

ST. JOHN'S

Committee of the Whole Agenda

July 26, 2023

9:30 a.m.

4th Floor City Hall

Pages

1. Call to Order
2. Approval of the Agenda
3. Adoption of the Minutes
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4. Presentations/Delegations
5. Finance & Administration - Councillor Ron Ellsworth
6. Public Works - Councillor Sandy Hickman
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7. Community Services - Deputy Mayor Sheilagh O'Leary
8. Special Events - Councillor Debbie Hanlon
9. Housing - Councillor Ophelia Ravencroft
10. Economic Development, Tourism & Immigration - Mayor Danny Breen
11. Arts & Culture - Deputy Mayor Sheilagh O'Leary
12. Governance & Strategic Priorities - Mayor Danny Breen
13. Planning - Councillor Ian Froude
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 - 13.2 Text Amendment – Daycare Centre 26

14. **Development - Councillor Jamie Korab**
15. **Transportation and Regulatory Services - Councillor Maggie Burton**
16. **Sustainability - Councillor Maggie Burton & Councillor Ian Froude**
17. **Other Business**
18. **Adjournment**

ST. JOHN'S

Minutes of Committee of the Whole - City Council Council Chambers, 4th Floor, City Hall

June 28, 2023, 9:30 a.m.

Present: Mayor Danny Breen
Deputy Mayor Sheilagh O'Leary
Councillor Ron Ellsworth
Councillor Sandy Hickman
Councillor Jill Bruce
Councillor Jamie Korab

Regrets: Councillor Maggie Burton
Councillor Debbie Hanlon
Councillor Ophelia Ravencroft
Councillor Ian Froude
Councillor Carl Ridgeley

Staff: Kevin Breen, City Manager
Derek Coffey, Deputy City Manager of Finance & Administration
Tanya Haywood, Deputy City Manager of Community Services
Jason Sinyard, Deputy City Manager of Planning, Engineering & Regulatory Services
Lynnann Winsor, Deputy City Manager of Public Works
Linda Bishop, Acting City Solicitor
Karen Chafe, City Clerk
Ken O'Brien, Chief Municipal Planner
Susan Bonnell, Manager - Communications & Office Services
Christine Carter, Legislative Assistant

1. **Call to Order**

Mayor Danny Breen called the meeting to order at 9:30 am.

2. **Approval of the Agenda**

Recommendation

Moved By Deputy Mayor O'Leary

Seconded By Councillor Bruce

That the agenda be adopted as presented.

For (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, and Councillor Korab

MOTION CARRIED (6 to 0)

3. Adoption of the Minutes

3.1 Adoption of Minutes - May 31, 2023

Recommendation

Moved By Councillor Ellsworth

Seconded By Councillor Hickman

That the minutes of May 31, 2023, be accepted as presented.

For (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, and Councillor Korab

MOTION CARRIED (6 to 0)

4. Presentations/Delegations

5. Finance & Administration - Councillor Ron Ellsworth

5.1 Travel Report for the Quarter Ended March 31, 2023

Councillor Ellsworth presented the travel report for the quarter ended March 31, 2023, noting that it is provided for information purposes only.

Further details on the report are available on the City's website.

6. Public Works - Councillor Sandy Hickman

7. Community Services - Deputy Mayor Sheilagh O'Leary

7.1 Holiday Lights at Bowring Park

Deputy Mayor O'Leary advised of the name change from Festival of Music & Lights to Holiday Lights at Bowring Park and the extension of the holiday light display end date from January 6 to January 8 annually.

The original name did not resonate with residents and did not adequately describe the 1-hour event or the holiday light display. The holiday light display has traditionally continued until January 6, Old Christmas Day. The light display will be extended by 2 days to January 8 to encompass other cultural celebrations under the new name, Holiday Lights @ Bowring Park.

8. **Special Events - Councillor Debbie Hanlon**
9. **Housing - Councillor Ophelia Ravencroft**
10. **Economic Development, Tourism & Immigration - Mayor Danny Breen**
11. **Arts & Culture - Deputy Mayor Sheilagh O'Leary**
12. **Governance & Strategic Priorities - Mayor Danny Breen**
13. **Planning - Councillor Ian Froude**

13.1 Built Heritage Experts Panel Report

1. 172 Military Road – Wall Signs – SGN2300049

Deputy Mayor O'Leary reviewed the Decision Note regarding the application received from The Gathering Place for two wall signs at 172 Military Road. The subject property is within the Institutional District of the Envision St. John's Municipal Plan, zoned Institutional (INST) and within Heritage Area 1. The building is not a designated Heritage Building.

