

# DECISION/DIRECTION NOTE

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**Title:** Text Amendment to the St. John's Development Regulations to Reduce Sight Line Requirements  
REZ1900011  
93-95 Merrymeeting Road (corner of Mayor Avenue)

**Date Prepared:** August 26, 2019

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Maggie Burton, Planning and Development Lead

**Ward:** 2

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**Decision/Direction Required:**

This Decision Note has been updated to reflect questions and concerns raised by Council at the August 21, 2019 Committee of the Whole Meeting.

To consider a proposed text amendment to the St. John's Development Regulations to permit an authorized Officer to reduce sight line requirements where safe and suitable. An amendment to the St. John's Municipal Plan would not be required.

**Discussion – Background and Current Status:**

The City received an application for the development of three townhouses at 93-95 Merrymeeting Road (the former Needs convenience store site). The subject property is designated Residential Medium Density under the St. John's Municipal Plan, within Heritage Area 3 and is zoned Residential High Density (R3). Under the R3 Zone, Townhousing is a permitted use, however the proposed development is within 15 metres of an intersection.

Merrymeeting Road is a Collector Road and therefore Section 8.3.3 of the Development Regulations applies:

*8.3.3 Development Restrictions - Corner Lot and Yards Abutting a Street*

- (1) Except for corner lots in the Downtown as defined in Section 3, Map C, and except as provided for in Section 8.3.3(2), no Building or Fence or Water Utility Enclosure shall be erected nor shall any land be used on any corner lot for any Development within the triangle formed by two Street Lines and a line connecting two points on the two Street Lines located.
  - (a) 15 metres distance from the point of intersection of the two Street Lines if one or both of the intersecting Streets is/are defined as an Arterial Street or a Collector Street; or
  - (b) 8 metres distance from the point of intersection of the two Street Lines if neither one of the intersecting Streets is an Arterial Street or a Collector Street.

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# ST. JOHN'S

Section 8.3.4 allows an authorized Officer to extend the restrictions of Section 8.3.3 where it is determined that the sight lines are inadequate, however this Section currently does not allow the Officer to reduce the requirements. Therefore, a text amendment to Section 8.3.4 is required. For the purpose of reviewing sightlines, an authorized Officer would be the Manager of Transportation or their designate.

Three of the four corners of the intersection of Merrymeeting and Mayor are occupied by houses built close to the street and well within the standard sight lines. The intersection is controlled by traffic lights. Requiring the new townhouses to be set back 15 metres from the sight line would be out of character and not needed for safety. This site plan has been reviewed by the Manager of Transportation and there are no concerns with a reduced sightline. The sightline distance will be set by the Manager of Transportation.

While this text amendment was prompted by the proposed development at 93-95 Merrymeeting Road, if implemented, it would apply to all areas outside of the Downtown. If the amendment is implemented, any requests for a reduced sightline will be forwarded to the Traffic Engineering Division and be dealt with on a case-by-case basis. This amendment would allow flexibility for areas that predate the Development Regulations and ensure that safety is reviewed in any proposal. Staff have met with Development and Engineering staff, including the Manager of Transportation, and there are no engineering or development concerns with a text amendment to allow consideration of a reduced sight line. If the amendment is implemented, the sight line requirement in Section 8.3.3. would still exist, but Section 8.3.4 would allow an authorized Officer to increase or decrease the requirement always with a view to safety.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:  
Neighbouring property owners.
3. Alignment with Strategic Directions/Adopted Plans:  
*A Sustainable City* – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications:  
A text amendment to the St. John's Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations:  
Public notice of the proposed amendment.
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 the proposed text amendment to allow an authorized Officer of the City to set a reduced sight line be considered. It is recommended that the application be advertised for public review and comment. The application would then be referred to a regular meeting of Council for consideration of adoption.

This is prompted by an application at 93-95 Merrymeeting Road but would apply to all areas outside of Downtown.

