

# DECISION/DIRECTION NOTE

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**Title:** St. John's Development Regulations Amendment Number 702, 2019  
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:** September 24, 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:**

That Council adopt the attached resolution for St. John's Development Regulations Amendment Number 702, 2019.

**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.

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

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required. For the purpose of reviewing sight lines, 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 street 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 sight line. The sight line 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 sight line 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 Legal, Development and Engineering staff, including the Manager of Transportation, and there are no 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.

The proposed amendment was advertised on two occasions in The Telegram newspaper and was posted on the City's website. Property owners within 150 metres of the application site were notified. Two written submissions were received by the City Clerk and are included in the agenda for the Regular Meeting of Council.

The people who provided written submissions were concerned that this is a busy intersection. One submission suggested that there should be a sidewalk on all sides of the development, and both submissions questioned the parking required for the proposed development. This application has not been reviewed by staff for development approval at this stage, however the applicant would be required to maintain the existing sidewalks on Merrymeeting Road and Mayor Avenue. The development is required to have one (1) off-street parking space per unit, unless otherwise relieved by Council. The design of the buildings will be forwarded to the Built Heritage Experts Panel once finalized as per the direction of Council.

Given that the concerns can be addressed, and that safety will be evaluated on a case-by-case basis should a request to reduce a sight line be made, it is recommended to adopt the text amendment to allow a reduced sightline at the discretion of an authorized Officer.

### **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:  
The proposed amendment was advertised for public comment.
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 adopt St. John's Development Regulations Amendment Number 702, 2019, which will allow an authorized Officer of the City to set a reduced sight line.

If the attached amendment is adopted by Council, it will then be referred to the Department of Municipal Affairs and Environment with a request for Provincial Registration in accordance with the provisions of the Urban and Rural Planning Act, 2000.

**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:**

Resolution  
Zoning Map  
Site Plan  
Public Submissions

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 702, 2019**

**WHEREAS** the City of St. John's wishes to allow consideration of a reduced sight line at the discretion of an authorized Officer.

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

**1) Repeal Section 8.3.4 and substitute the following:**

**“An authorized Officer may extend or reduce the restrictions imposed by Section 8.3.3 where it is appropriate to do so in the opinion of the authorized Officer.”**

**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs and Environment 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 \_\_\_\_\_, **2019**.