Council held a discussion on the purpose of the signage, the size of the signage and the size of text used on the signs, and whether passing traffic would slow in the area trying to read the signage and possibly causing traffic issues in the area.

Mayor Breen advised Council that he understood that the signage is temporary as it is a part of a fund-raising campaign and that he supports their installation as long as they are temporary.

It was asked whether the Traffic Division had reviewed the placement of the signage and if their approval was granted.

Council agreed to defer this to the next Regular Council meeting, in two weeks, allowing the traffic division to review the placement of the signage and for Staff to confirm that the signage is meant to just be temporarily placed for the purpose of their fundraising campaign.

Recommendation

Moved By Councillor Ellsworth

Seconded By Deputy Mayor O'Leary

That the matter be deferred pending clarification of engineering staff input and temporary timeframe of sign.

For (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, and Councillor Korab

MOTION CARRIED (6 to 0)

2. 21-23 Queen's Road, Request to Designate Building, HAT2300023

Deputy Mayor O'Leary presented the Decision Note which advised of the application received to designate the building at 21-23 Queen's Road as a Heritage Building. The subject property is located within Heritage Area 2, is designated Residential under the Envision St. John's Municipal Plan and is zoned Residential Downtown (RD). Should Council designate the building as a Heritage Building, then a Heritage Use is a discretionary use in the RD Zone.

The recommendation for Council is to approve the proposed heritage designation of 21-23 Queen's Road and direct the Legal Department to undertake a Designation By-law for Council's consideration. Further, subject to an application being made and approval of heritage designation, that Council advertise the discretionary use of a Heritage Use at 21-23 Queen's Road.

Recommendation

Moved By Deputy Mayor O'Leary

Seconded By Councillor Hickman

That Council approve the proposed heritage designation of 21-23 Queen's Road and direct the Legal Department to undertake a Designation By-law for Council's consideration.

Further, subject to an application being made and approval of heritage designation, that Council advertise the discretionary use of a Heritage Use at 21-23 Queen's Road.

For (6): Mayor Breen, Deputy Mayor O'Leary, Councillor Ellsworth, Councillor Hickman, Councillor Bruce, and Councillor Korab

MOTION CARRIED (6 to 0)

14. Development - Councillor Jamie Korab

15. Transportation and Regulatory Services - Councillor Maggie Burton

16. Sustainability - Councillor Maggie Burton & Councillor Ian Froude

17. **Other Business**

18. **Adjournment**

There being no further business the meeting adjourned at 10:00 am.

Mayor

DECISION/DIRECTION NOTE

Title: Request to Sponsor Luncheon for Canadian Public Works Association

Date Prepared: July 18, 2023

Report To: Committee of the Whole

Councillor and Role: Councillor Sandy Hickman, Public Works

Ward: N/A

Decision/Direction Required:

Council approval is requested to sponsor the Canadian Public Works Association Luncheon.

Discussion – Background and Current Status:

The Newfoundland and Labrador Chapter of the Canadian Public Works Association will be holding its annual Canadian Public Works Association Conference and Trade Show from October 4-6, 2023 at the Capital Hotel in St. John's. Overall, fifty delegates typically attend – 40 from within the Province and ten from other Canadian provinces.

The CPWA consists of supervisors and managers in the public works field from different municipalities around the Province and across Canada. The hosting town or city is typically expected to sponsor a lunch. This year, the lunch will be held at the Capital Hotel in St. John's and is expected to be in the range of \$1500 - \$1800. This event was not eligible to receive funding through the Meeting, Convention or Sporting Event Grant because it does not meet the 75 percent threshold of attendance for delegates outside the Province; however, the luncheon was approved by Council in 2015 and 2018.

It is worth noting that the Canadian Public Works Association provides beneficial professional support to those who operate and maintain public works and infrastructure through advocacy, education and member engagement.

