

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



**DEVELOPMENT REGULATIONS AMENDMENT No. 24,  
2022**

**“Residential Rural” (RR) to “Residential Medium  
Density” (RMD)**

**Beachy Cove Road**

**November 2022**

**EMERALD**  
atlantic group

Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Portugal Cove-St. Philip's Development  
Regulation Amendment No. 24, 2022

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's hereby adopts Amendment No. 24, 2022 to the Town of Portugal Cove-St. Philip's Development Regulations.

Adopted by the Town Council of Portugal Cove-St. Philip's on the 13 day of June 2023

Signed and sealed this 19 day of June, 2023.

Mayor:

Carol M. Donald

(Council Seal)



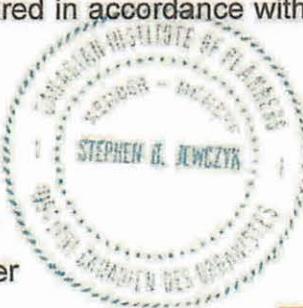
Town Clerk:

Clairine Murray

Canadian Institute of Planners Certification

I certify that Amendment No. 24, 2022 to the Portugal Cove-St. Philip's Development Regulations has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Stephen B. Jewczyk  
Stephen B. Jewczyk, PCIP  
Urban and Regional Planner



Municipal Plan/Amendment <b>REGISTERED</b>	
Number	4000-2023-060
Date	6 JULY 2023
Signature	<u>Patricia Ward</u>

**Town of Portugal Cove-St. Philip's  
Development Regulations Amendment No. 24, 2022**

**PURPOSE**

The Town of Portugal Cove-St. Philip's Development Regulations 2014-2024 came into legal effect on October 17, 2014. The Development Regulations outlines the use of land in the use zones and the Town is divided into use zones which are illustrated on the Land Use Zoning Map.

The Town Council of Portugal Cove-St. Philip's is in receipt of a rezoning request from Emerald Atlantic Group Inc. to rezone a portion of property to accommodate a proposed residential subdivision application with minimum lot frontages of 23 m and minimum lot areas of 1860 m<sup>2</sup>. The current Residential Rural (RR) Land Use Zone does not permit minimum lot areas of less than 4000 m<sup>2</sup>. The property owner is requesting that the zoning on this portion of the property be rezoned to Residential Medium Density (RMD) to accommodate the smaller lot area proposed for the residential subdivision.

After due consideration, the Town Council now wishes to consider amending the land use zone of a portion of the private property situated at 370-410 Beachy Cove Road from Residential Rural (RR) to Residential Medium Density (RMD).

**THE SUBJECT PROPERTY**

The property at 370-410 Beachy Cove Road is located and bounded on the west side of Beachy Cove Road between Goat Cove Road on the south and Patricia Drive on the north. The property has an area of 6.96 ha (17.2 acres). The property owner wishes to rezone 3.97 ha (9.4 acres) with frontage of 244.48 m (802 feet) on Patricia Drive from RR to RMD to be consistent with the zoning along Beachy Cove Road for the purpose of developing a residential subdivision with on-site well and septic tank services. The property is primarily forested with slopes in a general north to south orientation.

**ST. JOHN'S URBAN REGION REGIONAL PLAN 1976**

The St. John's Urban Region Regional Plan has the area of the proposed amendment designated as Urban Development. The Urban Development designation accommodates a range of urban uses including residential and open space uses. No amendment to the Regional Plan is required.

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

The portion of the property under consideration is designated as Residential in the Town of Portugal Cove-St. Philip's Municipal Plan. The Residential designation allows

for a range of residential densities and lot sizes which are further defined by the land use zones of the Town of Portugal Cove-St. Philip's Development Regulations. The RMD use zone is one of these land use zones. The rezoning request will not require an amendment to the Municipal Plan in order to accommodate the development proposal.

## **TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS 2014-2024**

The portion of the property under consideration is zoned as RR in the Town of Portugal Cove-St. Philip's Development Regulations. To accommodate the proposal of the property owner, the property requires a RMD land use zone.

