

# DECISION/DIRECTION NOTE

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**Title:** Text Amendment to Enable Heritage Use as a Discretionary Use in the Institutional (INST) and Institutional Downtown (INST-D) Zones  
REZ1900014  
42 Bannerman Street

**Date Prepared:** February 4, 2020

**Report To:** Committee of the Whole

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

**Ward:** 2

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**Decision/Direction Required:**

To consider a text amendment to the St. John's Development Regulations to allow Council to consider Heritage Use in the Institutional (INST) and Institutional Downtown (INST-D) Zones.

**Discussion – Background and Current Status:**

The City has received an application from First Light St. John's Friendship Centre requesting that Heritage Use be considered as an acceptable use within the Institutional (INST) Zone. In January 2019, First Light entered into a formal partnership with Cochrane Centre, located at 42 Bannerman Street, to take on its operations. It is their belief that the current INST zoning regulations do not support the innovative venture that is underway at this site and that the addition of the Heritage Use could provide flexibility. A Municipal Plan amendment would not be required.

The subject property is located in Heritage Area 1, the Institutional District of the St. John's Municipal Plan and is zoned Institutional (INST). Cochrane Street United Church, which now includes Cochrane Centre and First Light, is designated by Council as a Heritage Building.

From the St. John's Development Regulations, Heritage Use means the Discretionary Use of a Heritage Building for two or more Dwelling Units; a Boarding or Lodging House; an Office; a Bed and Breakfast; a Handcraft Use; a Restaurant; and/or other uses, which are, in Council's opinion, compatible with adjoining Residential Uses. Under the draft Envision Development Regulations, adopted-in-principle by Council, Heritage Use is defined as any use of a Designated Heritage Building which is, in Council's opinion, compatible with the adjoining uses. If Council is going to consider adding Heritage Use to the INST and INST-D Zones, it is also recommended to update the definition in the current regulations.

By adding Heritage Use to the INST and INST-D Zones, Council could permit Designated Heritage Buildings to have additional uses not normally found in these zones allowing for more flexibility and adaptive reuse of Heritage Buildings. The addition of the Heritage Use to the

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# ST. JOHN'S

INST and INST-D Zones would be appropriate as many of the designated churches and similar buildings within the City are in the INST Zone.

At this time, First Light St. John's Friendship Centre would like Council to consider food preparation (commercial and community-based) within the Heritage Use. The existing commercial kitchen would be used for this purpose and would be used 24 hours, Monday to Sunday.

Additionally, food preparation or similar uses like Bakery are not listed in the General Parking Requirements of the Development Regulations. Therefore, the parking requirements are to be determined by Council. As the kitchen will often be used at a time that does not conflict with other uses within the building (evenings or early mornings), it is recommended that Council exempt the parking requirements as per Section 9.1.2(4) of the Development Regulations.

The City has received complaints regarding noise from the fan associated with the commercial kitchen. The exhaust was installed as part of the recent upgrades to the building and has been inspected by the City. There is no violation with the National Building Code or the St. John's Noise By-law

Should Council consider the text amendment, it is also recommended to advertise Heritage Use as a Discretionary Use in the City's public notification process for public review and comment.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:  
Neighbouring residents and 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 advertisement of the proposed amendment and Discretionary Use.
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 application for a text amendment to the Development Regulations to enable Heritage Use as a Discretionary Use be considered.

It is recommended that the Text Amendment and Discretionary Use be advertised for public review and comment. The application would then be referred to a regular meeting of Council for consideration of adoption.

