



**PUBLIC CONSULTATION
MUNICIPAL PLAN AMENDMENT No. 12, 2021
DEVELOPMENT REGULATIONS AMENDMENT No. 20, 2021, and
St. John's Urban Region Regional Plan Amendment**

The general public is invited to view a draft copy of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021 and Development Regulations Amendment No. 20, 2021. The purpose of Municipal Plan Amendment No. 12, 2021 is to re-designate the portion of the potential future subdivision located in the **Rural** designation to **Residential**. Development Regulations Amendment No. 20, 2021, will re-zone the same area of land from **Rural (RUR)** Land Use Zone to **Residential Low Density (RLD)**.

The Amendment will also update steep slope information on the Town's Environmental Protection Map in the same area of the proposed re-designation and re-zoning. At the same time, the Town is proposing to amend Schedule E to correct a procedure outlined in Schedule E for amending the Environmental Protection Overlay Map that would be consistent with the requirements of the *Urban and Rural Planning Act, 2000*.

The Minister of Municipal and Provincial Affairs has requested consultation on a proposed Amendment to the St. John's Urban Region Regional Plan to re-designate land as described in Municipal Plan Amendment No. 12, 2021 and Development Regulations Amendment No. 20, 2021, from Rural to Urban Development.

Council encourages residents to view the Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021 and Development Regulations Amendment No. 20, 2021, which shall be on display from **October 15, 2022** to **October 28, 2022**, 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., **October 28, 2022**.

For further details on these amendments, please contact:

Planning and Development Department
Town of Portugal Cove-St. Philip's
1119 Thorburn Road
Portugal Cove-St. Philip's, NL
A1M 1T6

Tel: 709-895-8000 ext. 9 Fax: 709-895-3780
E-mail: planning@pcsp.ca

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



MUNICIPAL PLAN AMENDMENT No. 12, 2021

“Rural” to “Residential”

BEACHY COVE ROAD

JULY 2021

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 12, 2021

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's.

a) Adopted the Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021, on the ____ day of _____, 2022.

b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021, by advertisement inserted on the ____th day and the ____th day of _____, 2022 in *The Telegram* newspaper.

c) The Department of Municipal and Provincial Affairs has temporarily waived the requirement to hold physical public hearings. The Town Council of Portugal Cove-St. Philip's advertised the proposed Amendments and set the ____th day of _____, 2022, as the deadline for receiving submissions to consider objections and representations to the Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021.

Now under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's approves the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021, as adopted (or as amended).

SIGNED AND SEALED this ____ day of _____, 2022

Mayor: _____ (Council Seal)

Clerk: _____

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN AMENDMENT No. 12, 2021

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021.

Adopted by the Town Council of Portugal Cove-St. Philip's on the _____th day of _____, 2022.

Signed and sealed this _____ day of _____, 2022.

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. 12, 2021, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Municipal Plan/Amendment
REGISTERED

Number _____

Date _____

Signature _____



TOWN OF PORTUGAL COVE-ST. PHILIP'S

MUNICIPAL PLAN AMENDMENT No. 12, 2021

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Municipal Plan. The Town has received a proposal to develop a potential future residential subdivision on land located on the southside of Beachy Cove Road and east of the intersection with Long Marsh Road. The potential subdivision will be developed as a permanent cul-de-sac.

The perimeter survey indicates that the land holding is split between the Residential and Rural Designation with some proposed lots being located in the Rural designation. The purpose of this Amendment is to re-designate the portion of the potential future subdivision located in the **Rural** Land Use Designation to **Residential**.

Schedule E of the Portugal Cove-St. Philip's Development Regulations has defined an Environmental Protection Overlay. Part (4) Steep Slopes, states in part that no buildings ... will be permitted on any lands ... within ten (10.0) metres of the top or bottom of slopes that exceed twenty-five percent (25) over a distance of five (5.0) or more metres. The east boundary of the amendment area contains areas designated as steep slopes as identified on the Environmental Protection Overlay Map. The companion Development Regulations Amendment also proposes to refine the steep slope areas that extend within the perimeter survey. The refined steep slope areas have been omitted from the area to be re-designated.

