TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS
AMENDMENT NO. 3, 2023

St. Joseph's Church Property

Prepared by:
Mary Bishop, FCIP
May, 2023

URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS AMENDMENT NO. 3, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove adopts Development Regulations Amendment No. 3, 2023.

Adopted by the Town Council of Petty Harbour - Maddox Cove on the 5th day of September, 2023.

Signed and sealed this 20th day of November, 2023.

Mayor: _____
Ron Doyle

Clerk: _____
Stephanie Stack

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations Amendment No. 3, 2023 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000.*

_____
Mary Bishop, RPP, MCIP, FCIP

MARY D. BISHOP
CANADIAN INSTITUTE OF PLANNERS
INSTITUT CANADIEN DES URBANISTES
MCIP MICU

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS AMENDMENT NO. 3, 2023

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove

1. Adopted Development Regulations Amendment No. 3, 2023 on the 5th day of September, 2023.

2. Gave notice of the adoption of Development Regulations Amendment No. 3, 2023 by advertisement inserted in the Telegram on September 13th and 21st, 2023.

3. Set the 5th day of October, 2023 at 7:00 p.m. at the Petty Harbour - Maddox Cove Town Hall for the holding of a public hearing to consider objections and submissions.

4. The Public Hearing was held and the Commissioner's report was received and considered by Council at its meeting of November 14th, 2023.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove approves Development Regulations Amendment No. 3, 2023 on the 14th day of November, 2023, as adopted.

SIGNED AND SEALED this 20th day of November, 2023

Mayor: _____
Ron Doyle

Clerk: _____
Stephanie Stack

Development Regulations/Amendment
REGISTERED
Number 3760-2023-003
Date 7 DECEMBER 2023
Signature _____

TOWN OF PETTY HARBOUR - MADDOX COVE DEVELOPMENT REGULATIONS AMENDMENT NO. 3, 2023

BACKGROUND

This amendment to the Development Regulations is intended to comply with Municipal Plan Amendment No. 2, 2023. The amendment would enable Council to consider a range of commercial uses for the St. Joseph's church property which is currently vacant following a sale of the property by the Roman Catholic Episcopal Corporation of St. John's.

The property on which the church is located is 0.41 acres, bound by Skinners Hill Road along the north side and Cribbies Road on east. The Town Hall, Community Centre, Museum War Memorial and two residences are immediately south of the property. The site is surrounded by residential development to the west and north and east along Skinners Hill and Cribbies Roads. The property is located approximately 45m from the Main Road.

The property is located in the Heritage Area (HA) land use zone. This zone sets out the permitted and discretionary uses consistent with the policies of the Municipal Plan. Council has received an application to use the St. Joseph's church for a microbrewery and restaurant. In considering this application, and other similar inquiries, Council is proposing to add microbrewery as a discretionary use to the Heritage Area land use zone.

In considering the use of St. Joseph's church for a microbrewery, Condition 8.6.8 of the Heritage Area use zone table applies. It sets out conditions that apply to Commercial Uses in this zone as follows:

Commercial uses such as restaurants, convenience stores and shops will only be permitted as a discretionary use under the following conditions:

a) *The store shall be located on the main road, or at an intersection with the main road;*
b) *Parking, and building materials shall be similar in style and compatible with the Heritage Area;*

c) *Shops selling craft products may be considered in locations off the main road*

Council is proposing to add microbrewery as a discretionary use in the Heritage Area use zone.

As the St. Joseph's church property is not located on the main road, or at an intersection with the main road an amendment to Condition 8.6.8 of the Development Regulations is required in order for Council to consider proposals for commercial use of the property.

PUBLIC CONSULTATION

The public consultation process for this amendment was the same as that for the Municipal Plan Amendment No. 2, 2023.

AMENDMENT

The Petty Harbour - Maddox Cove Development Regulations shall be amended as follows:

1. By adding microbrewery to the list of Discretionary Uses in Section 8.6.2 of the Heritage Area Use Zone Table;

2. By adding the following as subsection d) to Section 8.6.8:

   d) Notwithstanding subsection 8.6.8 a), Council may consider a range of commercial uses for the St. Joseph's Church property, Cribbies Road, where it can be shown that
      i) the use can occur in a manner that has minimal impact on surrounding residential uses, in terms of noise, odour, lighting and traffic;
      ii) adequate access and parking is provided in accordance with Section 5 of these regulations.
      iii) Council will require a parking plan that demonstrates sufficient parking is available for the proposed use, including accessible parking as required by the *Accessibility Act*.
      iv) A traffic study may be required to determine traffic volumes and any local road improvements necessary to accommodate traffic associated with the proposed use.
      v) A landscape plan, prepared by a qualified landscape architect may be required to provide details on the location and type of landscape materials and how it will be used to screen new parking spaces, lighting, waste receptacles, loading areas, decks or ramps from adjoining residential uses.

vi) An operational plan will be required to provide details on water usage, hours of operation, seating capacity, and how waste, noise, odours and deliveries will be managed.
vii) Any expansion or increased capacity of any use approved for the site will require application and approval by the Town.
viii) Conformity with any requirements following registration and review under the *Environmental Assessment Act* and *Regulations*.

TOWN OF PETTY HARBOUR - MADDOX COVE
MUNICIPAL PLAN AMENDMENT
NO. 2, 2023

St. Joseph's Church Property

Prepared by:
Mary Bishop, FCIP
May, 2023

RESOLUTION TO ADOPT
TOWN OF PETTY HARBOUR - MADDOX COVE
MUNICIPAL PLAN AMENDMENT No. 2, 2023

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove adopts Municipal Plan Amendment No.2, 2023.

Adopted by the Town Council of Petty Harbour - Maddox Cove on the 5th day of September, 2023.

Signed and sealed this 20th day of November, 2023.

Mayor: _____
Ron Doyle

Clerk: _____
Stephanie Stack

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Municipal Plan Amendment No. 2, 2023 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000.*

_____
Mary Bishop, RPP, MCIP, FCIP

MARY D. BISHOP
CANADIAN INSTITUTE OF PLANNERS
INSTITUT CANADIEN DES URBANISTES
MCIP MICU

URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF PETTY HARBOUR - MADDOX COVE
MUNICIPAL PLAN AMENDMENT NO. 2, 2023

Under the authority of Sections 16, 17 and 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove

1. Adopted Municipal Plan Amendment No. 2, 2023 on the 5th day of September, 2023.

2. Gave notice of the adoption of Municipal Plan Amendment No. 2, 2023 by advertisement inserted in the Telegram on the 13th and 21st of September, 2023.

3. Set the 5th day of October, 2023 at 7:00 p.m. at the Petty Harbour - Maddox Cove Town Hall for the holding of a Public Hearing to consider objections and submissions.

4. The Public Hearing was held and the Commissioner's report was received and considered by Council at its meeting of November 14th, 2023.

Now under Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove approves Municipal Plan Amendment No.2, 2023 on the 14th day of November, 2023, as adopted.

SIGNED AND SEALED this 20th day of November, 2023.

Mayor: _____
Ron Doyle

Clerk: _____
Stephanie Stack

Municipal Plan/Amendment
REGISTERED
Number 3760-2023-002
Date 7 DECEMBER 2023
Signature _____

MUNICIPAL PLAN AMENDMENT NO. 2, 2023

INTRODUCTION

The Town of Petty Harbour - Maddox Cove last reviewed and revised its Municipal Plan in 2015. The Town now wishes to amend the current Plan and Development Regulations and this report has been prepared to explain the proposed change, and to serve as a basis for consideration by the general public before it is adopted and approved by Council and submitted to the Minister of Municipal and Provincial Affairs for registration.

BACKGROUND

The subject of this amendment is the St. Joseph's church property. The property was among a number of properties belonging to the Roman Catholic Episcopal Corporation of St. John's included in a March, 2022 notice of sale which was part of an effort to resolve an archdiocesan bankruptcy filing and order to compensate victims of sexual abuse at the Mount Cashel orphanage.

Figure 1. St. Joseph's Church

In 1834, Bishop Fleming built a mission church, dedicated to St. Joseph, at Petty Harbour and celebrated Sunday mass there in July 1835. The original parish church built by Bishop Fleming was torn down in 1962 and a new church was constructed, with the first mass held on 15 March 1964. At the present time, the building is vacant and in fair condition, but it is recognized that repairs and maintenance will be necessary to keep the building maintained and in satisfactory condition.

The property on which the church is located is 0.41 acres, bound by Skinners Hill Road along the north

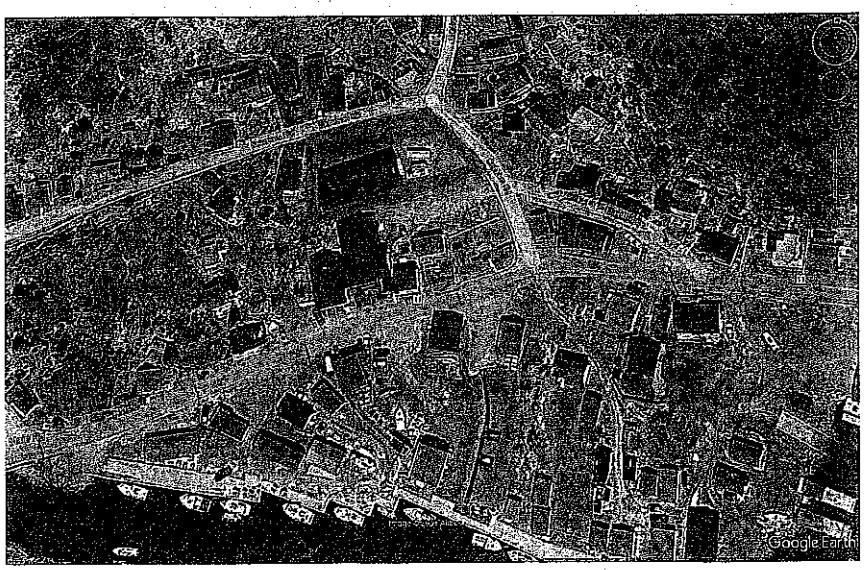

Figure 2. St. Joseph's Church Property, Cribbies Road

side and Cribbies Road on east. The Town Hall, Community Centre, Museum War Memorial and two residences are immediately south of the property. The site is surrounded by residential development to the west and north and east along Skinners Hill and Cribbies Roads. The property is located approximately 45m from the Main Road.

Since the announced sale of church properties throughout the region, the Town has received applications and inquiries from prospective purchasers of the building with an interest in re-using it for commercial purposes. The most recent of these proposes to convert the building for use as a microbrewery and restaurant.

Council recognizes the importance of the church to the history and built heritage of the community. At the same time, there is concern that the building will deteriorate unless a new use for it is found. Within its mandate to manage land use through the Municipal Plan, Council wishes to consider opportunities for future appropriate uses of the building as a means of ensuring that it will be used and maintained.

ST. JOHN's URBAN REGION REGIONAL PLAN

The Regional Plan designates the subject property as "Urban Development" which allows for a range of urban uses connected to municipal water and sewer services. The proposed amendment is consistent with the intent of the Regional Plan.

MUNICIPAL PLAN POLICY

St. Joseph's Church is located within the Heritage Area land use designation of the Municipal Plan. Within the Heritage Area, the Plan allows for new residential development as well as a wide range of non-residential uses set out in Policy HA-2.

Policy HA-2 Non-residential Land Use

Child care may be a permitted use in the Heritage Area land use designation. Other non-residential uses may include cultural and civic, educational, general assembly, places of worship, tourist accommodations, restaurants, shops, convenience stores, medical, office, professional, and personal services, as well as marine-related light industry.

The Town has received an application for use of the St. Joseph's church property for a microbrewery. This use is not currently permitted in the Heritage Area and

Council is proposing to add this as a use that could be considered in the Heritage Area.

In considering non-residential uses in the Heritage Area, Policy HA-2 of the Plan further states:
Commercial uses, with the exception of bed and breakfast accommodations, home occupations and shops selling craft products, shall only be permitted in this designation in areas where they are located along the main road.

The purpose of this policy is to preserve the primarily residential character of the Heritage Area, while recognizing that non-residential uses should occur along the Main Road. In order for Council to consider commercial use of the St. Joseph's church, an amendment to the Municipal Plan is required as the property is not located along the Main Road. Council is proposing to amend the Plan to enable the St. Joseph church property to be used for non-residential purposes as an exception to this policy, subject to a number of conditions.

In assessing previous applications for re-use of the building, concerns have been raised about the impact on local traffic and parking, particularly during the tourist season. Policy HA-7 of the Municipal Plan addresses parking in the Heritage Area:

Policy HA - 7 Parking
Narrow roads and smaller lots contribute to the character of the area but prevent conventional parking arrangements and vehicle access.

1. In the Heritage Area, Town road standards, lot standards, siting standards, and parking and loading requirements will aim to maintain the landscape and look of the area, while providing a reasonable level of traffic safety and convenience.
2. Uses which require parking for attendance, visitors, customers or guests, will be required to demonstrate how necessary parking spaces can be accommodated in a manner which is safe, convenient and acceptable to adjacent uses.
3. Off premises parking will be permitted but must be identified at the time of application.

The portion of Cribbies Road that provides access to the St. Joseph's church property is a narrow local street. Any new use of the St. Joseph's church property will require an assessment of both the traffic impact on Skinners Hill and Cribbies Roads, and a plan acceptable to Council, to control street access and

accommodate sufficient parking, either on-site, off-site or combination of both. Street upgrading may be necessary to ensure safe access to the property. Given the location of the property adjacent to residential uses, a parking plan will require proper design and construction to ensure adequate screening and separation from the surrounding uses.

The Municipal Plan currently provides for public notice of applications for development in the Heritage Area.

Policy HA - 4 Notice of New Developments
Council recognizes the importance of the Heritage Area to the community, and the goal to preserve and promote traditional building styles in this area.

1. Council will give notice and consult with area residents on development proposals.
2. Council will take into account input from the public in determining the conditions of a new development's approval.

Any development in the Heritage Area, including new uses for the St. Joseph's Church property are subject to this policy and require public notice, and consideration of public input prior to any decision on the development by Council.

DEVELOPMENT REGULATIONS
In the Development Regulations the St. Joseph's church property is located in the Heritage Area (HA) land use zone. This zone sets out the permitted and discretionary uses consistent with the policies of the Municipal Plan. Microbreweries are not a use that is permitted in the HA zone and Council is proposing to add this use as a discretionary use.

Condition 8.6.8 deals with Commercial Uses as follows:
Commercial uses such as restaurants, convenience stores and shops will only be permitted as a discretionary use under the following conditions:

a) The store shall be located on the main road, or at an intersection with the main road;
b) Parking, and building materials shall be similar in style and compatible with the Heritage Area;
c) Shops selling craft products may be considered in locations off the main road

An amendment to the Development Regulations is required to enable the consideration of commercial uses in the St. Joseph's Church property as the property is not located on the main road or at an interserction with the main road.

CONSULTATION

Council provided an opportunity for public comment on the proposed amendment, notifying residents by mail and email sent June 1, and placing a notice in the Telegram June 6, with a deadline for comments by June 20th. The notice was also posted on the Town Website.

The Town received twelve written representations. Of these, five were in favour of the amendment, and seven - including a petition - were against the change.

Council considered the input received and decided to hold a public meeting July 12 to discuss the matter further with residents. Notice of this meeting was mailed to residents, sent out through the community email listing, and posted to the Town website June 29. The meeting was held at the Community Centre, with Councilors, Town Manager, the Town Planner, and approximately 40 residents in attendance. The majority of the fifteen people who spoke at the meeting were in favour of the proposed amendment.

Input received from residents in writing and at the public meeting who object to the amendment are summarized as follows:

- Concerns about the potential disruption to the immediate neighbourhood around the former church building as a result of increased traffic and associated parking congestion and noise.
- A microbrewery is an inappropriate use in the residential portion of the Heritage Area, and could set a precedent for an incursion of commercial uses into residential areas within the HA zone.
- A microbrewery is an inappropriate use for a former church building.
- Concerns about increased pressure that more tourism development will have on the Town.
- Potential environmental impacts from the proposed microbrewery including water usage, waste disposal, noise, lighting and odours.
- The conditions included in the proposed amendments with regards to microbreweries are too vague.

Submissions in favour of the amendment and a proposed microbrewery include:

- Development of a microbrewery is a way to encourage small business and economic development, including potential employment, and a greater selection of things to see and do in the town.
- The former church building is in need of repair. A business occupancy will ensure the building is maintained.

Council also received input from the Department of Municipal and Provincial Affairs that microbreweries require registration and review under the *Environmental Assessment Act and Regulations*.

Council considered the input from the public at its meeting of July 25th and agreed to proceed with the amendment. In considering any applications for a microbrewery, or other commercial use of the former church property, careful consideration will need to be given to the impact on surrounding residential properties and as such may require conditions on the scale, intensity and capacity of the proposed use.

AMENDMENT No. 2, 2023
Council proposes to amend the Petty Harbour-Maddox Cove Municipal Plan by:

Numbering sections and adding microbrewery as a use that may be considered in the HA land use designation in Policy HA-2:

> ***Policy HA-2 Non-residential Land Use***
> 1. *Child care may be a permitted use in the Heritage Area land use designation.*
> 2. *Other non-residential uses may include cultural and civic, educational, general assembly, places of worship, tourist accommodations, restaurants, mircobrewery, shops, convenience stores, medical, office, professional, and personal services, as well as marine-related light industry.*
> 3. *Commercial uses, with the exception of bed and breakfast accommodations, home occupations and shops selling craft products, shall only be permitted in this designation in areas where they front along the main road.*

Adding the following as subsection 4, to Policy HA-2:

4. Notwithstanding policy HA-2 (3), Council may consider a range of commercial uses for the St. Joseph's Church property, Cribbies Road, where it can be shown that the use will have minimal impact on surrounding residential uses, and that there is adequate parking and access for the proposed use. Plans for new uses shall include measures to minimize impacts on adjoining residential properties such as screening, controlled access, parking, hours of operation, lighting, management of waste, odours, deliveries and landscaping.