

Regular Meeting - City Council Agenda

May 3, 2021 3:00 p.m. 4th Floor City Hall

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Proclamation

Youth Week May 1 - 7, 2021

WHEREAS: There is an increasing interest in intentional youth development through recreation in Canada that is founded on a substantial and growing body of research to support the role of recreation in the positive development of youth. Meaningful youth engagement through recreation emphasizes access, equity and social justice and leads to positive youth development.

WHEREAS: National Youth Week reminds us all of the valuable contributions that recreation and parks can make to youth development; and that youth can make to community development. National Youth Week is also endorsed by a network of agencies and individuals committed to the positive development of youth;

THEREFORE: I, Mayor Danny Breen, do hereby proclaim May 1 to 7, 2021, as Youth Week in the City of St. John's.

Signed at City Hall, St. John's, NL on this 3rd day of May 2021.

Danny Breen, Mayor

ST. J@HN'S

Proclamation

Pick it up Cleanup Campaign

Whereas: Clean St. John's exists as a community-based organization dedicated to promoting the involvement of all St. John's citizens in environmental stewardship.

Whereas: Major litter sources that contribute to the litter problems are: improper commercial refuse putouts, including dumpsters, improper household refuse, construction and demolition sites, loading docks, uncovered vehicles, motorists and pedestrians.

Whereas: Over 8000 volunteers are expected to take part in this spring cleanup campaign from schools, individuals, youth groups, tenant associations, service organizations, environmental groups and businesses.

Whereas: It is expected that over 40 tons of garbage will be collected.

Whereas: This spring has been targeted for a city-wide cleanup campaign to encourage citizens, business and community groups to assist in the cleanup of harmful litter that pollutes the environment.

Therefore Be It Resolved: That I, Mayor Danny Breen, hereby proclaim May 3rd, 2021 as the start of this spring's **Pick it Up for YYT Clean Up Campaign** in the City of St. John's.

Danny Breen, Mayor	Karla Connolly, Chair



ST. J@HN'S



Minutes of Regular Meeting - City Council

Council Chamber, 4th Floor, City Hall

April 27, 2021, 3:00 p.m.

Present: Mayor Danny Breen

Deputy Mayor Sheilagh O'Leary

Councillor Sandy Hickman
Councillor Debbie Hanlon
Councillor Deanne Stapleton

Councillor Jamie Korab Councillor Ian Froude Councillor Wally Collins Councillor Shawn Skinner

Regrets: Councillor Maggie Burton

Staff: Kevin Breen, City Manager

Derek Coffey, Deputy City Manager of Finance & Administration Tanya Haywood, Deputy City Manager of Community Services Jason Sinyard, Deputy City Manager of Planning, Engineering &

Regulatory Services

Lynnann Winsor, Deputy City Manager of Public Works

Cheryl Mullett, City Solicitor Elaine Henley, City Clerk

Kelly Maguire, Public Relations & Marketing Officer

Jennifer Squires, Legislative Assistant

Others: Edmundo Fausto, Sustainability Coordinator

Land Acknowledgement

The following statement was read into the record:

"We respectfully acknowledge the Province of Newfoundland & Labrador, of which the City of St. John's is the capital City, as the ancestral homelands of the Beothuk. Today, these lands are home to a diverse population of indigenous and

other peoples. We would also like to acknowledge with respect the diverse histories and cultures of the Mi'kmaq, Innu, Inuit, and Southern Inuit of this Province."

1. CALL TO ORDER

2. PROCLAMATIONS/PRESENTATIONS

2.1 National Poetry Month - Patrick Warner

3. APPROVAL OF THE AGENDA

3.1 Adoption of Agenda

SJMC-R-2021-04-27/184

Moved By Councillor Collins

Seconded By Councillor Stapleton

That the Agenda be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

4. ADOPTION OF THE MINUTES

4.1 Adoption of the Minutes - April 19, 2021

SJMC-R-2021-04-27/185

Moved By Councillor Skinner
Seconded By Deputy Mayor O'Leary

That the minutes of April 19, 2021 be adopted as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

5. BUSINESS ARISING FROM THE MINUTES

6. <u>DEVELOPMENT APPLICATIONS</u>

6.1 <u>Establishing Building Line Setback - 67 Bay Bulls Road - INT2100033</u>

SJMC-R-2021-04-27/186

Moved By Councillor Collins

Seconded By Councillor Hickman

That Council approve the 22.86 metre Building Line setback at 67 Bay Bulls Road to accommodate the construction of a Single Detached Dwelling.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

6.2 Request for Accessory Building in the Commercial Industrial (CI) Zone – 420 Logy Bay Road – INT2100028

SJMC-R-2021-04-27/187

Moved By Councillor Skinner

Seconded By Councillor Stapleton

That Council approve the placement of a 37m2 Accessory Building in the Commercial Industrial (CI) Zone at 420 Logy Bay Road.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

6.3 <u>Proposed Accessory Building in the Watershed - 81 Southern Shore</u> <u>Highway - INT2100033</u>

SJMC-R-2021-04-27/188

Moved By Councillor Collins

Seconded By Councillor Korab

That Council approve the application for an Accessory Building in the Watershed (W) Zone at 81 Southern Shore Highway with the conditions that the size is limited to a 30m2, any existing Accessory Buildings on the Lot must be removed and that the Accessory Building meets all other requirements under Section 8.3.6 of the Development Regulations.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

6.4 Request for Service Connection in the Floodplain Buffer and Establish the Building Line – 185 Waterford Bridge Road DEV2100026

SJMC-R-2021-04-27/189

Moved By Councillor Korab

Seconded By Councillor Hanlon

That Council approve the Building Line setback at 13.11 metres for the proposed Single Detached Dwelling at 185 Waterford Bridge Road and approve the connection of private services for the Dwelling in Waterford Lane, which is within the floodplain buffer.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

7. <u>COMMITTEE REPORTS</u>

- 8. <u>DEVELOPMENT PERMITS LIST (FOR INFORMATION ONLY)</u>
 - 8.1 <u>Development Permits List April 15 21, 2021</u>

Council considered the Development Permits List for information

- 9. <u>BUILDING PERMITS LIST (FOR INFORMATION ONLY)</u>
 - 9.1 Building Permits List for the week April 21, 2021

Council considered the Building Permits List for information

10. REQUISITIONS, PAYROLLS AND ACCOUNTS

10.1 Weekly Payment Vouchers for the Week Ending April 21, 2021

SJMC-R-2021-04-27/190

Moved By Councillor Froude

Seconded By Councillor Collins

That the weekly payment vouchers for the week ending April 21, 2021 in the amount of \$3,257,039.57 be approved as presented.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

11. TENDERS/RFPS

11.1 <u>2021059 – The Supply and Delivery of Water, Sewer, and Hydrant</u> Parts

SJMC-R-2021-04-27/191

Moved By Councillor Hickman

Seconded By Councillor Skinner

That Council award open call 2021059 – The Supply and Delivery of Water, Sewer, and Hydrant Parts, to the lowest bidders meeting the specifications per each of the seventeen sections, as attached, as per the Public Procurement Act.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

12. NOTICES OF MOTION, RESOLUTIONS QUESTIONS AND PETITIONS

12.1 Resolution - Census 2021

SJMC-R-2021-04-27/192

Moved By Deputy Mayor O'Leary **Seconded By** Councillor Stapleton

To approve the resolution that the City of St. John's supports the 2021 Census, and encourages all residents to complete their census questionnaire online at www.census.gc.ca

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

13. OTHER BUSINESS

13.1 Circular Cities and Region Initiative

SJMC-R-2021-04-27/193

Moved By Councillor Froude
Seconded By Councillor Hanlon

That Council supports the City of St. John's application to the FCM Canadian Circular Cities and Regions Initiative (CCRI) one year pilot.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

13.2 <u>Amendments to Sanitation Regulations By-Law</u>

Councillor Hickman requested the motion to amend the Sanitation Regulations By-Law be divided into two resolutions, one for Section 2(t) and one for Section 14(b). Council discussed the necessity of amending Section 2(t). Most Councillors preferred that the By-Law remain as is and allow only nets in areas where garbage carts are not being used. City Staff informed Council that the use of blankets was inadvertently left off the By-Law and this amendment would correct the error. This affects approximately 20% of households in the City, some of which may find the

cost of a net prohibitive. Council voted that Section 2(t) remain as is and asked the Deputy City Manager of Public Works to provide information as to the cost of providing nets to homes not serviced by garbage carts.