St. John's Urban Region Regional Plan

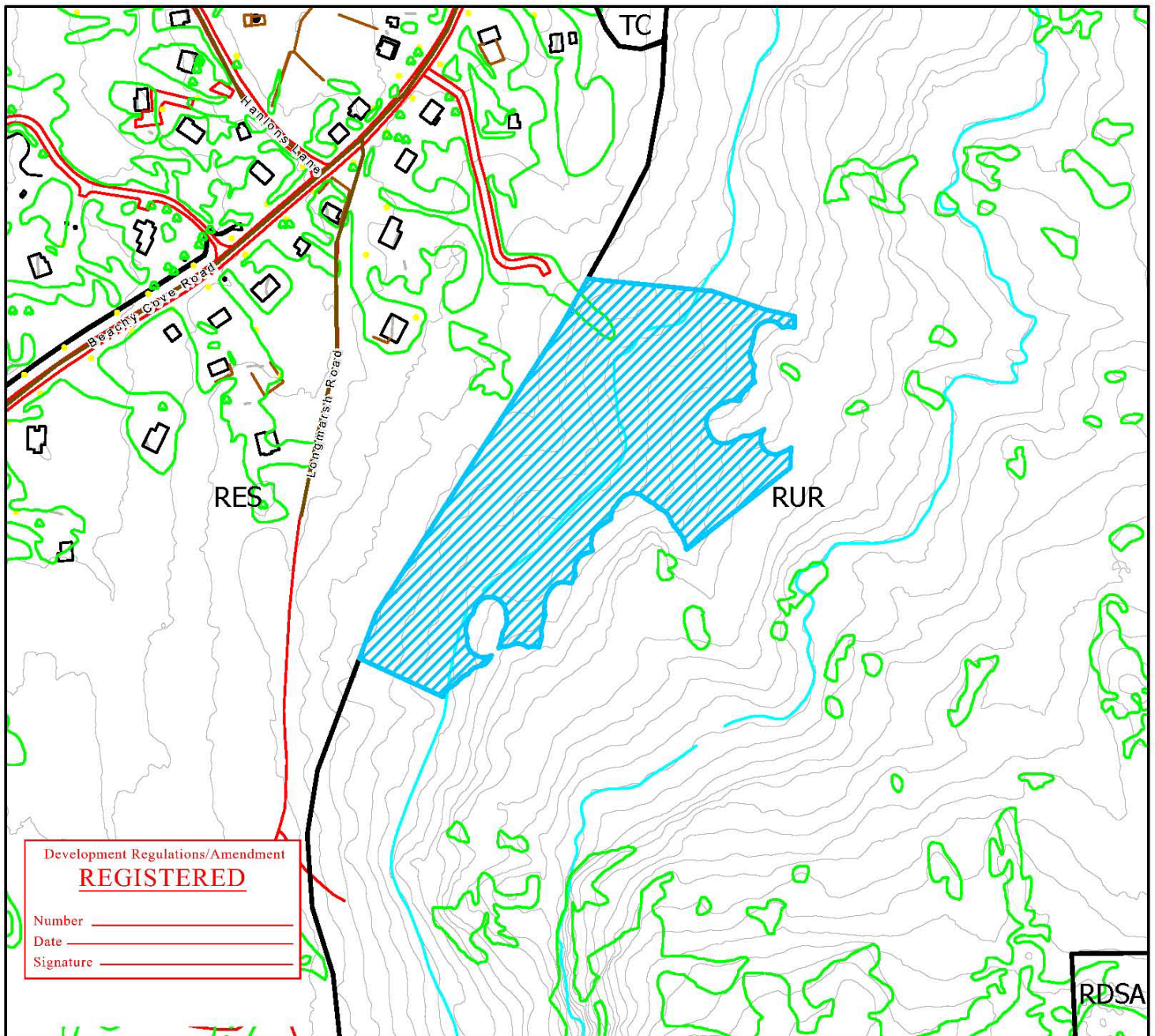
The proposed Municipal Plan Amendment No. 12, 2021, consists of map changes to the 2014-2024 Municipal Plan and is contrary to the St. John's Urban Region Regional Plan. It is concluded that a Regional Plan Amendment is required in order to bring the proposed Municipal Plan Amendment No. 12, 2021, into conformity with the Regional Plan.

