

# **City of St. John's Development Regulations, 2021**

## **St. John's Development Regulations Amendment Number 1, 2022**

**Open Space (O) Land Use Zone to  
Apartment Harvey Road (AHR) Land Use Zone for  
an Apartment Building  
68 Queen's Road**

**September 2022**



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**ST. JOHN'S Development Regulations, 2021**

**Amendment Number 1, 2022**

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the St. John's Development Regulations Amendment Number 1, 2022.

Adopted by the City Council of St. John's on the 28th day of June, 2022.

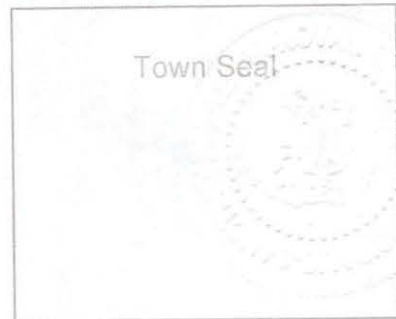
Signed and sealed this 11 day of Oct. 22.

Mayor:

Ray B.

Clerk:

Karen Chel



**Canadian Institute of Planners Certification .**

I certify that the attached St. John's Development Regulations Amendment Number 1, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP:

Ann-Marie Cashin



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO APPROVE**

**St. John's Development Regulations, 2021**

**Amendment Number 1, 2022**

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

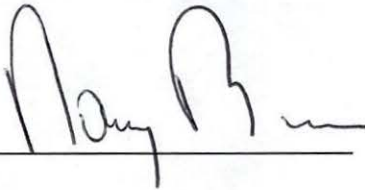
1. Adopted the St. John's Development Regulations Amendment Number 1, 2022 on the 28th day of June, 2022;
2. Gave notice of the adoption of the St. John's Development Regulations Amendment Number 1, 2022 by way of an advertisement inserted in the Telegram newspaper on the 2nd day of July, 2022, on the 9th day of July, 2022, on the 16th day of July, 2022,; and
3. Set the 20th day of July, 2022 at 7:00 p.m. at the St. John's City Hall in the City of St. John's for the holding of a public hearing to consider objections and submissions; and
4. Set the 21st day of July, 2022 at 7:00 p.m. for an additional virtual session via Zoom.

Now, under section 23 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's approves the St. John's Development Regulations Amendment Number 1, 2022 on the 3rd day of October, 2022 as amended with the changes outlined below.

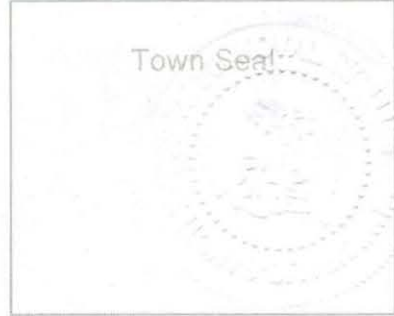
Adding the Apartment Harvey Road (AHR) Zone to Section 10.2 Use Zone Summary of the St. John's Development Regulations.



Signed and sealed this 11 day of Oct. /22


Mayor: 

Clerk: 




**Canadian Institute of Planners Certification**

I certify that the attached City of St. John's Development Regulations Amendment Number 1, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: 



Development Regulations/Amendment  
**REGISTERED**  
Number 4400-2022-014  
Date 2 DECEMBER 2022  
Signature 

## CITY OF ST. JOHN'S

### Development Regulations Amendment Number 1, 2022

#### **BACKGROUND**

The City of St. John's wishes to allow an Apartment Building at 68 Queen's Road. A Development Regulations amendment to rezone the land from the Open Space (O) Zone to a new Apartment Harvey Road (AHR) Zone is required to accommodate the development.

Initially this amendment also included rezoning land at the front of the property from the Institutional (INST) Zone to the Residential Downtown (RD) Zone for the purpose of developing three (3) Townhouses. Following the public meeting, at the February 9, 2021, Council meeting, Council directed to split the amendments into two separate amendments. On August 20, 2021, the front of the property was re-designated to the Residential Land Use District and rezoned to the RD Zone. St. John's Municipal Plan Amendment Number 1, 2022 and Development Regulations Amendment Number 1, 2022 only applies to the rear of the property (area currently designated and zoned Open Space (O)).

