

MEMORANDUM

Date: February 6, 2014

To: His Worship the Mayor and Members of Council

**Re: Department of Planning File Number B-17-B.49
St. John's Municipal Plan Amendment Number 120, 2013 and Development
Regulations Amendment Number 590, 2013
288 Back Line (Ward 5)**

At the Regular Meeting of Council held on October 28, 2013, Council agreed to proceed with the proposed amendments and asked the Department of Municipal Affairs to issue a Provincial release for St. John's Municipal Plan Amendment Number 120, 2013 and St. John's Development Regulations Amendment Number 590, 2013. These amendments would re-designate the property at 288 Back Line from the Open Space (O) Land Use District to the Rural (R) Land Use District and rezone the property from the Open Space (O) Zone to the Rural Residential Infill (RRI) Zone.

The purpose of these amendments is to allow the construction of one (1) single detached dwelling on the subject property.

In accordance with the Council Directive of October 28, 2013, the applicable amendments to the St. John's Municipal Plan and the St. John's Development Regulations were prepared by City staff and then referred to the Department of Municipal Affairs with a request for the issuance of a Provincial release for the amendments. The Provincial release has been issued and it is now in order for Council to determine if it wishes to move ahead with the amendment process. The Department of Planning recommends that Council proceed to adopt the amendments.

Recommendation

It is recommended that Council now adopt the attached resolutions for the St. John's Municipal Plan Amendment Number 120, 2013 and the St. John's Development Regulations Amendment Number 590, 2013.

It is further recommended that Council appoint Dr. Christopher Sharpe, MCIP, a member of the City's commissioner list, as the commissioner to conduct a public hearing on the Municipal Plan and Development Regulations amendments. Dr. Sharpe would also consider the proposed amendment to the Regional Plan at this same public hearing and would subsequently prepare a single report with recommendations for the consideration of both the Minister of Municipal Affairs and Council.

The proposed date for the public hearing is Thursday, March 6, 2014 at 7pm at St. John's City Hall.

Ken O'Brien, MCIP
Chief Municipal Planner

MH/dlm
Attachment

ST. JOHN'S

MEMORANDUM

Date: September 26, 2013

To: Chair and Members
Planning and Housing Committee

Re: **Department of Planning File Number: B-17-B.49 / 13-00349**
Proposed Rezoning from RI and OR to R2 (Ward 5)
288 Back Line

The property owner has submitted an application to rezone the property situated on 288 Back Line in the Goulds with the intention of developing a single-family dwelling. The proposed rezoning is from the Open Space (O) Zone and Agricultural (AG) Zone to the Rural Residential Infill (RRI) Zone and Agricultural (AG) Zone. A Municipal Plan amendment will be required for this application.

BACKGROUND

The subject property has an approximate total site area of 0.20 hectares (2,000 square metres). The site is located on the west side of Back Line. There were two main issues surrounding the development of this site. The first issue was the status of a watercourse that runs through the property. Given the shifting grades and the changing nature of watercourses in this section of the Goulds, a letter from the Newfoundland Department of Environment and Conservation dated May 24, 2013, states that the watercourse is “not a river”. Thus, only a 5-metre development buffer is required.

The second issue was the illegal dumping of fill on the property. In a November 15, 2012 email from the City’s Development Engineer, it was noted that a rezoning should not be considered until the unapproved fill on the lot was removed and the flood plain and buffer are reinstated to original condition. In August 2013, the City’s Hydrological Engineer noted that the applicant satisfactorily complied with the request to remove fill from the bank along the floodplain. Once the site is graded, the bank along the floodplain must be sloped at an angle of 2:1.

PLANNING CONSIDERATIONS

	St. John’s Municipal Plan	St. John’s Development Regulations
Existing	Open Space (O) District and Agricultural (AG) District	Open Space (O) Zone and Agricultural (AG)
Proposed	Rural (R) District and Agricultural (AG) District	Rural Residential Infill (RRI) Zone and Agricultural (AG) Zone

ST. JOHN’S

St. John's Municipal Plan

The subject property is located within the Open Space (O) District and Agricultural (AG) District under the St. John's Municipal Plan.

