Public Hearing
Logy Bay-Middle Cove-Outer Cove
Municipal Plan Amendment No. 19, 2019 and
Development Regulations Amendment No. 32, 2019
St. John’s Urban Region Regional Plan Amendment No. 2, 2019
(Stack’s Point Amendment)

The Town Council of Logy Bay-Middle Cove-Outer Cove has adopted Municipal Plan Amendment No. 19, 2019, and Development Regulations Amendment No. 32, 2019. The Minister of Municipal Affairs and Environment has adopted St. John’s Urban Region Regional Plan Amendment No. 2, 2019.

Municipal Plan Amendment No.19, 2019, will redesignate the municipal property at 680-684 Marine Drive, commonly referred to as Stack’s Point, from Commercial Tourism to Open Space/Conservation on the Future Land Use Map. No text amendment is proposed.

Development Regulations Amendment No. 32, 2019, correspondingly will rezone the municipal property at 680-684 Marine Drive from Commercial Tourism (Com-T) to Open Space/Conservation (OC) on the Land Use Zoning Map. No text amendment is proposed.

These amendments are concurrent with the St. John’s Urban Region Regional Plan 1976, Amendment No. 2, 2019, being undertaken by the Department of Municipal Affairs and Environment which will redesignate the property from Urban Development to Restricted Development and, if approved, would permit the Town of Logy Bay-Middle Cove-Outer Cove to make the proposed changes to the Municipal Plan and Development Regulations.

The purpose of these amendments is to protect the use of the property as a significant scenic open space vista along Marine Drive which is a designated scenic route.

In accordance with the Department of Municipal Affairs and Environment Circular and COVID-19 public health emergency protocols, the holding of a public physical meeting for a public hearing has been waived. The Commissioner will only be accepting written submissions for this amendment.

Anyone wishing to make an objection or representation shall deposit with the Town Clerk/Manager, two copies of a signed written statement by email (office@lbmcoc.ca) or hand deliver to the Town Hall, outlining the objection or representation by 4:00 p.m. Friday August 14, 2020.

The proposed amendment is available on the Town’s website at www.lbmcoc.ca. Should you have any questions or wish further information on the proposed amendments, please contact the Town Planner at 726-7930 ext. 28 or by email StephenJewczyk@lbmcoc.ca.

Town of Logy Bay-Middle Cove-Outer Cove
744 Logy Bay Road
Logy Bay, NL A1K 3B5
ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976
AMENDMENT #2, 2019

Stack’s Point, Marine Drive
Logy Bay – Middle Cove – Outer Cove

December 2019
URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT No. 2, 2019

Under the authority of section 16, 17 and 18 of the Urban and Rural Planning Act 2000, the Minister of Municipal Affairs and Environment

a) adopted the St. John's Urban Region Regional Plan Amendment No. 2, 2019 on the __ day of _____________, 20__;

b) gave notice of the adoption of the St. John's Urban Region Regional Plan Amendment No. 2, 2019 by advertisement inserted on the __ and __ day of _____________, 20__ in The Telegram newspaper; and

c) set the __ day of _____________, 20__, at __:__ pm, at the ________________, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000, the Minister of Municipal Affairs and Environment hereby approves the St. John's Urban Region Regional Plan Amendment No. 2, 2019, as adopted on the __ day of _____________, 20__.

__________________________
Minister of Municipal Affairs and Environment

Signed and sealed before me at St. John's, Newfoundland and Labrador
this __ day of _____________, 20__.

__________________________
Witness
URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT 2, 2019

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000, the Minister of Municipal Affairs and Environment hereby adopts St. John’s Urban Region Regional Plan, 1976 Amendment No. 2, 2019.

[Signature]
Minister of Municipal Affairs and Environment

Signed and sealed before me at St. John’s, Newfoundland and Labrador

this 24th day of July, 2020

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached St. John’s Urban Region Regional Plan, 1976 Amendment 2, 2019 was prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.
BACKGROUND

The Town Council of Logy Bay – Middle Cove – Outer Cove ("LBMOC") is proposing an amendment to its Municipal Plan and Development Regulations. The *Urban and Rural Planning Act, 2000* (the “Act”) sets out the process for amending a Plan and Development Regulations.

The St. John’s Urban Region Regional Plan, 1976 ("the Regional Plan") sets out a framework for growth and development within the St. John’s Urban Region. Amendments to Municipal Plans prepared by municipalities in the St. John’s Urban Region must be consistent with the Regional Plan.