PUBLIC CONSULTATION

MUNICIPAL PLAN AMENDMENT No. 12, 2021

The Town of Portugal Cove-St. Philip's Municipal Plan is amended by:

- A) *Re-Designating*** land from “**Rural**” to “**Residential**” as shown on the attached copy of the Town of Portugal Cove-St. Philip's Generalized Future Land Use Map.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Dated at Portugal Cove-St. Philip's, Newfoundland and Labrador

MUNICIPAL PLAN 2014-2024


This ____ day of _____, 2022.

GENERALIZED FUTURE LAND USE MAP

Mayor

MUNICIPAL PLAN
AMENDMENT NO. 12, 2021

Clerk

 Area to be changed from "Rural" to "Residential"

Seal



I certify that the attached Town of Portugal Cove-St. Philip's Municipal Plan Amendment No. 12, 2021 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

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



DEVELOPMENT REGULATIONS AMENDMENT No. 20, 2021

“Rural” (RUR) to “Residential Low Density” (RLD)

**Amendment to Schedule E, Environmental Protection
Overlay**

Amendment to Environmental Protection Overlay Map

Beachy Cove Road

JULY 2021

PLAN-TECH



ENVIRONMENT

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 20, 2021

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's.

- a) Adopted the Portugal Cove-St. Philip's Development Regulations Amendment No. 20, 2021, on the ____th day of _____, 2022.
- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 20, 2021, by advertisement inserted on the ____th day and the ____th day of _____, 2022 in *The Telegram* newspaper.
- c) The Department of Municipal and Provincial Affairs has temporarily waived the requirement to hold physical public hearings. The Town Council of Portugal Cove-St. Philip's advertised the proposed Amendments and set the ____th day of _____, 2022, as the deadline for receiving submissions to consider objections and representations to the Portugal Cove-St. Philip's Development Regulations Amendment No. 20, 2021.

Now under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's approved the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 20, 2021, as adopted (or as amended).

SIGNED AND SEALED this ____ day of _____, 2022

Mayor: _____ (Council Seal)

Clerk: _____

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 20, 2021

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. 20, 2021.

Adopted by the Town Council of Portugal Cove-St. Philip's on the ____th day of _____, 2022.

Signed and sealed this ____ day of _____, 2022.

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. 20, 2021, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
<u>REGISTERED</u>	
Number	_____
Date	_____
Signature	_____



TOWN OF PORTUGAL COVE-ST. PHILIP'S

DEVELOPMENT REGULATIONS AMENDMENT No. 20, 2021

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. The Town has received an inquiry into the future development of a fully-serviced residential subdivision on land located on the southside of Beachy Cove Road and east of the intersection with Long Marsh Road.

The perimeter survey indicates that the land holding is split between the Residential Medium Density and Rural Zones. The purpose of this Amendment is to re-zone the portion of the potential future subdivision located in the **Rural (RUR)** Land Use Zone to **Residential Low Density (RLD)**.

Schedule E of the Portugal Cove-St. Philip's Development Regulations has defined an Environmental Protection Overlay. Part (4) Steep Slopes, states in part that no buildings ... will be permitted on any lands ... within ten (10.0) metres of the top or bottom of slopes that exceed twenty-five percent (25) over a distance of five (5.0) or more metres. The east boundary of the amendment area contains areas designated as steep slopes as identified on the Environmental Protection Overlay Map.

Schedule E also outlined a process for refining features identified on the Environmental Protection Overlay Map which included field verification by a qualified consultant, insertion of a public notice in a local newspaper with seven days for public feedback, and a motion of Council to adopt the revision. In 2016, the Town engaged a qualified consultant to undertake a comprehensive revision to steep slope areas throughout the town. Council completed the refinement process identified in Schedule E to update the Environmental Protection Overlay Map with the new data received from the consultant. In January 2022, the Town was advised by the Department of Municipal and Provincial Affairs that the process to refine environmentally sensitive areas identified on the Environmental Protection Map within Schedule E was contrary to Section 35 (5) of the *Urban and Rural Planning Act, 2000*.