SJMC-R-2021-04-27/194

Moved By Councillor Korab Seconded By Councillor Collins

That Council amend Sections 2(t) of the Sanitation Regulations By-Law as proposed.

For (4): Mayor Breen, Councillor Hanlon, Councillor Korab, and Councillor Collins

Against (5): Deputy Mayor O'Leary, Councillor Hickman, Councillor Stapleton, Councillor Froude, and Councillor Skinner

MOTION LOST (4 to 5)

SJMC-R-2021-04-27/195

Moved By Councillor Hickman Seconded By Councillor Hanlon

That council amend section 14(b) of the Sanitation Regulations By-Law as proposed.

For (9): Mayor Breen, Deputy Mayor O'Leary, Councillor Hickman, Councillor Hanlon, Councillor Stapleton, Councillor Korab, Councillor Froude, Councillor Collins, and Councillor Skinner

MOTION CARRIED (9 to 0)

14. <u>ACTION ITEMS RAISED BY COUNCIL</u>

Councillor Skinner inquired if there were any requirements for street numbers on businesses. The Mayor recommended consulting with the Fire Chief on this matter and returning to Council with their response.

15. ADJOURNMENT

	There being no further business, the meeting adjourned at 4:17.
MAYOR	
CITY CLERK	

DECISION/DIRECTION NOTE

Title: 28 Eric Street, Adoption REZ1900015

Date Prepared: March 16, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required:

That Council adopt the attached resolution for St. John's Development Regulations Amendment 717, 2021, to rezone land from the Open Space (O) Zone to the Residential High Density (R3) Zone to accommodate three Townhouses at 28 Eric Street.

Discussion – Background and Current Status:

The City has received an application from Habitat for Humanity NL for three (3) Townhouses at 28 Eric Street. The property is City-owned land and zoned Open Space (O), where Townhouses are not a listed use. The applicant has asked to rezone the property to the Residential High Density (R3) Zone which allows Townhousing as a Permitted Use. A Municipal Plan amendment is not required because the land is already designated as Residential Medium Density. The rezoning is proposed only for the land where the Townhouses will be developed. Should the development proceed, the residential lots would be subdivided from the overall lot and the City would retain ownership of the community gardens land. The community garden will remain in the Open Space (O) Zone.

The subject property is a grassed area with some trees and shrubs, rising from Eric Street toward the rear yard of the commercial property at 301 Hamilton Avenue. The subject property was acquired by the City from Laurier Club Limited in December 1978. It was originally the rear yard of 301 Hamilton. Aerial images from 1973 show parking on this portion of the land. Neighbours note that there may have been a duck pond on the site in the past. Since taking ownership, the City has maintained this land and it has been zoned Open Space for decades. To the west side is an area used as a community garden.

The City's Affordable Housing Strategy seeks to identify land for affordable housing and to support partners to develop it. As part of that, Council approved the subject property for potential redevelopment as affordable housing. A letter of intent was signed with Habitat for Humanity NL on September 23, 2019, outlining Council's intent to gift the property to them, subject to successful rezoning, development approval, and collaboration with the Eric Street Community Garden.



At its regular meeting on January 11, 2021, Council voted to consider the amendment and the proposed rezoning was advertised in The Telegram newspaper and posted on the City's website. Property owners within 150 metres of the application site were notified. Initially, a public meeting was set for February 10, 2021, however that was rescheduled after a resurgence of the covid-19 pandemic. The rescheduled public meeting was re-advertised and a revised notice was mailed out. Anyone registered for the initial meeting was advised of the new date. A virtual public meeting chaired by Ms. Marie Ryan was held on March 3, 2021, with approximately 39 attendees. Written submissions and a petition were received by the City Clerk and are included in the agenda for the regular meeting of Council.

From a land use perspective, the surrounding neighbourhood is predominately zoned R3, and therefore rezoning the property to R3 is compatible. This portion of Eric Street mostly contains Single-Detached Dwellings; further west, past the Richmond Street intersection, there are Townhouses and an Apartment Building. Rezoning the subject property for 3 Townhouses would complement the surrounding uses and match the zone already in this neighbourhood.

However, in the months beforehand, and at the public meeting, neighbours raised a number of concerns about the proposed development. In particular, they were concerned about water on the site, a loss of open space, and on-street parking.

- It is evident that the neighbourhood has a strong attachment to the property. While it is not recognized by the City as a formal park, many attendees said that they use the area for recreation and as a public gathering space. The City recognizes a need to better understand these informal green spaces and how residents use them. Further, as the City moves forward in considering other properties as part of the Affordable Housing Strategy, neighbourhood consultation should be carried out before involving any third-party housing organizations. This has also been recognized in a recent Affordable Housing decision note brought to Council.
- According to residents, the issue of groundwater on the site has been ongoing for years. In 2020, the City excavated some soil on the property and tested surface water near the community garden. The water tested positive for chlorine, which indicated a possible watermain leak in the area. The City found and repaired one leak but there is still saturated ground at this site (see attached map that shows the wet area). The City believes that this is a groundwater issue and recommends that the developer address this issue at the development approval stage.
- Residents have asked for an Environment Assessment. The City would not normally require this unless there was a brownfield site such as a former gas station that required remediation. The applicant has completed a Phase I Environmental Site Assessment for their own due diligence; it showed no on-site sources of actual or potential contamination.
- Upon hearing concerns from area residents about on-street parking, the applicant revised the application to include a driveway and garage for each house. This will

provide 2 parking spaces per dwelling, which exceeds the City's minimum requirement. There were no concerns from staff regarding parking.

- While the City acknowledges that the residents use this site as an informal green space, the City's Parks and Open Space Division reviewed the rezoning application and advised that the Open Space Master Plan identifies service levels and associated distances for various classifications of parks. The Eric Street neighbourhood is adequately serviced by 4 classifications of parks, as follows:
 - McKay Street Open Space (classed as a Playground) serves a radius of 200 metres; it is 80 metres from 28 Eric Street.
 - Brother Egan Park (classed as a Neighbourhood Park) serves a radius of 800 metres; it is 200 metres from 28 Eric Street.
 - Victoria Park (classed as a Municipal Park) serves the entire city; it is 460 metres from 28 Eric Street.
 - Mundy Pond Park (classed as a Community Park) serves a radius of 3,700 metres; it is 725 metres from 28 Eric Street.
- With respect to concerns about the loss of trees, the applicant has provided a tree plan (attached) and will work with the City's Parks and Open Space Division regarding any tree protection during development.

Given that the applicant has revised their proposal to address parking concerns, and that the City would require groundwater diversion and tree protection at the development stage, it is recommended to rezone the property to R3 to accommodate three Townhouses. While it is recognized that this space is an informal recreation space, the neighbourhood is adequately serviced by other parks. The development would meet the objectives of the City's Affordable Housing Strategy and provide a safe home to three low-income households.