Key Considerations/Implications:

1. Budget/Financial Implications: cost for luncheon
2. Partners or Other Stakeholders: Canadian Public Works Association
3. Alignment with Strategic Directions: N/A
4. Alignment with Adopted Plans: N/A
5. Accessibility and Inclusion: N/A



6. Legal or Policy Implications: Request does not meet criteria for funding.
7. Privacy Implications: N/A
8. Engagement and Communications Considerations: N/A
9. Human Resource Implications: N/A
10. Procurement Implications: N/A
11. Information Technology Implications: N/A
12. Other Implications: N/A

Recommendation:

That Council sponsor the luncheon for the Newfoundland & Labrador Chapter of the Canadian Public Works Association to be held on October 5, 2023 with the maximum amount of \$1800, given the precedent of Council's past support as well as the benefits of professional support provided by the CPWA to the City's Public Works staff.

Prepared by:

Approved by:

Report Approval Details

Document Title:	Request to Sponsor Luncheon for the Canadian Public Works Association .docx
Attachments:	
Final Approval Date:	Jul 19, 2023

This report and all of its attachments were approved and signed as outlined below:

David Crowe - Jul 18, 2023 - 3:49 PM

No Signature - Task assigned to Lynnann Winsor was completed by workflow administrator Christine Carter

Lynnann Winsor - Jul 19, 2023 - 9:30 AM

DECISION/DIRECTION NOTE

Title: 369 Blackmarsh Road, REZ2300001
Date Prepared: July 17, 2023
Report To: Committee of the Whole
Councillor and Role: Councillor Ian Froude, Planning
Ward: Ward 3

Decision/Direction Required:

To consider rezoning 369 Blackmarsh Road from the Residential 2 (R2) Zone to the Residential 3 (R3) Zone to allow two semi-detached dwellings.

Discussion – Background and Current Status:

The City has received an application from 91619 NL Corp. to rezone land at 369 Blackmarsh Road from the Residential 2 (R2) Zone to the Residential 3 (R3) Zone to accommodate two (2) semi-detached dwellings. The subject property is within the Residential District of the Envision St. John's Municipal Plan and is zoned R2. The R2 Zone permits semi-detached dwellings, however the rezoning is being requested to accommodate lots with a smaller frontage. There is not enough frontage for 2 lots in the R2 Zone. A Municipal Plan amendment is not needed.

The site plan and conceptual elevation is attached. There are no concerns from Development or Engineering staff at this stage. Should the rezoning proceed, the driveway location and Newfoundland Power easement will need to be confirmed prior to bringing the amendment forward for adoption. Note that the current lot is longer (deeper) than the proposed new lots. Only the portion shown on the attached site plan is proposed to be rezoned to R3. The rear of the current lot will remain in the R2 Zone and be part of a separate ongoing application for subdivision and development.

Section 4.1 of the Envision Municipal Plan enables a range of housing to create diverse neighbourhoods with a mix of housing forms. Section 4.3 requires infill development to complement the existing character of an area. The adjacent properties and surrounding neighbourhood are a mix of single detached dwellings, semi-detached dwellings, townhouses, four-plexes and apartment buildings. While the proposed development is slightly narrower than the frontage required in the R2 Zone, the proposed frontages are similar to existing non-conforming townhouses across from the property, on the north side of Blackmarsh Road.

As per Section 4.9(2)(a) of the Envision St. John's Development Regulations, a Land Use Report (LUR) is required for rezonings. However, as per Section 4.9(3), where the scale or circumstances of the proposed development do not merit a full Land Use Report, Council may accept a staff report in lieu of one. Given that this development is proposing semi-detached

ST. JOHN'S

dwellings which are permitted in the existing R2 Zone, staff recommend accepting a staff report. This would be completed following public consultation.

Public Consultation

If Council decides to consider this amendment, staff recommend a public meeting chaired by an independent facilitator. It would be scheduled for early September, avoiding the summer months.

The applicant has asked that the City only send a public notice for the proposed rezoning and not hold a public meeting. Under Section 4.8 of the Development Regulations, a public notice is the minimum requirement for amendment, however the City usually holds public meetings for rezonings. Previously, for a similar application on Shaw Street, the City used public notification, but after neighbourhood concerns were raised, Council held a public meeting. We have already received some phone calls from the neighbourhood, stating concerns about rezoning.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Neighbouring residents and property owners.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.
4. Alignment with Adopted Plans: St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: An amendment (rezoning) to the St. John's Development Regulations is required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation as per Section 4.8 of the Development Regulations is required.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.

11. Information Technology Implications: Not applicable.

12. Other Implications: Not applicable.

Recommendation:

That Council consider rezoning 369 Blackmarsh Road from the Residential 2 (R2) Zone to the Residential 3 (R3) Zone to allow semi-detached dwelling development, and that the application be advertised and referred to a public meeting chaired by an independent facilitator.