As the process to refine the Environmental Protection Map, and the subsequent refinement that the Town undertook in accordance with that process, is determined to be contrary to Section 35 (5), this amendment also proposes to remove reference to the contrary refinement process in Schedule E and revise the steep slope areas identified on the Environmental Protection Overlay Map within the perimeter survey in accordance with the refined data received from the consultant.

PUBLIC CONSULTATION

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. 20, 2021, as Rural on the Regional Plan map. It is determined that an amendment to the St. John's Urban Region Regional Plan is required in order to bring the proposed Development Regulations Amendment No. 20, 2021, into conformity with the Regional Plan.

DEVELOPMENT REGULATIONS AMENDMENT No. 20, 2021

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

- A) *Deleting, with strikeout,*** the last sentence of paragraph 1 and the last sentence of paragraph 2 from Schedule E – Environmental Protection Overlay (Intent), as shown below:

The intent of this Schedule is to preserve the environmental integrity of the Town of Portugal Cove-St. Philip's by defining the necessary terms and conditions to protect environmentally sensitive areas from the negative impacts and influences of development. ~~It is also the intent of this Schedule to provide for a flexible framework and approach that will not interfere with permitted development on land that is deemed not to have environmentally sensitive features.~~

This Schedule E and its companion Environmental Protection Overlay Map provides Council with additional specific controls over environmental protection by appending the regulations of this Schedule to the Town's Development Regulations. Schedule E allows Council to impose conditions on the use of land related to environmentally sensitive areas without affecting the underlying zone or creating an entirely new zone. ~~This Schedule also provides enhanced flexibility as the environmental map may change without requiring property owners to go through a rezoning process.~~

- B) *Deleting, with strikeout,*** the last paragraph from Condition (2) (Watercourses), from Schedule E – Environmental Protection Overlay Condition, as shown below:

~~Where there is uncertainty regarding the existence of a watercourse identified on the Environmental Protection Overlay Map, field verification by a qualified consultant will be required at the expense of the developer. If the qualified consultant determines that the size and area extent of the watercourse needs to be adjusted, or that the watercourse does not exist, the buffer area established in the Environmental Protection Overlay Map will either be refined, or where the sensitive feature does not exist, the buffer shall not apply, and the land will be subject to the terms and conditions of the use zone indicated on the Land Use Zoning Map.~~

- C) *Deleting***, with ~~strikeout~~, paragraph 5 from Condition (6) (Wetlands), from Schedule E – Environmental Protection Overlay Condition, as shown below:

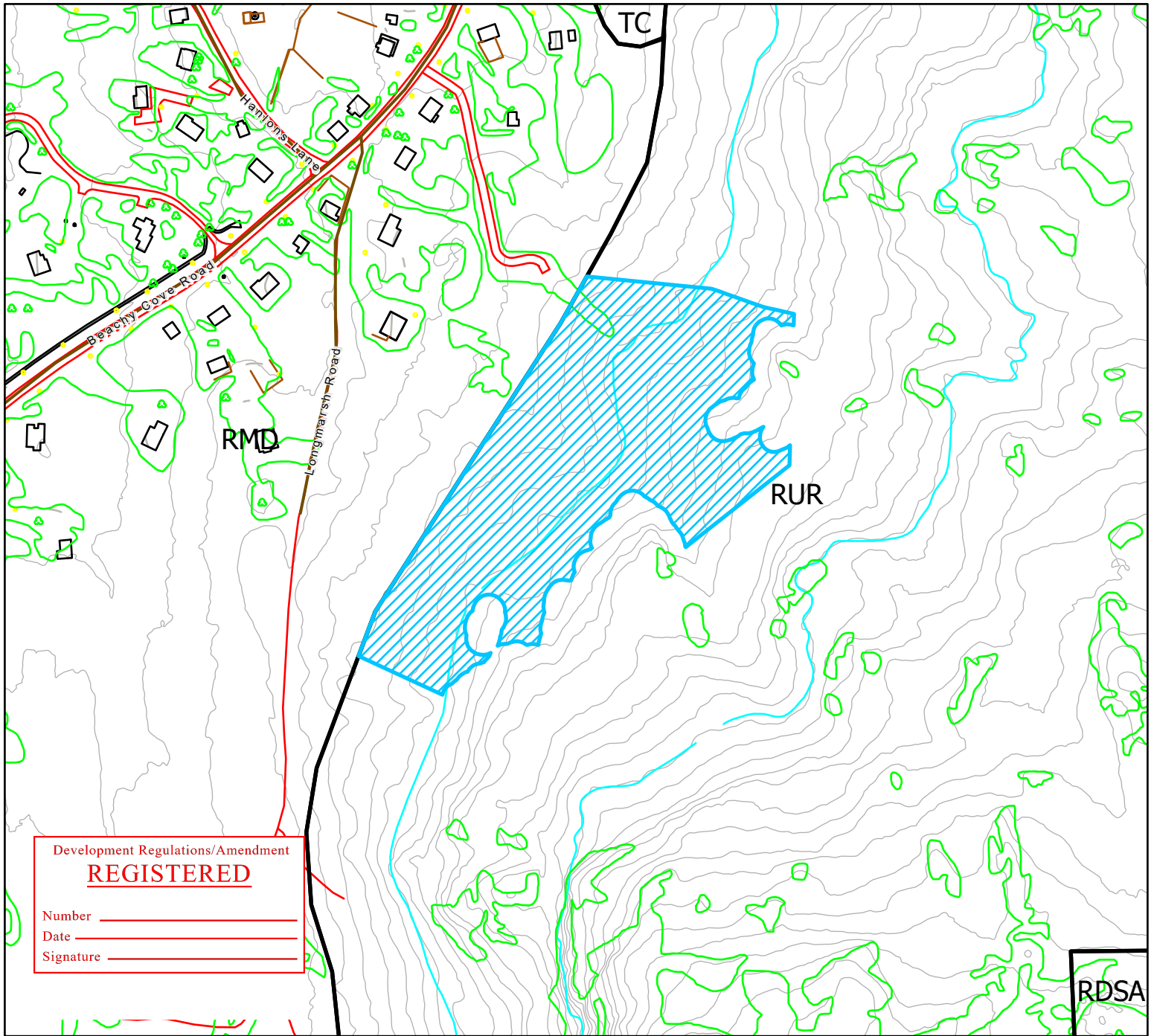
~~Where there is uncertainty regarding the existence of a wetland identified on the Environmental Protection Overlay Map, field verification by a qualified consultant will be required at the expense of the developer, and confirmed by the qualified consultant in consultation with the Department of Environment and Conservation, and with the Water Resources Management Division.~~

- D) *Deleting***, with ~~strikeout~~, the last paragraph from Condition (6) (Wetlands), from Schedule E – Environmental Protection Overlay Condition, as shown below

~~If the qualified consultant and the Province determine that size and area extent of the wetland needs to be adjusted, or that the wetland does not exist, the buffer area established in the Environmental Protection Overlay Map will either be refined, or where the wetland does not exist, the buffer area shall not apply, and the land will be subject to the terms and conditions of the use zone indicated on the Land Use Zoning Map.~~

- E) *Changing*** land from “Rural” (RUR) to “Residential Low Density” (RLD) as shown on the attached copy of the Town of Portugal Cove-St. Philip’s Development Regulations Map.

- F) *Changing*** steep slopes as shown on the attached copy of the Town of Portugal Cove-St. Philip’s Environmental Protection Overlay Map.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Dated at Portugal Cove-St. Philip's, Newfoundland and Labrador

MUNICIPAL PLAN 2014-2024


This ____ day of _____, 2022.

