

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

## **St. John's Development Regulations Amendment Number 11, 2022**

**Text Amendment to Allow Stand-alone Single Detached Dwellings in  
the Rural (RUR) Zone for Civic Numbers 420-496 Maddox Cove Road  
(even numbers only).**

**October 2022**



**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

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

**Amendment Number 11, 2022**

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 11, 2022.

Adopted by the City Council of St. John's on the 7th day of November, 2022.

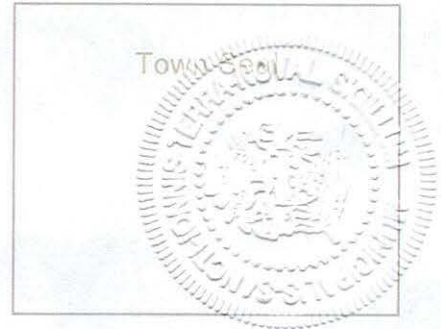
Signed and sealed this 10 day of November, 2022.

Mayor:

Shalaf O'Leary

Clerk:

Yan Cheri



**Canadian Institute of Planners Certification**

I certify that the attached City of St. John's Development Regulations Amendment Number 11, 2022 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP:

Ann-Marie Cashin

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>4400-2022-013</u>
Date	<u>22 Nov 2022</u>
Signature	<u>[Signature]</u>





## **CITY OF ST. JOHN'S**

### **Development Regulations Amendment Number 11, 2022**

#### **BACKGROUND and ANALYSIS**

The City of St. John's wishes to amend the Rural (RUR) Zone to allow stand-alone single detached dwellings for civic numbers 420 to 496 Maddox Cove Road (even numbers only).

This amendment was prompted by an application to develop a single detached dwelling at 428 Maddox Cove Road. This lot is one of 4 undeveloped lots which are part of an approved 11-lot subdivision called Cape Spear Estates dating back to 2009. The development is unusual in the Rural Zone, and staff propose an amendment to the Envision St. John's Development Regulations to allow the last 4 lots to be developed in line with the original plan, while not allowing similar developments to be considered elsewhere in the Rural Zone. Changes made to the Rural Zone since 2009 have created a situation where the last 4 lots could not be approved for development without violating the zone standards.

The area along the eastern side of Maddox Cove Road is designated and zoned Rural (RUR), except for a small area along the City's municipal boundary with the Town of Petty Harbour-Maddox Cove, which is zoned Rural Residential Infill (RRI). Under the Envision St. John's Development Regulations, a single detached dwelling is permitted in the Rural Zone only where there is an agricultural use or forestry use on the lot, and only where that use has been in continuous operation for a minimum of 3 years. Should there be no main agriculture or forestry use, a stand-alone single detached dwelling would not be permitted in the zone. Cape Spear Estates was not intended as an area where people would farm or have woodlots; it is a straightforward rural residential development on lots larger than urban or suburban lots, but smaller than what is normally required in the Rural Zone.

Specific requirements for dwellings in the Rural Zone were added to the St. John's Development Regulations in 2003 to bring them in line with regulations used by the Province for the approval of farm-related residences. Between 2003 and 2009, an amendment was made to the Development Regulations to remove these specific requirements and allow stand-alone dwellings in the Rural Zone. In 2009 these requirements were again added to the City's Development Regulations, and then carried forward last year into the new Envision St. John's Development Regulations. In 2005, during the time when stand-alone residential dwellings were permitted, a text amendment was made, which modified the lot frontage requirement in the Rural Zone from a minimum of 90 metres to 60 metres for lots along the east side of Maddox Cove Road (in Cape Spear Estates). This reduced frontage is still reflected in the Envision St. John's Development Regulations, to reflect the original intent of the development and how the land was subdivided.



The subdivision application for the lots along Maddox Cove Road was submitted in 2009 and was placed on hold while the amendment to reinstate Rural Zone standards for single detached dwellings was considered. Following approval of the amendment by Council, the 11 lots were subdivided, and a condition was written in the approval letter, stating that farming was not required prior to construction of the dwellings on those lots.

As this area is recognized as having a reduced lot frontage and the development was created specifically to allow a rural residential subdivision without farming or woodlots, a text amendment to permit stand-alone single detached dwellings along this section of Maddox Cove Road, exclusively for civic numbers 420 to 496 (even numbers only) would resolve the non-conforming status of the existing dwellings and allow the development of the final 4 lots.

The amendment is not intended to set a precedent for future rezonings to allow other stand-alone residential developments in the Rural Zone, but to fix a long-standing problem where development was permitted without meeting the appropriate provisions of the St. John's Development Regulations.

