

Town of Conception Bay South Development Regulations

Amendment No. 35, 2021

“Open Space Accessory Uses”

**Prepared by the
Town of Conception Bay South**

March 2021

Urban and Rural Planning Act, 2000

Resolution to Adopt

Town of Conception Bay South Development Regulations

Amendment No. 35, 2021

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000* the Town Council of Conception Bay South adopts Amendment No. 35, 2021 to the Conception Bay South Development Regulations.

Adopted by the Town Council of Conception Bay South on the ___st day of _____, 2021.

Signed and sealed this _____ day of _____, 2021.

Mayor: _____

Clerk: _____

Canadian Institute of Planners Certification

I certify that the attached Town of Conception Bay South Development Regulations Amendment No. 35, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Corrie Davis, MCIP

Town of Conception Bay South

Development Regulations Amendment No. 35, 2021

Purpose

The Conception Bay South Development Regulations came into legal effect on July 20, 2012.

At present, the Town's Development Regulations are silent with respect to how accessory buildings associated with open space uses are regulated. This amendment is intended to provide clarification for those uses.

Additionally, the Town's Development Regulations do not explicitly recognize outdoor assembly uses as a typical open space use. This amendment will add outdoor assembly uses in conjunction with, and where park and open space uses are permitted in the residential low-density zone.

Background

The Town is proposing further development of the Community Park at Bishops Road that would include installation of a combination ice / splash pad, performance stage and service building. The community park at Bishops Road is located within the Residential Low Density (R-1) zone.

The combination ice / splash pad and performance stage are considered components of the open space use. However, "outdoor ice rinks and swimming pools" along with "outdoor concert venues" are listed as examples of the "Outdoor Assembly" uses within "Schedule A: Classification of Land Uses and Buildings" of the Town's Development Regulations. "Outdoor Assembly" is not explicitly listed as a permitted or discretionary use in the R-1 where parks and playgrounds are permitted uses. To provide clarity, the Town will add outdoor assembly (limited to the ice / splash pad and performance stage at the Bishops Road Community park) within the R-1 zone.

The proposed service building associated with the splash pad / ice surface would be considered an accessory building to the primary use of the property. The service building will house the mechanical and electrical equipment along with controls for the splash pad / ice surface and public washrooms. The Town considers the service building to be an accessory building given that the service building is not the reason why people would visit the park.

Accessory buildings are defined by Section 2.2 of the Conception Bay South Development Regulations. This amendment will refine that definition to ensure accessory uses and buildings associated with open space uses are addressed.

Sections 5.2 through to 5.4 of the Conception Bay South Development Regulations provide regulations related to accessory uses and buildings. This amendment will expand on those sections to add detail regarding how accessory uses and buildings associated with open space uses should be regulated.

St. John's Urban Region Regional Plan

All development within Conception Bay South must comply with the requirements of the St. John's Urban Region Regional Plan (Regional Plan). The Regional Plan identifies Conception Bay South as a sub-regional centre. Upon installation of municipal services, the Regional Plan encourages a wide range of residential densities, a variety of commercial operations, parks and recreational facilities and other uses that are characteristic and appropriate for a sub-regional centre.

Regulation of accessory buildings and uses within open space areas in Conception Bay South sub-regional centre is consistent with the policies of the Regional Plan.

The Conception Bay South Municipal Plan

The Conception Bay South Municipal Plan came into legal effect on July 20, 2012.

The policies outlined in section 5.2.3 of the Conception Bay South Municipal Plan allow park uses in the Residential Low Density future land use designation in the Town.

Whereas this amendment addresses accessory uses and buildings associated with open space uses, and clarifies that open space uses include outdoor assembly uses, the Town determined that the proposed amendment is consistent with the intent and policies of the Conception Bay South Municipal Plan.

Consultation

In accordance with sections 14 and 35(5) of the *Urban and Rural Planning Act, 2000*, notices seeking feedback from the general public on the proposed amendment were published in the February 11 & 18, 2021, editions of *The Shoreline* newspaper. The Town also provided notice of the proposed changes on its website and through its social media channels. A draft version of the proposed amendment was posted to the Town's website and circulated to several persons that expressed an interest in the proposed amendment on February 17, 2021.

