Redesignate Property at 2-44 Marine Lab Road from Open Space/Recreation to Residential, Rural and Open Space/Conservation

(Former Logy Bay Ski Hill Amendment)
Urban and Rural Planning Act, 2000  
Resolution to Approve  
Town of Logy Bay-Middle Cove-Outer Cove  
Municipal Plan Amendment No. __, 2020

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 __, 2020 on the ___ th day of _____ 2020.

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

c) Set the ______ day of __________, 2020 at ___ p.m. at the ____________ 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 __, 2020 as adopted.

Signed and sealed this ________________ day of ___________________, 2020.

Mayor:

__________________________  (Council Seal)

Bert Hickey

Town Clerk/Manager:

__________________________

Janine Walsh, P.Tech.

Registration

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Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Logy Bay-Middle Cove-Outer Cove
Municipal Plan Amendment No. __, 2020

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 __, 2020.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the ___th day of ______, 2020.

Signed and sealed this ___day of ______, 2020.

Mayor: ____________________________ (Council Seal)
Bert Hickey

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 __, 2020 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 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 has received an application to rezone land at 2-44 Marine Lab Road to Residential Low Density, Rural and Open Space/Conservation. In order to accommodate the rezoning, a Municipal Plan Amendment is required to the land use designations of the Municipal Plan from Open Space/Recreation to Residential, Rural and Open Space/Conservation.

2-44 MARINE LAB ROAD AMENDMENT

The site of the amendment is located on the south side of Marine Lab Road at its intersection with Marine Drive. The property under consideration has an area of approximately 14.145 hectares (34.953 acres) and 191.98 m (629.85 feet) frontage along Marine Drive and Marine Lab Road. The property is forested along Marine Drive and along most of the frontage of Marine Lab Road. The majority of the backland which rises up steeply towards the south is also forested. On the eastern portion of the property in close proximity to the Marine Lab Road is a pond and associated wetland.

The natural vegetation of the central portion of the property from the road south to the top of the hill has been disturbed with the earlier development of a ski hill operation. The majority of the structures and the clubhouse associated with the ski hill facility had been removed from the property by 2016. An access into the site from Marine Lab Road exists.

The ski hill operation ceased in 2008 and, since that time, the property has remained unused and unoccupied. The current property owner does not wish to use the property for recreational purposes and is in the process of selling the property. The applicant for the rezoning wishes to use the property in a similar fashion to other rural residential property owners along the south side of Marine Drive.

The current municipal plan designation, Open Space/Recreation, restricts the use of the property to a range of recreational uses. Neither the current property owner or the applicant wishes to use the property for recreational purposes. The applicant wishes to use the property for a single dwelling and maintain the remaining majority portion of the property in its natural state consistent with a rural property.

In order to accommodate these future uses, the land use designation of this property requires amending from Open Space/Recreation to Residential, Rural and Open Space/Conservation
ST. JOHN’S URBAN REGION REGIONAL PLAN 1976

The St. John’s Urban Region Regional Plan has the area designated as Public Open Space which identifies land within the Region solely for public use such as provincial or national parks, proposed new ones or extensions to existing parks. The Public Open Space policy states “The only uses permitted in Public Open Space are those directly related to the publicly-oriented function conceived for each park.”

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”.

The applicant wishes to use the property privately for a residential dwelling along Marine Lab Road while maintaining the natural environment in the backland and protecting the pond and wetland on the eastern portion of the property.

In order to accommodate this proposed use of the property, an Amendment to the St. John’s Urban Region Regional Plan from Public Open Space to Urban Development, Rural and Restricted Development is required. No text amendments are required.


The subject property is designated as Open Space/Recreation. The Open Space/Recreation policy states “Land designated as Open Space/Recreation is for active and passive recreation non-building uses such as parks, playgrounds, ski slope area, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space/Recreation uses.”

“Within the built-up area of the Town, recreational facilities are rather limited. Existing recreational uses include the Logy Bay Ski Slope facility located at Marine Lab Road, as being utilized for a passive recreational use.”

“Permitted uses include parks, ski slopes, sports fields, linear trail systems pathways to serve pedestrians, bicyclists and cross-country skiers are permitted. Recreational facilities permitted shall outdoor facilities (e.g., ski slopes, sports fields, open concert/stage areas and picnic parks).”

The Open Space/Recreation designation and policy was brought into effect in 2013 by Municipal Plan Amendment No 14. 2013, which redesignated the property from Rural to Open Space/Recreation and included the Open Space/Recreation policy. The background to Amendment No. 14 states "The Town Logy Bay-Middle Cove-Outer Cove
proposes to amend the Municipal Plan. The Logy Bay Ski Hill has been existence for some time and is actively used by downhill skiers for recreational use. The Town also considers the Logy Bay Ski Hill as a valuable recreational facility. To prevent erosion of this facility or encouragement by other land uses, the Town proposes to introduce a new land use designation Open Space/Recreation to protect this recreational use.”

