

**TOWN OF PARADISE
DEVELOPMENT REGULATIONS 2016**

DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2023

MULTIPLE BUILDINGS ON A LOT

JANUARY 2023

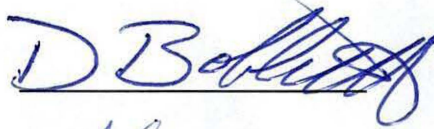
URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF PARADISE
DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Paradise adopts the Town of Paradise Development Regulations Amendment No. 14, 2023.

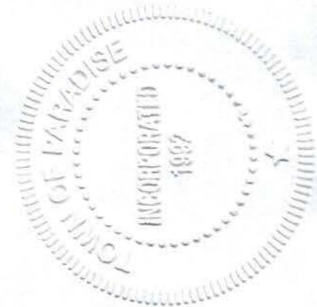
Adopted by the Town Council of Paradise on the 21st day of March, 2023.

Signed and sealed this 22nd day of March, 2023.

Mayor:



(Council Seal)



Clerk:



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Paradise Development Regulations Amendment was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.



| | |
|-----------------------------------|--------------------------|
| Development Regulations/Amendment | |
| REGISTERED | |
| Number | <u>K. Planward</u> |
| Date | <u>12 APRIL 2023</u> |
| Signature | <u>3655 - 2023 - 014</u> |

TOWN OF PARADISE
DEVELOPMENT REGULATIONS AMENDMENT No. 14, 2023

Background

Section 4.10 Multiple Uses and Buildings on a Lot is insufficient in allowing multiple buildings on residential and commercial Lots. Section 4.10 is distinctly divided into three separate clauses as noted by the lack of conjunction nouns intended to connect clauses or sentences to coordinate words or statements in the same clause. As such, these individual clauses do not speak to one another as being interdependent or require them to be interpreted in sequential order.

Section 4.10: Multiple Uses and Buildings on a Lot states:

1. *Multiple Uses and Buildings may occur on a Lot where:
 - a. They are part of an approved Planned Mixed Development plan.
 - b. The Uses are included in an approved mixed-use Building.*
2. *Where an additional Use or Building is proposed on a Lot originally approved for a single Use in any residential Use Zone, each Use shall be required to meet the provisions of these Regulations. Where there is a conflict such as in the case of Lot size or Lot Frontage, the higher, or more stringent standard shall prevail.*
3. *An additional Use or Building may be permitted on a Lot originally approved and developed for a commercial Use, provided the Lot is located in a commercial Zone, has sufficient area to meet the applicable Use Zone requirements for Yards, Access and parking for each Building and Use.*

Subsection 1. a speaks to development in a PMD(COM) or PMD(RES) zone.

Subsection 1. b speaks to multiple Uses that may occur in an approved mixed use building.

Subsection 2 speaks to permitting one additional use or one additional building on a lot originally approved for a single residential use in a residential zone with a caveat that where a conflict exists in the lot standards for both uses, the more stringent standard shall prevail.

Subsection 3 speaks to permitting one additional use or one additional building on a commercial Lot originally approved for a commercial Use.

Purpose

The purpose of this amendment is to accommodate commercial, industrial, and residential development opportunities where multiple buildings and uses are proposed on vacant land.

Multiple buildings on one residential Lot currently exists within the Town of Paradise. As it stands, similar developments are not permitted under the 2016 Development Regulations. This form of development is being called a "Cluster Development". The creation of this new residential use supports the goal to ensure the Town has residential neighbourhoods that are inclusive, and support people of different ages, abilities and incomes.

2016 Paradise Municipal Plan

The changes to the 2016 Paradise Development Regulations do not require an amendment to the 2016 Paradise Municipal Plan. The following sections support the development regulations amendment.

Section 3.6 of the Municipal Plan encourages a range of housing forms be developed to enable aging in place and provide affordable housing options.

Section 5.3 of the Municipal Plan supports the development of industrial and commercial lands in a manner that maximizes the use of land by encouraging mixed-use commercial and industrial developments.

St. John's Urban Region Regional Plan

The proposed changes to the 2016 Paradise Development Regulations do not conflict with the policies of the St. John's Urban Region Regional Plan. Therefore, an amendment to the St. John's Urban Region Regional Plan is not required.

Public Consultation

The amendment was advertised in The Shoreline newspaper on February 3, 2023 and February 10, 2023. The amendment was also advertised on the Town's website and was available for the public to review from February 3, 2023 until February 20, 2023. The Town accepted comments and/or concerns on the proposed change in writing until 4:30pm, February 17, 2023. The Town did not receive any submissions.