Prepared by: Ann-Marie Cashin, MCIP, Planner III

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	369 Blackmarsh Road, REZ2300001.docx
Attachments:	- 369 Blackmarsh Road - Attachments.pdf
Final Approval Date:	Jul 18, 2023

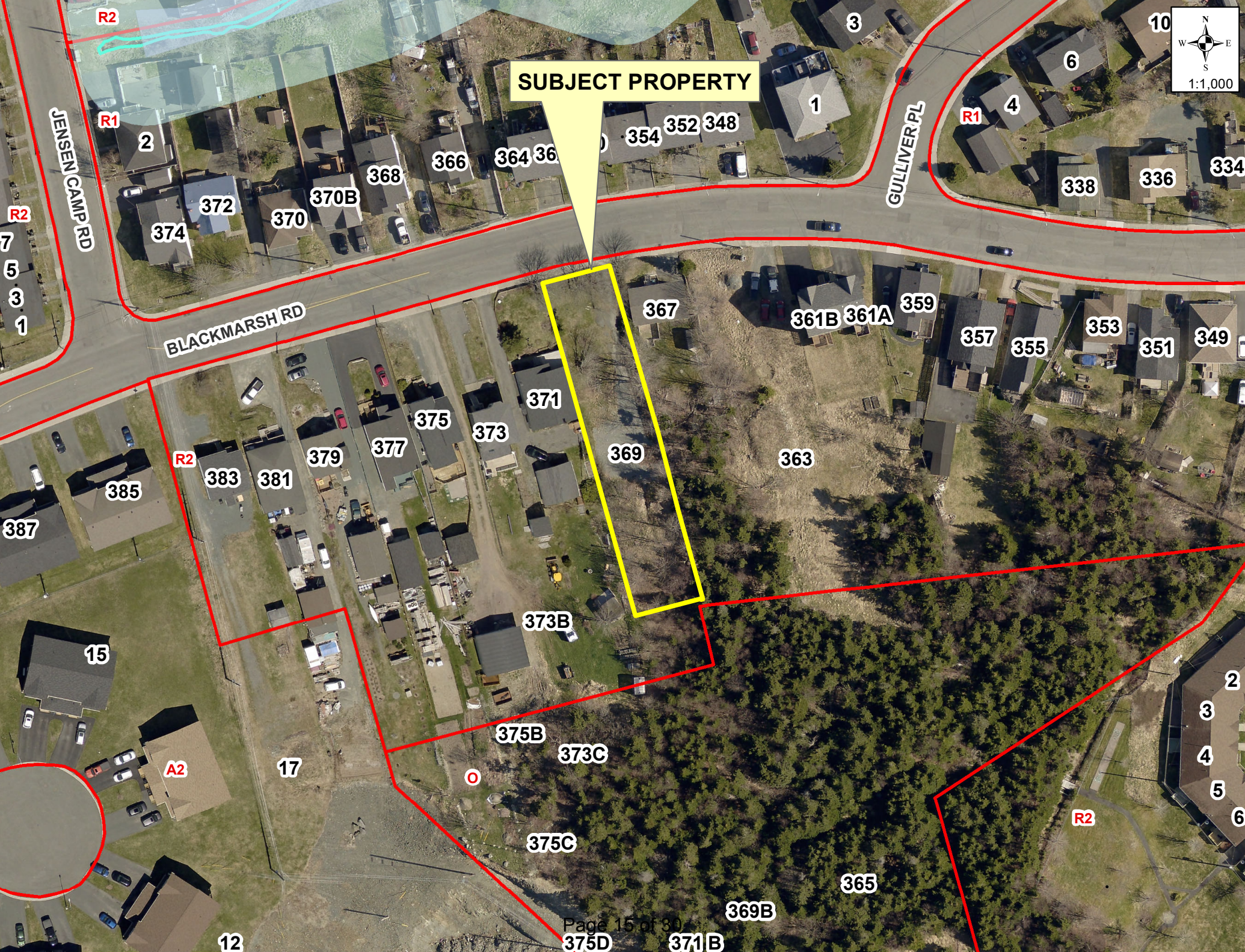
This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Jul 18, 2023 - 11:09 AM