Portions of immediate abutting lands along Patricia Drive that are currently zoned RR have also been included in this rezoning to the RMD land use zone as a housekeeping matter.

No amendment to the text of the Development Regulations is required.

### **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 to the Land Use Zoning Map. The Town Council:

1. Published a notice in The Telegram on December 3, 2022 and in the Northeast Avalon Times on December 14, 2022 advertising the proposed amendment seeking comments or representations from the public;
2. Circulated a copy of the public notice to property owners within 200 m of the subject property;
3. Placed the proposed rezoning amendment on its website and on display at the Town Council Office and on its website from December 3<sup>rd</sup>, 2022, to December 16<sup>th</sup>, 2022 for the public to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment; and,
4. Set the 16<sup>th</sup> day of December, 2022 at 4:00pm as the deadline for the submission of written comments to the Town.

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.

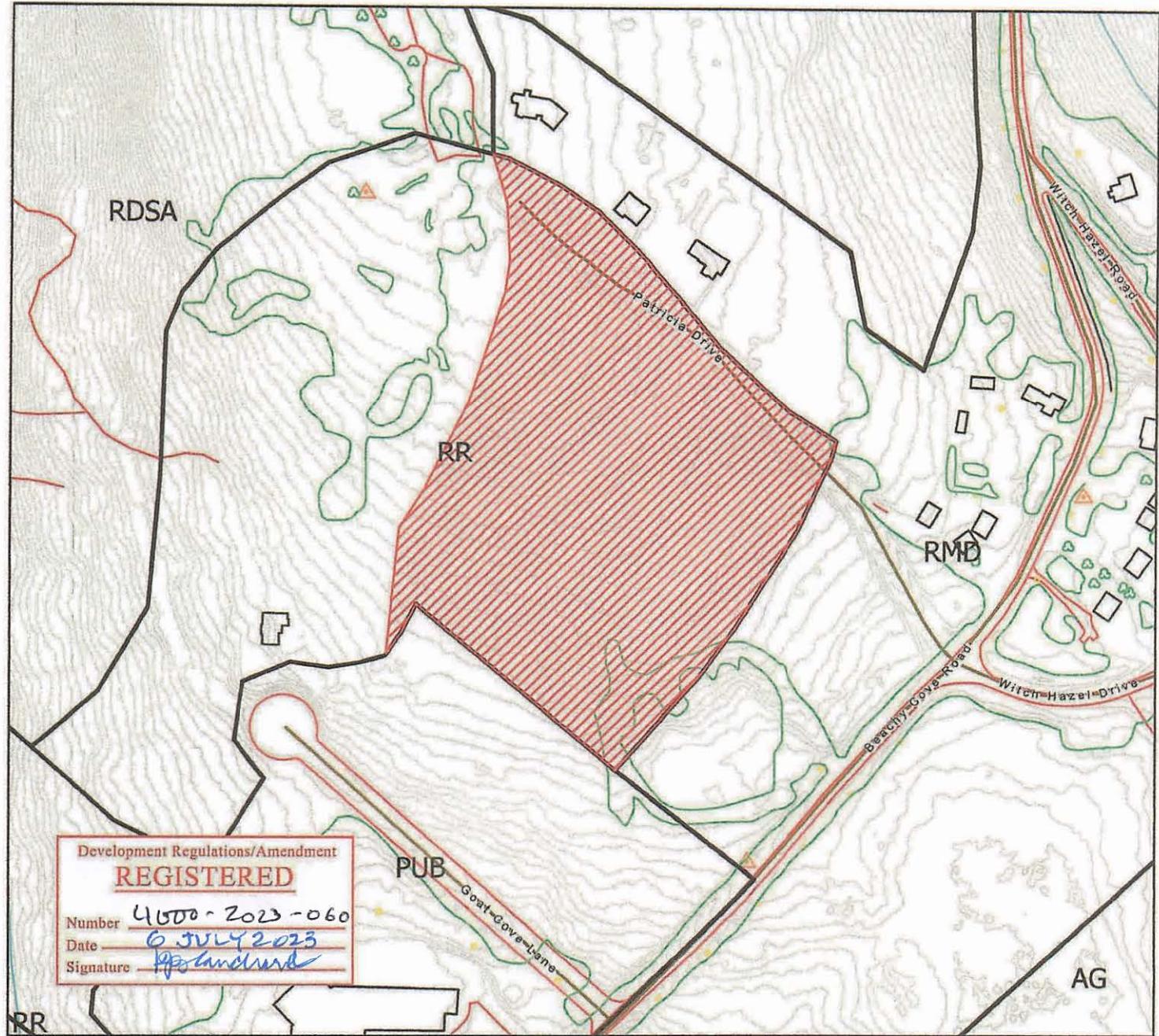
The Council received 5 submissions in response to the notice. All submissions expressed commentary or concern about the impact that the development of this property may have on the ground water on existing wells.