The Town’s intention is to amend the coastline for a specific area of the community known as “Stack's Point”, located on the north side of Marine Drive near Outer Cove Beach, to preserve it for the benefit of the public and residents. The property is primarily open meadow with some portions forested, and fronts directly onto Marine Drive. In the Regional Plan, Marine Drive is identified as a “Scenic Route”. For such designated scenic routes, the Regional Plan policies intend that the development or use of the lands located along scenic routes be guided in such a way so as to maintain the scenic beauty of such areas. The Town’s Municipal Plan policies further support the preservation of the scenic vista and view planes in this area of Marine Drive, directing that special attention be given to site preparation, architectural design of buildings and structures, and restrictions on outside storage.

To fulfill its objectives, the Town acquired the subject property of “Stack's Point”, which was previously privately owned land designated and zoned to accommodate urban development of a commercial tourism nature. The Town then requested a mapping amendment to the Regional Plan to change the land use designation of the subject property to enable future coastline conservation, in keeping with the policies of the Regional Plan and the Municipal Plan. Council intends to create a continuous nature reserve along this portion of the Town’s coastline with protected scenic vistas, and wishes to ensure its long-term commitment to preserve this area of coastline by way of land use designations and zones that restrict urban development:

- Regional Plan re-designation from “Urban Development” to “Restricted Development”
- Municipal Plan re-designation from “Commercial Tourism” to “Open Space Conservation”
- Development Regulation re-zoning from “COM-T” to “OC”

The Minister was agreeable to the Town undertaking the amendment process, including public consultations, in consideration of the proposed change to the land use designation in the Regional Plan. The Regional Plan amendment is to be processed simultaneously with the Town’s amendments to the future land use designation map of its Municipal Plan and the land use zoning map of its Development Regulations.
PUBLIC CONSULTATION

The Town of Logy Bay – Middle Cove – Outer Cove arranged publication of notices soliciting comments on the proposed SJURRP Amendment No. 2, 2019 in The Telegram on the 21st day of March, 2020. The Town also uses its website and social media forums to post information about amendments, and invite comments or objections.

The Town also wrote to the other municipalities that are subject to the St. John’s Urban Region Regional Plan regarding its proposed amendment. Written responses were received from two of the municipalities: the City of St. John’s, and the Town of Torbay. A written response was also received from the Logy Bay Development Association. There were no objections to the amendments as proposed.

St. John’s Region Regional Plan, 1976 Amendment No. 2, 2019

The St. John’s Urban Region Regional Plan is amended by re-designating a parcel of land located at Stack’s Point, Marine Drive, in the Town of Logy Bay – Middle Cove – Outer Cove from “Urban Development” to “Restricted Development” as shown on the attached map.
From 'Urban Development' to 'Restricted Development'
Town of Logy Bay-Middle Cove-Outer Cove
Municipal Plan 2005-2015
Amendment No. 19, 2019

Redesignate Property at 680-684 Marine Drive
from
Commercial Tourism to Open Space/Conservation

(Stack’s Point Amendment)

Prepared by the
Town of Logy Bay-Middle Cove-Outer Cove

December 2019
Urban and Rural Planning Act, 2000  
Resolution to Approve  
Town of Logy Bay-Middle Cove-Outer Cove  
Municipal Plan Amendment No. 19, 2019

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 Municipal Plan Amendment No 19, 2019 on the 28th day of June 2020.

b) Gave notice of the adoption of the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No 19, 2019 by advertisement in The Telegram on ____________, 2020.

c) Set the ______ day of __________ 2020 at ___ p.m. at the Justina Centre in the Town of 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 Municipal Plan Amendment No 19, 2019 as adopted.

Signed and sealed this ___________ day of ____________________, 2020.

Mayor: ____________________________ (Council Seal)  
Bert Hickey

Town Clerk/Manager: ________________  
Janine Walsh, P.Tech.

Registration
Urban and Rural Planning Act, 2000  
Resolution to Adopt  
Town of Logy Bay-Middle Cove-Outer Cove  
Municipal Plan Amendment No. 19, 2019

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000 the Town Council of Logy Bay-Middle Cove-Outer Cove hereby adopts the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No 19, 2019.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the 28th day of June, 2020.

Signed and sealed this 15th day of July, 2020.

Mayor:  
Bert Hickey  
(Council Seal)

Town Clerk/Manager:  
Janine Walsh, P. Tech.