Floor-Area Ratio

The Townhouses are proposed to be 3 storeys tall. In Section 2.3.2 of the Municipal Plan, the Residential Medium Density District can allow up to 3 storeys or a Floor-Area Ratio (FAR) of 1.0. Subject to a Land Use Assessment Report, selected areas may be zoned to allow heights up to 6 storeys and Floor Area Ratios up to 1.5. The applicant has proposed wider side yards than minimum to provide more room to the next house and more space to the community garden, accommodating sunlight plus a new sewer easement. The proposed middle house is smaller than the end units and the project has an FAR of approximately 1.14. This will be confirmed at the development approval stage, should the amendment proceed.

Council may accept a staff report as an LUAR where the scale or circumstances of a proposal do not need more extensive analysis. Given the small scale of this project and the information already submitted, staff recommend that Council accept this staff report as the LUAR so as to consider an FAR of 1.14.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.

- 2. Partners or Other Stakeholders: Neighbouring residents and property owners; members of the Eric Street Community Garden.
- 3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.
- 4. Legal or Policy Implications: A map amendment to the St. John's Development Regulations is required. Should the amendment and development approval proceed, the City would gift the land to Habitat for Humanity NL.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: Not applicable.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council adopt St. John's Development Regulations Amendment Number 717, 2021, which will rezone a portion of land at 28 Eric Street from the Open Space (O) Zone to the Residential High Density (R3) Zone.

Further, that Council approve a Floor Area Ratio of 1.14 for the middle Townhouse unit proposed at 28 Eric Street.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

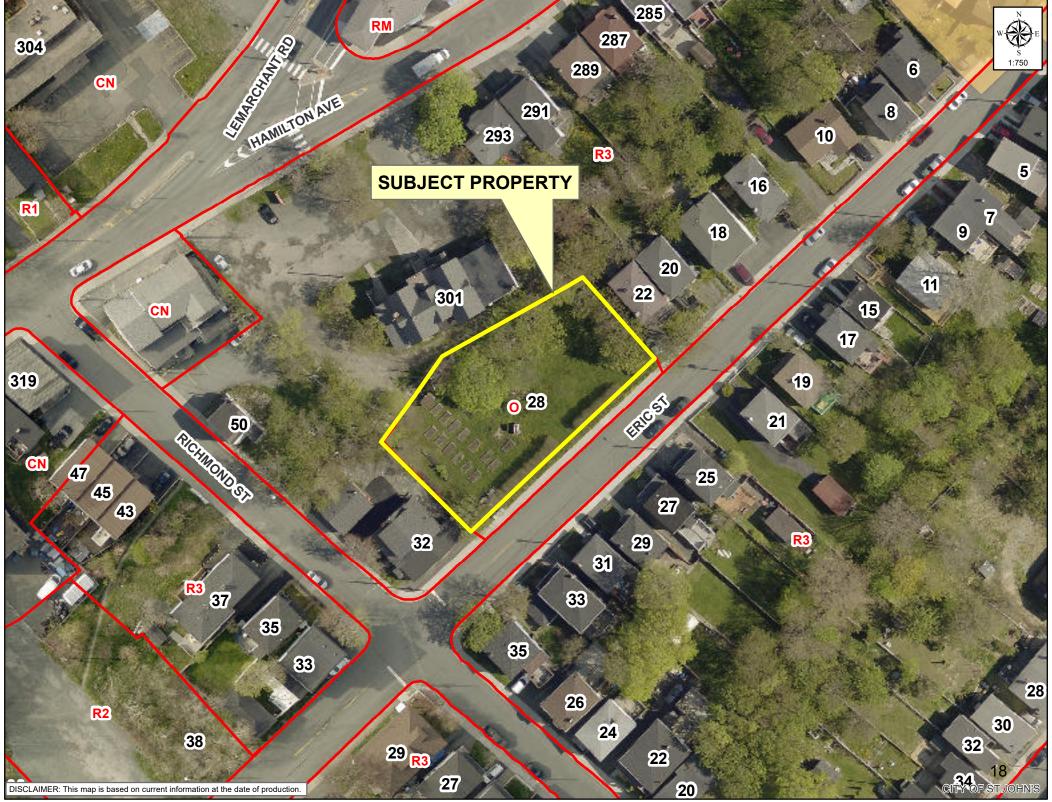
Report Approval Details

Document Title:	28 Eric Street, Adoption REZ1900015.docx
Attachments:	- 28 Eric Street - Adoption Attachments.pdf
Final Approval Date:	Mar 18, 2021

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Mar 17, 2021 - 2:42 PM

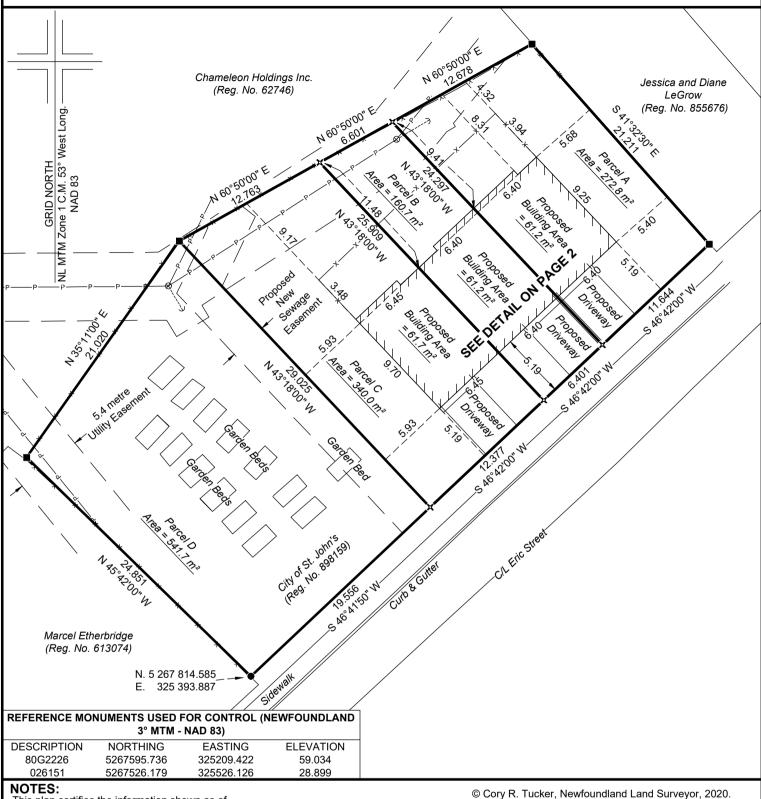
Jason Sinyard - Mar 18, 2021 - 11:59 AM



28 Eric Street Neighbourhood



PLAN SHOWING PROPOSED DEVELOPMENT AND EXISTING ELEVATIONS **28 ERIC STREET** ST. JOHN'S, NL FOR HABITAT FOR HUMANITY



This plan certifies the information shown as of July 30, 2020 and only as of that date.

Combined Scale Factor = 0.999895

Distances are horizontal ground shown in metres and

Proposed Building:

Spot Elevation:

Reference survey by Alvin Hayes, City of St. John's, Job. No: 19034

LEGEND

Iron Bar Found: Steel Fence Post: Temporary Position: × Power Pole: \otimes Power Pole Anchor: Overhead Powerline:

Portions referred to are shown thus:

McElhanney Land Surveys (NL) Ltd.