Council advised the proponent that a Level II Groundwater Supply Study would be required for Council's consideration prior to a decision on this amendment. The Groundwater Supply Study was completed and commentary received from the provincial Department of Environment and Climate Change on the study. Council was satisfied with the results of the study and the provincial commentary and is prepared to bring the amendment forward for consideration.

## **DEVELOPMENT REGULATIONS AMENDMENT NO. 24, 2022**

The Town of Portugal Cove-St. Philip's Development Regulations shall be amended as follows:

1. Rezone a portion of land on the west side of Beachy Cove Road between Goat Cove Road on the South and Patricia Drive on the north from Residential Rural (RR) to Residential Medium Density (RMD). as illustrated on the attached portion of the Town of Portugal Cove-St. Philip's Land Use Zoning Map.



**TOWN OF PORTUGAL COVE-ST. PHILIP'S**

MUNICIPAL PLAN 2014-2024

DEVELOPMENT REGULATIONS MAP

DEVELOPMENT REGULATIONS  
AMENDMENT NO. 24, 2022



This 19 day of June, 2023.

 Mayor  
 Clerk

 Area to be rezoned from Residential Rural (RR) to Residential Medium Density (RMD)

Seal



Scale: 1:3,000

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 24, 2022 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.







19 June 2023

Kim Blanchard, MCIP  
Manager of Land Use Planning  
Local Governance and Planning  
Department of Municipal & Provincial Affairs  
P.O. Box 8700  
St. John's, NL  
A1B 4J6



**Re: Portugal Cove-St. Philip's Development Regulations Amendment No. 24, 2022**

Dear Ms. Blanchard:

At a meeting of the Portugal Cove-St. Philip's Town Council, held on June 13, 2023, Council moved Motion No. 2023-133 to adopt Development Regulations Amendment No. 24, 2022, and forward the amendment documents to the Department of Municipal and Provincial Affairs for registration as per Section 24 (Government Policy Review and Plan Registration) under the Urban and Rural Planning Act, 2000.

The purpose of Development Regulations Amendment No. 24, 2022 is to rezone lands from Residential Rural (RR) to Residential Medium Density (RMD) to accommodate a proposed residential subdivision application with smaller lot development consistent with the zoning along Beach Cove Road.

Therefore, in keeping with the requirements of Section 24 under the Urban and Rural Planning Act, 2000, the Town of Portugal Cove-St. Philip's would like to proceed with the Minister's Policy Review and Plan Registration of the above Amendment.

Sincerely,  
  
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Brian Peach, P.Eng., CAMP, ProfCertAM  
Director of Planning & Development

— Att: Development Regulations Amendment No. 24, 2022  
— Advertisement  
Correspondence Received  
GW Level I&II Government Assessment  
Affidavit - Objection  
Copy of Council's Motion

Cc: Local Governance and Land Use Planning  
Stephen B. Jewczyk, FCIP, Urban and Regional Planner