Under the Open Space (O) District, Section 6.3 of the Municipal Plan, this District shall permit uses such as parks and recreation and may permit zones to allow such uses as place of assembly and uses accessory to agriculture, forestry and farming.

If it is the preference of the Committee to allow this development to proceed, this application will require a Municipal Plan amendment (re-designation) from the Open Space District to the Rural District. The AG District that the City uses is the same as the Agricultural Development Area (ADA) of the Province, and thus could not be amended without the agreement of the Province.

Under the Rural (R) District, Section 1.3.2 of the Municipal Plan allows for:

“Rural residential infill development along existing roads, provided the quality of the rural environs is protected and the municipal services required are acceptable to the City”.

Under Section IV of the Municipal Plan, the subject property falls under Planning Area 16 (Goulds). Under this secondary plan, one of the objectives is:

“a residential rural area where people can enjoy a rural lifestyle based on large rural lot development with private services”.

St. John's Development Regulations

The subject property is zoned Open Space (O) Zone and Agricultural (AG) Zone under the St. John's Development Regulations. It is the intention of the applicant to develop the front (eastern) portion of the property, so it is possible for the rear (western) portion of the parcel to remain in the Agricultural (AG) Zone. Therefore the purpose of this rezoning application would be to amend the Open Space (O) Zone portion of the property to the Rural Residential Infill (RRI) Zone. A 5-metre development buffer from the watercourse would be required, and no development could be allowed on the AG Zone portion of the property except what is permitted in the AG Zone and acceptable to the Province under its ADA regulations.

PLANNING APPROACH

When the Department of Environment and Conservation determined that the watercourse running through the subject property was “not a river”, the Open Space (O) zoning no longer was an applicable regulatory device to guide the future development of the subject property. Similarly, the applicant reinstated the flood plain and buffer area to its original condition to the satisfaction of City staff.

If it is the desire of the Committee, it is reasonable to consider amending the relevant sections of the Municipal Plan and the Development Regulations to provide an appropriate Residential Land-Use District and Land Use Zone.

TECHNICAL CONSIDERATIONS

- Technically, the applicant can build to the 5m buffer line. However, the required sideyard distance is 6 metres in the RRI Zone;
- The City will be resurveying the drainage ditch floodplain at a later date to ensure that the required fill has been removed.



The view of the subject property, looking west from Back Line.

CONCLUSION AND RECOMMENDATION

This rezoning application warrants further review. The rezoning will require an amendment to the Municipal Plan. This rezoning will not require a land-use assessment report (LUAR).

Because there are several single detached dwellings neighbouring the subject property, staff recommend that the application be referred to a public meeting chaired by a member of Council. At a later date, a public hearing by an independent commissioner will be required.

This is provided for the consideration of the Planning and Housing Committee.

Ken O'Brien, MCIP
Chief Municipal Planner

Mark Hefferton
Planner

MH/dlm



SUBJECT PROPERTY

286

RRI

RRI

AG

288

BACK LINE

RRI

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 120, 2013**

WHEREAS the City of St. John's wishes to allow a residential development at Civic Number 288 Back Line [**Parcel ID #21041**].

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

**Redesignate the land at 288 Back Line from the Open
Space (O) Land Use District to the Rural (R) Land Use
District as shown on Map III-1A attached.**

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this _____ day of **NOVEMBER, 2013**.