**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: \_\_\_\_\_

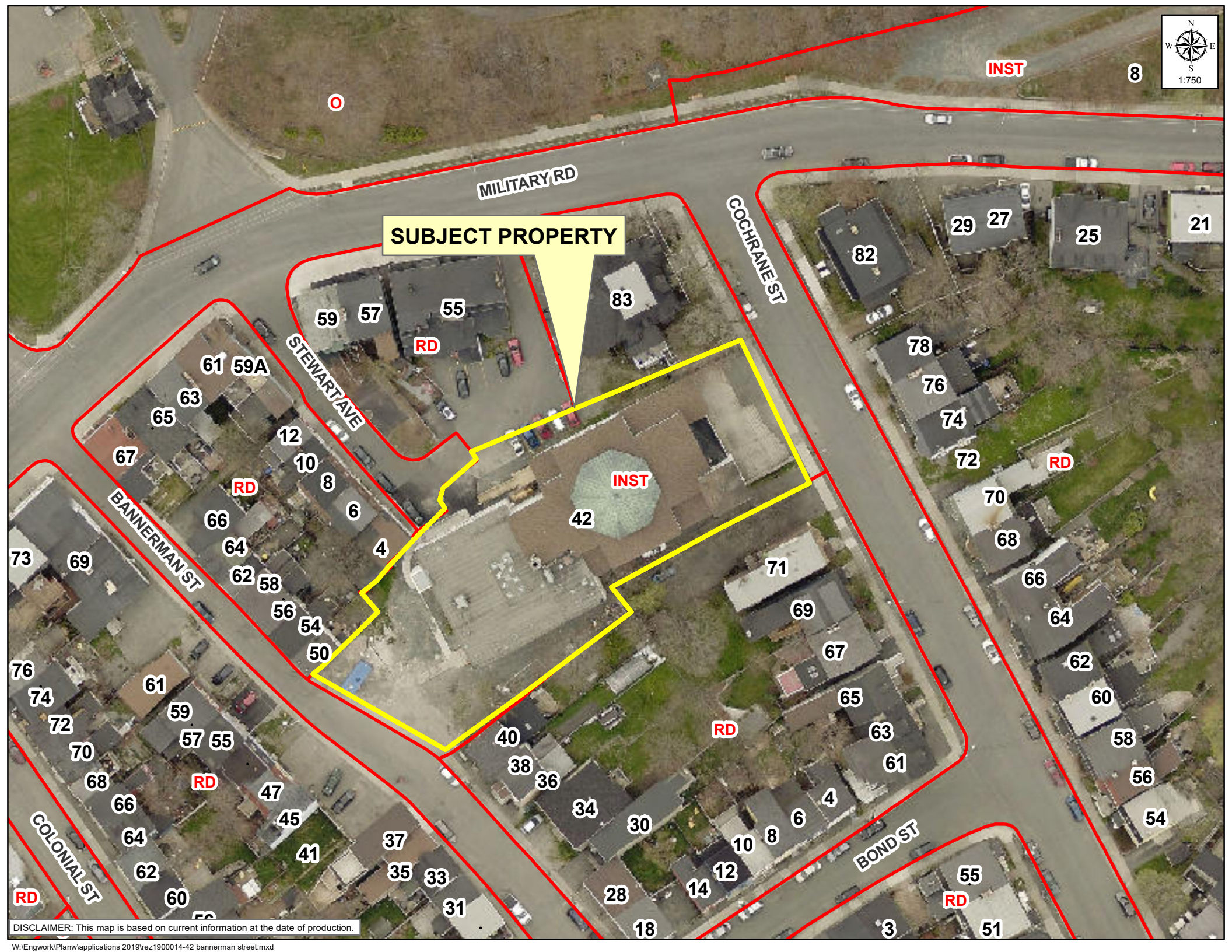
AMC/dlm

**Attachments:**

Zoning Map

Zoning Table





**SUBJECT PROPERTY**

**MILITARY RD**

COCHRANE ST

STEWART AVE

BANNERMAN ST

**BOND ST**

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

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## 10.32 INSTITUTIONAL (INST) ZONE

(See Section 5.1.4 - Development Above the 190 Metre Contour Elevation)

### 10.32.1 Permitted Uses

#### Residential:

- (a) Accessory Dwelling Unit
- (b) Seniors' Apartment Building (subject to Section 7.18) **(1995-06-09)**

#### Public:

- (c) Administrative Buildings for Government Offices and Non-profit Organizations
- (d) Adult Day Care Facility (subject to Section 7.2)
- (e) Church
- (f) Clinic
- (g) Commercial School **(1996-03-22)**
- (h) Cultural Center
- (i) Day Care Center (subject to Section 7.6)
- (j) Hospital
- (k) Home for the Aged
- (l) Institution
- (m) Library
- (n) Parish Hall or Center
- (o) Place of Assembly
- (p) Public Use
- (q) Public Utility
- (r) School
- (s) Undertaker's Establishment
- (t) University or other Institution of Higher Learning

#### Recreation:

- (u) Park

### 10.32.2 Discretionary Uses

- (a) Uses complementary to a Seniors' Apartment Building (subject to Section 7.18) **(2007-02-09)**
- (b) Office **(2010-02-12)**
- (c) Private Park **(2007-10-05)**
- (d) Small Scale Wind Turbine **(2012-06-01)**

### 10.32.3 Zone Requirements

The following requirements shall apply to all Permitted Uses except those at Civic Number 9-11 Carew Street where Council shall determine the requirements:

- (a) Lot Area (minimum) 900 square metres
- (b) Lot Frontage (minimum) 30 metres

**INST**

(c)	Lot Coverage (maximum)	50%	
(d)	Floor Area Ratio (maximum)	1.0, (subject to a Land Use Impact Assessment Report the F.A.R. may be increased to 2.0)	
(e)	Building Height (maximum)	3 storeys (Subject to a Land Use Assessment Report, may be increased to 10 storeys; and for property located at 50 Tiffany Lane ("Tiffany Village")), may be increased to 16 storeys.	<b>(2015-05-15)</b>
(f)	Building Line (minimum)	6 metres	
(g)	Side Yards (minimum)	1 metre per Storey with a maximum of 6 metres	
(h)	Side Yards on Flanking Road (min)	6 metres	
(i)	Rear Yard (minimum)	6 metres	
(j)	Landscaping of Lot (minimum)	20%	<b>(2010-07-02)</b>

**INST**

## 10.32(A).1 Permitted Uses

## Residential:

- (a) Accessory Dwelling Unit
- (b) Seniors' Apartment Building (subject to Section 7.18)

## Public:

- (c) Administrative Buildings for Government Offices and Non-profit Organizations
- (d) Adult Day Care Facility (subject to Section 7.2)
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- (s) Undertaker's Establishment
- (t) University or other Institution of Higher Learning

## Recreation:

- (u) Park

## 10.32(A).2 Discretionary Uses

- (a) Uses Complementary to a Seniors' Apartment Building (subject to Section 7.18)
- (b) Office
- (c) Private Park

## 10.32(A).3 Zone Requirements

- (a) Floor Area Ratio (maximum) 2.0
- (b) Building Height (maximum) 5 storeys subject to a Land Use Assessment Report

**INST-D**