///// ×000.00

34 Pippy Place, St. John's, NL, A1B 3X4 T 709-722-0564 F 709-722-0361 Email ctucker@mcelhanney.net

Scale: 1:300



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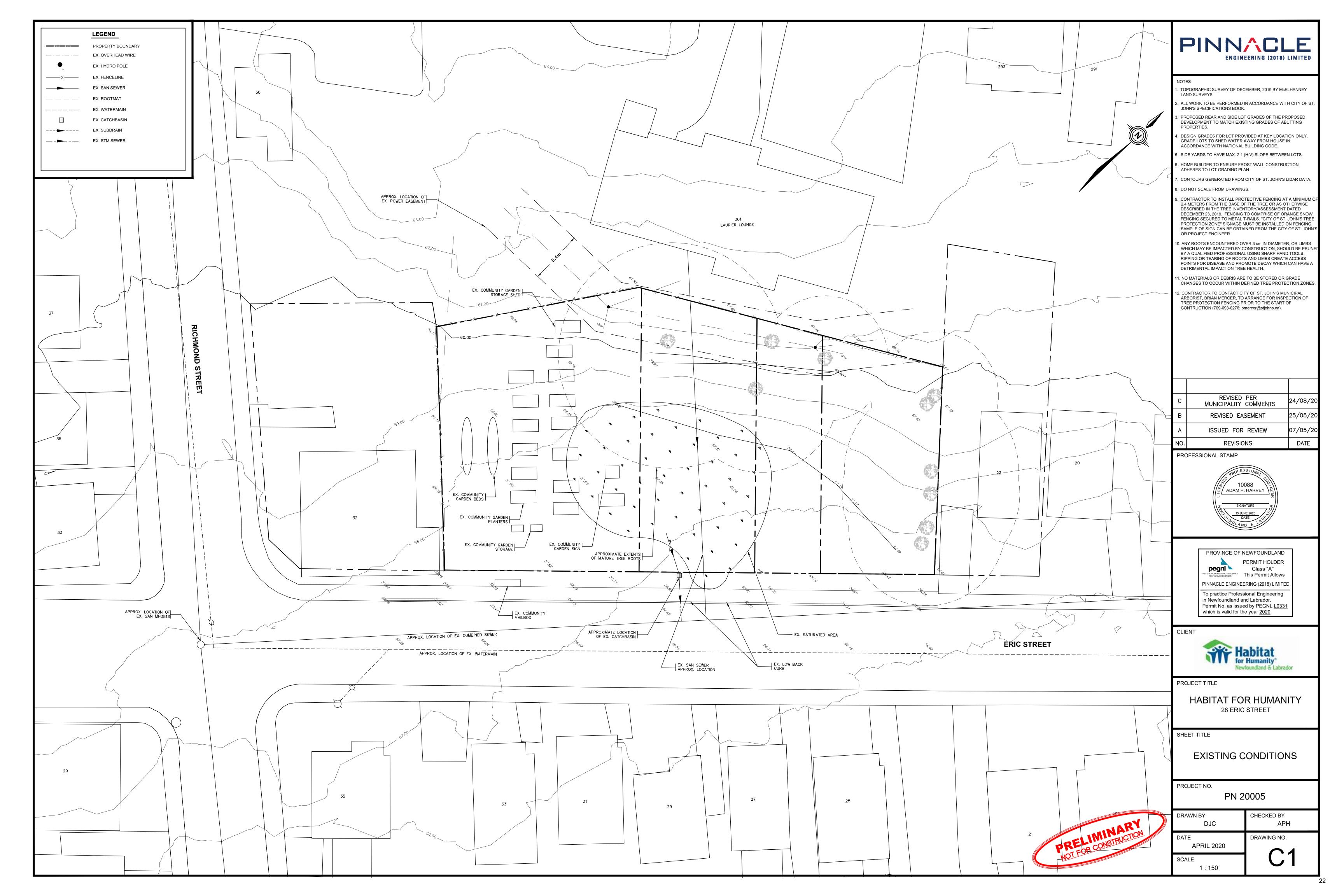
McElhanney

Land Surveys (NL) Ltd.

DEVISIONS						
REV.	DATE	DESCRIPTION	DRAF	CHKD	SURV	
0	Dec. 13/19	Plan Issued	AM	CRT	CG	
1	May 05/20	Revised Building and Boundary Lines	AM	CRT		
2	May 14/20	Added Proposed Retaining Wall	AM	CRT		
3	May 20/20	Added 5.4 metre Utility Easement	AM	CRT		
4 June 29/20 Revised Boundaries and Proposed Build, Added Sewer Easement and Proposed Fence Line		AM	CRT			
5 July 30/20 Moved Building, Added Waterline & Garden Beds		AM	CRT	CG		
6 Sept. 23/20 Moved Building		AM	CRT	CG		
7	Sept. 24/20	Removed Retaining Wall		CRT	CG	

REVISIONS Page: 1 of 2 20 Plan ID.: T00346PR1 Job No.: 371100346







DEC 22 - 0900AM



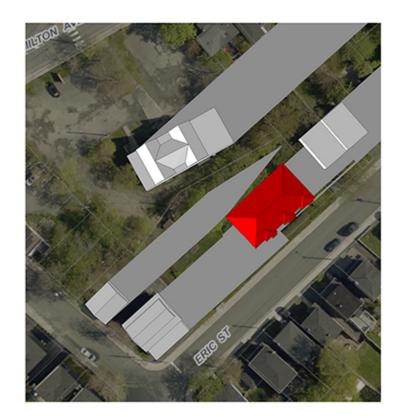
MARCH 20 - 0900AM



DEC 22 - 1200PM



MARCH 20 - 1200PM



DEC 22 - 0300PM



MARCH 20 - 0300PM



SUBCONSULTANT - STRUCTURAL

SUBCONSULTANT - MECHANICAL & ELECTRICAL

SUBCONSULTANT - CIVIL

DRAWN K.N.	CHECKED K.N.
DESIGNED K.N.	APPROVED K.N.

CONSULTANT'S PROJECT NO.

2020-07

PROFESSIONAL STAMP & PERMIT



- NOTES:

 1. DO NOT SCALE FROM THIS DRAWING.
 2. UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN MILLMETERS.
 3. CONTRACTOR SHALL VERIEY ALL EXISTING CONDITIONS ON SITE PRIOR TO PROCEEDING WITH ANY PORTION OF THIS WORK, 4. CONTRACTOR SHALL DO ALL WORK IN ACCORDANCE WITH THE APPLICABLE STANDARDS AND CODES INCLUDING, BUT NOT LIMITED TO, THE NATIONAL BUILDING CODE OF CANADA, CURRENT EDITION.

01	ISSUED FOR REVIEW	20/08/07	KN
NO.	DESCRIPTION	YY/MM/DD	8Y

REVISIONS

DRAWING NOMENCLATURE



PROJECT TITLE

28 ERIC STREET **TRIPLEX**

ST. JOHN'S, NL

DRAWING TITLE

SHADOW STUDIES

A-6.1



JUNE 21 - 0900AM



SEPT 23 - 0900AM



JUNE 21 - 1200PM



SEPT 23 - 1200PM



JUNE 21 - 0300PM



SEPT 23 - 0300PM



SUBCONSULTANT - STRUCTURAL

SUBCONSULTANT - MECHANICAL & ELECTRICAL

SUBCONSULTANT - CIVIL

DRAWN K.N.	CHECKED K.N.
DESIGNED K.N.	APPROVED K.N.

CONSULTANT'S PROJECT NO.