The subject property also abuts a Scenic Route as designated by the Municipal Plan. Section 4.4.9 Scenic Route of the Municipal Plan identifies both Marine Drive and Marine Lab Road as Scenic Routes. The Municipal Plan states: “These lands shall be developed or used in a manner as to ensure that the scenic beauty of the area is maintained”.

Section 4.4.9-6, Restriction on Development also 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.”

Since 2008, the property owner has dismantled and removed most of the ski hill facility related infrastructure and buildings and has no desire to continue the use of the property as a ski hill. The applicant for the rezoning of the property wishes to use the property as a rural residential use while maintaining its natural environment.

To accommodate the uses proposed by the applicant, (i.e., residential use along Marine Drive and Marine Lab Road, maintaining the natural rural environment in the backlands of the property and protecting and conserving the pond and wetlands on the eastern portion of the property), the property requires to be redesignated from Open Space/Recreation to Residential, Rural and Open Space/Conservation. No text amendments to the Municipal Plan forms part of this amendment.

This amendment will require a Development Regulations amendment to the zoning map to effectively implement the amendment.

PUBLIC CONSULTATION

When initially approached by the applicant regarding a rezoning of the property, the Town Council circulated a public notice requesting public feedback to gauge the public views on rezoning the property in order to assist the Council in determining whether or not to proceed with the public consultation and hearing process under the Urban and Rural Planning Act. The notice was published in The Telegram, was posted on the Town’s website and social media platforms and was emailed or mailed to property owners in the immediate vicinity of the subject property.

The Town received 15 submissions in response to the notice. Fourteen (14) submissions were in support of the rezoning. One (1) submission was not in not in favour of the rezoning.

On the basis of this response and Council’s consideration of the potential future use of the property, the Town Council decided to proceed to public consultation under the Act.
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 Northeast Avalon Times on August 17, 2020 advertising the proposed amendment and seeking comments or representations from the public;

2. Posted the notice on the Town’s social media platforms on August 15, 2020 (Facebook, Twitter and Constant Contact);

3. Placed the notice and the proposed amendment on display at the Town Council Office from August 15 to September 12, 2020, for residents to view and provide feedback;

4. Posted the proposed amendment documents on the Town’s website on August 15, 2020;

5. Emailed and mailed the notice to the property owners in the vicinity of the subject property; and,

6. Held a Zoom meeting on September 2, 2020, for those who wished to register for the public information and feedback meeting.

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 Town received ______ [to be completed after process] response(s) by the deadline date for responses.

**MUNICIPAL PLAN AMENDMENT No. __, 2020**

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

Changing the land use designation of property at 2-44 Marine Lab Road from *Open Space/Recreation* to *Residential, Rural* and *Open Space/Conservation* as shown on the attached portion of the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan 2005-2015 Future Land Use Map, Map 1.
Town of Logy Bay-Middle Cove-Outer Cove

Municipal Plan 2005-2015
Future Land Use - Map 1
Amendment No. x, 2020

This ____________, day of ______________, 2020

Bert Hickey, Mayor

Town Manager/ Clerk

I certify that Municipal Plan Amendment No. x, 2020 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Stephen Jewczyk, FCIP
Town of Logy Bay-Middle Cove-Outer Cove
Development Regulations 2005-2015
Amendment No. ___, 2020

Rezone Property at 2-44 Marine Lab Road
from
Open Space/Recreation to
Residential Low Density, Rural and Open
Space/Conservation

(Former Logy Bay Ski Hill Amendment)

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

August 2020
Urban and Rural Planning Act, 2000
Resolution to Approve
Town of Logy Bay-Middle Cove-Outer Cove
Development Regulation Amendment No. __, 2020

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. __, 2020 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. __, 2020 by advertisement in the ______________ on ______________, 2020.

c) Set the _____ day of __________ 2020 at ___ p.m. at the __________ ____ 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. __, 2020 as adopted.

Signed and sealed this ______________ day of ____, 2020.

Mayor: _______________________________ (Council Seal)

Bert Hickey

Town Clerk/Manager: _______________________________

Janine Walsh, P. Tech.

Registration

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Urban and Rural Planning Act, 2000
Resolution to Adopt
Town of Logy Bay-Middle Cove-Outer Cove Development Regulations
Amendment No. __, 2020

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. __, 2020 to the Logy Bay-Middle Cove-Outer Cove Development Regulations.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the __th day of _____, 2020.

Signed and sealed this ___________ day of _____, 2020.

Mayor: ___________________________ (Council Seal)
Bert Hickey

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

Canadian Institute of Planners Certification

I certify that Amendment No. __, 2020 to the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2005-2015 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

________________________
Stephen B. Jewczyk, FCIP
Town Planner
Town of Logy Bay-Middle Cove-Outer Cove
Development Regulations Amendment No. __, 2020

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 land use zones which are illustrated on the Land Use Zoning Map.

