

Draft Suggested Revisions to City of St. John's, City of Mount Pearl, City of Corner Brook, and NL Municipalities Acts

NLAPP Advocacy Committee

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Section One - General Amendments to City Acts (City of St. John's Act, City of Mount Pearl Act, City of Corner Brook Act) and the NL Municipalities Act:

- Crown lands within municipal boundaries are an issue. Lands within municipalities should be conveyed to them to aid in achieving municipal objectives (e.g.: economic development through affordable housing, new commercial development, etc.)
- Consider placing a freeze on the formation of new municipalities until the regional governance initiative unfolds and then consider regional entities employing (professional engineer, Chief administrator/clerk, etc., and a professional landuse planner (NLAPP/MCIP)
- Consider having a single Municipalities Act that allows provision for tier 1 and tier 2 municipalities ie. New Brunswick legislation
- Amalgamate sub acts into one act for NL cities
- Tie all legislative changes and amendments to allow regionalization initiatives
- Raise the legislative standards in terms of formation of a municipality its feasibility and community sustainability
- Changes and amendments should be integrated and aligned with the Elections Act for democratic sustainability. Determine the pros and cons of separate or combined city acts, municipalities act and the urban and rural planning act better usability. Ensure legislative alignment for better clarity between all legislative acts pertaining to municipalities and community planning.
- Mandate all municipalities to have a municipal plan and associated development regulations as a compulsory requirement to become a municipality
- The four current city acts and municipalities act revisions and amendments should be coordinated and integrated with future revisions and amendments to the urban and rural planning act legislation
- The Province should undertake the review of all city acts, municipalities act and the urban and rural planning act together in a logical planned sequence to ensure integration
- Encourage more open municipal government, municipal accountability and transparency at the municipal government level (ie. the use of standing committees to allow public awareness of municipal government functioning and operations;_post online on municipal websites and at municipal town/city halls of Council meeting agendas and minutes, and agendas and minutes of Council Committees.)
- Clearly define mechanisms for regionalization, set out roles and responsibilities for regional government opportunities

- Review requirements and approval processes for municipalities to expropriate property with the Minister's approval
- Transition legislation pertaining to heritage preservation and development control to the urban and rural planning act from the existing city and municipalities acts, for a greater amount of sustainable community power
- The municipal plan should be the mechanism for development control regarding signs, fences, vehicle sales, places of entertainment etc. allowing an appeal process for such
- Delete septic system development from the municipalities act since a permit is required from Service NL
- Ensure public municipalities documents are available electronically
- Municipalities should be encouraged to maintain current and past municipal plans for the public record (current and previous plans to be mandatory records)

Section 2 - Specific City of St. John's Act Amendments:

1. Heritage:
 - a. In general, expanded authority as it relates to protecting built heritage including:
 - i. Authority to require performance bond surety for large scale developments involving heritage properties
 - ii. Authority to enforce penalties for non-compliance
 - iii. Authority to request developers' past experience for large scale heritage property developments
 - iv. Authority to address demolition-by-neglect through property standards bylaws
 - v. Authority for developers to adopt maintenance provisions
 - vi. Authority to force building owners to conduct repairs
 - vii. Authority to adopt conservation standards/maintenance standards for heritage buildings
 - viii. Authority to enforce the salvage of historic elements in the case of demolition
 - ix. Authority to adopt and enforce the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada
 - x. Authority to enforce design guidelines for new developments in Heritage Preservation Areas
 - xi. Entrench revised and improved requirements for the preservation of downtown and harbour view planes
2. Development Regulations (included for consideration under future changes to the NL Urban and Rural Planning Act)
 - a. Density bonusing
 - i. Authority to permit developers to build more floor space than normally allowed, in exchange for amenities and affordable housing needed by the community.
 - b. Fallow field legislation

- i. Authority to take back land at market value, eg. undeveloped lots in new subdivisions, if an agreed upon development is not completed in a specific time frame
- c. Dedication of land for public purposes
 - i. Expand the 10%
- d. Lighting:
 - i. Stricter rules on sign brightness (lumens) in commercial/advertising lighting
- e. Support for mixed use neighbourhoods through non-conforming use:
 - i. Allowable areas under non-conforming use: discretion to prevent them from reverting back to the dominant zone after a period of unused time (eg. Boncloddy Balkan Restaurant)
- f. Accessibility
 - i. Require accessibility specifications be included in all applications in sec. 4.4.1
- g. Commercial buildings:
 - i. require parking garages to not create a dead space on the first floor
 - ii. discretionary use to require first floor of apartment buildings, condos in certain zones to be used for retail or a public use
- h. Setbacks
 - i. Reducing setback requirements in commercial areas and locating parking on the street, behind, or beside buildings, but not in front. Ability to reduce setbacks in section 8.3.2
- i. Parking requirements:
 - i. Get rid of minimum requirement and consider maximum parking requirements
- j. Complete streets: (with notes from completestreetsforcanada.ca)
 - i. <http://completestreetsforcanada.ca/ten-elements-complete-streets-policy>
 - ii. "St. John's 2014 "[Envision St. John's Municipal Plan](#)" includes Complete Streets approaches "in the design and retrofit of city streets" as one of the plan's strategic objectives (p. 34). It proposes prioritizing Complete Streets in the City's transportation network by adopting new design standards for new communities, and through Complete Streets redesigns of existing streets (p. 45)"
 - iii. Have the power to enforce complete streets in all projects, both new design and retrofit/repair
- k. Street width:
 - i. Narrow the allowable street width in any area where a Complete Streets policy is not practical
- l. Intensification
 - i. Ability to enforce intensification plans
- m. Tiny Homes
 - i. Add language to address Tiny Home buildings in zoning
 - ii. Allow discretionary reduction of minimum lot areas in zones to accommodate Tiny Homes (often 45m², current minimum is 450m²)

- iii. Allow Tiny Homes as a discretionary use
- n. Tree regulations
 - i. Felled tree use: Authority to enforce the re-use of felled trees (eg. provide to outdoor play spaces for children)
 - ii. Broaden tree regulations in the CSJ Act
- o. Planned mixed development
 - i. Authority to enforce planning at the neighbourhood scale
- p. Authority to limit expansion (ie. urban sprawl) based on population projections
- q. Require a comprehensive task force for major developments over a certain size (Galway, Kenmount Terrace)
- r. Advertising:
 - i. Allow Council to change the way it advertises Notices Published and Discretionary Use applications

Section 3 - Specific NL Municipalities Act Amendments:

General

- Legislation to be more enabling than prescriptive for those municipalities that have the ability and resources to prepare and enforce regulations pursuant to enabling legislation.
- Legislation to provide criteria as to when a municipality can apply to the Minister for City status.
- Legislation to provide greater direction with respect to Conflict of Interest of Council and staff. The Act should outline the measures and penalties for being found in a conflict of interest and to remove the individual from Council or the municipality if required.

Part I

- Question the value and role of a Youth Representative on Council.
- Publication of Orders should provide direction with respect to use of electronic means to publish such notices.
- Clarification regarding whether Standing Committees of Council are considered as open or privileged meetings.

Part II

- Regions need to be expanded beyond Regional Councils to include other forms of regional organizations, representation thereto and their powers.

Part IX

- Needs to be revised to ensure coordination and integration with ATTIPPA legislation.

Part XVI

- A provision should be added that a Notice of Motion of a new regulation or an amendment to an existing regulation has to be tabled at a public meeting of Council prior to a public meeting of Council where the regulation or amendment is to be considered and decided upon by Council.