#### *Heritage Area*

The subject property is located in Heritage Area 1 and is within the St. John's Ecclesiastical District National Historic Site, which was proclaimed several years ago by the Historic Sites and Monuments Board of Canada. Nearby buildings include The Rooms provincial museum, art gallery and archives to the north, houses along Garrison Hill to the east, Gower Street United Church and hall and the Sergeant's War Memorial and Peacekeepers Monument across Queen's Road to the south, and St. Andrew's Presbyterian Church and hall off Long's Hill to the west. There is also a disused Roman Catholic cemetery in front of St. Andrew's. The Catholic Basilica and the Anglican Cathedral are nearby.

The associated Land Use Assessment Report was reviewed by the Built Heritage Experts Panel and recommended changes, such as building materials, and window design, have been incorporated into the Apartment Building design.

#### *Changes to the Proposal*

In 2019, Council decided to consider rezoning the subject property and set terms of reference for a Land Use Assessment Report. The initial application for this property proposed two Apartment Buildings with a total of 40 units, one fronting Harvey Road and one fronting Queen's Road. The required public meeting for the proposed development and rezoning was held on November 27, 2019 and was attended by approximately 135 people. Many concerns were raised during the meeting about the size and scale of the proposed building. Following the meeting the applicant decided that they would conduct independent consultation and revise the plans. The additional



consultation included a public session at The Rooms with stakeholders; and in partnership with Happy City St. John's and Heritage NL, the applicant carried out an online survey, a focus group meeting with stakeholders, and a design charrette lead by ERA Partners.

The applicant updated the required Land Use Assessment Report to propose a new development. In the revised design, 40 residential units remain, but the Apartment Building on Queen's Road was changed to three Townhouses. The building on Harvey Road has been rotated 90 degrees so it is narrower along the road and goes back deeper into the property. The Townhouses have since been rezoned to allow development.

The land at the rear of the lot rises steeply to Harvey Road in a treed area that has no formal use. While this portion of the lot is zoned Open Space, it is privately owned and is used informally by some area residents. Staff believe that this zone is a hold-over from the first zoning map for St. John's in 1955. At that time, there were only a handful of zones used. Parks were zoned Open Space, as well as all churches, churchyards, and cemeteries. As the Institutional Zone was later introduced, it was likely that this portion of the lot was left as Open Space because it was vacant land and only the building portion of the lot was zoned Institutional.

Given the concerns raised during the public consultation, in February 2021 Council directed staff to prepare a site-specific zone for the proposed Apartment Building. This is intended to apply in a situation where a general zone might not give Council enough control. This property is a sensitive site with many public concerns. In the proposed amendment, a site plan is adopted as the zone standards, so that if the property is developed, the development will have to match the adopted site plan. The building form would be developed exactly as proposed. Any future changes to the site plan would require an amendment to the zone. This ensures that there will be no deviation from the approved building standards.

## **PUBLIC CONSULTATION**

The revised submission and proposed amendment and associated public meetings were advertised on three occasions in The Telegram newspaper on October 31, November 7, and November 14, 2020. A notice of the amendment was also mailed to property owners within 150 metres of the application site and posted on the City's website and social media. Two virtual public meetings were held on November 17 and 18, 2020. Submissions received are included in the November 22, 2021 Regular Council Meeting Agenda (Decision Note dated November 17, 2021).

At the public meetings and in the many emails received, opinions were divided. Some thought that the proposed development would be an improvement to the currently neglected hall, retain the heritage character of the area, increase residential density, encourage more people to come downtown, retain some green space, and be a good addition to the neighbourhood.



Others do not want to see the trees cut down and thought the proposed building is too large and out of scale with the historic area. Concerns were raised from neighbouring properties that removing trees, developing a large building, and installing light fixtures will block their natural light and affect privacy of houses along Garrison Hill. There were concerns that blasting or drilling for the underground parking could affect the adjacent properties. The objections include a petition with over 4,000 signatures.

In addition to residents, the board of directors of The Rooms and three adjacent places of worship (Gower Street United Church, St. Andrew's Presbyterian Church, and the Catholic Basilica of St. John the Baptist) also cited significant objections to the proposed development.

Concerns have been raised about potential negative impacts on the St. John's Ecclesiastical District National Historic Site designation. There was an appeal to not allow the development of the proposed apartment building, as it could jeopardize the work of a group of volunteers who seek to nominate the Ecclesiastical District as a World Heritage Site with UNESCO. Information from Parks Canada does not affirm that level of jeopardy to a potential future UNESCO designation.

#### **ST. JOHN'S URBAN REGION REGIONAL PLAN AMENDMENT**

A portion of land at the rear of 68 Queen's Road is designated "Public Open Space" under the St. John's Urban Region Regional Plan. The proposed amendment would require a Regional Plan amendment to redesignate the land to "Urban Development".