2020-07

PROFESSIONAL STAMP & PERMIT



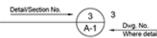
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01	ISSUED FOR REVIEW	20/08/07	KN
NO.	DESCRIPTION	YYMM/DD	BY

REVISIONS

DRAWING NOMENCLATURE



PROJECT TITLE

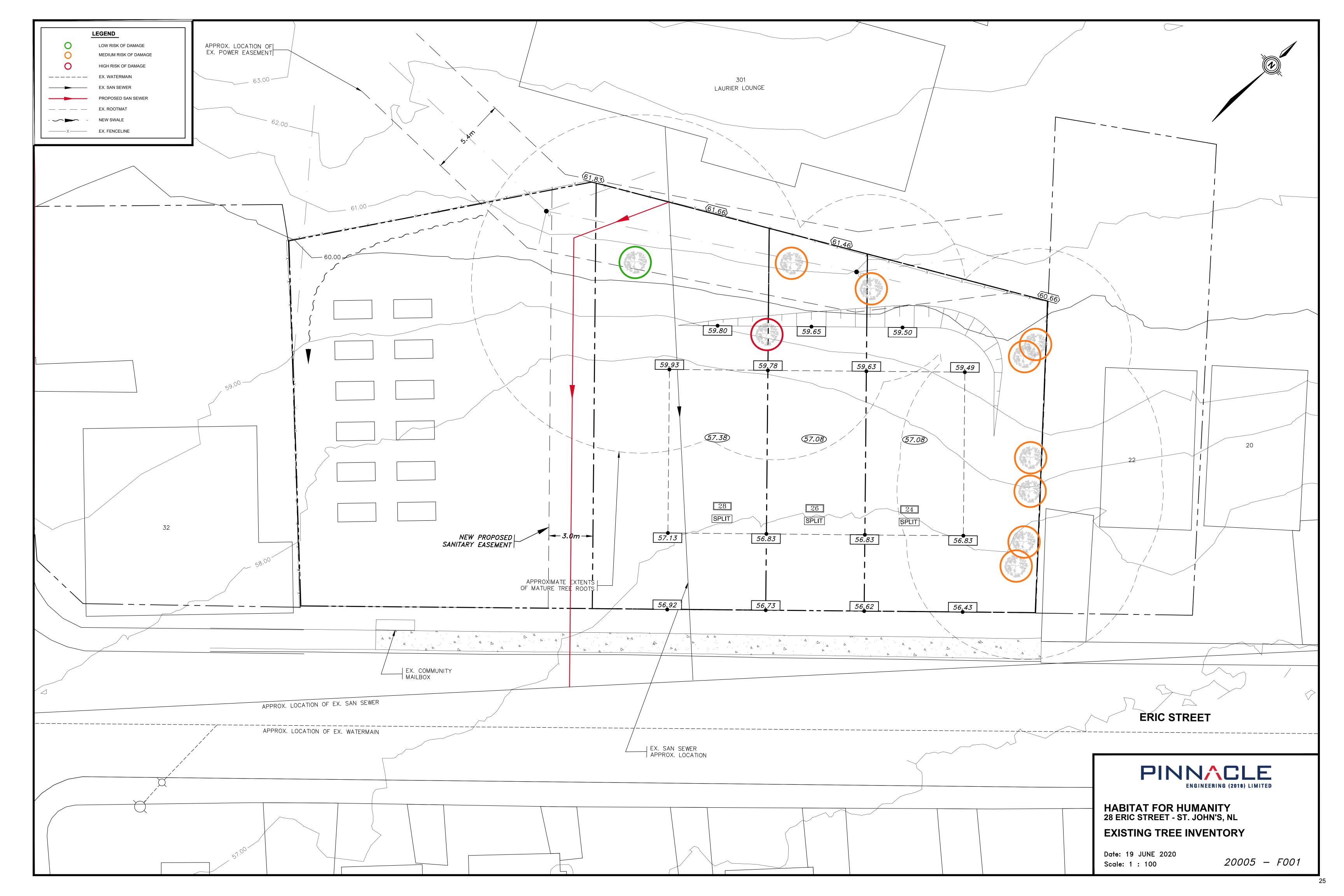
28 ERIC STREET **TRIPLEX**

ST. JOHN'S, NL

DRAWING TITLE

SHADOW STUDIES

A-6.2



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

ST. JOHN'S Development Regulations, 1994

Amendment Number 717, 2021

Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the St. John's Development Regulations Amendment Number 717, 2021.

Adopted by the City	Council of St. John's on the 22nd day of	of March, 2021.
Signed and sealed t	his day of	
Mayor:		Town Seal
iwayor.		
Clerk:		
Canadian Institute	of Planners Certification	
I certify that the a	ttached City of St. John's Developme	ent Regulations Amendment
Number 717, 2021 hand Rural Planning	has been prepared in accordance with t Act, 2000.	he requirements of the <i>Urban</i>
MCIP/FCIP:		
		MCIP/FCIP Stamp

CITY OF ST. JOHN'S

Development Regulations Number 717, 2021

BACKGROUND

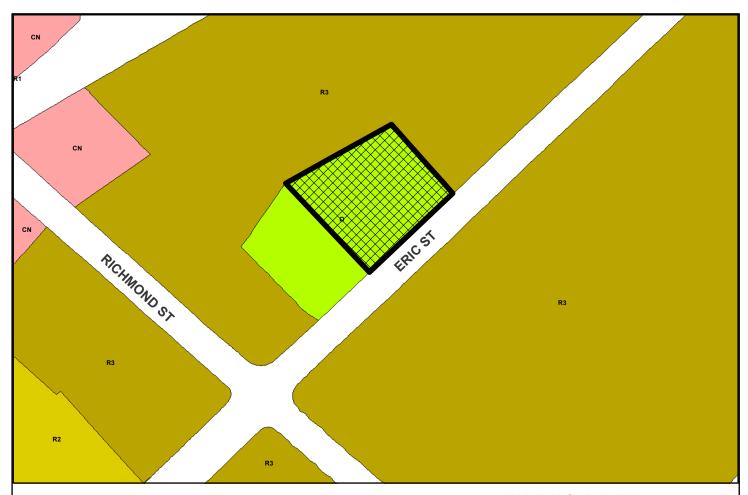
The City of St. John's wishes to allow the development of three Townhouses at 28 Eric Street. See attached Council Decision Note dated March 16, 2021 for Background Information on this amendment.

PUBLIC CONSULTATION

Initially, a public meeting was set for February 10, 2021 and the proposed amendment was advertised in The Telegram newspaper on January 16, January 23 and January 30, 2021. 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 and social media. However, Council decided to postpone that meeting. The rescheduled public meeting was held on March 3, 2021 and was advertised in the Telegram newspaper on February 13 and February 20, 2021. Revised notices were mailed to property owners with 150 Metres of the application site and updated notices were placed on the City's website and social media.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 717, 2021 The City of St. John's Development Regulations is amended by:

1) Rezoning land at 28 Eric Street [Parcel ID# 25854] from the Open Space (O) Zone to the Residential High Density (R3) Zone as shown on Map Z-1A attached.



CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS Amendment No. 717, 2021 [Map Z-1A]



AREA PROPOSED TO BE REZONED FROM OPEN SPACE (O) LAND USE ZONE TO RESIDENTIAL HIGH DENSITY (R3) LAND USE ZONE

28 ERIC ST Parcel ID 25854

Council Adoption

2021 03 12 Scale: 1:1000 City of St. John's Department of Planning, Development & Regulatory Services

I hereby certify that this amendment has been prepared in accordance with the Urban and Rural Planning Act.

M.C.I.P. signature and seal

Mayor

City Clerk

Provincial Registration

Virtual Public Meeting using Microsoft Teams Public Meeting – 28 Eric Street Wednesday, March 3, 2021 7:00 pm

Present: <u>Facilitator</u>

Marie Ryan

City of St. John's

Ken O'Brien, Chief Municipal Planner
Ann Marie Cashin, Planner III, Urban Design & Heritage
Judy Tobin, Manager - Housing
Krista Gladney, Affordable Housing & Development Facilitator
Andrew Niblock, Director of Environmental Services

Maureen Harvey, Legislative Assistant

Proponents

Susan Whiffen on behalf of Habitat for Humanity Newfoundland and Labrador

Colin Ryan on behalf of Habitat for Humanity Newfoundland and Labrador

There were approximately 39 people in attendance.