Canadian Institute of Planners Certification

I certify that the attached Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No 19, 2019 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Stephen B. Jewczyk, FCIP  
Town Planner

[Signature]
Town of Logy Bay-Middle Cove-Outer Cove
Municipal Plan Amendment No 19, 2019

PURPOSE

The Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan 2005-2015 came into legal effect on September 9, 2005. The Municipal Plan contains policies and land use designations which guide and direct the orderly growth and development of the Town. The Town Council of Logy Bay-Middle Cove-Outer Cove now wishes to amend the land use designation of a property owned by the Town Council and situated at 680-684 Marine Drive from Commercial Tourism to Open Space/Conservation for the purpose of protecting the use of the property as a significant scenic open space vista along the Marine Drive which is a designated scenic route.

STACK’S POINT AMENDMENT

The site is located on the north side of Marine Drive approximately 429 m from Outer Cove Beach and approximately 800 m from Middle Cove beach. The property under consideration has an area of approximately 20,140 m² (216,785 square feet) and 160.82 m (527.5 feet) frontage along Marine Drive. The property is primarily open meadow with small portions forested and is in the ownership of the Town Council. The property fronts directly onto the Marine Drive.

Municipal Plan Policy 4.4.9, Scenic Routes, states: “The lands along Marine Lab Road and Marine Drive are identified as Scenic Route. These lands shall be developed or used in such a manner as to ensure that the scenic beauty of the area is maintained. In particular the visual view plane from Marine Drive looking northwards along the Outer Cove Brook valley and all lands within that view plane are considered by Council to form part of the Scenic Route of Marine Drive. It is intended that special attention will be given to site preparation and architectural design of buildings and structures within the area identified as the Scenic Route. Also, Council will try to have property owners along the scenic route to maintain their properties in a clean and neat fashion. The storage of materials outside shall be limited.”

Council wishes to maintain the scenic beauty of this area and the visual view plane from Marine Drive that currently exists at this property location. Council is aware that there have been development interests which if approved would adversely impact the scenic beauty and vista of this area. As a result, the Council wishes to redesignate the property from Commercial Tourism to Open Space/Conservation for the purpose of protecting the use of the property as a significant scenic open space vista for the benefit of the community.
ST. JOHN’S URBAN REGION REGIONAL PLAN 1976

The St. John’s Urban Region Regional Plan has the area designated as Urban Development which allows a range of urban uses. While there is no direct reference or clear policy statement in the Regional Plan with respect to the Urban Development designation in the Logy Bay-Middle-Cove Outer Cove area, looking at the pattern of the Urban Development designation within the Town, these can be viewed as “fingers” of Urban Development which according to the Regional Plan limits urban development to infilling.

The St. John’s Urban Region Regional Plan has also identified that the property fronts onto Marine Drive which is a designated Scenic Road. The principle behind the Scenic Road designation is to develop “leisurely routes where scenic potential is of greater importance than the speed of traffic and optimum grades. While scenic attention shall be given to the natural landscape, applications for building or development along the scenic roads shall consider the location of buildings and setbacks from the scenic attractiveness of the area, the exterior building design and limitations on outside storage”.

To ensure that the site is kept free from development and its natural environment is preserved and conserved, the site will be required to be redesignated to Restricted Development which is consistent with adjoining coastal properties along Marine Drive.

An Amendment to the St. John’s Urban Region Regional Plan from Urban Development to Restricted Development is required.


The subject property is designated as Commercial Tourism. The purpose of the Commercial Tourism designation is to accommodate a mix of commercial uses that caters to the traveling public/tourists. The subject property also fronts onto a designated Scenic Route. The relevant plan policies states that the lands along Marine Lab Road and Marine Drive are identified as Scenic Routes. These lands shall be developed or used in such a manner as to ensure that the scenic beauty of the area is maintained. In particular the visual view plane from Marine Drive looking northwards along the Outer Cove Brook valley and all lands within that view plane are considered by Council to form part of the Scenic Route of Marine Drive.

In Section 4.3, under General Policies, Policy 20 identifies a Coastal Reservation along the step coastlines or rock cliffs of the Town. The Coastal Reservation affects the perimeter of the subject property. This reservation does not permit building within 30 m from the top edge of the steep coastlines along the Town’s shorelines.

Furthermore, in Section 4.4.9-6 the policy Restriction on Development states: Where lands are identified as having significant scenic value, the Council may restrict or prohibit the use of land that would either detract or limit the scenic view. This policy would affect
the property if it is deemed by Council that the subject property has a significant scenic value.

To support the importance of the site as a significant scenic open space vista along the Marine Drive, the Town wishes to redesignate the property from Commercial Tourism to Open Space/Conservation which is consistent with other coastal properties in this area.

This amendment will require a development regulation amendment to the zoning map to effectively implement the amendment.

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 Municipal Plan Amendment. The Town Council:

1. Published a notice in The Telegram on March 17, 2020 advertising the proposed amendment seeking comments or representations from the public; and,

2. Placed the proposed amendment on its website and on display at the Town Council Office and on its website from March 16, to April 17, 2020, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment.

