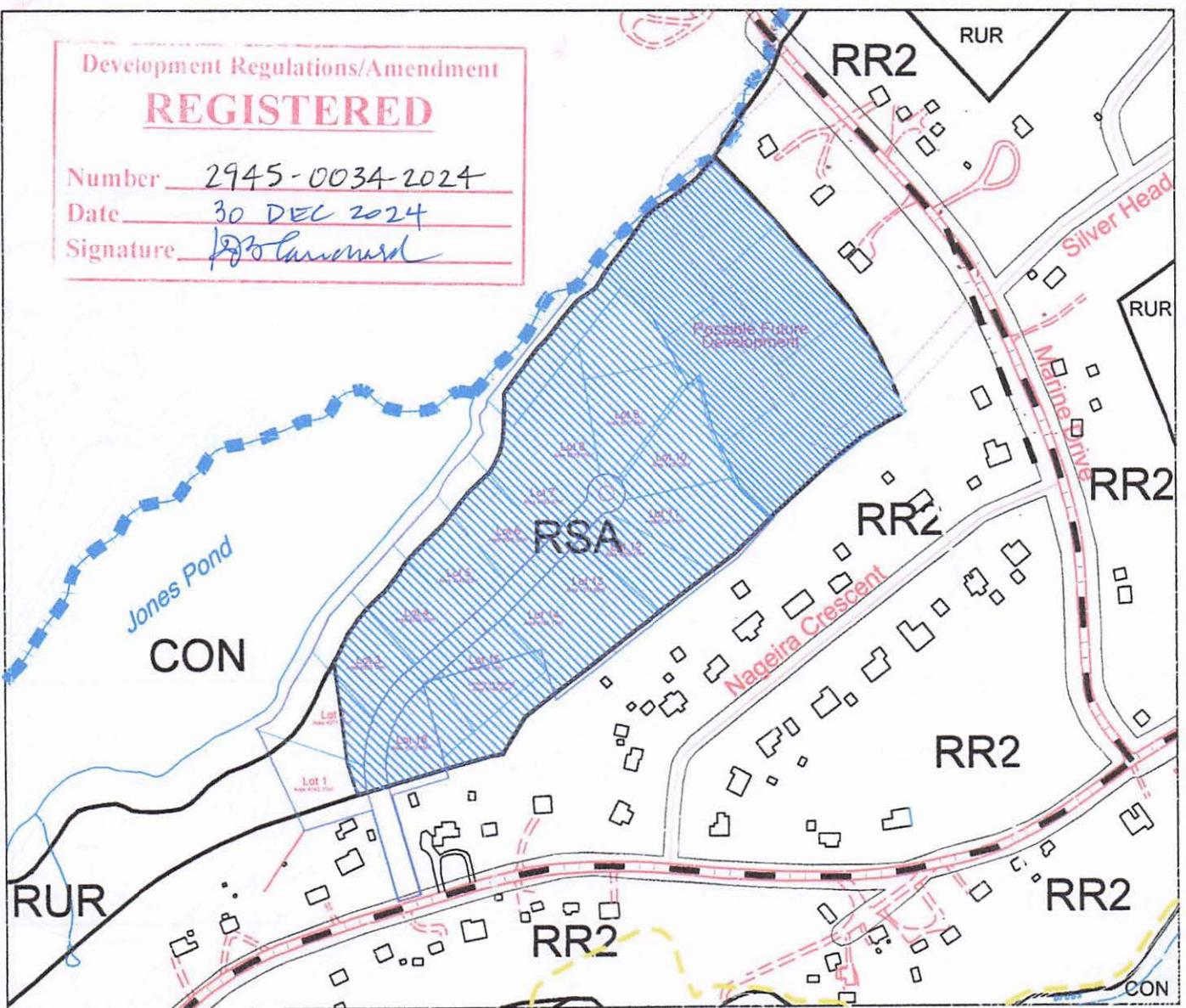
A) ***Changing*** the highlighted area of land from “Residential Subdivision Area (RSA)” to “Rural Residential (RR2)”, as shown on the attached portion of the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning Map 1.

Development Regulations/Amendment
REGISTERED

Number 2945-0034-2024

Date 30 DEC 2024

Signature J. B. Lamour



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

LAND USE ZONE MAP 1

DEVELOPMENT REGULATIONS
AMENDMENT No. 2, 2024

Dated at Logy Bay-Middle Cove-Outer Cove

This 16 Day of December 2024

Dennis Hukay Mayor
Swallow Clerk

Seal



Area to be changed from: "Residential Subdivision Area (RSA)" to "Rural Residential 2 (RR2)"

PLAN-TECH



ENVIRONMENT

Scale: 1:5000



I certify that the attached Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 2, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Reginald J. Garland
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