St. John's Urban Region Regional Plan Amendment 1, 2020 was advertised concurrently with the municipal amendment. Notices were also mailed to municipalities within the urban region. Submission received are included in the November 22, 2021 Regular Council Meeting Agenda (Decision Note dated November 17, 2021).

#### **AMENDMENT REFERENCE NUMBER**

During the initial provincial review to consider the Regional Plan Amendment, the City supplied the Department of Municipal and Provincial Affairs with a draft reference number for the proposed amendment. Since that time, the City has adopted a new Municipal Plan and Development Regulations, and therefore this amendment will be referenced as Development Regulations Amendment Number 1, 2022.

#### **ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 1, 2022**

The St. John's Development Regulations is amended by:

1. Rezoning land at the rear of 68 Queen's Road [Parcel ID# 45901] from the Open Space (O) Zone to the Apartment Harvey Road (AHR) Zone as shown on City of St. John's Zoning Map attached.

2. Adding "Apartment Harvey Road (AHR) Zone" name, abbreviation and zone colour to the list of Apartment Zones in Section 10.2

3. Adding the following to Section 10 – Zones  
"APARTMENT HARVEY ROAD (AHR) ZONE

(1) For the purpose of this Zone, Building Height shall be defined as the vertical distance measured in metres from the established elevation of Harvey Road to the highest point of the roof surface and shall include mechanical structures, smokestacks, steeples, parapets, purely ornamental structures above the roof and any other rooftop elements.

(2) PERMITTED USES

Accessory Building  
Apartment Building  
Community Garden  
Daycare Centre in Residential Use  
Home Office  
Park

(3) DISCRETIONARY USES

Home Occupation  
Public Utility

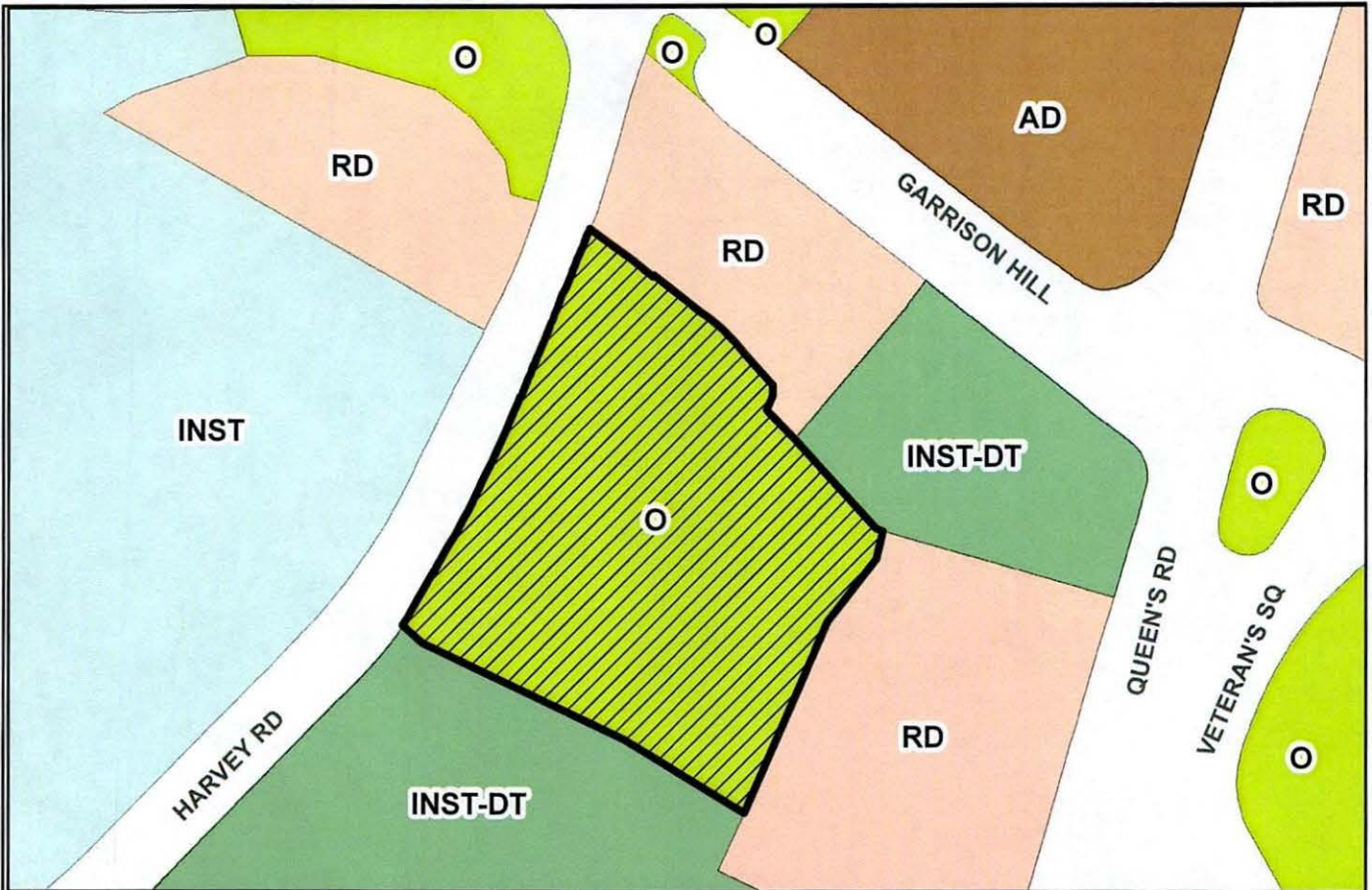
(4)

