

**TOWN OF PORTUGAL COVE-ST. PHILIP'S  
MUNICIPAL PLAN 2014 - 2024**



**DEVELOPMENT REGULATIONS AMENDMENT No. 30, 2023**

**Coastline Frontage Lots**

**OCTOBER 2023**

URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF PORTUGAL COVE-ST. PHILIP'S  
DEVELOPMENT REGULATIONS AMENDMENT No. 30, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 30, 2023.

Adopted by the Town Council of Portugal Cove-St. Philip's on the 20<sup>th</sup> day of February, 2024.

Signed and sealed this 17 day of May, 2024.

**Mayor:** Paul St. Pierre (Council Seal)

**Clerk:** Christie Myers

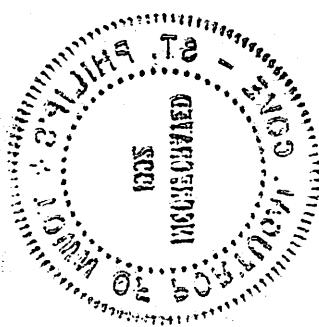


**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I, Anna Myers, MCIP, certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 30, 2023, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>4000 - 2024 - 071</u>
Date	<u>29 MAY 2024</u>
Signature	<u>Christie Myers</u>





## **TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 30, 2023**

### **BACKGROUND**

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. Currently, General Provision 10 within Schedule C of the Town's Development Regulations allows single dwelling development on pond frontage lots to exceed the maximum front yard standard identified in the Use Zone Tables within Schedule C (with conditions). Council is seeking to also include lots that have coastline frontage on Conception Bay into this maximum front yard exemption.

The purpose of this amendment is to revise General Provision 10 within Schedule C to also apply to coastline frontage lots.

### **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 Regulation Amendment. The Town Council of Portugal Cove-St. Philip's published a notice in *The Telegram* newspaper on January 6, 2024, advertising the proposed amendment and seeking comments or representations from the public. A copy of the public notice and draft amendment documents were posted on the Town's website. Residents were invited to view the documents between January 6 and January 15, 2024, and to provide any comments or concerns in writing to Council by the January 15, 2024 deadline. One submission was received in response to the consultation. Council considered the submission received at their public meeting on February 20, 2024.

On February 21, 2024 this amendment was forwarded to the Department of Municipal and Provincial Affairs (MAPA) for review in accordance with Section 15 of the *Urban and Rural Planning Act, 2000*. As a result of this review, MAPA forwarded the Town information from the Geological Survey of Newfoundland and Labrador regarding their position on coastal development and the required setbacks to be incorporated for new development. MAPA requested that the amendment document be updated to reference the new setback scenario and resubmit. As a result of MAPA's request, the amendment document was revised to include reference to coastline protection in subsection (d) and introduce a new subsection (e) to Condition # 10 Development with Pond or Coastline Frontage.

## **St. John's Urban Region Regional Plan**

The proposed Development Regulations Amendment No. 30, 2023 consists of text changes to Town of Portugal Cove-St. Philip's 2014-2024 Development Regulations only; and conforms to the St. John's Urban Region Regional Plan.

It is concluded that no Regional Plan Amendment is required.

## **DEVELOPMENT REGULATIONS AMENDMENT No. 30, 2023**

### **CHANGES TO SCHEDULE C: GENERAL PROVISIONS**

**FROM:**

#### **(10) Development with Pond Frontage**

- (a) Development shall be sited and landscaped to minimize the visual impact of buildings viewed from the pond and from other land fronting on the pond. Council shall require landscaping to meet this aim. The required landscaping may include selective retention of trees and shrubs between shoreline and buildings and appropriate planting.
- (b) Council may require a plan of subdivision or a development application to be accompanied by a professionally prepared landscape drawing or similar quality plan showing vegetation to be retained, areas to be graded, and areas of planting, including plants to be used.
- (c) Council may require a landscape deposit to ensure the approved landscape proposal is carried out to its satisfaction.
- (d) The front yard setback may be established anywhere upland from the pond setback standard of 30.0 metres (98.4 feet) provided the on-site septic system is approved by Services NL. The 30-metre buffer around the pond (refer to Schedule E) shall remain in place to protect water quality. No further subdivision of this approved lot will be allowed whereby a backlot situation may be created. Council will review each application based on its own merits.

**TO:**

#### **(10) Development with Pond or Coastline Frontage**

- (a) Development shall be sited and landscaped to minimize the visual impact of buildings viewed from the pond or ocean, and from other land fronting on the pond or ocean. Council shall require landscaping to meet this aim. The required landscaping may include selective retention of trees and shrubs between shoreline/coastline and buildings and appropriate planting.
- (b) Council may require a plan of subdivision or a development application to be accompanied by a professionally prepared landscape drawing or similar quality plan

showing vegetation to be retained, areas to be graded, and areas of planting, including plants to be used.

- (c) Council may require a landscape deposit to ensure the approved landscape proposal is carried out to its satisfaction.
- (d) Notwithstanding the maximum front yard (building line) standards identified in the Use Zone Tables within Schedule C for the zone in which the land is situated, the front yard (building line) setback may be established anywhere upland from the waterbody or coastal buffer of 30.0 metres (98.4 feet) provided the on-site septic system is approved by Services NL. The 30-metre buffer (refer to Schedule E) shall remain in place to protect water quality and to provide coastline protection. No further subdivision of this approved lot will be allowed whereby a backlot situation may be created. Council will review each application based on its own merits.
- (e) Development activity shall be restricted on land located in areas below the 4 m contour. Where land is located above the 4 m contour but is highly vulnerable to coastal flooding from storm surge, Council may place additional restrictions on the development.