CALL TO ORDER AND BACKGROUND PRESENTATIONS

Marie Ryan, Facilitator, called the meeting to order at 7 pm and outlined the rules for decorum to ensure everyone who wishes to speak has equal opportunity to do so and that such should be done in a respectful manner. She noted that people speaking will need to be brief with each person having three minutes followed by an opportunity for people to speak a second time. She also noted the meeting is being recorded for the purposes of minute taking only.

Ann Marie Cashin reviewed the features of MS Teams that would be used during the meeting which included the "raise hand" feature and use of the chat room for people who wish to make comments or ask questions.

Ken O'Brien, Chief Planner with the City, welcomed those in attendance and gave some introductory remarks and emphasized that the issue in this matter is primarily the use of this city-owned land as opposed to the application for town houses. As developmental approval is subject to rezoning, this meeting is being held for the purpose of gathering feedback from the public.

PURPOSE OF MEETING

Ann Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which was to consider an application to rezone land from the Open Space (O) Zone to the Residential High Density (R3) Zone to allow the construction of three

Townhouses. A Municipal Plan amendment is not required. She provided the following background and status of the application as follows:

Background and Status

City Staff advised that the City has received an application from Habitat for Humanity NL for three (3) Townhouses at 28 Eric Street. The property is zoned Open Space (O), where Townhouses are not a listed use. The applicant has asked to rezone the property to the Residential High Density (R3) Zone which allows Townhousing as a Permitted Use. A Municipal Plan amendment is not required because the land is already designated as Residential Medium Density. The rezoning is proposed only for the land where the Townhouses will be developed. The community gardens will remain zoned as Open Space (O).

The subject property is a grassed area with some trees and shrubs, rising from Eric Street toward the rear yard of the commercial property at 301 Hamilton Avenue. The property at 28 Eric Street is owned by the City of St. John's, which acquired it from Laurier Club Limited in December 1978. It was originally the rear yard of what is now 301 Hamilton. To the west side is an area being used as a community garden.

The City's Affordable Housing Strategy seeks to identify land for affordable housing and to support partners to develop it. As part of that, Council approved the subject property for potential redevelopment as affordable housing. A letter of intent was signed with Habitat for Humanity NL on September 23, 2019, outlining Council's intent to gift the property to them, subject to successful rezoning, development approval, and collaboration with the Eric Street Community Garden. The City will retain ownership of the community garden land.

The land immediately adjacent to 28 Eric Street is zoned R3. The surrounding neighbourhood is predominately zoned R3, with some Commercial Neighbourhood zoned properties to the north along Hamilton Avenue. This portion of Eric Street mostly contains Single-Detached Dwellings; further west along Eric Street, past the Richmond Street intersection, there are Townhouses and an Apartment Building. Rezoning the subject property for 3 Townhouses would complement the surrounding uses and match the zone already in this neighbourhood.

Under the St. John's Municipal Plan, the City encourages increased density in all appropriate areas and a compatible mix of residential buildings of varying densities in all zones.

The Townhouses are proposed to be 3 storeys. In Section 2.3.2 of the Municipal Plan, the Residential Medium Density District can allow up to 3 storeys or a Floor Area Ratio (FAR) of 1.0. Subject to a Land Use Assessment Report, selected areas may be zoned to allow heights up to 6 storeys and Floor Area Ratios up to 1.5. The applicant has proposed larger sideyards than minimum to provide more room to the next house and more space to the community garden, accommodating sunlight plus a new sewer

easement. The proposed middle house is smaller than the end units and the project has an FAR of approximately 1.14. This will be confirmed at the development approval stage, should the amendment proceed.

The application has been reviewed by various City staff and there are no development or engineering concerns with the proposed amendment. If the rezoning is adopted by Council, other uses in the R3 zone could be permitted.

City staff noted that it is now at the stage in the process where the application is presented to the neighbourhood for review and comment. Comments which have been mailed or emailed to the City, as well as minutes from tonight's meeting will be presented to Council prior to a final decision on this application.

PRESENTATION BY THE DEVELOPER

Sandra Whiffen, Executive Director - Habitat for Humanity

Ms. Whiffen stated that Habitat NL is excited about this development and has put in significant time, energy, and funds to make this project happen since approached by the City on it 2 years ago. She referenced the positive impact that Habitat has across the province on low income working families and the amazing work that has been done.

Habitat for Humanity Newfoundland and Labrador is a non-profit organization, working for a world where everyone has a safe, decent, affordable place to live. Incorporated since 1994, Habitat NL has built homes for over 60 families in Newfoundland and Labrador. With the help of volunteers and Habitat homeowners, local Habitats in every province and territory help build and rehabilitate safe, decent, and affordable homes, including single-family and multi-unit houses. Habitat does not give away free homes — the families who partner pay an interest-free mortgage geared to their income and volunteer 500 hours with Habitat. As Habitat homeowners pay off their mortgage, the funds are invested into a revolving fund, which is used by our local Habitat to build more homes for low-income families in the community. Habitat is governed by a local Board of Directors.

She noted that Habitat for Humanity have built over 33 homes in the St. John's area since 1994. It obtains donated land from municipalities across Newfoundland and Labrador to build habitat homes. The piece of land on Eric Street was identified as part of the City's Affordable Housing initiative, and the organization is proposing a triplex for three low income working families. It also intends to assist with the revitalization for the community garden which the city will maintain as open space.

Colin Ryan – Chair of the Board

Mr. Ryan welcomed everyone to the meeting and noted that Habitat has developed wonderful relationships with the many neighbourhoods Habitat has built in across the province and looks forward to developing a similar strong relationship with the residents of Eric Street.

COMMENTS FROM PARTICIPANTS

Facilitator Marie Ryan invited comments from the public. The following is a summary of comments that represent the people who spoke at the meeting.

	COMMENTS			
Speaker #	Commentary			
1	The project looks great and Habitat for Humanity has done some phenomenal work in the Province. Speaker is concerned about the loss of green space and because the land in question is wet, proposes using some of the land on which the former Grace Hospital sat. Speaker stated there have already been discussions with some members of Council about this option.			
	City staff responded by stating the former Grace Hospital site may be considered at some time, but Council must decide on the application before it.			
2	Agreed with previous speaker. He grew up in the green space. It is wet and used to be a duck pond. He would hate to lose that space and requested that Council keep Eric Street green.			
3	Two main reasons for opposing the development – loss of the green space and concern with the potential of rerouting water if the land was developed. Her basement has flooded in the past and she has made significant upgrades to address. Her property is still the recipient of ground water which she believes will come from the property in question. Speaker was deeply opposed to the development and questioned how the issue of water will be addressed and who will be responsible for further damages to nearby properties – the City or Habitat for Humanity?			
4	Speaker noted that the appeal of the neighborhood was to retain the green space. He asserted that the property in question is a natural sink to absorb water coming down from Hamilton Avenue. While he appreciates the efforts of Habitat for Humanity, the last two years since this application was submitted has been a huge stress for him and others who will be impacted by the development. He claimed that if approved, on-street parking will be reduced, property owners will lose their back yards and the loss of trees would be devastating. He noted this area is already a crowded neighborhood and adding three			

