

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 553, 2013**

WHEREAS the City of St. John's wishes to repeal all references to "Reduced Lot Housing" presently contained in the St. John's Development Regulations.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000:

- 1. Repeal the definition of "Reduced Lot Housing" as contained in Section 2 (Definitions).**
- 2. Repeal Section 7.14 ("Reduced Lot Housing Development").**
- 3. Repeal all references to "Reduced Lot Housing" contained in Section 10 ("Use Zone Schedules").**

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs 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 **2013.**

Mayor

City Clerk

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p> <p>_____</p> <p>MCIP</p>

MEMORANDUM

Date: October 22, 2012

To: Chairperson and Members
Planning and Housing Committee

Re: **Proposed Text Amendment – St. John’s Development Regulations
Repeal Provisions Pertaining to “Reduced Lot Housing”**

The City from time to time receives applications from applicants seeking Discretionary Use approval from Council to subdivide land for Reduced Lot Housing. The City’s Department of Planning is currently dealing with one such application in the Goulds at this time. The property is zoned Residential Low Density (R1) as per the St. John’s Development Regulations. Reduced Lot Housing is listed as a Discretionary Use in this zone.

The Development Regulations define REDUCED LOT HOUSING as “Single Detached Dwellings erected on Lots smaller than required under Section 10 of these Regulations.”

Section 7.14 of the Development Regulations states that “Reduced Lot Housing Development is subject to the following requirements:

- (a) the minimum Lot Areas are not more than 36% below the minimum required for Single Detached Dwellings in the Zone;
- (b) the minimum Lot Frontage is not more than 20% below the minimum required for Single Detached Dwellings in the Zone;
- (c) the minimum Building line (Front Yard) shall be the same as for Single Detached Dwellings in the Zone;
- (d) the minimum Side Yards shall be the same as for Single Detached Dwellings in the Zone;
- (e) the minimum Side Yards on Flanking Roads shall be the same as for Single Detached Dwellings in the Zone;
- (f) the minimum Rear Yard is not more than 20% below the minimum required for Single Detached Dwellings in the Zone;
- (g) all other requirements as may be determined by Council and/or as set forth in these Regulations and other by-laws, are complied with; and

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DEPARTMENT OF PLANNING

CITY OF ST. JOHN’S PO BOX 908 ST. JOHN’S NL CANADA A1C 5M2 WWW.STJOHN’S.CA

- (h) an agreement having a plan attached thereto, satisfactory to Council, between the developer and/or the City shall be registered in the Registry of Deeds of Newfoundland, controlling the Use and Development of such land.
- (i) a Subsidiary Apartment shall not be permitted where a Reduced Lot Housing Lot has less than 15 metres Lot Frontage.”

Section 8.4 (1) of the Development Regulations states that “A Variance from the development standards set out in these Regulations shall not be allowed, if that Variance, when considered together with other Variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% Variance, even though the individual Variances are separately no more than 10%.”

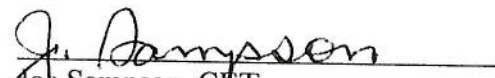
Section 36 (1) (b) of the Urban and Rural Planning Act, 2000 provides that the Minister shall make development regulations that shall be included in the development regulations of councils and regional authorities with respect to allowable variances in development standards to a maximum of 10%.

The City’s Legal Department has advised that as the St. John’s Development Regulations are subordinate to the Urban and Rural Planning Act, 2000 and as Reduced Lot Housing standards exceed the maximum variance of 10% which is contrary to section 8.4 (1) of the Development Regulations and Section 36 (1) of the Urban and Rural Planning Act, Council does not have the discretion to approve applications for Reduced Lot developments.

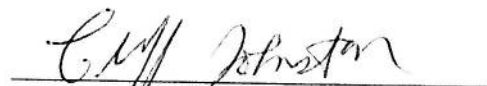
This issue has recently been discussed by the City’s Development Committee and the Committee recommends that all references to Reduced Lot Housing be deleted from the Development Regulations.

RECOMMENDATION

It is the recommendation, based on discussion with the Development Committee, that all references to Reduced Lot Housing be deleted from the St. John’s Development Regulations. If the Planning and Housing Committee and Council agree with this recommendation, then it is recommended that the Department of Planning be directed to prepare the text amendment in conjunction with the City’s Legal Department. The amendment would then be advertised for public review and comment. Upon completion of this process, the amendment would then be referred to a future Regular Meeting of Council for consideration of adoption and approval.



Joe Sampson, CET
Manager of Development



Cliff Johnston, MCIP
Director of Planning

JS/amh