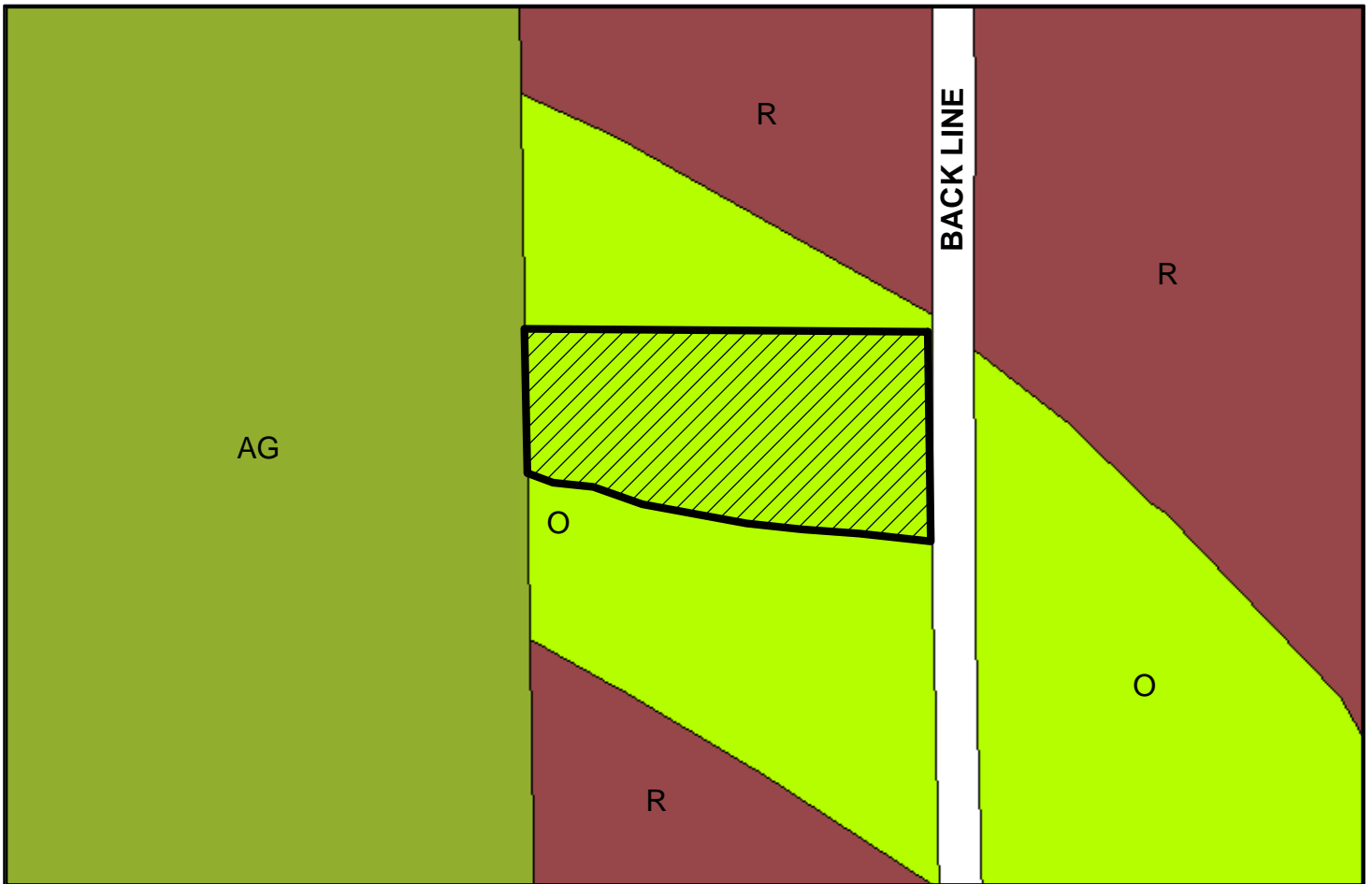
Mayor

MCIP
I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption

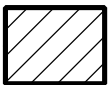
Provincial Registration



**CITY OF ST. JOHN'S
MUNICIPAL PLAN
Amendment No. 120, 2013
[Map III-1A]**

2013 11 04 SCALE: 1:1000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.



AREA PROPOSED TO BE REDESIGNATED FROM
OPEN SPACE (O) LAND USE DISTRICT TO
RURAL (R) LAND USE DISTRICT

288 BACK LINE

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 590, 2013**

WHEREAS the City of St. John's wishes to allow a residential development at Civic Number 288 Back Line[Parcel ID #21041]. .

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act.

**Rezone land at Civic Number 288 Back Line from the
Open Space (O) Zone to the Rural Residential Infill
(RRI) Zone as shown on Map Z-1A attached.**

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this _____ day of **NOVEMBER, 2013**.