(a) THE FOLLOWING DOCUMENTS SHALL FORM PART OF THE ZONE REQUIREMENTS FOR THE APARTMENT HARVEY ROAD ZONE (APPENDIX AHR)

- i. Parish Lane Development Figure A: Floor to Floor Heights
- ii. Parish Lane Development Figure B: Building Setbacks
- iii. Parish Lane Development Figure C: Building Profiles
- iv. Parish Lane Development Figure D: Relative Heights

(5) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL"






**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 1, 2022**

[City of St. John's Zoning Map]

2021 11 17 Scale: 1:1000  
City of St. John's  
Department of Planning, Development  
& Regulatory Services

I hereby certify that this amendment  
has been prepared in accordance with the  
Urban and Rural Planning Act.

 AREA PROPOSED TO BE REZONED FROM  
OPEN SPACE (O) LAND USE ZONE TO  
APARTMENT HARVEY ROAD (AHR) LAND USE ZONE

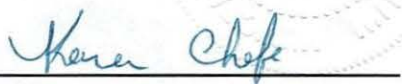
68 QUEEN'S ROAD  
Parcel ID 45901



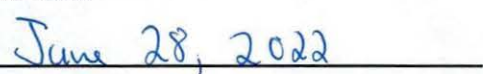
M.C.I.P. signature and seal



Mayor



City Clerk



Council Adoption

Development Regulations/Amendment  
**REGISTERED**  
Number 4400-2022-014  
Date 2 DECEMBER 2022  
Signature 

Provincial Registration

# Figure A: Floor to Floor Heights

NOTE: All building heights and floor elevations are measured in metres as registered from sea level