Jason Sinyard - Jul 18, 2023 - 12:00 PM



SUBJECT PROPERTY



RESIDENTIAL 2 (R2) ZONE

R2

(1) PERMITTED USES, except Shea Heights (Planning Area 14) and 591-609 Southside Road (PID #s 44135, 47622, 44136, 15246)

Accessory Building	Park
Bed and Breakfast	Semi-Detached Dwelling
Community Garden	Single Detached Dwelling
Duplex Dwelling	Subsidiary Dwelling Unit
Home Office	Townhouse
Lodging House	

(2) DISCRETIONARY USES, except Shea Heights (Planning Area 14) and 591-609 Southside Road (PID #s 44135, 47622, 44136, 15246)

Adult Day Centre	Heritage Use
Apartment Building, maximum of 6 dwelling units	Home Occupation
Bed and Breakfast	Parking Lot
Daycare Centre	Personal Care Home
Four-plex	Public Utility

(3) PERMITTED USES SHEA HEIGHTS (PLANNING AREA 14)

Townhouse is not permitted

(4) PERMITTED USES 591-609 SOUTHSIDE ROAD (PID #S 44135, 47622, 44136, 15246)

Accessory Building	Single Detached Dwelling
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(5) ZONE STANDARDS FOR SINGLE DETACHED DWELLINGS

- (a) Lot Area (minimum) 350 metres square
- (b) Lot Frontage (minimum) 12 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 6 metres

(6) ZONE STANDARDS FOR SEMI-DETACHED DWELLING

- (a) Lot Area (minimum) 270 metres square
- (b) Lot Frontage (minimum) 9 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 6 metres

(7) ZONE STANDARDS FOR DUPLEX DWELLING

- (a) Lot Area (minimum) 510 metres square
- (b) Lot Frontage (minimum) 17 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 6 metres

(8) ZONE STANDARDS FOR TOWNHOUSE

- (a) Lot Area (minimum) 180 metres square
- (b) Lot Frontage (minimum) 6 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 10 metres

- (e) Side Yards (minimum) 0 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres and except for the end unit where the Side Yard on the unattached side shall be 1.2 metres
- (f) Rear Yard (minimum) 6 metres

(9) ZONE STANDARDS FOR APARTMENT BUILDING

- (a) Lot Area (minimum) 90 metres square Lot Area per Dwelling Unit
- (b) Lot Frontage (minimum) 18 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 10 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 6 metres
- (g) Landscaping (minimum) 40%

(10) ZONE STANDARDS FOR FOUR-PLEX

- (a) Lot Area (minimum) 360 metres square
- (b) Lot Frontage (minimum) 20 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 6 metres
- (g) Landscaping (minimum) 40% of Lot, 30% of Front Yard

(11) ZONE STANDARDS FOR PERSONAL CARE HOME

- | | | |
|-----|---------------------------|---|
| (a) | Lot Area (minimum) | 750 metres square |
| (b) | Lot Frontage (minimum) | 18 metres |
| (c) | Building Line (minimum) | 6 metres |
| (d) | Building Height (maximum) | 10 metres |
| (e) | Side Yards (minimum) | Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres |
| (f) | Rear Yard (minimum) | 6 metres |
| (g) | Landscaping (minimum) | 30% |

(12) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL 3 (R3) ZONE

R3

(1) PERMITTED USES

Accessory Building	Park
Bed and Breakfast	Semi-Detached Dwelling
Community Garden	Single Detached Dwelling
Duplex Dwelling	Subsidiary Dwelling Unit
Four-Plex	Tiny Home Dwelling
Home Office	Townhouse
Lodging House	

(2) DISCRETIONARY USES

Adult Day Centre	Parking Lot
Apartment Building, maximum of 6 dwelling units	Personal Care Home
Daycare Centre	Public Utility
Heritage Use	Residential Retail Store
Home Occupation	Service Shop
Office	

(3) ZONE STANDARDS FOR SINGLE DETACHED DWELLING

- (a) Lot Area (minimum) 300 metres square
- (b) Lot Frontage (minimum) 10 metres
- (c) Building Line (minimum) 4.5 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 4.5 metres

(4) ZONE STANDARDS FOR DUPLEX DWELLING

- (a) Lot Area (minimum) 350 metres square
- (b) Lot Frontage (minimum) 14 metres
- (c) Building Line (minimum) 4.5 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 4.5 metres

