



**PUBLIC CONSULTATION
MUNICIPAL PLAN AMENDMENT No. 4, 2018
DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

The general public is invited to view a draft copy of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 4, 2018 and Development Regulations Amendment No. 5, 2018.

The purpose of Municipal Plan Amendment No. 4, 2018 and Development Regulations Amendment No. 5, 2018 is to allow for the development of single dwellings off traditionally established Right-of-Ways within the Traditional Community designation and Traditional Community land use zone.

Council encourages residents to view the Portugal Cove-St. Philip's Municipal Plan Amendment No. 4, 2018 and Development Regulations Amendment No. 5, 2018, which shall be on display from February 12 to February 20, 2018, during normal business hours at the Town Office, Portugal Cove-St. Philip's and on the Town's website at www.pcsp.ca. The public can provide any comments or concerns on the proposed amendment to the Town Office in writing before Council proceeds with adoption.

The deadline for written comments shall be 4:00 pm., February 20, 2018

For more information please contact the Town Office.

Mr. Les Spurrell
Planning and Development Coordinator
Town of Portugal Cove-St. Philip's
1119 Thorburn Road
Portugal Cove-St. Philip's, NL
A1M 1T6
Tel: 895-8000 Fax: 895-3780
E-mail: les.spurrell@pcsp.ca

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



**Portugal Cove
St. Philip's**

MUNICIPAL PLAN AMENDMENT No. 4, 2018

FEBRUARY 2018

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 4, 2018

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's.

- a) Adopted the Portugal Cove-St. Philip's Municipal Plan Amendment No. 4, 2018, on the ____ day of _____, 2018.

- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 4, 2018, by advertisement inserted on the th day and the _____th day of September, 2018 in *The Telegram* newspaper.

- c) Set the _____th day of _____ at 7:30 p.m. at the Town Hall, Portugal Cove-St. Philip's for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's approved the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 4, 2018, as adopted (or as amended).

SIGNED AND SEALED this ____ day of _____, 2018

Mayor: _____ (Council Seal)

Clerk: _____

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 4, 2018**

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 Municipal Plan Amendment No. 4, 2018.

Adopted by the Town Council of Portugal Cove-St. Philip's on the ____^h day of _____, 2018.

Signed and sealed this ____ day of _____, 2018.

Mayor: _____ (Council Seal)

Clerk: _____

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 4, 2018, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



TOWN OF PORTUGAL COVE-ST. PHILIP'S MUNICIPAL PLAN AMENDMENT No. 4, 2018

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Municipal Plan. In the older section of Town, specifically within the Traditional Community designation, Council is aware of traditional Right-of-Ways that access backland which may be developed for residential use.

The purpose of this Amendment is to amend Plan Policy 3.4.3, Traditional Community, to allow for the development of single dwellings off traditionally established Right-of-Ways within the Traditional Community designation.

St. John's Urban Region Regional Plan

The proposed Municipal Plan Amendment No. 4, 2018 consists of text changes to 2014-2024 Municipal Plan and conforms to the St. John's Urban Region Regional Plan. It is concluded that no Regional Plan Amendment is required.

MUNICIPAL PLAN AMENDMENT No. 4, 2018

The Town of Portugal Cove-St. Philip's Municipal Plan is amended by **Adding** new Plan Policy TC-5 to the Traditional Community Land Uses section as shown below:

A) Policy TC-5

Where a vacant lot exists which is of sufficient size but does not have the required frontage on a public road, development may be permitted at the discretion of Council and subject to the following requirements:

- The lot is accessed through a public or traditional right-of-way that is identified within legal documentation to have existed prior to the amalgamation of Portugal Cove-St. Philip's on February 1, 1992;
- To ensure that Council can meet its responsibility for public safety and emergency access, dwellings located off a right-of-way shall be located no more than 60 meters (196.85 feet) from a public road;
- The lot must be serviced with municipal water and/or sewer services, if available;

- The public or traditional right-of-way shall not be included for the purpose of calculating the required lot area;
- Council shall be satisfied that the development will not detract or restrict other types of development on abutting lands;
- Approval of any development shall not affect the legal conformity of any existing lots, and
- With the exception of frontage on a public road, the lot and dwelling must comply with the standards established in Town's Development Regulations, Schedule C: Traditional Community.