The Town 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 Town received one response by the deadline date for responses. The response was from the Logy Bay Development Association in support of the amendment.

MUNICIPAL PLAN AMENDMENT No. 19, 2019

The Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan 2005-2015 is amended by:

Changing the land use designation of property at 680-684 Marine Drive an area of land from “Commercial Tourism” to “Open Space/Conservation” as shown on the attached portion of the Town of Logy Bay-Middle Cove-Outer Cove Future Land Use Map.
Town of Logy Bay, Middle Cove, Outer Cove
Land Use Zoning, Subdivision and Advertisement
(Development) Regulations
Amendment No. 32, 2019

Rezone Property at 680-684 Marine Drive from Commercial Tourism (COM-T) to Open Space Conservation (OC)

(Stack’s Point Amendment)

Prepared by the
Town of Logy Bay-Middle Cove-Outer Cove

December 2019
Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Logy Bay-Middle Cove-Outer Cove
Development Regulation Amendment No. 32, 2019

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 Regulation Amendment No. 32, 2019 on the ______ day of __________, 2020.

b) Gave notice of the adoption of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulation Amendment No. 32, 2019 by advertisement in The Telegram on ________________, 2020.

c) Set the ______ day of __________, 2020 at ___ p.m. at the Justina Centre in the Town of 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 Regulation Amendment No. 32, 2019 as adopted.

Signed and sealed this ________________ day of July, 2020.

Mayor: _______________________________ (Council Seal)
Bert Hickey

Town Clerk/Manager: __________________________
Janine Walsh, P. Tech.

Registration
Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Logy Bay, Middle Cove, Outer Cove
Development Regulations
Amendment No. 32, 2019

Under the authority of Section 16 of the Urban and Rural Planning Act, 2000 the Town Council of Logy Bay-Middle Cove-Outer Cove hereby adopts Amendment No. 32, 2019 to the Logy Bay-Middle Cove-Outer Cove Development Regulations.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the 28th day of June, 2020.

Signed and sealed this 15th day of July, 2020.

Mayor:  
Bert Hickey (Council Seal)

Town Manger/Clerk:  
Janine Walsh, P. Tech

Canadian Institute of Planners Certification

I certify that Amendment No. 32, 2019 to the Logy Bay, Middle Cove, Outer Cove Development Regulations has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Stephen B. Jewczyk, FCIP
Town Planner
Purpose

The Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2005-2015 came into legal effect on September 9, 2005. The Development Regulations outlines the use of land in use zones and the Town is divided into use zones which are illustrated on the Land Use Zoning Map.

The Town Council of Logy Bay-Middle Cove-Outer Cove now wishes to amend the land use zone of a property owned by the Town Council and situated at 680-684 Marine Drive from Commercial Tourism (COM-T) to Open Space/Conservation (OC) for the purpose of protecting the use of the property as a significant scenic open space vista along the Marine Drive which is a designated scenic route. This rezoning amendment supports and is concurrent with Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No 19, 2018 to which it relates and is required to fully implement the amendment.

The site of the subject property is located on the north side of Marine Drive approximately 429 m from Outer Cove Beach and approximately 800 m from Middle Cove beach. The property under consideration has an area of approximately 20,140 m² (216,785 square feet) and 160.82 m (527.5 feet) frontage along Marine Drive. The property is primarily open meadow with small portions forested and is in the ownership of the Town Council. The property fronts directly onto the Marine Drive.

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 March 17, 2020 advertising the proposed amendment seeking comments or representations from the public; and,

2. Placed the proposed amendment on its website and on display at the Town Council Office and on its website from March 16, to April 17, 2020, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment.

The Town 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 Town received one response by the deadline date for responses. The response was from the Logy Bay Development Association in support of the amendment.
DEVELOPMENT REGULATIONS AMENDMENT NO. 32, 2019

The Town of Logy Bay, Middle Cove, Outer Cove Land Use Zoning, Subdivision and Advertisement (Development) Regulations shall be amended as follows:

1. Rezone property situated at 680-684 Marine Drive from Commercial Tourism (COM-T) to Open Space/Conservation (OC) as illustrated on the attached portion of the Town of Logy Bay, Middle Cove, Outer Cove Land Use Zoning Map.
From: Commercial Tourism (COM-T)
To: Open Space / Conservation (OC)

Dated: July 8, 2020

Stephen Jewczyk, FCIP

I certify that Development Regulations Amendment No. 32, 2019 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Janine Walsh, Town Clerk/Manager

Bert Hickey, Mayor