TOWN OF PETTY HARBOUR - MADDOX COVE
MUNICIPAL PLAN AMENDMENT
NO. 1, 2018

Text Amendment
Motion Bay Road Extension

Prepared by:
Mary Bishop, FCIP
May, 2018

RESOLUTION TO ADOPT
TOWN OF PETTY HARBOUR - MADDOX COVE
MUNICIPAL PLAN AMENDMENT No. 1, 2018

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove adopts Municipal Plan Amendment No.1, 2018.

Adopted by the Town Council of Petty Harbour - Maddox Cove on the ___ day of _____, 2018.

Signed and sealed this _____ day of _____, 2018.

Mayor: _____
Sam Lee

Clerk: _____
Stephanie Stack

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan Amendment No. 1, 2018 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act,2000.*

_____
Mary Bishop, FCIP

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PETTY HARBOUR - MADDOX COVE
MUNICIPAL PLAN AMENDMENT NO. 1, 2018

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove

1. Adopted Municipal Plan Amendment No. 1, 2018 on the __ day of _____, 2018.

2. Gave notice of the adoption of Municipal Plan Amendment No. 1, 2018 by advertisement inserted on the ___ day of _____, 2018 and the ___ day of _____, 2018 in the Telegram.

3. Set the ___ day of _____, 2018 at 7:00 p.m. at the Petty Harbour - Maddox Cove Town Hall 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 Petty Harbour - Maddox Cove approves Municipal Plan Amendment No.1, 2018 on the ____ day of _____, 2018 (as adopted or with changes)

SIGNED AND SEALED this _____ day of _____ , 2018.

Mayor: _____
Sam Lee

Clerk: _____
Stephanie Stack

MUNICIPAL PLAN AMENDMENT NO. 1, 2018

INTRODUCTION

The Town of Petty Harbour - Maddox Cove last reviewed and revised its Municipal Plan in 2015. The Town now wishes to amend the current Plan and Development Regulations and this report has been prepared to explain the proposed change, and to serve as a basis for consideration by the general public before it is approved by Council and submitted to the Minister of Municipal Affairs and Environment for registration.

BACKGROUND

The Town of Petty Harbour - Maddox Cove Municipal Plan contains policies concerning where new development can take place relative to public roads, municipal services and land use zones. Policy G-20 of the Plan requires that all development “have direct frontage and access onto a publicly maintained road, or frontage on a new road that is constructed to Town standards under the terms of a development agreement.”

Policy G-12, subsection 1-3 of the Plan deals with servicing requirements as follows:

1. Council will ensure that new development will not create unreasonable servicing demands or costs for roads, water and/or sewer services.
2. Subdivision style development and development on public right of ways that are not Town roads will be provided at the outset with streets and other services constructed to Council’s standards at the cost of the developer.
3. Development which is close enough to Town water and sewer lines for economical extension and connection will be required to extend the lines and connect to them. The Town shall not incur any net costs, either initially or in the foreseeable future, for private development.

Policy R-4 of the Plan deals specifically with how Council will manage development along Motion Bay Road Extension. Beyond the last existing home, Motion Bay Road Extension is currently a public right-of-way, but is not maintained or serviced as part of the local street network. As such, it is not considered a public street off which development could occur without the right of way being upgraded to Town standards. The policy was included in the Plan to address an application for development of property at Civic No. 51-59, as well as other properties between this property and the last home on the street. The policy sets out the conditions that would apply to development with respect to the upgrading of the right-of-way to access the property, servicing and site grading.

The policy also indicates Council's intention to upgrade the portion of the Motion Bay Road Extension right-of-way that is not part of the publicly maintained road network for pedestrian use only.

The owner of property at Civic No. 51-59 has made representation to the Town to remove policy R-4 from the Municipal Plan and allow development of a residential dwelling on the property without requiring upgrading of the existing right-of-way to Town standards to access the property.

Council has considered this request and have determined that they now wish to declare Motion Bay Road Extension a publicly maintained street off which development can occur. In doing so, they intend to maintain Motion Bay Road Extension to a standard that protects the water main that is within the right-of-way.

By declaring Motion Bay Road Extension part of the network of publicly maintained streets in the town, the development proposed for Civic No. 51-59 can be permitted as the proposed lot meets the requirements for lot area and frontage on a publicly maintained street in the Residential Land Use Zone.

A corresponding amendment to the Development Regulations is also required to remove similar conditions for development along Motion Bay Road Extension.

CONSULTATION

Council provided an opportunity for public comment on the proposed amendment by placing a notice in the Telegram May 5th, with a deadline for comments by the end of the day, May 11. Notice of the proposed amendment was also circulated to all households and made available through the Town's social media. The Town received thirty-one (31) written representations were received by the stated deadline. Of the representations received, 17 indicated support for the proposed amendment with 14 indicating concerns related to such things as the long term costs to taxpayers, safety, and potential precedents for future land use decisions.

The St. John's Regional Fire Department was also consulted on the proposed amendment and have indicated that they have no concerns.