\_\_\_\_\_  
**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**





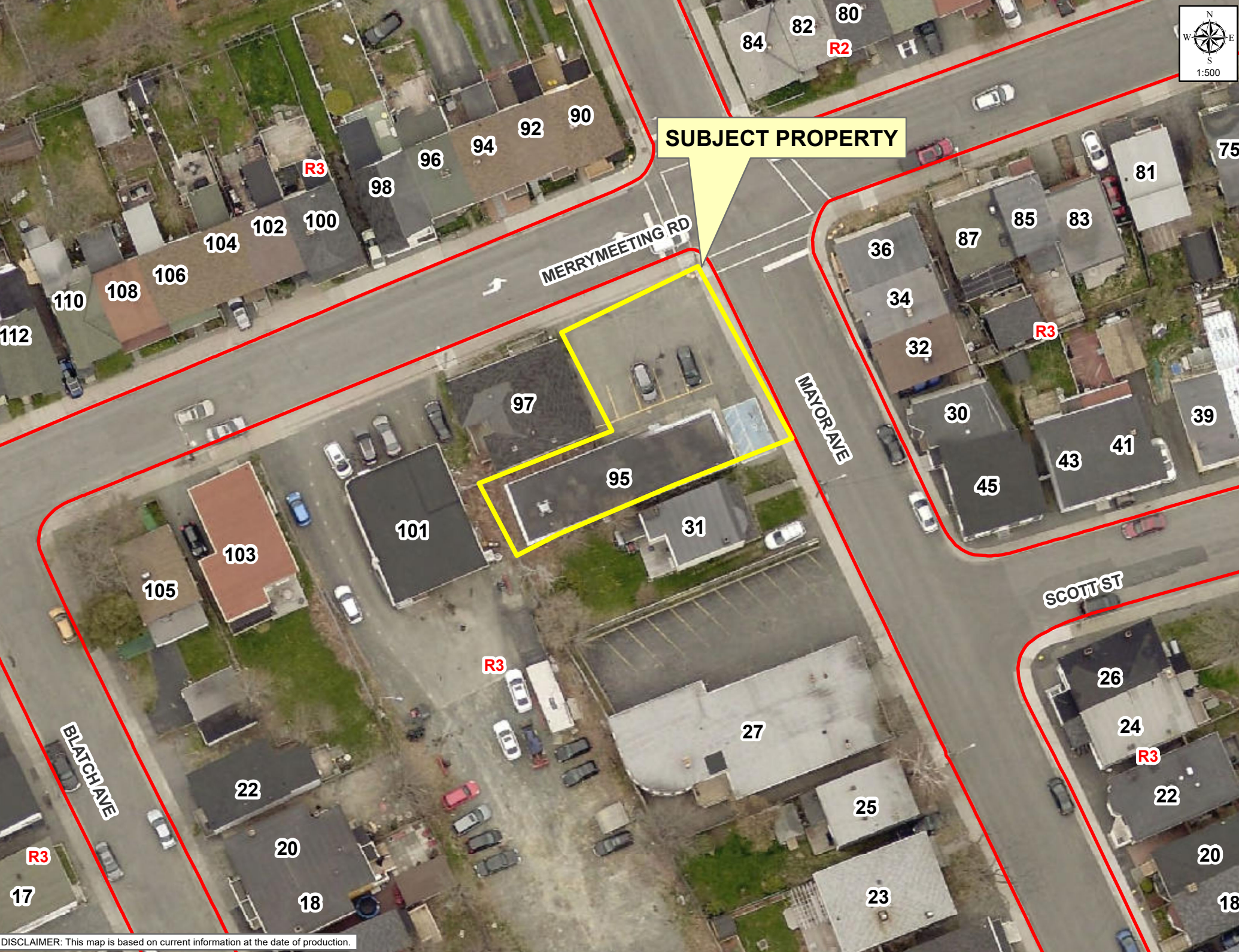
**SUBJECT PROPERTY**

MERRYMEETING RD

MAYOR AVE

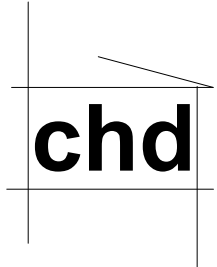
SCOTT ST

BLATCH AVE



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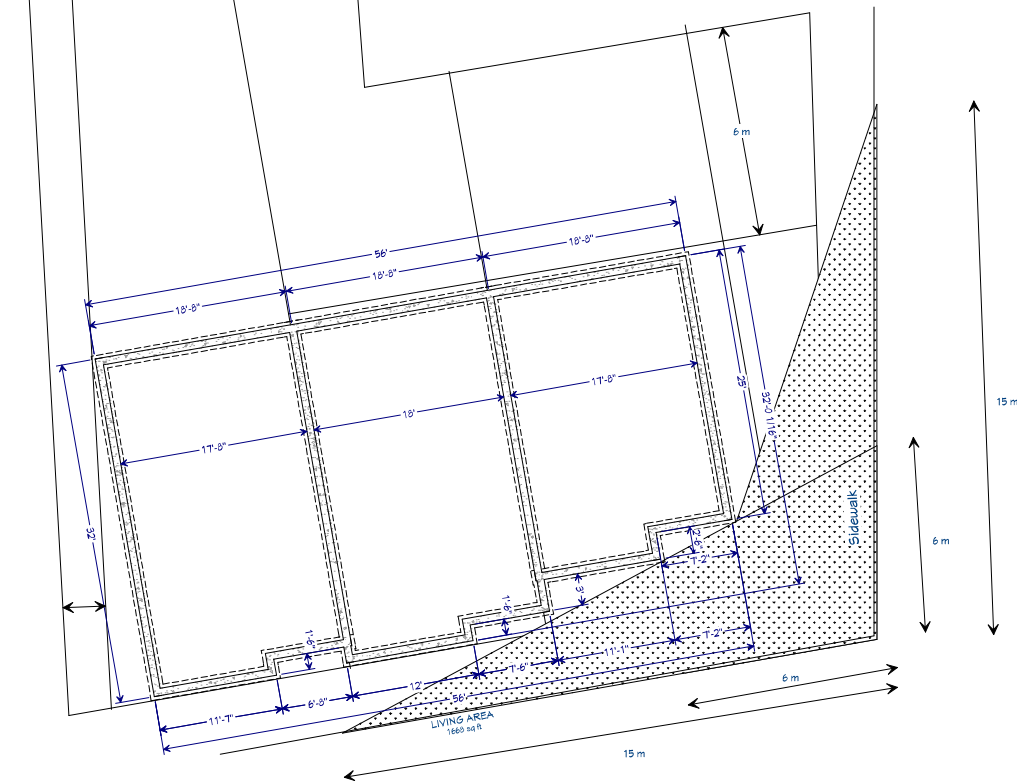
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