	townhouses will everywhete the situation. Checker accomed that
	townhouses will exacerbate the situation. Speaker asserted that
5	existing residents are being disrespected. Speaker questioned Speaker #1 about the proposal re: former Grace Hospital. He noted there is no formal record of any offer or discussions at the City. Speaker #1 responded by saying he addressed this matter personally with two members of Council and if the City is prepared to consider same, he would introduce the matter to the Province's Department of Transportation and Works.
6	Speaker stated that his family has owned a house on Eric Street for a very long time. He indicated the proposed development would change the look of the street, claiming that adding more people and houses would merely add insult to injury. Speaker reiterated that the biggest problem is the issue of water and claimed it is the City's responsibility to address. Simply rerouting the ground water will create problems for other property owners.
7	Speaker has lived on the street for the past seventeen years. The main issue is that of the water which has never been resolved. He claimed that you cannot walk over the property without rubber boots. Summer concerts on this open space required the use of plywood placed on the ground. He asserted that the water issue is no further than being resolved than it was in the past. He acknowledged that Richmond Street, Hamilton Avenue and the Community Garden have all been dug up in an effort to address the problem. Speaker claimed that City has an obligation to correct the problem of water before it is gifted. He also asserted there is already traffic concerns on Eric Street noting that the plows have had to back up to the end of the street. While the City may have claimed there are no traffic problems, the speaker stated such is not the case.
8	Speaker claimed that while the City's intention to retain the community garden is acknowledged, neighborhood residents do not use that side of the space; the community gardeners live elsewhere. She contended that five homeowners have sold their properties and seven others are considering selling because of their understanding that this project will proceed. Speaker was concerned this development will change the dynamic of the entire neighborhood and is not necessary, particularly as there are other options in alternate locations.
9	Speaker has owned a home on Eric Street for eleven years. She purchased in the area because of the green space. As a single mom she and her child have used that space regularly and referred to the "magic tree" which has great sentimental value. She contended the City is using a double standard and referred to the City's policies to retain open spaces even though, in this instance, the open space is to be removed. Speaker claimed that once the open space is gone, it will never be regained. She also spoke to the serious water problems in the area which have caused her to invest \$50K into redevelopment of

	her basement and fears that the water issue will compromise that investment and security.
10	Resident lives on Leslie Street and stated she uses the open space frequently. She questioned the lack of due diligence and how the application has proceeded to this stage with so many issues outstanding. Like others, she claimed that the water problem is a public works matter and must be resolved before any project is considered.
11	Resident expressed concern with water problem and suggested that if weeping tile is used for the new builds, the water will only be routed elsewhere. She too, questioned the accountability if further water problems are created.
	SECOND TIME SPEAKERS
12	In subdivisions, developers are required to create tot lots for the benefit of children in the area. Eric Street has its own tot lot and should not be removed. Speaker noted that of everyone who spoke at this meeting, there is no one in favour.
13	Speaker referred to a previous meeting where only the Community Garden representatives were invited to participate. At that time there was concern expressed about the loss of space. When questions as to the role of the garden group in this project, the Chief Municipal Planner reported that he was not involved in the previous meeting but his understanding was that the City wanted to consider feedback from the Community Garden, as opposed to its approval or rejection.
14	Speaker again asserted that the water issue will not be resolved until the source of the problem is identified. He claimed that this is where the effort should be at this time. He also challenged a statement by Habitat for Humanity that it wanted to be part of the neighborhood, if the organization hadn't reached out to the neighbours.
15	Speaker suggested that as former Councillor Hope Jamieson was a plot holder in the Community Garden when the first meeting was held, there may have been a conflict of interest. She also contended that at the very least an environmental assessment should be carried out and considered before the City gifts the land.
16	Judy Tobin – Manager of Affordable Housing reported that her department spearheaded the project. She acknowledged that at the outset, the assumption was incorrectly made that the users of the Community Garden were residents of Eric Street. It had been made clear, since that meeting, that such was not the case and that garden users came from various areas. Subsequent to that meeting, the engagement process was modified. Ms. Tobin acknowledged that it ought to have been done differently and apologized for any misperception.

17.	Upon question of what environmental work had been carried out, Andrew Niblock, Director of Environmental Services outlined the actions that have been undertaken by the City.
	 Investigative work revealed there was no sewage identified. Acknowledged it is a wet area.
	 Identified some previous efforts of drainage as the remnants of a French drain were found.
	There was an unconnected catch basin identified.
	 Water testing showed there was chlorine present, which suggested a water leak from the City's system.
	 Upon investigation only one water leak was found on Richmond
	Street and was repaired.
4.0	Conclusion is that the area is saturated with ground water.
18.	Speaker was vehemently opposed to the loss of green space. He asserted that the number of plots used by people in the Community Garden is indicative of the need for green space for people to enjoy. The space is valued, and well-used all year long.
19.	Speaker questioned the role of the Facilitator moving forward, to which Ms. Ryan advised that her role ends after facilitating this public meeting. As to the process of minutes being considered by Council, the Chief Municipal Planner advised these minutes will accompany a Decision Note from staff with a recommendation to proceed or reject the rezoning. Speaker also referenced an ATIPP request seeking minutes of the Affordable Housing Committee resulting in a subsequent change of the minutes not being published. It was also suggested that Andrew Harvey, who sat on the Affordable Housing Committee, was also a community garden user, implying there may have been a conflict of interest.
	Reference was made to the City's Urban Forest Management Plan and the Parks and Open Space Master Plan, the latter of which identified Ward 2 as being far below the standards for open space. Yet the City is seeking to remove this open space, contradictory to the recommendations of the plan.
20.	Upon question of whether there will be another hearing to provide feedback, it was reported there is not, unless Council decides otherwise. No commissioner's public hearing is required.
21.	Upon question of whether there is a hidden agenda for Council with tax dollars driving the issue, the Facilitator ruled the speaker out of order stating that the application has been made in good faith and ought to be given due consideration.
22.	Speaker referenced a letter submitted to Council last February by the West End Community Alliance for which a response was not given. Staff advised that the letter will be included in the submissions that

Council will consider. Questions arising from the submission will be addressed in the Decision Note that is brought before Council. Speaker stated that the absence of a formal response is suggestive of the City's dismissal of the issues raised and lack of obligation to the group, to which it was noted by staff that, the processing of applications typically does not address specific submissions independently. The Chief Planner committed to reviewing the letter again to see if a separate response is warranted. As to the involvement of other Departments of the City, participants were advised that referrals are made to all relevant departments and feedback/comments/recommendations are included in the Decision Note that is brought before Council.

In relation to snow clearing/removal, the speaker reported that a resident neighbour brought in a backhoe recently to make the street safer by removing some snow. She claimed there is a high volume of traffic on Eric Street and it is just not safe.

CONCLUDING REMARKS

The Facilitator thanked participants for their attendance and valuable feedback and the respect in which evident throughout the meeting. She noted that the multiple submissions will accompany these minutes when they are presented to Council. She also encouraged the submission of additional feedback by emailing the City Clerk's office at cityclerk@stjohns.ca.

ADJOURNMENT

The meeting adjourned at 8:30 pm.

Marie Ryan Chairperson/Facilitator

From: CityClerk

Sent: Wednesday, January 27, 2021 1:33 PM

To: CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) 28 Eric St proposal

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From

Sent: Wednesday, January 27, 2021 12:25 PM

To: CityClerk < cityclerk@stjohns.ca> **Subject:** (EXT) 28 Eric St proposal

Good afternoon,

I am writing as a neighbourhood resident and community gardener at the Eric St Park Community Garden.

While I am very pro-affordable housing, and am even in-favour of having some affordable housing on this site, I do not agree with the proposed rezoning of the entirety of the current open space at 28 Eric Street. The Community Garden occupies (aprox) 1/3 of the space, which is included in the image I received in the mail, showing the entire open space be rezoned to Residential High Density (or something along these lines).