The Town Council of Logy Bay-Middle Cove-Outer Cove has received an application to rezone land at 2-44 Marine Lab Road from Open Space/Recreation (OS/R) to Residential Low Density (RLD), Rural (RUR) and Open Space/Conservation (OS/C).

The site of the amendment (2-44 Marine Lab Road) is located on the south side of Marine Lab Road at its intersection with Marine Drive. The property under consideration has an area of approximately 14.145 hectares (34.953 acres) and 191.98 m (629.85 feet) frontage along Marine Drive and Marine Lab Road.

The property is forested along Marine Drive and along most of the Marine Lab Road frontage. The majority of the backland which rises up steeply towards the south is also forested. On the eastern portion of the property in close proximity to the Marine Lab Road is a pond and associated wetland.

The natural vegetation of the central portion of the property from the road south to the top of the hill has been disturbed with the earlier development of a ski hill operation. The majority of the structures and the clubhouse associated with the ski hill facility had been removed from the property by 2016. An access into the site from Marine Lab Road exists.

This rezoning amendment supports and is concurrent with the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No __, 2020 to which it relates and is required to fully implement the amendment.

THE REZONING

To implement Municipal Plan Amendment No. __, 2020, the rezoning of 2-44 Marine Lab Road will consist of the following:

1. Residential Low Density (RLD)

   The portion of the property which immediately abuts the south side of Marine Drive and Marine Lab Road land for a depth of approximately 80 m is rezoned
from Open Space/Recreation to Residential Low Density. The RLD use zone permits residential development on the basis of a minimum of 45 m frontage and 4050 m² lot area. Associated complimentary uses may be permitted in this zone at the discretion of Council. This rezoning is consistent with the zoning of the rural residential properties along the south side of Marine Drive to the west of the subject property. This rezoning amounts to approximately 8.4% of the subject property.

2. Rural (RUR)

The portion of the property which is immediately south if the RLD use zone is rezoned from Open Space/Recreation to RURAL. The RUR use zone permits rural resource use such as agriculture, forestry and conservation. Associated complimentary uses may be permitted in this zone at the discretion of Council. This rezoning is consistent with the zoning of the backlands of properties that front onto the south side of Marine Drive to the west of the subject property. This rezoning amounts to approximately 82.1% of the subject property.

3. Open Space/Conservation (OS/C)

The eastern portion of the property and east of the RLD zoning on which is situated a pond and associated wetland is rezoned from Open Space/Recreation to Open Space/Conservation. The OS/C use zone permits conservation and open space recreational uses. Associated complimentary uses may be permitted in this zone at the discretion of Council. This rezoning amounts to approximately 9.5% of the subject property.

The rezoning is illustrated on the Land Use Zoning Map which is attached and forms a part of this Development Regulations amendment. No text amendment to the Development Regulations forms part of this 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 Development Regulations Amendment to the Land Use Zoning Map. The Town Council:

1. Published a notice in the Northeast Avalon Times on August 17, 2020 advertising the proposed amendment and seeking comments or representations from the public;

2. Posted the notice on the Town’s social media platforms on August 15, 2020 (Facebook, Twitter and Constant Contact);
3. Placed the notice and the proposed amendment on display at the Town Council Office from August 15 to September 12, 2020, for residents to view and provide feedback;

4. Posted the proposed amendment documents on the Town’s website on August 15, 2020;

5. Emailed and mailed the notice to the property owners in the vicinity of the subject property; and,

6. Held a Zoom meeting on September 2, 2020 for those who wished to register for the public information and feedback meeting.

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 _____ [to be completed after process] response(s) by the deadline date for responses.

DEVELOPMENT REGULATIONS AMENDMENT NO. __, 2020

The Town of Logy Bay, Middle Cove, Outer Cove Land Use Zoning, Subdivision and Advertisement (Development) Regulations 2005-2015 shall be amended as follows:

1. Rezone property situated at 2-44 Marine Lab Road from Open Space/Recreation (OS/R) to Residential Low Density (RLD), Rural (RUR) and Open Space/Conservation (OS/C) as illustrated on the attached portion of the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning Map.
Town of Logy Bay-Middle Cove-Outer Cove
Development Regulations 2005-2015
Land Use Zoning - Map 1
Amendment No. x, 2020

Open Space - Recreation (OS/R)
To: Rural (RUR)

Open Space - Recreation (OS/R)
To: Residential Low Density (RLD)

From: Open Space - Recreation (OS/R)
To: Open Space - Conservation (OSC)

This ____________, day of ____________, 2020

Bert Hickey, Mayor

Town Manager/ Clerk

I certify that Development Regulations Amendment No. x, 2020 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

Stephen Jewczyk, FCIP