(5) ZONE STANDARDS FOR SEMI-DETACHED DWELLING

- (a) Lot Area (minimum) 188 metres square
- (b) Lot Frontage (minimum) 7.5 metres
- (c) Building Line (minimum) 4.5 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) One of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 4.5 metres

(6) ZONE STANDARDS FOR TOWNHOUSE

- (a) Lot Area (minimum) 90 metres square
- (b) Lot Frontage (minimum) 5.5 metres
- (c) Building Line (minimum) 0 metres when located within the Downtown Snow Removal Area (Map 8); 4.5 metres all other locations
- (d) Building Height (maximum) 10 metres

- (e) Side Yards (minimum) 0 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres and except for end unit where the Side Yard on the unattached side shall be 1.2 metres
- (f) Rear Yard (minimum) 4.5 metres

(7) ZONE STANDARDS FOR APARTMENT BUILDING

- (a) Lot Area (minimum) 90 metres square per Dwelling Unit
- (b) Lot Frontage (minimum) 14 metres
- (c) Building Line (minimum) 1.5 metres
- (d) Building Height (maximum) 10 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 4.5 metres

(8) ZONE STANDARDS FOR TINY HOME DWELLING

- (a) Lot Area (minimum) 91 metres square
- (b) Lot Frontage (minimum) 5.5 metres
- (c) Building Line (minimum) 0 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres
- (f) Rear Yard (minimum) 4.5 metres

(9) ZONE STANDARDS FOR FOUR-PLEX

- (a) Lot Area (minimum) 320 metres square
- (b) Lot Frontage (minimum) 20 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 6 metres
- (g) Landscaping (minimum) 40% of Lot, 30% of Front Yard

(10) ZONE STANDARDS FOR PERSONAL CARE HOME

- (a) Lot Area (minimum) 650 metres square
- (b) Lot Frontage (minimum) 14 metres
- (c) Building Line (minimum) 1.5 metres
- (d) Building Height (maximum) 10 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
- (f) Rear Yard (minimum) 4.5 metres
- (g) Landscaping (minimum) 30%

(11) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

**RESIDENTIAL 3 (R3) REGULATIONS
SEMI-DETACHED**

LOT AREA (MIN.) - 188m²
 LOT FRONTAGE (MIN.) - 7.5m
 BLDG LINE SETBACK (MIN.) - 4.5m
 BLDG HEIGHT (MAX.) - 8.0m
 SIDE YARD (MIN.) - 1.2m
 FLANKING SIDE YARD (MIN.) - 6.0m
 REAR YARD (MIN.) - 4.5m
 LANDSCAPING (MIN.) - 50%

FRONT LOT AREAS			
1	142.90m ²	2	142.13m ²
FRONT LOT LANDSCAPED AREAS			
1	89.65m ²	2	89.38m ²
FRONT LOT LANDSCAPING %			
1	62.7%	2	62.9%

LEGEND

- EXISTING MANHOLE
- EXISTING CATCH BASIN/DITCH INLET
- EXISTING GATE VALVE
- POLE
- TEE
- NEW CURB STOP
- NEW WATER MAIN
- EXISTING WATER MAIN
- NEW SANITARY SEWER MAIN
- EXISTING SANITARY SEWER MAIN
- NEW STORM SEWER MAIN
- EXISTING STORM SEWER MAIN
- FENCE
- ASPHALT SURFACE
- ASPHALT REINSTATEMENT
- CONCRETE SIDEWALK/WALKWAY
- LANDSCAPED AREA

- NOTES:**
- DO NOT SCALE FROM DRAWINGS. ALL ELEVATIONS AND DIMENSIONS ARE IN METRES UNLESS OTHERWISE NOTED.
 - ALL WORK MUST BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPLICABLE SECTIONS OF THE CITY OF ST. JOHN'S SPECIFICATIONS BOOK, LATEST EDITION.
 - CONTRACTOR SHALL CONFIRM LOCATION, ALIGNMENT, INVERTS AND TYPE OF MATERIAL OF ALL UNDERGROUND INFRASTRUCTURE AND SHALL NOTIFY THE ENGINEER/OWNER PRIOR TO COMMENCING ANY WORK.
 - THE MINIMUM WIDTH OF ASPHALT REINSTATEMENT FOR TRENCHING SHALL BE 3.0m. ASPHALT REINSTATEMENT MUST BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF ITEMS NO. 352 (FULL DEPTH ASPHALT PATCH) AND NO. 358 (RE-PROFILING AND ASPHALT PATCHING) OF THE CITY OF ST. JOHN'S SPEC. BOOK.
 - STREET EXCAVATION PERMIT MUST BE OBTAINED PRIOR TO STARTING ANY WORK WITHIN THE PUBLIC STREET RIGHT-OF-WAY.
 - A PERMIT TO CONNECT MUST BE OBTAINED PRIOR TO PERFORMING ANY SERVICING WORK.
 - ALL WORK ON EXISTING WATER MAINS SHALL BE DONE BY CITY FORCES.

