

# TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE

MUNICIPAL PLAN 2005-2017



## DEVELOPMENT REGULATIONS AMENDMENT No. 23, 2017

**“Add Flood Risk Mapping to the Land Use Zone Map”  
“Add Wetlands Condition to the Residential Low Density  
(RLD), Residential Medium Density (RMD) Residential Estate  
(R-EST) Land Use Zone Tables” and  
Add New Conditions to the Open Space/Conservation (OS/C)  
Land Use Zone Table**

JANUARY 2017

PLAN-TECH



ENVIRONMENT

**URBAN AND RURAL PLANNING ACT**  
**RESOLUTION TO APPROVE**  
**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 23, 2017**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove.

- a) Adopted the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 23, 2017, on the \_\_\_<sup>th</sup> day of \_\_\_, 2017.
  
- b) Gave notice of the adoption of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 23, 2017, by advertisement inserted on the \_\_\_<sup>th</sup> day and the \_\_\_<sup>th</sup> day of \_\_\_, 2017 in the Telegram newspaper.
  
- c) Set the \_\_\_<sup>th</sup> day of \_\_\_ at 7:30 p.m. at the Town Hall, Logy Bay-Middle Cove-Outer Cove for the holding of a public hearing to consider objections and submissions.

Now under section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove approved the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 23, 2017 as adopted (or as amended).

SIGNED AND SEALED this \_\_\_\_\_ day of \_\_\_\_\_, 2017

**Mayor:** \_\_\_\_\_ (Council Seal)

**Clerk:** \_\_\_\_\_

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE  
DEVELOPMENT REGULATIONS AMENDMENT No. 23, 2017**

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. 23, 2017.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2017.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**Mayor:** \_\_\_\_\_ (Council Seal)

**Clerk:** \_\_\_\_\_

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No. 23, 2017 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



# **TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE DEVELOPMENT REGULATIONS AMENDMENT No. 23, 2017**

## **BACKGROUND**

The Town of Logy Bay-Middle Cove-Outer Cove proposes to implement Development Regulations Amendment No. 23, 2017. After experiencing high run-offs in local rivers as a result of the commercial and residential expansion of Stavanger Drive areas in St. John's, and in consultation with the Water Resources Management Division, Department of Environment and Conservation, the Town Council has retained an engineering consultant to conduct a flood risk analysis to accurately map the 1:100 year flood risk areas on Kennedy's Brook, Outer Cove Brook, Coaker's River and Druken's River. Wetland areas were also identified and in consultation with the Water Resources Management Division, a number of these wetland areas are identified on the Land Use Zone Map.

The Town also retain another engineering consultant to undertake a complete review of and accurately map the 1:100 flood risk analysis for Soldier's Brook which was previously completed by the developers of the residential subdivision. This new flood risk analysis is also added to the Land Use Zone map.

When the Town's Municipal Plan was reviewed in 2005, accurate information on floodplains was not available. Only a portion of Outer Cove Brook with 1:20 floodway information was identified on the Land Use Zone map. The purpose of this Amendment is to amend the Land Use Zone map to include 1:100 year flood risk areas on Kennedy's Brook, Outer Cove Brook, Coaker's River, Druken's River and Soldiers Brook.

As part of the flood risk analysis study, and in consultation with the Water Resources Management Division, significant wetland areas were also identified and added to the Land Use Zone map. A new condition will be added to the Residential Low Density (RLD), Residential Medium Density (RMD) and Residential Estate (R-EST) Land Use Zone Tables indicating that any proposed development which may have an impact on these wetland areas shall require a referral to the Water Resources Management Division. Conditions for existing non-conforming uses will also be added to the Open/Space Conservation (OS/C) Land Use Zone Tables.

The Amendment will also transfer the 1:00 year flood risk areas onto the Land Use Zone Map. Secondly, all previous Development Regulations amendments consisting of Land Use Zone Map changes have also been included. The amendment will bring into effect the new Town of Logy Bay-Middle Cove-Outer Cove Land Use Zone Map.

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

The St. John's Urban Region Regional Plan Map does not designate rivers, brooks or streams and these uses are common in any Regional Plan 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 Municipal Plan Amendment No. 17, 2017 and to bring the 1:00 year flood risk areas into conformance.

### **AMENDMENT No. 23, 2017**

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

- A) Adding** the following Condition to the Residential Low Density (RLD), Residential Medium Density (RMD) and Residential Estate (R-EST) Land Use Zone Tables as shown below:

#### **Wetlands, Ponds and Streams**

Streams, ponds, and sensitive wetlands areas have been identified and shown on the Land Use Zone map. Any development proposal within sensitive wetlands areas shall be referred to the Department of Environment and Conservation, Water Resources Management Division, for comment prior to Council approving any development.

- B) Adding** the following Condition to the Open Space/Conservation (OS/C) Land Use Zone Tables as shown below:

#### **4. Floodway**

New development shall be prohibited within the Floodway, 1:100 years, and shall be restricted to public uses such as infrastructure required for flood water control within the Floodway identified on the Land Use Zone Map.

## 5. Non-conforming Uses

- (a) Non-conforming uses shall be in compliance with General Regulation 49.
- (b) Existing uses and developments that existed and do not conform to these Development Regulations as of (Amendment Adoption Date) shall be allowed to continue and shall be classed as a legal non-conforming use.
- (c) In the event that a non-conforming use such as a residential dwelling in the Floodway (1:100 years), is destroyed by a natural disaster or manmade occurrence such as fire, the redevelopment of the site as a non-conforming use and its continuation as a non-conforming use may be permitted at the discretion of Council provided an application for the redevelopment of the site occurs within six (6) months of the natural disaster or manmade occurrence.
- (d) Council may impose conditions such as flood proofing on the redevelopment of a non-conforming use as permitted under 5(c) above.
- (e) Flood proofing shall involve any combination of structural and non-structural additions, changes, or adjustments to a building which will reduce or eliminate flood damage to property, water and sanitary facilities, structures and their contents. In areas subject to slow-moving, shallow flooding, buildings may be elevated, or barriers may be constructed to block or divert the water's approach to a building.
- (f) Council may require submission of a flood proofing plan to be approved by Council, outlining measures to address and mitigate flood damage to property, buildings, water and sanitary facilities, etc.

**C) *Replacing*** the existing **Town of Logy Bay-Middle Cove-Outer Cove Land Use Zone Map** with the attached **Town of Logy Bay-Middle Cove-Outer Cove, Land Use Zone Map**.