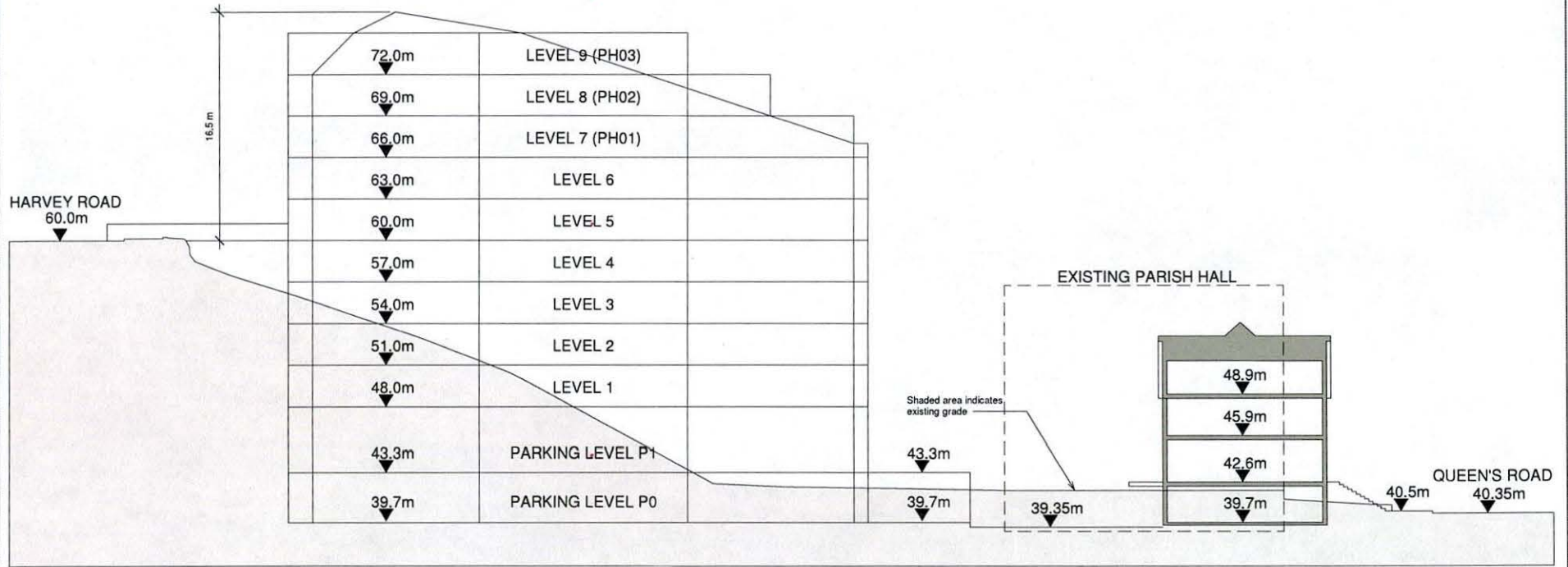




Figure B: Building Setbacks

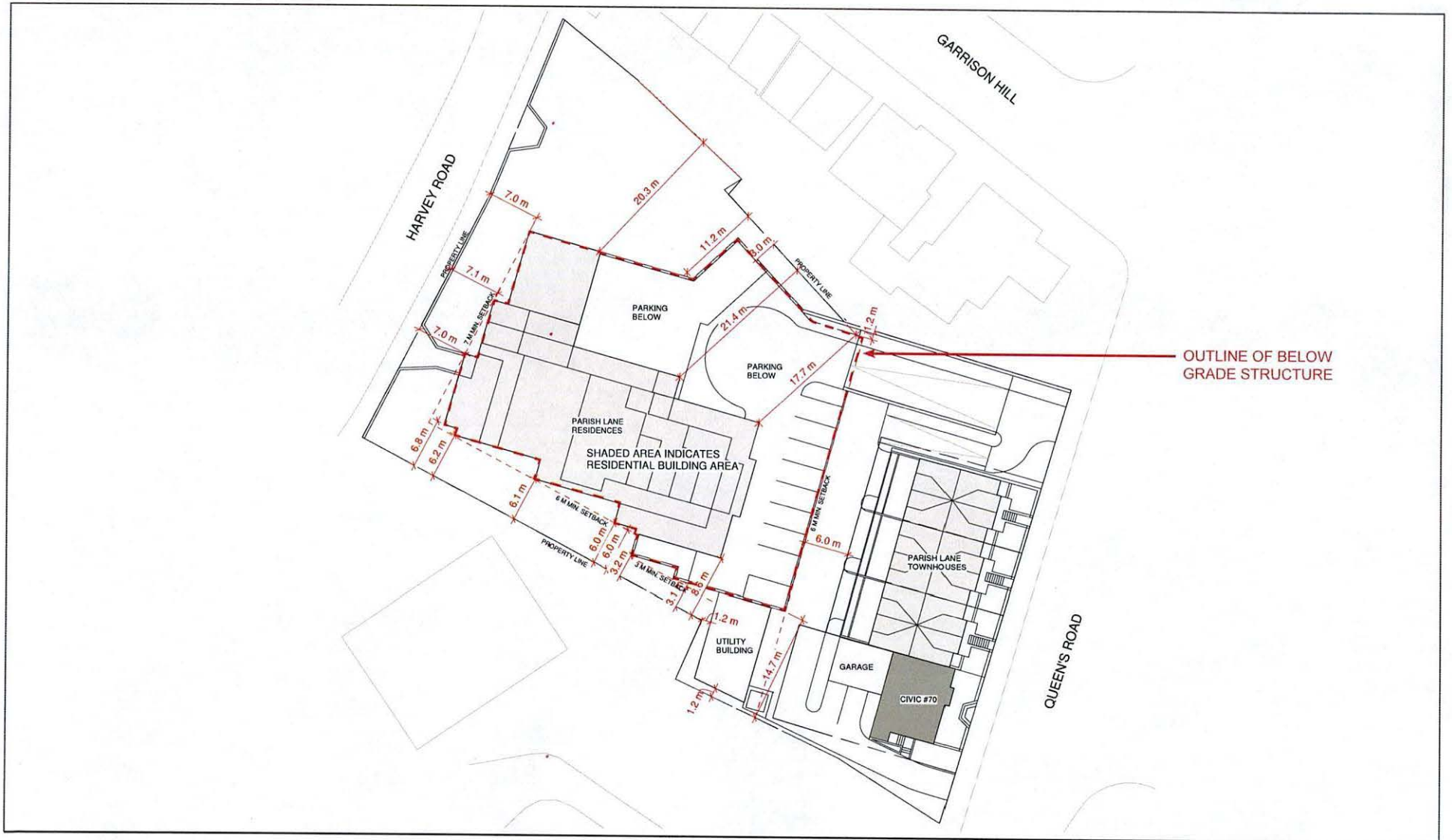


Figure C: Building Profiles

NOTE: All building heights and dimensions are measured in metres. The established elevation of Harvey Road has been set as 60.0m as registered above sea level. This was determined by averaging the elevations across the property along Harvey Road. The building heights shown are measured from that established elevation registered from sea level.