Town of Paradise Development Regulations Amendment No. 14, 2023

This amendment makes changes to the following sections of the 2016 Paradise Development Regulations:

- **Section 2 Definitions**
- **Section 4.10 Multiple Uses and Buildings on a Lot**
- **Section 5 Specific Use Regulations**
- **Section 8.2 General Parking Requirements**
- **Section 9.11 Residential Medium Density (RMD)**
- **Section 9.12 Residential High Density (RHD)**
- **Section 9.18 Residential Mixed (RM)**
- **Section 9.22 Commercial Main Street (CM)**
- **Appendix B: Classification of Uses and Buildings**

SECTION 2 DEFINITIONS

The definition of "Cluster Development" is *added* to Section 2, Definitions of the Development Regulations, after the definition of "Child Care (Daycare Centre)".

"Cluster Development" is defined as follows:

"CLUSTER DEVELOPMENT" means two or more Buildings that are comprised of Single-Detached Dwellings, Semi-Detached Dwellings, Row Dwellings, or Apartment Buildings, and any combination thereof on one Lot.

SECTION 4.10 MULTIPLE BUILDINGS AND USES ON A LOT

Section 4.10 Multiple Uses and Buildings on a Lot states:

- “1. Multiple Uses and Buildings may occur on a Lot where:
 - a. They are part of an approved Planned Mixed Development plan.
 - b. The Uses are included in an approved mixed-use Building.
2. Where an additional Use or Building is proposed on a Lot originally approved for a single Use in any residential Use Zone, each Use shall be required to meet the provisions of these Regulations. Where there is a conflict such as in the case of Lot size or Lot Frontage, the higher, or more stringent standard shall prevail.
3. An additional Use or Building may be permitted on a Lot originally approved and developed for a commercial Use, provided the Lot is located in a commercial Zone, has sufficient area to meet the applicable Use Zone requirements for Yards, Access and parking for each Building and Use.”

Section 4.10 Multiple Uses and Buildings on a Lot is replaced with:

- “1. Multiple Uses and Buildings may occur on a Lot where:
 - a. They are part of an approved Planned Mixed Development plan.
 - b. The Uses are included in an approved mixed-use Building.
 - c. *The development is considered a Cluster Development.***
2. Where an additional Use or Building is proposed on a Lot originally approved for a single Use in any residential Use Zone, each Use shall be required to meet the provisions of these Regulations. Where there is a conflict such as in the case of Lot size or Lot Frontage, the higher, or more stringent standard shall prevail.
3. An additional Use or Building may be permitted on a Lot originally approved and developed for a commercial Use, provided the Lot is located in a commercial Zone, has sufficient area to meet the applicable Use Zone requirements for Yards, Access and parking for each Building and Use.
- 4. *Multiple buildings shall be permitted on commercial and industrial Lots provided the applicable Use Zone standards are satisfied.***

SECTION 5 SPECIFIC USE REGULATIONS

Add specific use regulations for Cluster Developments.

Section 5.19 Cluster Development is added to Section 5, Specific Use Regulations, after section 5.18 Family and Group Care Centre.

Section 5.19 Cluster Development states:

Cluster Development, where permitted, shall be subject to the following conditions and requirements:

- a. A Cluster Development shall be maintained in single ownership unless subdivision of the property is approved by the Town, or the dwelling units are owned by individuals and the balance of the property is owned and maintained as common elements within a Condominium Corporation established under the Condominium Act, 2009.***
- b. A Cluster Development shall comply with the National Building Code of Canada, particularly the minimum separation distances from other buildings within the same property.***
- c. A Cluster Development shall include Amenity Space appropriate for the size and intensity of the Development unless the site is located adjacent to open space and otherwise approved by Council.***
- d. A landscape plan, prepared by a certified member of a recognized landscaping organization, recognized by the Town, is required. Section 4.3.1 a. b. d. e and f. apply to Cluster Developments.***
- e. Parking area(s) shall be designed in accordance with Section 8 Off-Street Parking and Loading.***
- f. Parking lots and motor vehicle circulation areas shall be situated to minimize the impact on adjoining properties.***
- g. Designs must consider and identify areas for snow storage within the Development. Snow piling areas shall be provided away from common fences and away from Streets.***
- h. Council may require a privacy fence be constructed.***

SECTION 8.2 GENERAL PARKING REQUIREMENTS

Parking requirements for a "Cluster Development" is added to the General Parking Requirements for Residential Uses.

