

# DECISION/DIRECTION NOTE

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**Title:** Small Home Rebuilding/Extension in a City Watershed Policy

**Date Prepared:** June 28, 2019

**Report To:** Committee of the Whole

**Councillor and Role:** Mayor Danny Breen, Governance and Strategic Priorities

**Ward:** N/A

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**Decision/Direction Required:** Approval of the Small Home Rebuilding/Extension in a City Watershed Policy

## **Discussion – Background and Current Status:**

Buildings in the Watershed area are regulated under the City of St. John's Act. Sections 104 and 106 of the Act may allow the extension of an existing private family dwelling up to one-half of the cubic content of the existing dwelling. In addition, Sections 104(4)(d) and 106(2)(d) provide the City Manager with the authority to recommend a building or extension to Council for their discretionary approval.

In January 2018, the Development Committee recommended that for small homes (those less than 66.7 square metres), that the City Manager consider using the discretionary power provided by the Act to recommend to Council that a small home in the Watershed area be able to extend or rebuild to 100 square metres. The Committee considered this size to provide sufficient expansion to allow for adequate living quarters.

In addition, it is proposed that the text of the existing Policy 06-02-01 Development in the City's Watersheds be rescinded and replaced by the new policy, as the current text essentially duplicates the powers provided in the Act and the St. John's Development Regulations.

## **Key Considerations/Implications:**

1. Budget/Financial Implications: There are no expected budget or financial implications.
2. Partners or Other Stakeholders: This policy may impact the Town of Portugal Cove-St. Philip's and the Town of Paradise, if owners of small homes in the watershed areas of these municipalities wish to seek approval under the policy.
3. Alignment with Strategic Directions/Adopted Plans: Not applicable.

# ST. JOHN'S

Small Home Rebuilding/Extension in a City Watershed

4. Legal or Policy Implications: The recommended action is authorized by the City of St. John's Act and the powers provided to the City Manager under the Act. The Office of the City Solicitor has reviewed and approved the policy.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: The Department of Planning, Engineering and Regulatory Services will advise affected municipalities upon approval of the policy.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:** It is recommended that Council approve the Small Home Rebuilding/Extension in a City Watershed Policy and the rescission of the current Development in the City's Watersheds Policy.

**Prepared by/Date:** Trina Caines, Policy Analyst / June 6, 2019

**Reviewed by/Date:** Gerard Doran, Development Supervisor / June 10, 2019

**Approved by/Date:** Senior Executive Committee;  
Elaine Henley, City Clerk, CPC Co-Chair;  
Roshni Antony, Manager - HR Advisory Services, CPC Co-Chair  
/July 5, 2019

**Attachments:** Small Home Rebuilding/Extension in a City Watershed Policy (draft)  
Development in the City's Watersheds Policy (current)

## **DRAFT – For Discussion Only**

### **City of St. John's Corporate and Operational Policy Manual**

<b>Policy Title:</b> Small Home Rebuilding/Extension in a City Watershed	<b>Policy #:</b> 06-02-01 (Replaces current "Development in the City's Watersheds")
<b>Last Revision Date:</b> N/A	<b>Policy Section:</b> Development>Watershed
<b>Policy Sponsor:</b> DCM, Planning, Engineering and Regulatory Services	

#### **1. Policy Statement**

The purpose of this policy is to provide guidance to the City Manager when making a recommendation to Council under Sections 104(4)(d) and 106(2)(d) of the City of St. John's Act with respect to the rebuilding or extension of an existing Small Home in a City Watershed.

#### **2. Definitions**

**"Dwelling"** shall have the same meaning as defined by section 2(i) of the City of St. John's Act, that is "a house or building, or portion of a house or building, which is occupied in whole or in part, as the home, residence, or sleeping place of one or more persons."

**"Small Home"** means a Dwelling that has less than 66.7 square metres in total floor area.

#### **3. Policy Requirements**

Sections 104(4)(d) and 106(2)(d) of the City of St. John's Act provide that Council may permit a building or extension to an existing building, subject to the written recommendation of the City Manager. In making a recommendation to rebuild or extend an existing Small Home, the City Manager may consider that a total floor area of 100 square metres provides adequate living quarters.

#### **4. Application**

This policy applies to the City Manager in the exercise of their authority under Sections 104(4)(d) and 106(2)(d) of the City of St. John's Act.

#### **5. Responsibilities**

**The City Manager** is responsible for:

- Making written recommendations to Council with respect to rebuilding or extension of existing Small Homes in a City Watershed.

#### **6. References**

[City of St. John's Act](#)

#### **7. Approval**

- Policy Sponsor: DCM, Planning, Engineering and Regulatory Services
- Policy Writer: Policy Analyst; Development Supervisor
- Date of Approval from
  - Corporate Policy Committee: April 26, 2019
  - Senior Executive Committee: July 5, 2019
  - Committee of the Whole:
- Date of Approval from Council:

#### **8. Monitoring**

The Development Supervisor and Deputy City Manager, Planning, Engineering and Regulatory Services will monitor the application of this policy.

#### **9. Review Date**

Every five years.

## POLICIES


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# Corporate and Operational Policy Manual

Passed By Council on: 1994/03/15

Last Revision Date: 1996/11/12

## Policy: 06-02-01

### Development in the City's Watersheds

#### Purpose

To define under what conditions Council will permit development in the Watershed areas.

#### Policy Statement

1. No new development will be permitted in the Windsor Lake Watershed, the Broad Cove River Watershed, the Thomas' Pond Watershed, the Petty Harbour/Long Pond Watershed, or the Bay Bulls/Big Pond Watershed. The City of St. John's can, however, allow a permit to be issued for the construction of an accessory building where the structure is associated with an existing permanent year round private family dwelling. The accessory building must be detached from the dwelling and must be located on the same lot.
2. An extension may be permitted to an existing permanent year round private family dwelling where such an extension is necessary to provide adequate living quarters for members of the household. The extension or the total of all extensions cannot exceed in cubic content, 1/2 the cubic content of the existing permanent year round private family dwelling.
3. The City of St. John's will consider issuing a permit for the replacement of an existing permanent year round private family dwelling located in any of the City's Watersheds where the permanent year round private family dwelling has been destroyed by fire or dilapidated by 50% or more.

#### CITY ACT

Under Section 104(4) of the City of St. John's Act, the appropriate sub-sections are:

(b) an extension to an existing private dwelling where an extension is necessary to provide adequate living quarters for members of the household living in the dwelling, provided that the extensions shall not exceed in cubic content 1/2 of the cubic content of the existing private family dwelling;

(c) a building to replace an existing building destroyed by fire or an existing building dilapidated 50% or more;

Under section 106(2) of the City of St. John's Act, the appropriate sub-sections are:

(b) an extension to an existing private dwelling where an extension is necessary to provide adequate living quarters for members of the household living in the dwelling but the extension of the total of all extensions shall not exceed in cubic content  $\frac{1}{2}$  the cubic content of the existing private family dwelling and the facilities for use in connection with the extension shall be approved by the City Engineer;

(c) a building to replace an existing building destroyed by fire or an existing building dilapidated 50% or more.

## **Application**

## **Responsibilities**

Engineering and Planning Department.

## **Definitions**

## **References/Appendix**

## **Monitoring and Contravention**

## **Approvals**

Planning & Development Standing Committee Meeting, March 10, 1994; Regular Meeting of Council, March 15, 1994; Regular Meeting of Council November 12, 1996.

## **Review Period**

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