AMENDMENT No. 1, 2018

The Petty Harbour - Maddox Cove Municipal Plan shall be amended as follows:

1. By deleting Policy R-4 that reads as follows from the Petty Harbour – Maddox Cove Municipal Plan:

Policy R-4 Development on Motion Bay Road Extension

The publicly maintained portion of Motion Bay Road Extension currently ends at the last dwelling. Several development proposals for residential development have been submitted that would require street widening, servicing and upgrading of the street to ensure that development has sufficient frontage consistent with Policy G-20. Steep grades will restrict future individual building lots from having direct access to the west (the upper side) and east (lower side) of the right of way. Having reviewed the potential for development in the area along the right of way between the end of Motion Bay Road Extension to Cribbies Road (commonly referred to as Pancake Road) the following policies will apply:

1. *Motion Bay Road may be upgraded and extended to permit one additional building lot to be developed, on the west and east side, immediately beyond the last existing dwellings on the street. Each lot shall have direct access to the street. The street shall be upgraded to standards established by Council and development shall be in accordance with a grading plan approved by Council.*
2. *Further development on the east side of the right of way may be considered, where the development, whether for one or multiple dwellings, has only one access which shall connect to Motion Bay Road Extension. Motion Bay Road Extension will be required to be upgraded to standards set by Council to the proposed access. Where more than one dwelling is proposed, the development will be required to include a street, constructed to standards specified by the Town, piped water, and piped sewer if connection to the Town's piped sewage system is determined to be possible. Development must also be carried out in accordance with a subdivision plan, including a grading plan prepared by a professional engineer.*
3. *Development of land to the east of Pancake Road shall not result in any erosion or potential for erosion of the right of way as a result of cut and fill or regrading of the site. 4. It shall be a policy of Council to upgrade the right of way between the publicly maintained portions of Motion Bay Road Extension and Cribbies Road for pedestrian use only.*

And

2. Renumbering Policy R-5 accordingly.

TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS
AMENDMENT NO. 1, 2018

Text Amendment
Motion Bay Road Extension

Prepared by:
Mary Bishop, FCIP
May, 2018

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2018

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove adopts Development Regulations Amendment No. 1, 2018.

Adopted by the Town Council of Petty Harbour - Maddox Cove on the ___ day of _____, 2018.

Signed and sealed this _____ day of _____, 2018.

Mayor: _____
Sam Lee

Clerk: _____
Stephanie Stack

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations Amendment No. 1, 2018 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000.*

_____
Mary Bishop, FCIP

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2018

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove

1. Adopted Development Regulations Amendment No. 1, 2018 on the ___ day of _____, 2018.

2. Gave notice of the adoption of Development Regulations Amendment No. 1, 2018 by advertisement inserted on the ____ day of _____, 2018 and the ___ day of _____, 2018 in the Telegram.

3. Set the ___ day of _____, 2018 at 7:00 p.m. at the Petty Harbour - Maddox Cove Town Hall 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 Town Council of Petty Harbour - Maddox Cove approves Development Regulations Amendment No. 1, 2018 on the ____ day of _____, 2018 (as adopted or with changes).

SIGNED AND SEALED this _____ day of _____ , 2018

Mayor: _____
Sam Lee

Clerk: _____
Stephanie Stack

TOWN OF PETTY HARBOUR - MADDOX COVE DEVELOPMENT REGULATIONS AMENDMENT NO. 1, 2018

BACKGROUND

This amendment to the Development Regulations is intended to comply with Municipal Plan Amendment No. 1, 2018.

The Town proposes to remove regulation 8.7.6 pertaining to new development along Motion Bay Road Extension from page 36 of the Development Regulations to enable development along Motion Bay Road Extension.

PUBLIC CONSULTATION

The public consultation process for this amendment was the same as that for the Municipal Plan Amendment No. 1, 2018.

AMENDMENT

The Petty Harbour - Maddox Cove Development Regulations shall be amended as follows:

1. Deleting Regulation 8.7.6 which reads as follows, from the Petty Harbour-Maddox Cove Development Regulations:

   8.7.6 New Development along Motion Bay Road Extension

   The following conditions shall apply to development proposed beyond the 2012 limits of the publicly maintained portion of Motion Bay Road Extension:

   1. *Only one additional dwelling may be permitted to be constructed on the west side of the existing public right-of-way immediately beyond the last existing dwelling on the street.;*
   2. *Additional development on the east side of the public right-of-way shall be limited to two additional accesses immediately beyond the last existing dwelling on the street;*
   3. *Motion Bay Road Extension shall be upgraded across the full frontage of the proposed lot to Town standards and services with Town water, and where possible, connection to Town sewer;*
   4. *A grading plan for the development is submitted for approval showing the extent of cut and fill, the current and finished grade in relation to the proposed dwelling, abutting properties and the street;*

5. *Subdivision development to the east of Motion Bay Road may be considered where the development proposes a new street with access to Motion Bay Road Extension, serviced with piped water and piped sewer service (where possible). Such development will be subject to the requirements of these Regulations for subdivision development and must include a grading plan prepared by a professional engineer.*

And

2. Renumbering the following sections accordingly.