The following part of the table in section 8.2 General Parking Requirements states:

| | |
|--------------------|---|
| Apartment Building | Three (3) spaces for every two (2) Dwelling Units |
|--------------------|---|

This part of the table is replaced with:

| | |
|--|---|
| Apartment Building <i>Cluster Development</i> | Three (3) spaces for every two (2) Dwelling Units |
|--|---|

Section 9.11: Residential Medium Density (RMD)

Section 9.11.3 Discretionary Uses states:

3. Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal
- Apartment Building (up to 8 units)
- Bed and Breakfast
- Boarding House
- Daycare Centre
- Educational
- Home-Based Business
- Office
- Personal, Professional and Medical (up to 200 m²)
- Place of Worship
- Row Dwelling
- Telecommunications Towers

Section 9.11.3 Discretionary Uses is replaced with:

3. Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal
- Apartment Building (up to 8 units)
- Bed and Breakfast
- Boarding House
- **Cluster Development**
- Daycare Centre
- Educational
- Home-Based Business
- Office
- Personal, Professional and Medical (up to 200 m²)
- Place of Worship
- Row Dwelling
- Telecommunications Towers

Section 9.11.10 Standards for a Cluster Development is added:

10. Standards for a Cluster Development

| Standard | Single Detached Dwelling | Semi-detached Dwelling | Row Dwelling | Multi-unit |
|---------------------------------------|--|------------------------|---------------|--------------|
| Minimum Lot Area (m ²) | 335 | 164 per d. u. | 140 per d. u. | 90 per d. u. |
| Minimum Frontage (m) | 20.0 | | | |
| Minimum Building Line Setback (m) | 7.6 | | | |
| Minimum Side Yard (m) | 6.0 m as oriented from the public Street | | | |
| Minimum Flanking Street Side Yard (m) | 7.6 | | | |
| Minimum Rear Yard (m) | 8.0 m as oriented from the public Street | | | |
| Maximum Lot Coverage | 45% | | | |
| Maximum Height (m) | 9.0 | 9.0 | 9.0 | 14.0 |
| Landscaping (Minimum) Front Yard | Front Yard to a depth of 6.0 m, exclusive of any access, must be landscaped. | | | |

Section 912: Residential High Density (RHD)

Section 9.12.2 Permitted Uses states:

2. Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Apartment Buildings
- Assisted Living Residential Complex
- Family Child Care
- Home Office
- Row Dwelling
- Semi-detached Dwelling
- Single-detached Dwelling
- Subsidiary Apartment
- Urban Agriculture

Section 9.12.2 Permitted Uses is replaced with:

2. Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Apartment Buildings
- Assisted Living Residential Complex
- ***Cluster Development***
- Family Child Care
- Home Office
- Row Dwelling
- Semi-detached Dwelling
- Single-detached Dwelling
- Subsidiary Apartment
- Urban Agriculture

Section 9.12.6 Standards for a Cluster Development is added:

5. Standards for a Cluster Development

| Standard | Single Detached Dwelling | Semi-detached Dwelling | Row Dwelling | Multi-unit |
|---------------------------------------|--|------------------------|---------------|--------------|
| Minimum Lot Area (m ²) | 335 | 164 per d. u. | 140 per d. u. | 90 per d. u. |
| Minimum Frontage (m) | 20.0 | | | |
| Minimum Building Line Setback (m) | 7.6 | | | |
| Minimum Side Yard (m) | 6.0 m as oriented from the public Street | | | |
| Minimum Flanking Street Side Yard (m) | 7.6 | | | |
| Minimum Rear Yard (m) | 8.0 m as oriented from the public Street | | | |
| Maximum Lot Coverage | 55% | | | |
| Maximum Height (m) | 9.0 | 9.0 | 9.0 | 14.0 |
| Landscaping (Minimum) Front Yard | Front Yard to a depth of 6.0 m, exclusive of any access, must be landscaped. | | | |

Section 9.18 Residential Mixed (RM)

Section 9.18.3 Discretionary Uses states:

3. Discretionary Uses

- Apartment Building
- Assisted Living Residential Complex
- Boarding House
- Commercial Agriculture
- Commercial Greenhouse
- Convenience Store
- Daycare Centre
- Home-Based Business
- Light and General Industry (limited to Existing Uses)
- Office
- Personal, Professional and Medical Service
- Place of Worship
- Restaurant
- Retail Store
- Row Dwelling
- Take-Out Food Service
- Taxi Stand
- Telecommunications Towers

Section 9.18.3 Discretionary Uses is replaced with:

3. Discretionary Uses

- Apartment Building
- Assisted Living Residential Complex
- Boarding House
- **Cluster Development**
- Commercial Agriculture
- Commercial Greenhouse
- Convenience Store
- Daycare Centre
- Home-Based Business
- Light and General Industry (limited to Existing Uses)
- Office
- Personal, Professional and Medical Service
- Place of Worship
- Restaurant
- Retail Store
- Row Dwelling

