

# DECISION/DIRECTION NOTE

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**Title:** Text Amendment – Heritage Use Definition and Conditions - Adoption

**Date Prepared:** August 26, 2024

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning

**Ward:** N/A

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## **Decision/Direction Required:**

That Council adopt Envision St. John's Development Regulations Amendment No. 41, 2024, which makes changes to Section 2 Definitions and adds to Section 6 Specific Developments.

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

We have many designated Heritage Buildings in St. John's, in which an owner may apply for a Heritage Use. From the Envision St. John's Development Regulations, a Heritage Use is defined as the use of a designated Heritage Building which Council considers compatible with the adjoining uses. In practice, the City has allowed an approved Heritage Use to also exist in any new extension to the original Heritage Building. For example, if a Heritage Building is used as a restaurant, the restaurant would also be permitted in an extension to the Heritage Building, even if a restaurant is not permitted in that particular land-use zone. Heritage Use is a discretionary use in most zones, and generally the standards (such as setbacks, building height, and so on) are in the discretion of Council. Concerns have been raised that there is no guidance on an appropriate size of a building extension and that an addition could be significantly larger than the original Heritage Building, overshadowing it.

## Public Consultation

At its May 8, 2023, regular meeting, Council voted to consider a text amendment to the Envision St. John's Development Regulations to update the definition of Heritage Use and add conditions for extensions to designated Heritage Buildings that have an existing Heritage Use. The amendment was advertised in *The Telegram* three times, on the City's website, and on the Planning Engage web page, and was mailed to all owners of designated Heritage Buildings.

The City received four (4) written submissions, which are attached for Council's consideration. The concerns are outlined below in italics and staff commentary is provided for Council.

- *The amendment is contrary to section 355 "Heritage preservation" of the City of St. John's Act.*

Council has authority under the Envision St. John's Development Regulations to control the size of any building, including designated Heritage Buildings, and control the use of

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designated Heritage Buildings. This amendment clarifies whether a Heritage Use can be considered in an extension to a designated Heritage Building and provides direction on the size of the extension. This is not contrary to section 355 of the City of St. John's Act.

- *Concerns were raised by two owners of designated Heritage Buildings about how the proposed amendment will affect their properties.*  
One person was confused about the amendment and how it might affect their property. A letter clarifying the proposed amendment was sent out. Another person questioned the requirement to step back a vertical extension if the owner decided to extend the building vertically. The size of the setback would be at Council's discretion, which will allow flexibility in design.
- *Parks Canada recommends the City use the "Standards and Guidelines for the Conservation of Historic Places in Canada" to maintain heritage buildings and when making any changes to regulations and by-laws affecting heritage buildings.*  
The proposed changes are intended to ensure the visual prominence of the designated Heritage Building. The City's Heritage Design Standards require that a new addition be subordinate to, distinguishable from, and compatible with the designated Heritage Building. This is in line with the "Standards and Guidelines" document.

#### Built Heritage Experts Panel

The amendment was presented to the City's Built Heritage Experts Panel before and after public consultation. The Panel expressed concerns about limiting a property owner's ability to expand a designated Heritage Building. Additionally, the Panel noted that requiring a setback on a vertical extension could make the building less stable. Staff advised that a setback is required in most Atlantic provinces and serves to highlight the designated Heritage Building. In general, the Panel supports the proposed amendment.

Should Council adopt the amendment, it will be sent to the NL Department of Municipal and Provincial Affairs for registration, in line with the Urban and Rural Planning Act. No public hearing is needed..

#### **Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Heritage NL; property owners of designated Heritage Buildings; neighbouring residents and owners; heritage organizations.
3. Is this a New Plan or Strategy: No
4. 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.

5. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations
6. Accessibility and Inclusion: Not applicable.
4. Legal or Policy Implications: A text amendment to the Development Regulations is required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: Consultation was carried out as per Section 4.8 of the Development Regulations. A project page was also created on the Engage St. John's website.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council adopt Envision St. John's Development Regulations Amendment Number 41, 2024, regarding Heritage Use, that will make changes to Section 2 "Definitions" and add to Section 6 "Specific Developments" ..

**Prepared by: Lindsay Church, MCIP, Planner III – Urban Design and Heritage**

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

**Report Approval Details**

Document Title:	Text Amendment - Heritage Use Definition and Conditions - Adoption.docx
Attachments:	- DR Amend No. 41, 2024 - Heritage Use - TEXT (LJR).pdf - Letter of Response.pdf
Final Approval Date:	Sep 12, 2024

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

**Ken O'Brien - Sep 11, 2024 - 4:23 PM**

**Jason Sinyard - Sep 12, 2024 - 1:55 PM**