



Government of Newfoundland and Labrador
Department of Municipal and Provincial Affairs
Local Governance and Land Use Planning Division

JUN 11 2024

Ms. Ann Picco
Town Clerk
Town of Torbay
1288 Torbay Road
PO Box 1160
Torbay, NL A1K 1K4

Dear Ms. Picco,

**TORBAY
DEVELOPMENT REGULATIONS AMENDMENT NO. 14, 2024**

I am pleased to inform you that the Town of Torbay Development Regulations Amendment No. 14, 2024, as adopted by Council on April 15, 2024, has been registered.

Council must publish a notice in the ***Newfoundland and Labrador Gazette*** within 10 days of receiving this letter. The above amendment will come into effect on the date that the notice is published in the *Gazette*. Council must also publish a notice of registration in a local newspaper and on the Town of Torbay website and/or social media.

The *Newfoundland and Labrador Gazette* is published every Friday. **Notices must be submitted a week in advance.** Council may submit the notice by email to kingsprinter@gov.nl.ca, by fax to (709) 729-1900, or by mail to King's Printer, PO Box 8700, St. John's, NL A1B 4J6.

Attached is a registered copy of the Town of Torbay Development Regulations Amendment No. 14, 2024. As this is a legal document, it should be kept in a safe place.

Sincerely,

Kim Blanchard, MCIP
Manager of Land Use Planning

cc: Reginald Garland, MCIP - Plan-Tech Environment
Julia Schwarz, MCIP, CSLA - Director of Planning and Development, Town of Torbay

TOWN OF TORBAY
DEVELOPMENT REGULATIONS 2015 - 2025



DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2024
(1669 Torbay Road Amendment)


“Residential Subdivision Area” to “Residential Infill”

March 2024

PLAN-TECH



ENVIRONMENT

CS 

URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF TORBAY
DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2024

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay adopts the Town of Torbay Development Regulations Amendment No. 14, 2024.

Adopted by the Town Council of Torbay on the 15th day of April, 2024.

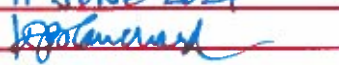
Signed and sealed this 16th day of April, 2024.

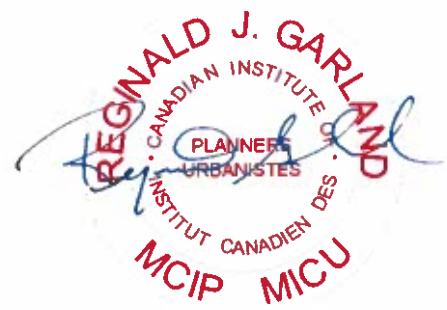
Mayor:  (Council Seal)

Clerk: 

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Torbay Development Regulations Amendment No. 14, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
REGISTERED	
Number	<u>5125-2024-051</u>
Date	<u>11 JUNE 2024</u>
Signature	<u></u>



TOWN OF TORBAY

DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2024

BACKGROUND

The Town of Torbay proposes to amend its Development Regulations. The Town has received an application for a multi-unit residential development at 1669 Torbay Road and 15B Tantom View Lane. The proposal is generally located west of Torbay Road, south from Tantom View Lane, north of the Gallow's Cove Road intersection. The development will likely occur under one property ownership (condominium or similar), and will not be undertaken by the proponent, but a future developer once the amendment has been completed.

At this point, the proposal is for 6 separate row buildings (containing 4 or 6 apartment/condo units each) resulting in approximately 30 dwelling units in total (apartment/condominium use). This concept may change and is dependent on the receipt of a more detailed application and development plan in the future. The proposal would be for the development to front onto Torbay Road.

The area is currently zoned Residential Subdivision Area (RSA), as per the Torbay Development Regulations 2015-2025's Land Use Zoning Map. A mapping amendment (rezoning) to the Land Use Zoning Map is required for Council to be able to consider a development application. Council, at its regularly scheduled public meeting of March 4, 2024 resolved to proceed with the drafting of the amendment documents and the public consultation process.

ST. JOHN'S URBAN REGION REGIONAL PLAN

This Amendment consists of a map change to the Torbay Development Regulations. The St. John's Urban Region Regional Plan has the same area designated as Urban Development. Residential Development is a permitted use under this designation. It is determined that an Amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Torbay Development Regulations Amendment No. 14, 2024.

TORBAY MUNICIPAL PLAN 2015-2025

The Municipal Plan has the area for the development proposal designated as Residential. Residential development is permitted under this designation.

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ANALYSIS

A Residential Subdivision Area (RSA) is not a Development Scheme as outlined under s.29 of the Urban and Rural Planning Act, 2000. Residential Subdivision Areas are tracts of undeveloped land which border developed residential areas. They may be suitable for large-scale residential development in the future. RSA's do not require an amendment to the Municipal Plan.