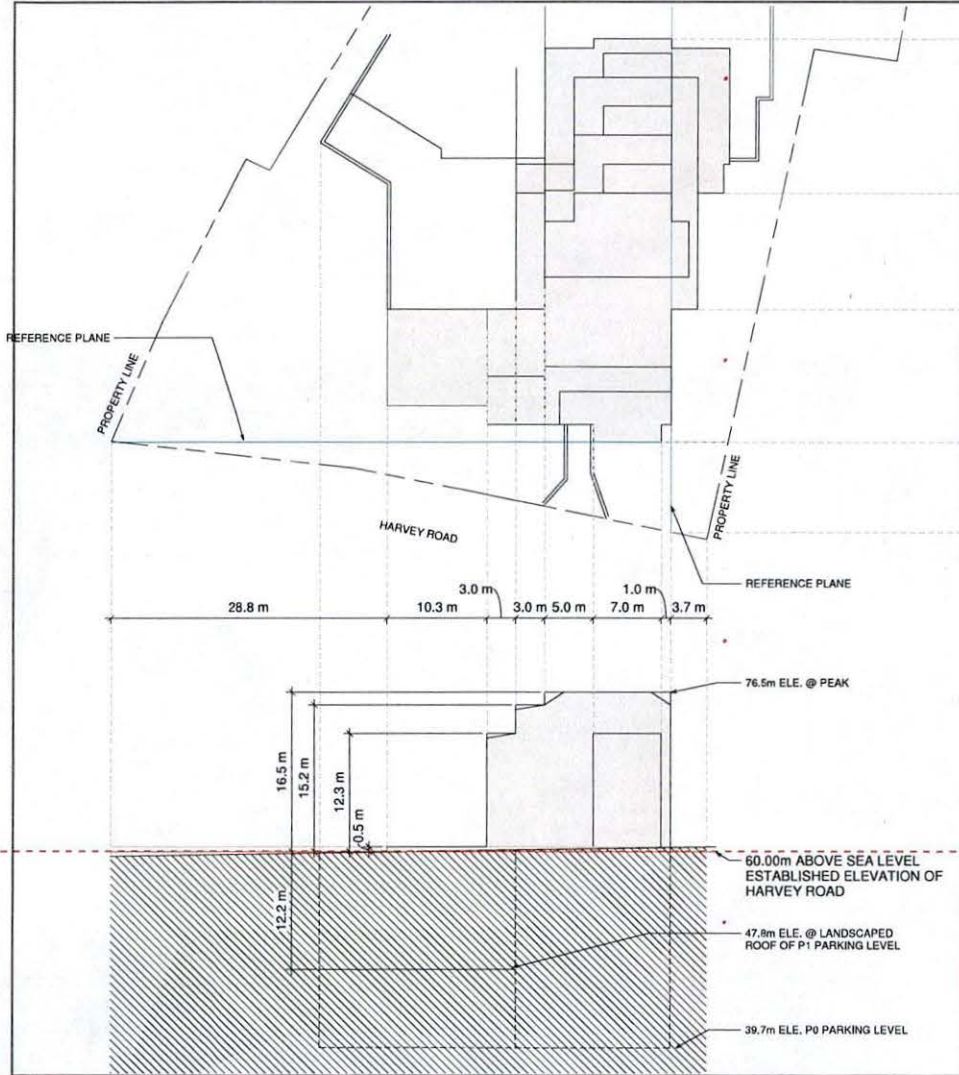


Figure C1: North Elevation - Harvey Road

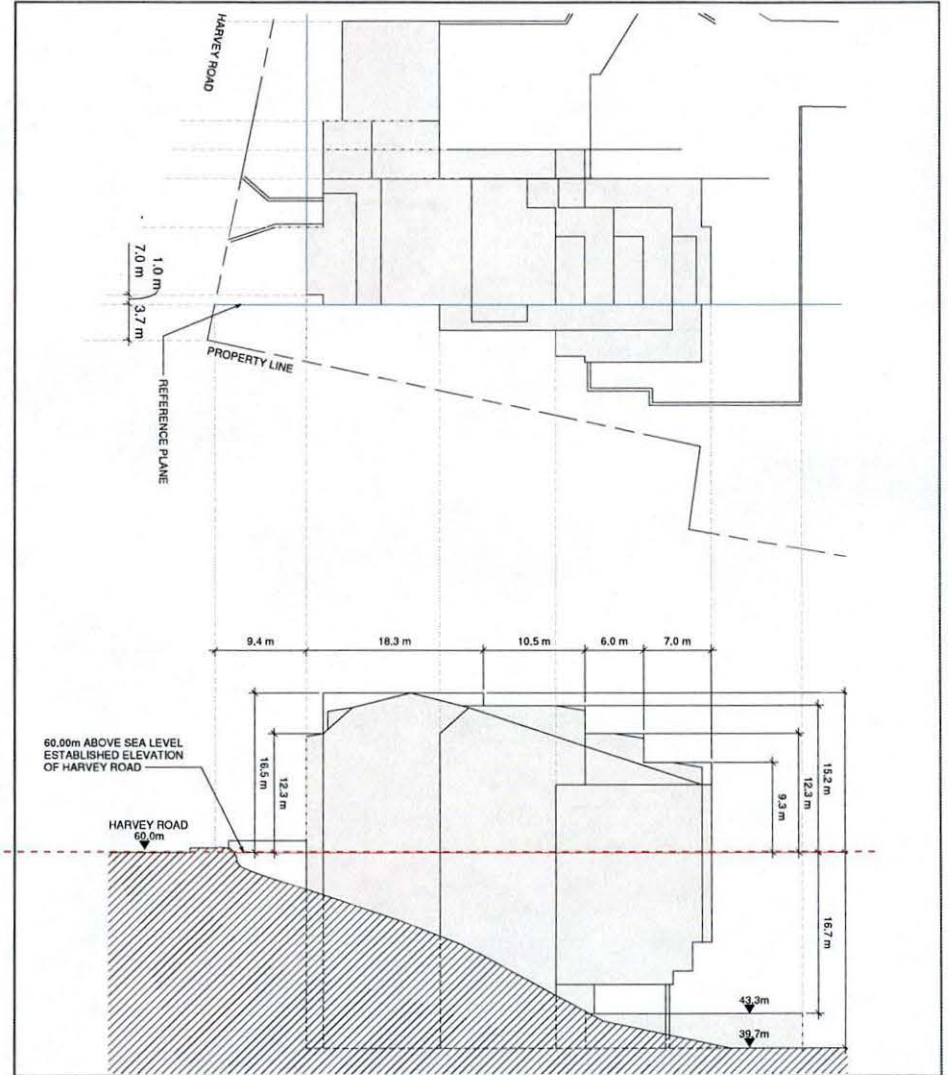


Figure C2: West Elevation