No.	REVISIONS	BY	DATE
D	REVISED FOR CLIENT REVIEW	D.J.M.	05/24/23
C	REVISED FOR CLIENT REVIEW	D.J.M.	01/30/23
B	REVISED FOR CLIENT REVIEW	D.J.M.	01/27/23
A	ISSUED FOR CLIENT REVIEW	D.J.M.	01/26/23

A	B
A - PLAN, SECTION, ELEVATION, OR DETAIL No.	B - No. OF DRAWING WHERE ABOVE IS DRAWN

REFERENCE:

STAMP:

PERMIT STAMP:

DYNAMIC
ENGINEERING LTD.

Civil • Management • Consulting

62 CAMPBELL AVENUE TEL: (709) 368-1669
 ST. JOHN'S, NL FAX: (709) 368-0318
 A1E 2Z6 info@DynamicEngineering.ca

**PRELIMINARY ONLY
NOT FOR CONSTRUCTION**

CLIENT:
**91619
NEWFOUNDLAND
& LABRADOR CORP.**

PROJECT TITLE:
**PROPOSED RESIDENTIAL
SUBDIVISION
BLACKMARSH ROAD**

DRAWING TITLE:
**PRELIMINARY
LOT LAYOUT**

DRAWN/DESIGNED BY:	D.J.M.	DATE:	JANUARY 2023
APPROVED BY:	D.J.M.	SCALE:	AS SHOWN
PROJECT No.:	22227	DRAWING No.:	PR3
		REV.:	D





DECISION/DIRECTION NOTE

Title: Text Amendment – Daycare Centre
Date Prepared: July 18, 2023
Report To: Committee of the Whole
Councillor and Role: Councillor Ian Froude, Planning
Ward: N/A

Decision/Direction Required:

To consider a text amendment to the Envision St. John’s Development Regulations that will bring our municipal regulations for daycare centres more in line with provincial regulations.

Discussion – Background and Current Status:

Under the Envision St. John’s Development Regulations, a daycare within a home is considered a home occupation. A home occupation is defined as a secondary use of a dwelling unit and/or accessory building by at least one of the residents of that dwelling unit to conduct a gainful occupation or business activity, and Section 6.18 sets out the conditions required. A home occupation cannot be bigger than 45 square metres or 25% of the gross floor area of the dwelling unit whichever is less.

In some situations, our size limit may not allow enough space as required by the Province for a home daycare. Therefore, the following text changes are proposed to bring the City’s regulations more in line with the provincial ones. Where possible, references to maximum areas within the home have been removed and the terms have been changed to match the Province’s terms.

Current Definition

DAYCARE CENTRE means a Building or part of a Building in which licensed child care services are provided to more than 5 non-resident children at any one time.

Proposed New Definition

CHILD CARE CENTRE means a Building or part of a Building in which child care services are provided, as approved by the Province.

Current

6.12 DAYCARE CENTRES

6.12.1 Daycare Centre in Residential Use

A Daycare Centre in a Residential Use shall:

- (a) not exceed the lesser of 60 metres square or 40% of the Floor Area of the Dwelling Unit in which it is situate;
- (b) be clearly delineated and separated from any other occupancies in the Building; and



(c) comply with all applicable Provincial and Municipal legislation.

Proposed New

6.12 CHILD CARE CENTRES

6.12.1 Child Care Centre in Residential Use

A Child Care Centre in a Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the Building; and
- (b) comply with all applicable Provincial and Municipal legislation.