DEVELOPMENT REGULATIONS MAP

Mayor

DEVELOPMENT REGULATIONS
AMENDMENT NO. 20, 2021

Clerk

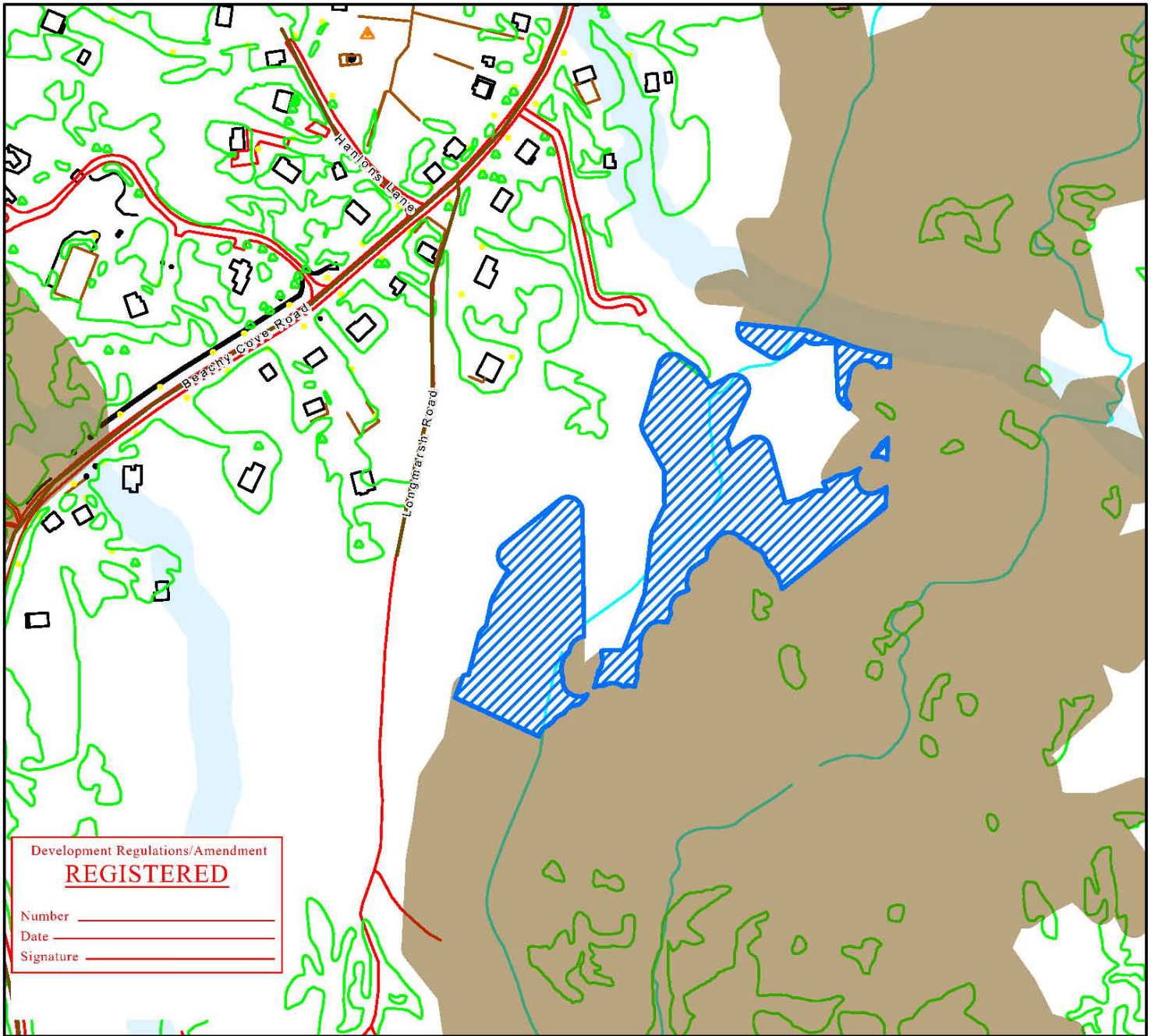
 Area to be changed from "Rural" to
"Residential Low Density"

Seal



Scale: 1:4,000

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 20, 2021 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.




Development Regulations/Amendment
REGISTERED
 Number _____
 Date _____
 Signature _____

TOWN OF PORTUGAL COVE-ST. PHILIP'S

MUNICIPAL PLAN 2014-2024

ENVIRONMENTAL PROTECTION OVERLAY MAP

DEVELOPMENT REGULATIONS
 AMENDMENT NO. 20, 2022

 Area to be removed from Steep Slope Designation

PLAN-TECH



ENVIRONMENT



Scale: 1:4,000

Dated at Portugal Cove-St. Philip's, Newfoundland and Labrador

This ____ day of _____, 2022.

 Mayor

 Clerk

Seal



I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 20, 2022 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.