# Figure D: Relative Heights

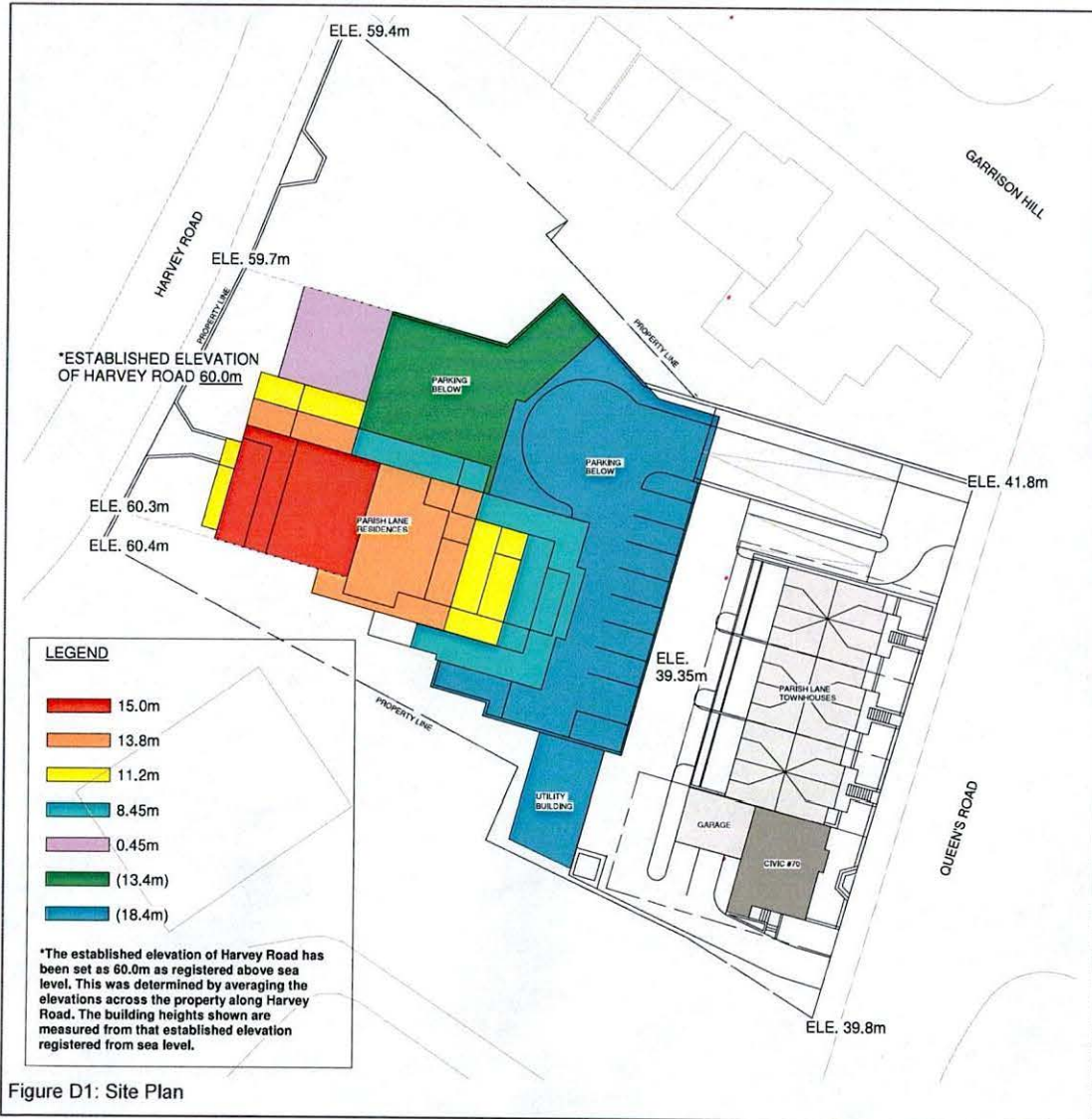


Figure D1: Site Plan

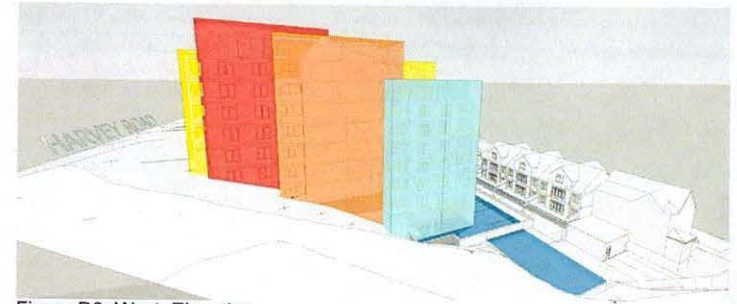


Figure D2: West Elevation



Figure D3: East Elevation

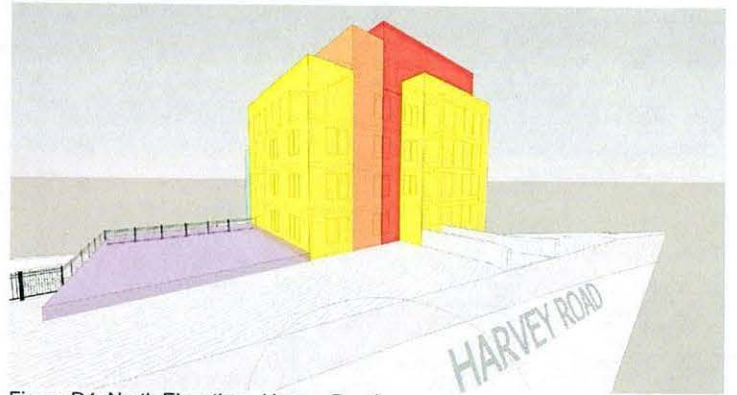


Figure D4: North Elevation - Harvey Road