

City of St. John's Development Regulations, 2021

St. John's Development Regulations Amendment Number 41, 2024

Heritage Use Definition and Conditions

June 2024



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF ST. JOHN'S Development Regulations, 2021

Amendment Number 41, 2024

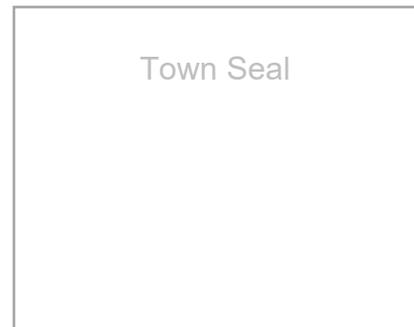
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the City of St. John's Development Regulations Amendment Number 41, 2024.

Adopted by the City Council of St. John's on the 17th day of September, 2024.

Signed and sealed this ____ day of _____.

Mayor: _____

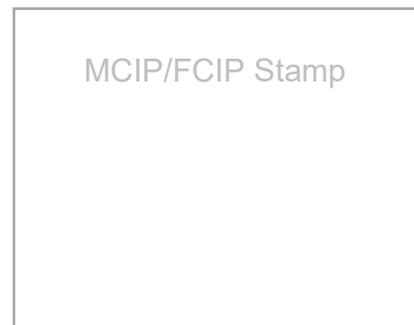
Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached City of St. John's Development Regulations has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____



Development Regulations/Amendment	
<u>REGISTERED</u>	
Number	_____
Date	_____
Signature	_____

CITY OF ST. JOHN'S

Development Regulations Amendment Number 41, 2024

BACKGROUND

At its May 8, 2023 regular meeting, Council decided to consider an amendment to the Envision St. John's Development Regulations that would clarify the definition of a Heritage Use and add conditions for extensions to a building that has a Heritage Use.

From the Envision St. John's Development Regulations, Heritage Use is defined as the use of a designated Heritage Building which is, in Council's opinion, compatible with the adjoining uses. In practice, the City has allowed an approved Heritage Use to also exist in any 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. It is worth clarifying this matter. Heritage Use is listed as a discretionary use in most zones, and generally the development standards (such as setbacks, building height, and so on) are in the discretion of Council.

ANALYSIS

The amendment proposes to change the definition of Heritage Use and add Heritage Use conditions to Section 6, as follows:

- The definition of Heritage Use will reference extensions, so that the definition now reads "Heritage Use means any Use of a designated heritage building or extension thereof, which is, in Council's opinion, compatible with the adjoining uses."
- Heritage Use will be added to Section 6 Specific Developments, which will state:

Heritage Use

- (1) (a) A horizontal extension to a Building containing a Heritage Use on a façade facing a Street shall not exceed 75% of the width of that Building façade; and
 - (b) a vertical extension to a Building containing a Heritage Use shall be horizontally recessed from the original Building. The distance of the Stepback shall be in the discretion of Council.
- (2) Applications for an extension to a Building containing a Heritage Use shall require public consultation in accordance with Section 4.8.

These conditions would apply to building extensions where the approved use is a Heritage Use. From the above restaurant example, if a restaurant is a permitted use in the zone, then staff would apply the setbacks and building height required for restaurants, not these proposed standards for a Heritage Use. If a restaurant is not a

permitted or discretionary use in the zone and was approved as a Heritage Use, then these new standards would apply. The value of 75% was chosen for horizontal expansions along a streetscape so that the extension does not exceed the width of the original Heritage Building. The amendment would not restrict the horizontal extension on a façade that does not face a street (for example, an extension to the rear of a building). The vertical extension (building higher) does not set a maximum building height because there is quite a variation of heights for Heritage Buildings. The building height should be similar to the maximum building height in the zone but will be left in the discretion of Council.

It is proposed that a building extension should be stepped back from the original Heritage Building to ensure that the Heritage Building is distinct and not overshadowed. An appropriate Stepback may vary from building to building so is in the discretion of Council, allowing flexibility in design. Applications for building extensions to a Heritage Building may require a Heritage Report in which the design could be set out and evaluated in detail.

CONSULTATION

The Built Heritage Experts Panel (BHEP) was consulted for review and comment. Additionally, the proposed amendment was advertised on the City's website and in The Telegram newspaper on May 13, 2023, May 20, 2023, and May 27, 2023. A notice was also issued to all designated Heritage Building owners. The deadline for comments was May 30, 2023 at 9:30 am.

The City received four (4) written submissions. One submission agreed with the horizontal extension but opposed the building Stepback requirement for vertical extensions. Two submissions were concerned with how the amendment may affect their designated Heritage Buildings, one opposed extensions to designated Heritage Buildings in general, and the fourth submission outlined concerns as they relate to the Standards and Guidelines for the Conservation of Historic Places in Canada.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed amendment is in line with the St. John's Urban Region Regional Plan and an amendment to the Regional Plan is not required.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 41, 2024

The City of St. John's Development Regulations, 2021 is amended by:

- 1) Repealing Heritage Use in Section 2 – Definitions, which states:
“HERITAGE USE means any Use of a designated heritage building which is, in Council’s opinion, compatible with the adjoining uses.”**

And replacing it with the following:

“HERITAGE USE means any Use of a designated heritage building or extension thereof, which is, in Council’s opinion, compatible with the adjoining uses.”

- 2) Adding the following to Section 6 Specific Developments:**

“Heritage Use

- (1) (a) A horizontal extension to a Building containing a Heritage Use on a façade facing a Street shall not exceed 75% of the width of that Building façade; and**
 - (b) a vertical extension to a Building containing a Heritage Use shall be horizontally recessed from the original Building. The distance of the Stepback shall be in the discretion of Council.**
- (2) Applications for an extension to a Building containing a Heritage Use shall require public consultation in accordance with Section 4.8.”**