Current

6.12.2 Daycare Centre in Non-Residential Use

A Daycare Centre in a non-Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the Building;
- (b) comply with all applicable Provincial and Municipal legislation; and
- (c) where located in a Residential Zone, maintain the following minimum standards:

Standard	Residential Zones					
	R1	R2	R3	RD	RM	RQ
Lot Area (minimum)	600 metres square	450 metres square	450 metres square	450 metres square	450 metres square	450 metres square
Lot Frontage (minimum)	18 metres	15 metres	15 metres	15 metres	15 metres	15 metres
Landscaping Front yard (minimum)	50%	50%	50%	N/A	50%	N/A

Proposed New

6.12.2 Child Care Centre in Non-Residential Use

A Child Care Centre in a non-Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the Building;
- (b) comply with all applicable Provincial and Municipal legislation; and
- (c) where located in a Residential Zone, maintain the following minimum standards:

Standard	Residential Zones					
	R1	R2	R3	RD	RM	RQ
Lot Area (minimum)	600 metres square	450 metres square	450 metres square	450 metres square	450 metres square	450 metres square
Lot Frontage (minimum)	18 metres	15 metres	15 metres	15 metres	15 metres	15 metres
Landscaping Front yard (minimum)	50%	50%	50%	N/A	50%	N/A

Current

6.18 HOME OCCUPATION

6.18.1 Home Occupation in a Dwelling Unit

A Home Occupation in a Dwelling Unit shall:

- (a) not exceed the lesser of 45 metres square or 25% of the Gross Floor Area of the Dwelling Unit;
- (b) have no open storage or display of goods, materials, or equipment;
- (c) have no wholesale sales. Retail sales may be permitted provided they are incidental to the Home Occupation;
- (d) be operated by a resident of the Dwelling Unit and not employ more than 2 non-residents;
- (e) have activities associated with the Home Occupation which are not hazardous and which do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to residents of nearby properties;
- (f) have sufficient parking to accommodate the Home Occupation and the Dwelling Unit; and
- (g) have no change in type, nature or intensity without the approval of Council.

Proposed New

6.18 HOME OCCUPATION

6.18.1 Home Occupation in a Dwelling Unit

(1) A Home Occupation in a Dwelling Unit shall:

- (a) not exceed the lesser of 45 metres square or 25% of the Gross Floor Area of the Dwelling Unit;
- (b) have no open storage or display of goods, materials, or equipment;
- (c) have no wholesale sales. Retail sales may be permitted provided they are incidental to the Home Occupation;
- (d) be operated by a resident of the Dwelling Unit and not employ more than 2 non-residents **on-site at one time**;
- (e) have activities associated with the Home Occupation which are not hazardous and which do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to residents of nearby properties;
- (f) have sufficient parking to accommodate the Home Occupation and the Dwelling Unit; and
- (g) have no change in type, nature or intensity without the approval of Council.

(2) Notwithstanding Subsection (1), a family child care home, as outlined by the Province:

- (a) is exempt from the above maximum Gross Floor Area requirement;**
- (b) shall comply with all applicable Provincial and Municipal legislation; and**
- (c) the operator of the child care shall maintain their primary residence at the property.**

Public Consultation

An earlier version of this proposed amendment was reviewed with applicable provincial staff and their comments have been incorporated here. It is recommended that Council consider the text amendment and advertise it for public review and comment. Further, it is recommended that staff forward the proposed wording to the Association of Early Childhood Educators NL for their review, as well as applicable provincial staff. Any comments or requested changes will be considered, and incorporated where suitable, before bringing the amendment to Council to consider its adoption.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: General public, especially parents of young children; provincial departments; the Association of Early Childhood Educators NL.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

A Sustainable City: Facilitate and create the conditions that drive the economy by being business and industry friendly; and being a location of choice for residents, businesses and visitors.
4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: Not applicable.
6. Legal or Policy Implications: A text amendment to the Envision St. John's Development Regulations is required.
7. Privacy Implications: Not applicable.
8. Engagement and Communications Considerations: Public consultation as per Section 4.8 of the Development Regulations is required. Further, a project page will be created on the Engage St. John's website.
9. Human Resource Implications: Not applicable.
10. Procurement Implications: Not applicable.
11. Information Technology Implications: Not applicable.
12. Other Implications: Not applicable.

Recommendation:

That Council consider a text amendment to the Envision St. John's Development Regulations to bring Daycare Centre regulations more in line with provincial regulations.

Prepared by: Ann-Marie Cashin, MCIP, Planner III

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	Text Amendment - Daycare Centre.docx
Attachments:	
Final Approval Date:	Jul 19, 2023

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Jul 18, 2023 - 2:19 PM

Jason Sinyard - Jul 19, 2023 - 10:36 AM