In areas which require full municipal services, the developer must submit a subdivision design for the proposed area, showing road layout, proposed lots, open space, and servicing plan. This is required to identify how the proposed development will connect to adjacent development. As this proposal is for an unserviced Residential Subdivision, there is no requirement for an assessment of the area as described above.

SERVICING

The proposed development will be developed with on-site well and septic. As per Municipal Plan Policy 3.1.2.2(A), new subdivisions shall require a groundwater assessment be undertaken to determine the acceptable quality and quantity of drinking water. The *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served, by Individual Private Wells*, provide administrative and technical guidance to developers. On-site sewerage disposal system shall be in compliance with the requirements of the Service NL.

The proposed development shall be designed to conform to storm and construction water management so as not to alter the natural flow of water or result in run-off from land or a development causing damage to other properties as outlined in the Town's Development Regulations.

TORBAY DEVELOPMENT REGULATIONS 2015-2025

The subject properties at 1669 Torbay Road and 15B Tantom View Lane are currently zoned RSA. The purpose of this Amendment is to rezone land required for the development proposal from **Residential Subdivision Area (RSA)** to **Residential Infill (RI)** on the Land Use Zoning Map of the Torbay Development Regulations 2015-2025 for Council to be able to consider a development application and is specific to the properties at 1669 Torbay Road and 15B Tantom View Lane. The preparation of a development scheme is required in accordance with the RSA Land Use Zone for an amendment to be considered. The proponent provided a draft concept for the proposal lands for consideration.

It is noted that the land area surrounding the subject properties is being considered for amendment as part of the currently ongoing Municipal Plan Review Process (Whitty's Ridge / Camp Carey Road Development Scheme). Due to time considerations for the applicant, Council is prepared to proceed with this 1669 Torbay Road Amendment separately from the preparation of the larger development scheme.

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PUBLIC CONSULTATION

During the preparation of this amendment and in keeping with the requirements of the *Urban and Rural Planning Act, 2000*, Council undertook the following initiatives so that individuals and groups could provide input to the proposed Development Regulations Amendment. These initiatives included having the draft amendment documents available for viewing at Town Hall, notified 27 property owners within 150 metres of the proposed development, posted the draft amendment on the Town's website as well as social media channels and publishing an ad in the March 2024 edition of the Northeast Avalon Times.

The submission deadline for written comments was March 29, 2024. The Town received one phone inquiry and one written representation in response to its public notification postings (copies of which are attached).

The main points referenced by respondents were:

- Consideration for green space
- Walkability / sidewalks
- Speeding on Torbay Road
- Servicing plans and effect on water table
- Possible access linkages with surrounding properties

REFERRALS

The Town of Torbay has already undertaken a preliminary review and referrals relating to the 1669 Torbay Road Amendment and the following is provided. The majority of the commentary relate to development specific considerations and not the proposed amendment, however, are included for transparency purposes.

Torbay Infrastructure & Public Works Department

- Requires review of responsibilities (private or municipal) and how that will affect waste collection, maintenance, snow clearing, lighting, curbs/sidewalks, servicing, stormwater management.
- Development would need to meet min. and max. requirements as outlined in Development Regulations and Subdivision Engineering Guidelines.

Torbay Volunteer Fire Department

- No objection
- Recommending provision of second egress onto Byrnes Lane or elsewhere, if possible

Provincial Water Resources Division

- Ground Water Assessment will be required prior to development proceeding.

Provincial Department of Infrastructure & Public Works

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- Access would have to be submitted for formal review and will likely require a traffic study before a final recommendation on the development can be made.

PLANNING DEPARTMENT COMMENTARY

- The property will be challenging to develop from a grading, site access and storm water management perspective. It will likely require the preparation of a traffic study as well as a site grading assessment to determine best access approach.
- In addition, if an amendment from the holding zone Residential Subdivision Area (RSA) to Residential Infill (RI) was supported by Council, more detailed study from a ground water and storm water management perspective would be required by any future developer.
- As the Town is currently preparing a Development Scheme for the Whitty's Ridge / Camp Carey Road area, the Department recommends that the developer will be required to provide at least one access or connection from this property into the Whitty's Ridge / Camp Carey Road Development Scheme area.

RECOMMENDATION

The Department is forwarding the proposed amendment/rezoning request to Committee with recommendation to proceed with a rezoning amendment to the Land Use Zoning Map from Residential **Subdivision Area (RSA)** to **Residential Infill (RI)**, based on the concept submitted, and to proceed with the public consultation process for the properties at 1669 Torbay Road and 15B Tantom View Lane.