B) Renumbering existing Plan Policies TC-5 to TC-10, to TC-6 to TC-11, inclusive, as found in the Traditional Community, Preservation of Built and Natural Heritage Section as shown below:

Policy TC-5 6
Policy TC-6 7
Policy TC-7 8
Policy TC-8 9
Policy TC-9 10
Policy TC-10 11

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



**Portugal Cove
St. Philip's**

DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018

FEBRUARY 2018

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 5, 2018

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's.

- a) Adopted the Portugal Cove-St. Philip's Municipal Plan Amendment No. 5, 2017, on the ____ day of _____, 2018.

- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 5, 2018, by advertisement inserted on the th day and the _____th day of _____, 2018 in *The Telegram* newspaper.

- c) Set the _____th day of _____ at 7:30 p.m. at the Town Hall, Portugal Cove-St. Philip's for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act*, the Town Council of Portugal Cove-St. Philip's approved the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 5, 2018, as adopted (or as amended).

SIGNED AND SEALED this ____ day of _____, 2018

Mayor: _____ (Council Seal)

Clerk: _____

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018**

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. 5, 2018.

Adopted by the Town Council of Portugal Cove-St. Philip's on the ____th day of _____, 2018.

Signed and sealed this _____ day of _____, 2018.

Mayor: _____ (Council Seal)

Clerk: _____

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 5, 2018, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. In the older section of Town, specifically within the Traditional Community Land Use Zone, Council is aware of traditional Right-of-Ways that access backland which may be developed for residential use.

The purpose of this Amendment is to add a new definition for Traditional Right-of-Way to Schedule A. The amendment will also add a new condition for development off right-of-ways to the Traditional Community Land Use Zone Table, Schedule C.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed Development Regulations Amendment No. 5, 2018 consists of text changes to 2014-2024 Development Regulations and conforms to the St. John's Urban Region Regional Plan. It is concluded that no Regional Plan Amendment is required.

PUBLIC CONSULTATION

DEVELOPMENT REGULATIONS AMENDMENT No. 5, 2018

The Town of Portugal Cove-St. Philip's Development Regulations are amended by:

A) Adding a new definition for Traditional Right-of-Way to Schedule A: Definitions, as shown below:

TRADITIONAL RIGHT-OF-WAY: means a defined route across private or public land that may be followed by those having legal right to pass over the right-of-way to access property and is located within the Traditional Community Zone. A traditional right-of-way is not publicly maintained.

B) Adding the following condition the end of the list of conditions as found in the Traditional Community Land Use Zone Table, Schedule C, as shown below:

(13) Development off Right-of-Ways

Where a vacant lot exists which has access to a public street through a public or traditional right-of-way and is of sufficient size for a building lot, development of a single dwelling may be considered at the discretion of Council provided the following conditions are met:

- (a) Only single dwellings may be permitted;
- (b) The applicant/developer must provide legal documentation to the Town, prior to consideration of the application by Council, confirming that they have direct access to and legal right to the public or traditional right-of-way which will transfer with the lot forever more;
- (c) Where there is potential for future development beyond 60 meters of the public road, the right-of-way to the public road shall be developed as a public road with a minimum width of 15 meters (49.2 feet);
- (d) Where there is no potential for future development, the public or traditional right-of-way to the public road shall be a minimum of 6 meters (19.7 feet) in width;
- (e) The responsibility for construction, care, and maintenance of the public or traditional right-of-way shall be that of the property owner(s);
- (f) No municipal services (snow/ice control, garbage/recycling collection, etc.) shall be provided by the Town through a public or traditional right-of-way;
- (g) The dwelling is separated from, and oriented, in a manner that does not adversely affect the privacy and enjoyment of abutting properties. Separation distances may be required by the Council as a condition for development, considering such things as slope, drainage, tree cover and soil conditions, and;
- (h) Due consideration will be given to any objections to the proposed development submitted in writing from abutting property owners who will be consulted prior to Council issuing an approval.