#### **PUBLIC CONSULTATION**

The proposed amendment was advertised on three occasions in The Telegram newspaper on April 9, April 16, and April 23, 2022. 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. Submissions received are included in the May 2, 2022 Council agenda. Opinions were mixed. Some residents felt that the text amendment would allow increased density along Maddox Cove Road, while others thought that the areas to be subdivided should include the entirety of the even side of Maddox Cove Road. The intent of this amendment is to only allow the final 4 lots of a previously approved development to proceed, and therefore is it not recommended to include additional areas along Maddox Cove Road.

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

The proposed amendment is in line with the St. John's Urban Region Regional Plan. Properties zoned Rural are within the Rural designation of the Regional Plan. An amendment to the St. John's Urban Region Regional Plan would not be required to allow single detached dwellings based on the infill nature of the development and past history of residential development along Maddox Cove Road.

From the St. John's Urban Region Regional Plan, Policy F Non-Urban Development (b) Rural Uses states that the main objective is to provide for such residential and other demand while still retaining the qualities of a rural environment. Residential uses are permitted provided the development meets the provisions in the Regional Plan. This includes:

- a) The proposed development is not located on lands identified as having potential for resource use such as forestry, agriculture, mineral extraction, future water



supply areas, or lands set aside for conservation and recreation, and shall not conflict with such uses;

- b) The site can accommodate the proposed development with minimal impact on the natural landscape by reason of tree cover and its retention, proposed layout and landscaping, topography, and, where possible, screening from public roads and public viewpoints;
- c) Is not located on lands which are environmentally sensitive such as wetland areas, or present certain hazards such as flooding and steep slopes, and will be carried out in a manner which respects natural drainage patterns;
- d) The site must have adequate soil conditions and a supply of groundwater to ensure safe and sanitary operation of on-site wells and sewage disposal for each lot in the development for all time;
- e) Is not intended for seasonal residential or cottage use nor located near existing cottage areas.

The development of the four existing lots would be considered infill and not a residential estate lot subdivision, and therefore the above requirements can be met. Infilling in presently developed areas along local and collector roads are permitted. The Plan states that no further residential development shall be permitted to have direct access onto any designated arterial or major arterial road indicated on the Regional Plan Map. Maddox Cove Road is a scenic road and therefore direct access may be permitted.

From Policy H Transportation, the principle of the development of scenic roads is to develop leisurely routes where scenic potential is of greater importance than the speed of traffic and optimum grades. In order to better align with the policies for scenic roads in the Regional Plan, the City will establish a buffer along Maddox Cove Road to prevent the clearing of trees and increase the minimum building line from 15 metres to 30 metres and prohibit outdoor storage in the front yard of lots in order to retain the scenic attractiveness of the area.

## **ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 11, 2022**

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

- 1) **Repealing Section 6.27 (b) regarding Scenic Roads which states:**

**"6.27 PROVINCIAL ROADS**

- (b) **Scenic Road: development along these roads are subject to the policies of the St. John's Urban Region Regional Plan. (refer to Map P-4 Road Classifications Envision Municipal Plan)"**

**and substituting the following:**

**"6.27 PROVINCIAL ROADS**

- (b) **Scenic Road: development along these roads are subject to the policies of the St. John's Urban Region Regional Plan. (refer to Map P-4 Road Classifications Envision Municipal Plan)**

- (c) Notwithstanding Subsection (b):
- (i) outdoor storage shall not be permitted within the front Yard of a Lot adjacent to a scenic road.
  - (ii) a 10 metre Buffer as measured from the Lot Line - Front shall be established on each Lot along Maddox Cove Road to retain the landscape of the scenic road and its natural form.”

and renumbering the remaining sections.

- 2) Add the following to the Rural (RUR) Zone
- “(3) PERMITTED USES for properties 420-496 Maddox Cove Road (PID #S 50359, 51044, 50358, 50357, 51081, 50355, 50354, 50353, 50352, 50351, 50350)
- Stand-alone Single Detached Dwelling”

and renumbering the remaining sections.

- 3) Repealing Rural (RUR) Zone Section (4) ZONE STANDARDS FOR #'S 420-496 MADDOX COVE ROAD (PID #S 50359, 51044, 50358, 50357, 51081, 50355, 50354, 50353, 50352, 50351, 50350) (c) Building Line which states:
- “(c) Building Line (minimum) 15 metres”

and substituting the following:

- “(c) Building Line (minimum) 30 metres”