Because this amendment was triggered by proposed further development at the Town's community park, notice of the proposed amendment was also sent by regular mail to property owners near the community park at Bishops Road. Notices

were specifically sent to all known property and business owners along Bishops Road, Villa Nova Road and the north side of the Conception Bay Highway between Bishops and Villa Nova Roads.

The Town determined that this consultation process accommodates the size, structure and complexity of issues under consideration and provided a reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

As a result of the Town's consultation efforts, a number of written submissions and telephone inquiries were made to the Town.

Area residents expressed a number of concerns related to the park through those submissions. Many of the comments were related to construction, storm water management, potential impacts on neighbourhood traffic and parking, along with operations of the park once and if it is developed as proposed. The Town determined that many of those comments and concerns, while valid, would be more appropriately addressed when the park design is finalized and through programming of park activities and operations.

In addition to park design and operations issued that were raised through the submissions, several individuals also expressed concern that the proposed amendment would allow wider range of uses within residential zones that are incompatible with the primary land uses in residential zones. The Town considered those comments and concerns and note that open space and park uses are expressly permitted within the R-1, R-2 and R-3 residential zones in the Town. The Town also notes that outdoor assembly uses, while not previously listed as an explicitly permitted use associated with park and open space uses, such outdoor assembly uses are complimentary to open space and park uses.

As a result of the Town's consideration of comments received through public and stakeholder consultation, the amendment was modified to remove any ambiguity that outdoor assembly uses could be permitted outside public open space areas. The amendment was also modified so that the outdoor assembly use is limited to the proposed amenities within the Community Park at Bishops Road. Finally, the amendment was modified so that there would be no changes would be made to the R-2 and R-3 zones.

Development Regulations Amendment No. 35, 2021

The Conception Bay South Development Regulations shall be amended as follows with emphasis added for new or revised content:

1. Section 2.2 of the Conception Bay South Development Regulations is amended to expand, but not contravene the definition of an Accessory Building at sub section 4.(1)(b) within the (Minister's) *Development Regulations* (NLR 3/01) to

reference land use in addition to the main building on the lot where the accessory building is located and provide examples of institutional and open space accessory building such that Section 2.2 now reads:

2.2 Accessory Building includes:

- a) A detached subordinate building not used as a dwelling, located on the same lot as the main building **or land use** to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land;
- b) For residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
- c) For commercial uses, workshops or garages;
- d) For industrial uses, garages, offices, raised ramps and docks; **and**
- e) **For open space and institutional uses, service buildings and auxiliary power supply systems.**

2. Section 5.2 of the Development Regulations is amended to add conditions related to accessory buildings associated with non-residential uses such that Section 5.2 now reads:

5.2 Accessory Buildings:

- 1) Accessory buildings may be located on the same lot as the main building(s) to which it is accessory; or, notwithstanding the definition of an accessory building set out in Section 2 of these Regulations, on a lot adjoining the lot which contains the main building, where both lots are under the same ownership; and
- 2) An accessory building shall not be erected or placed upon any easements.
- 3) **Accessory buildings associated with non-residential uses:**
 - a) **shall be designed and built to minimize impacts on any adjacent residential uses;**
 - b) **the cumulative lot coverage of accessory buildings shall not exceed 6% of the lot area;**
 - c) **shall not be closer than 1.5m to any adjacent residential property boundary; and**
 - d) **where the accessory building is adjacent to a boundary of a residential zone or use, the accessory building must not include windows or doors that face the residential zone or property unless such features are required by the National Building Code or are primarily intended for emergency egress.**

3. The list of permitted uses within the Residential Low Density (R-1) use zone at section 10.10.1 is amended to add Outdoor Assembly within parks playground and open space areas such that Section 10.10.1 now reads:

10.10.1 Permitted Uses

Conservation
Home Office
Single Dwelling
Subsidiary Apartment
Family Child Care
Parks, playgrounds, trails and open space
Outdoor Assembly (limited to the proposed splash / ice pad and performance stage at the Bishops Road Community Park)
Telecommunications Structures and Antenna
Utilities

4. All other sections of the Conception Bay South Development Regulations not referenced in this amendment retain their current wording.