- Take-Out Food Service
- Taxi Stand
- Telecommunications Towers

Section 9.18.6 Standards for a Cluster Development is added:

6. Standards for a Cluster Development

| Standard | Single Detached Dwelling | Semi-detached Dwelling | Row Dwelling | Multi-unit |
|---------------------------------------|--|------------------------|---------------|--------------|
| Minimum Lot Area (m ²) | 335 | 164 per d. u. | 140 per d. u. | 90 per d. u. |
| Minimum Frontage (m) | 20.0 | | | |
| Minimum Building Line Setback (m) | 7.6 | | | |
| Minimum Side Yard (m) | 6.0 m as oriented from the public Street | | | |
| Minimum Flanking Street Side Yard (m) | 7.6 | | | |
| Minimum Rear Yard (m) | 8.0 m as oriented from the public Street | | | |
| Maximum Lot Coverage | 45% | | | |
| Maximum Height (m) | 9.0 | 9.0 | 9.0 | 14.0 |
| Landscaping (Minimum) Front Yard | Front Yard to a depth of 6.0 m, exclusive of any access, must be landscaped. | | | |

Section 9.22 Commercial Main Street (CM) Zone

Section 9.22.3 Discretionary Uses states:

3. Discretionary Uses

- Apartment Building
- Automotive Sales
- Boarding House
- General Assembly
- General Garages
- Home-Based Business
- Hotel
- Light Industry
- Lounge
- Outdoor Market
- Recreational Open Space (Commercial)
- Restaurant (Drive-Through)
- Take-out (Drive-Through)
- Taxi Stand
- Telecommunications Towers
- Theatre

Section 9.22.3 Discretionary Uses is replaced with:

3. Discretionary Uses

- Apartment Building
- Automotive Sales
- Boarding House
- ***Cluster Development***
- General Assembly
- General Garages
- Home-Based Business
- Hotel
- Light Industry
- Lounge
- Outdoor Market
- Recreational Open Space (Commercial)
- Restaurant (Drive-Through)
- Take-out (Drive-Through)
- Taxi Stand
- Telecommunications Towers
- Theatre

Section 9.22. 5 Apartment Buildings and Single-detached dwellings states:

5. Apartment Buildings and Single-detached Dwellings

Development standards for apartment buildings shall be the same as those set out in the Residential High Density Use Zone. Development standards for Single-detached Dwellings (existing) shall be the same as those set out in the Residential Medium Density Use Zone.

Section 9.22.5 is replaced with the following:

5. *Cluster Development, Apartment Buildings and Single-detached Dwellings*

Development standards for ***Cluster Development and Apartment Buildings (Multi-unit)*** shall be the same as those set out in the Residential High Density Use Zone. Development standards for Single-detached Dwellings (existing) shall be the same as those set out in the Residential Medium Density Use Zone.

APPENDIX B: CLASSIFICATION OF USES AND BUILDINGS

“Cluster Development” is added to the “Use Class” column, below “Collective Residential”, in Section 3. Residential Uses.

Appendix B: Classification of Uses and Buildings, Section 3. Residential Uses, states:

| Division | Use Class | Examples |
|---------------------------|------------------------|--|
| Residential Dwelling Uses | Single Dwelling | Family and Group Care Centre Single-detached Dwelling |
| | Double Dwelling | Duplex Dwelling Family and Group Care Centre Semi-detached Dwelling |
| | Row Dwelling | Family and Group Care Centre Row House Town House |
| | Apartment Building | Apartment Building Family and Group Care Centre Multi-Unit Dwellings (3 plus Units) |
| | Collective Residential | Assisted Living Residential Complex Nurses and Hospital Residences University and College Halls of Residence |

Appendix B: Classification of Uses and Buildings, Section 3. Residential Uses, is replaced with:

| Division | Use Class | Examples |
|---------------------------|----------------------------|--|
| Residential Dwelling Uses | Single Dwelling | Family and Group Care Centre Single-detached Dwelling |
| | Double Dwelling | Duplex Dwelling Family and Group Care Centre Semi-detached Dwelling |
| | Row Dwelling | Family and Group Care Centre Row House Town House |
| | Apartment Building | Apartment Building Family and Group Care Centre Multi-Unit Dwellings (3 plus Units) |
| | Collective Residential | Assisted Living Residential Complex Nurses and Hospital Residences University and College Halls of Residence |
| | Cluster Development | Cluster Development |