**Prepared by/Signature:**

Ann-Marie Cashin, MCIP – Planner III, Urban Design and Heritage

Signature: \_\_\_\_\_

**Approved by/Date/Signature:**

Ken O'Brien, MCIP – Chief Municipal Planner

Signature: \_\_\_\_\_

AMC/dlm

**Attachments:**

Zoning Map  
Site Plan



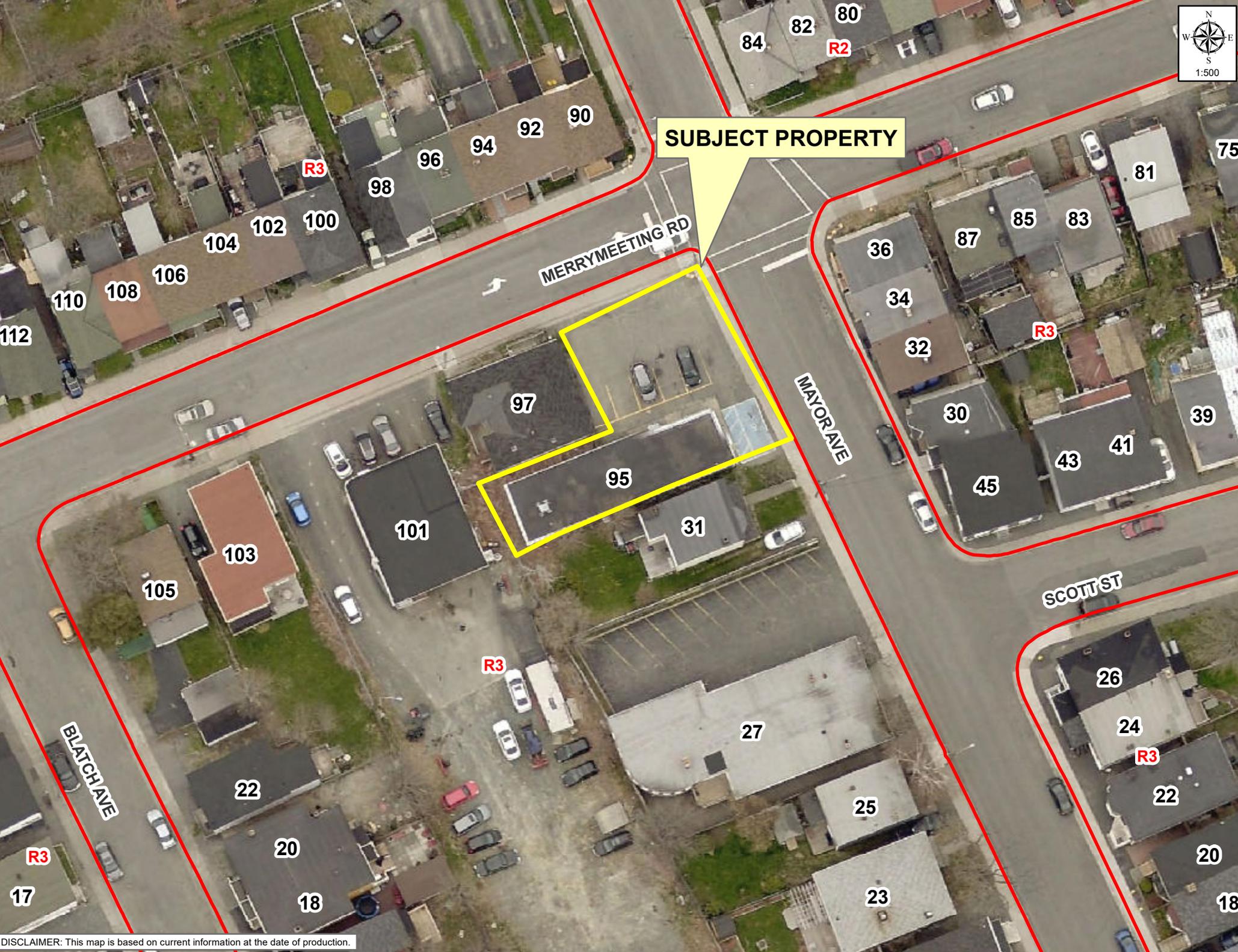
**SUBJECT PROPERTY**

MERRYMEETING RD

MAYOR AVE

SCOTT ST

BLATCH AVE



DISCLAIMER: This map is based on current information at the date of production.