Mayor

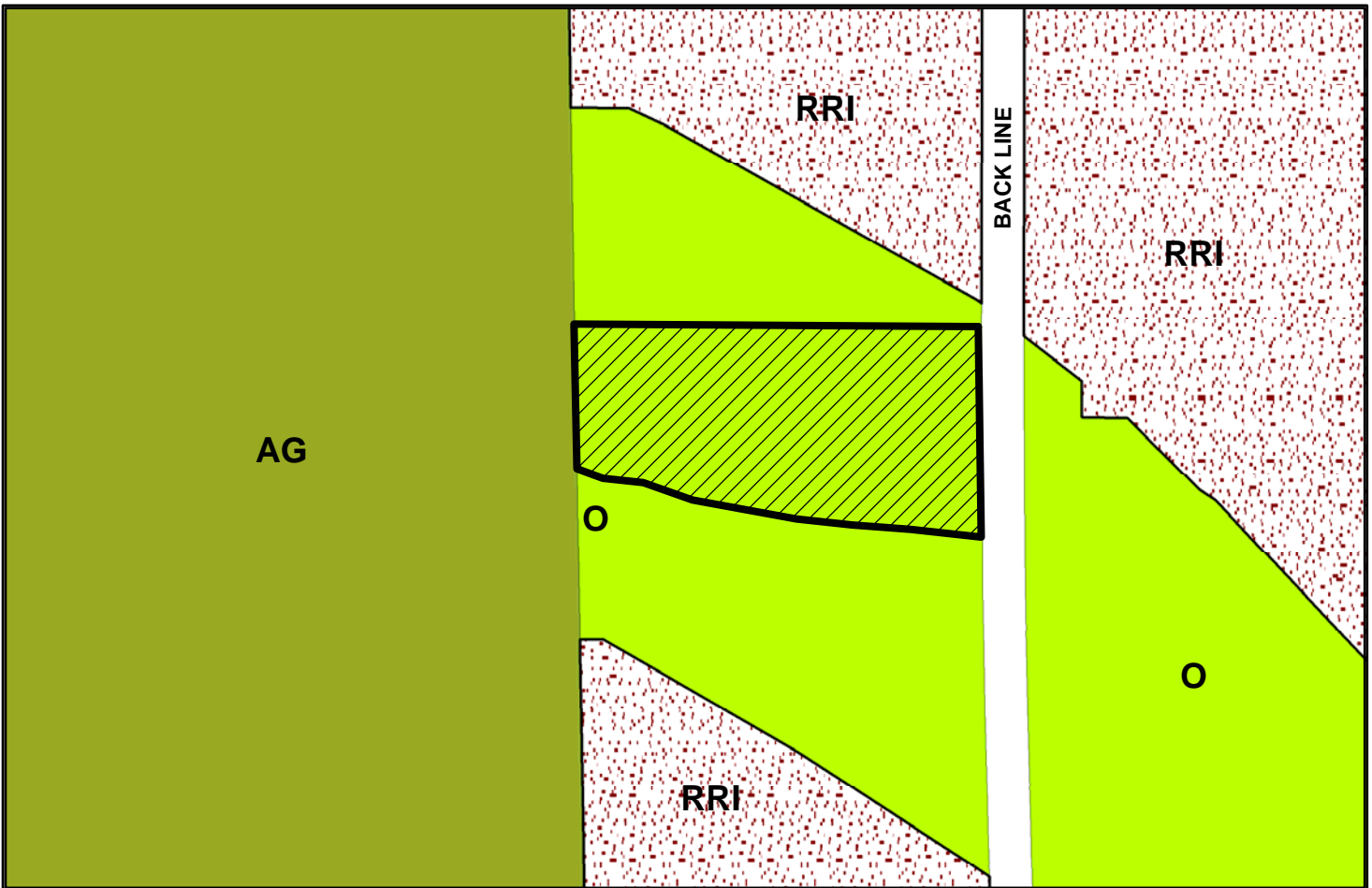
MCIP

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

City Clerk

Council Adoption

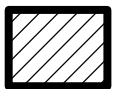
Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 590, 2013
[Map Z-1A]**

2013 11 04 SCALE: 1:1000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING,
DEVELOPMENT & ENGINEERING

**I hereby certify that this amendment
has been prepared in accordance with the
Urban and Rural Planning Act.**



AREA PROPOSED TO BE REZONED FROM
OPEN SPACE (O) LAND USE ZONE TO
RURAL RESIDENTIAL INFILL (RRI) LAND USE ZONE

288 BACK LINE

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration