



The City of Saint John

Date: November 21, 2024
To: Planning Advisory Committee
From: Growth & Community Services
Meeting: November 26, 2024

SUBJECT

Applicant: City of Saint John
Application Type: Subdivision By-Law Amendment
District: The *Community Planning Act* authorizes the Planning Advisory Committee to give its views to Common Council with respect to the adoption of or amendment to a Subdivision By-Law.

EXECUTIVE SUMMARY

As an initiative of the City's Housing Accelerator Fund Action Plan, amendments to the Subdivision By-Law are proposed to streamline approvals for smaller-scale subdivisions requiring money-in-lieu of Land for Public Purposes. The amendments will reduce approval timelines for smaller-scale subdivision applications, which largely involve residential development.

An administrative amendment is also proposed regarding instances where Land for Public Purposes is to be acquired.

Staff recommend adoption of the amendment.

RECOMMENDATION

1. That Common Council adopt the attached by-law amendment entitled "By-law No. C.P. 122-3, A Law to Amend the Subdivision By-Law of The City of Saint John."

DECISION HISTORY

On November 12, 2024, Common Council referred proposed amendments to the Subdivision By-Law to the Planning Advisory Committee for a report and recommendation.

ANALYSIS

Background

A key initiative of the City's Housing Accelerator Fund Program involves targeted amendments to the Subdivision By-Law. These amendments focus on streamlining Common Council's assent to money-in-lieu of Land for Public Purposes for smaller-scale subdivisions.

The proposed amendments also include an administrative amendment related to the adoption of the active transportation initiatives of Move SJ, the City's Transportation Master Plan.

Money-in-Lieu of Land for Public Purposes

The Subdivision By-Law requires developers to provide Land for Public Purposes (LPP) or money-in-lieu when subdividing land. These dedications are intended to address the recreation needs of the future residents.

The City of Saint John Parks and Recreation Strategic Plan (PlaySJ) determined the City has significantly more LPP than is necessary to meet the recreational needs of Saint John residents. Given this, the Subdivision By-Law focuses on the acquisition of money-in-lieu of LPP and only supports the dedication of LPP in certain instances.

Since most LPP dedications come in the form of money-in-lieu, especially for smaller residential subdivisions, streamlining the approval process for accepting this money was identified as a goal in the City's Housing Accelerator Fund (HAF) Action Plan. At present, staff are required to prepare a Council Report for each subdivision application, many of which create fewer than five new lots. For these smaller projects, Common Council's assent to taking money-in-lieu of LPP is often the only additional step beyond Development Officer approval.

Staff have put forward a proposed amendment to the Subdivision By-Law that introduces a specific set of criteria to provide an overall Council assent. If Common Council approve this amendment, it will enable subdivisions meeting these criteria to be reviewed and processed directly by staff, rather than requiring individual Council assents. This change aims to streamline the subdivision approval process for cases that meet predefined standards, reducing approval timelines while maintaining oversight through established criteria pursuant to Section 75(1)(g) of the *Community Planning Act*.

Attachments 1 and 2 provide the proposed by-law amendments in strikeout format and amending by-law format. The criteria are discussed in more detail below:

- a) *Lands to be subdivided must not require the dedication of Land for Public Purposes as identified by Parks and Public Spaces and Growth and Community Services.* – This criterion enables staff to identify situations where there is strategic value in acquiring land as opposed to taking money-in-lieu of LPP. These instances would enable the City to acquire lands to expand existing parks and recreational facilities, develop open spaces/parks in underserved neighbourhoods, acquire lands to facilitate strategic recreation initiatives, or to

develop parks and open space networks in new, large-scale residential greenfield developments.

- b) *Lands to be subdivided must not be subject to a previous Council Resolution relating to the acceptance of either Land for Public Purposes or money-in-lieu of Land for Public Purposes.* – In certain instances, lands being subdivided are subject to past Council Resolutions where assent has been given for either LPP or money-in-lieu of LPP. These past resolutions provide direction to Staff in administering the subdivision of these lands and provide certainty to the applicant regarding the approved development concept and layout.
- c) *Lands to be subdivided must abut a developed Public Street or such other access suitable for the passage of motor vehicles as may be approved by the Planning Advisory Committee as being advisable for the Development of land, including a Private Street.* – Common Council must assent to new Public Streets in accordance with the *Community Planning Act*. In these instances, where Common Council's assent to a new Public Street is also required, there is no administrative efficiency as the application still requires the assent of Council.
- d) *Lands to be subdivided must involve the creation of no more than 5 lots.* – The majority of subdivision applications are smaller-scale developments involving the creation of fewer than 5 lots served by an existing Public Street or private access. Five lots was established as the threshold for this criterion, as parcels allowing for greater than five lots to be developed are more likely to be associated with larger development projects, which may support an increased range of building typologies and higher residential density. Depending on the type and size of the development, these may require the dedication of land rather than money-in-lieu.

Adoption of the proposed criteria by Common Council through the proposed by-law amendment will provide a defined framework allowing staff to approve those subdivisions involving money-in-lieu of LPP that align with the criteria. Approval is recommended.

Acceptance of Land for Active Transportation Infrastructure

Section 16 of the Subdivision By-Law provides specific instances where Land for Public Purposes must be dedicated to the City as pedestrian walkways. This includes pedestrian walkways associated with the City's road network where there is a need to provide increased pedestrian connectivity and for certain lands identified in the Trails and Bikeways Strategic Plan.

The Trails and Bikeways Strategic Plan, completed in 2010, identified an extensive trail and bikeway network. However, because it was created prior to the completion of the 2011 Municipal Plan, the Trails and Bikeways Strategic Plan did not have the benefit of being developed based on the goals and direction of the Municipal Plan. As a result, the Trails and Bikeways Strategic Plan does not fully align with the development vision established in the

Municipal Plan, providing a more extensive trail network than is envisioned within the City's future development vision.

Following completion of the Municipal Plan, the City completed a Transportation Strategic Plan, (Move SJ), which included pedestrian and cycling strategies. These strategies have been subsequently adopted to guide development of the City's Active Transportation Network, replacing the future network established in the Trails and Bikeways Strategic Plan. As a result, development of the City's Active Transportation Network focuses on utilizing existing trails and roadway corridors through infrastructure. This includes shared and protected bike lanes and infill of the sidewalk network.

Given this, staff are recommending an administrative amendment to the By-Law to delete subsection 16(2)(c) which references the network from the Trails and Bikeways Strategic Plan.

Conclusion

Approval of the amendment is recommended as it will streamline the administration of smaller scale subdivisions and reduce timelines for the development of new housing. The proposed amendment will also clarify instances where Land for Public Purposes is to be acquired with respect to the City's Active Transportation Network.

ALTERNATIVES AND OTHER CONSIDERATIONS

No alternatives are proposed. Staff note that, consistent with the requirements of the *Community Planning Act*, subsequent amendments that are proposed to the Subdivision By-Law will be referred to the Committee by Common Council for the Committee's review and recommendation.

APPROVALS AND CONTACT

Author	Manager	Director	Commissioner
Mark Reade , P.Eng., MCIP, RPP	Jennifer Kirchner , MCIP, RPP	Pankaj Nalavde , MCIP, RPP	Amy Poffenroth , PEng, MBA

Contact: Mark Reade
Telephone: (506) 721-0736
Email: Mark.Reade@saintjohn.ca

APPENDIX

Attachment 1: **Subdivision By-Law Amendments (Strikeout format)**
Attachment 2: **Subdivision By-Law Amendments (Amending format)**