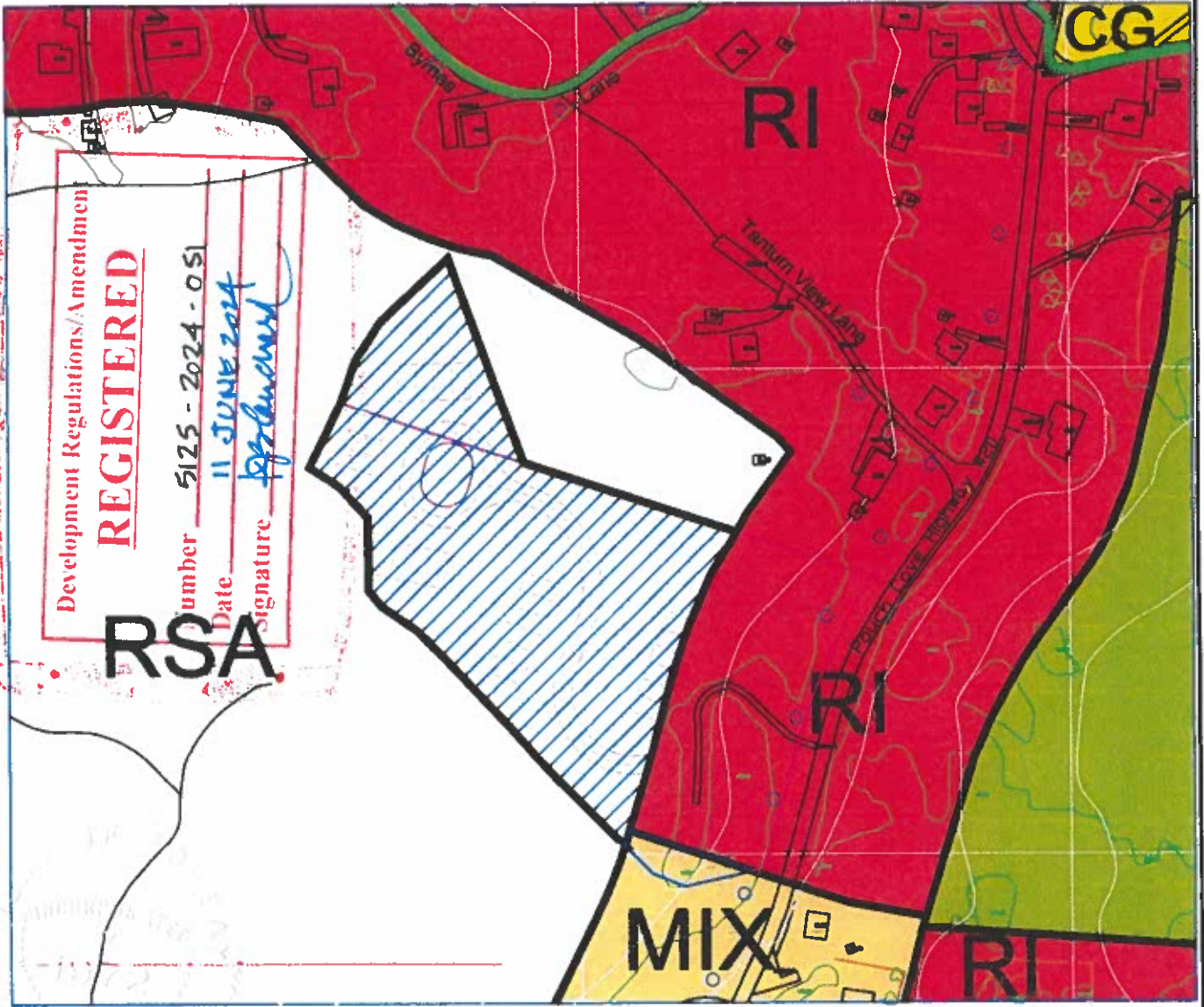
DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2024

The Town of Torbay Development Regulations Amendment No. 14, 2024 is amended by:

- A) *Changing*** the Land Use Zoning map for the properties at 1669 Torbay Road and 15B Tantom View Lane from **Residential Subdivision Area (RSA)** to **Residential Infill (RI)** Land Use Zone as shown on the attached copy of the Torbay Land Use Zone Map.

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**TOWN OF TORBAY
MUNICIPAL PLAN 2015-2025**

LAND USE ZONE MAP

**DEVELOPMENT REGULATIONS
AMENDMENT No. 14, 2024**



Area to be changed from: "Residential Subdivision Area" to "Residential Infill"

PLAN-TECH



ENVIRONMENT

Scale: 1:2500



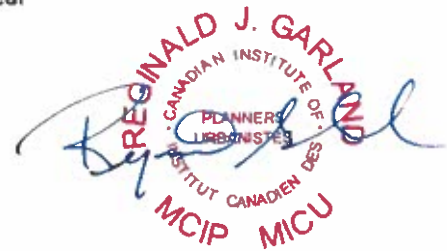
Dated at Torbay

This 16th Day of April 2024

[Signature] Mayor

[Signature] Clerk

Seal



I certify that the attached Town of Torbay Development Regulations Amendment No. 14, 2024 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.