I would be in favour of rezoning perhaps 1/3 of the space (on the R on the lot, from the road), which would allow for 1 or maybe 2 units. I also believe that open space should be maintained in the middle of the lot to allow for community use, as there are many families in the area who well use this space.

To reiterate, I am not in favour of this proposal as presented, but think a revised proposal rezoning a smaller portion of the lot would be acceptable to me.

Thank you for considering my opinion.



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From: Karen Chafe on behalf of CityClerk

Sent: Friday, January 15, 2021 3:53 PM

To: ; CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Ken O'Brien; Karen

Chafe; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Public Meeting - 28 Eric Street

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Friday, January 15, 2021 10:43 AM **To:** CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Public Meeting - 28 Eric Street

Hello,

I have important comments for consideration for this public meeting regarding the parcel of land at 28 Eric Street, St. John's.

The longstanding water issues at this site. I have lived at question, for 11 years. Water has plagued this area, since before my time on Eric Street. I moved to the street in 2010 as a young, naive 22 year old. I did not do my due diligence when purchasing the property, and this is something that continues to plague my family. The previous owners reported having "water issues" in the basement of my house - however, the extent of those issues was severely underrepresented. During Hurricane Igor in 2010, my basement saw 4 ft of water - much of which was likely ground water, exacerbated by the water issues across the street @ 28 Eric Street. After that, my elderly father dug out around the house and placed weeping tile. We also have a submersible pump as a back up. Since then, while the water issue has not been quite so severe, I have persistent issues with water in the basement. This includes ground water. My neighbours 2 houses up, at a laso have the same issues. My direct neighbour at suspects her basement flooded in the past as well, prior to her completing renovations several years ago.

Aside from the loss of a well-used, and much loved green space, I believe the most serious issue for us is the water issue. While this project is moving quite quickly, the water issue is clearly not being adequately

addressed. It is our understanding that HfH has some potential plans in place, which includes the installation of French drainage systems to the proposed developments. However, French drains are simply that - drains. The water has to drain somewhere, and I can honestly say that a number of residents who are going to be directly impacted should this development proceed, are terrified that water is going to drain right to us across the street ("everything flows downhill"). While our neighbourhood appears to be middle class, and most of us are gainfully employed, we cannot afford to be financially responsible for the likely detrimental effects of inadequate water remediation and drainage efforts directly related to the proposed HfH development. My family alone cannot afford a 75k bill for basement flooding. We would be bankrupt. This is a huge, huge risk to us.

I have to ask - if this proceeds, and water issues are not appropriately addressed - what recourse would residents have if we end up with catastrophic water issues? Do we sue HfH? The City? Or do we end up suing poor low-income families who have absolutely no financial leg to stand on? The responsibility here, in my opinion, would be on the city for gifting the land to HfH without a strong plan in place to address what are consistent and ongoing issues with water (likely ground water). However, I assume once the gifting of land has occurred, that the city would be free from any liability here. Instead it would rest on HfH, and as a non-profit, what does that mean? Like I said, I, like my neighbours, cannot afford to bear the cost of repairs and/or flooding resulting from this development. I wish I could say I had hope for this, but I don't think that these water issues are something HfH is qualified for or equipped to handle!

I often feel like I'm beating a dead horse with my persistence on this matter, but I am absolutely stomach sick and terrified that we are going to be severely impacted by this development. To me, it's not even about the green space anymore (though we do love it and use it daily). I really don't think that the water issue is being adequately addressed and I have to implore you to vote against this unless assurances can be made, in a binding, legal capacity, that those of us who reside on Eric Street will NOT be financially responsible for water issues resulting from this development. In the midst of a global pandemic, nobody could afford that risk. Furthermore, the intended development is likely to result in the removal of a number of old trees on the land, which I'm sure play a role in water reabsorption. This would even further compound existing water issues.

It is apparent the city has not done their due diligence here, and that a non-profit like HfH is NOT equipped to handle the required water remediation. Residents cannot be expected to support this project when there is so much risk inherent here.

Sincerely,

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From: CityClerk

Sent: Friday, February 5, 2021 11:04 AM

To: ; CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Green Space on Eric Street

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202

c. 691-0451

----Original Message-----

From

Sent: Thursday, February 4, 2021 12:55 PM

To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Green Space on Eric Street

To Whom it may concern,

I'm the resident of and I oppose to this project for many reasons for one there are less and getting more less green spots every year, another reason there are tons of homes for sale in the city that can be purchased for there Habit for Humanity Projects and another being that the area behind this area in questioned is a locally owned Bar/Club and that the area should stay the same. The only time a green spot should be changed is only when it benefits the area and the people living currently in the area, not just for 3 homes. Which this project in no way benefits anyone except habit for humanity not the people of the area.

Thank you

Sent from my iPad

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From: CityClerk

Sent: Wednesday, February 10, 2021 4:13 PM

To: ; CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Proposed rezoning for 28 Eric Street

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Wednesday, February 10, 2021 2:57 PM

To: CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Proposed rezoning for 28 Eric Street

Hello,

Here are my notes, which I would like included in the meeting regarding 28 Eric Street

I believe that the space is not large enough to accommodate the Habitat for Humanity proposal, the community garden, and the usage by neighbourhood families and children.

I am writing as a former volunteer for the community garden. Volunteers for the Eric Street Park Community Garden consulted with the city as well as residents within 2 streets in all directions before establishing the garden.

The feedback we received was very positive. Residents also let us know how the space was being used currently, as a play areas for children, a sliding hill, a gathering space for neighbourhood events. Our placement of the garden beds to the left of the space reflects this--we did not want to interfere with the current usage, only to complement it.

The proposed map residents have received includes the whole property. It has been verbally said that the project would not take up the entire space, but I feel you cannot place 3 houses, a garden and neighborhood green space all on the same lot-it is not large enough. I also believe that taking away the openness of the space would reduce the light required for the gardening space.

I think it is difficult for other residents as well, pitting affordable housing against food security in a limited space, as voiced by the majority of participants in the October meeting led by then-councillor Hope Jamieson and city staff.. I

would be interested in affordable housing projects moving ahead in St. John's-I just do not believe this is the right location for this project.

Thank you,

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From: CityClerk

Sent: Wednesday, February 10, 2021 10:38 AM

To: , CityClerk

Cc: Andrea Roberts, Ann-Marie Cashin, Ashley Murray, Dave Wadden, Jason Sinyard, Karen Chafe,

Ken O'Brien, Lindsay Lyghtle Brushett, Planning

Subject: RE: (EXT) Public Meeting for 28 Eric St

Good Morning:

We thank your for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Tuesday, February 9, 2021 6:16 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Public Meeting for 28 Eric St

Good Afternoon,

I would like to take a moment to speak about the proposed development/ rezoning of 28 Eric Street. Myself and my Wife moved to this neighbourhood from C.B.S. In the fall of 2014, to be exact. Shortly afterward we met our Neighbours to either side of us and began to see how much of a Neighbourhood and Community we actually moved into.

After Growing up in CBS all of my life, I thought that living in the city would be a lonely place. I've said many times how we feel more part of an actual community than we ever felt before.

We saw people making use of the green space directly across the street for children's parties and play dates in the summer. Kids sliding and building snow forts in the winter. People just sitting on the bank and enjoying a bit of green space in the midst of a fairly crowded and busy part of town.

There are people from all of the adjoining streets that use the space, not only Eric.

It belongs to the entire neighbourhood.

During Snowmeggedon the neighbours gathered there, brought a fire-pit and had a time with the kids sliding and, it helped people get through a difficult time. It made everyone feel less isolated and more connected .

The same has been happening during the current health crisis. I 've seen plenty of people head there just to have a space to get some air in a safe and distanced manner.

The City has been promoting healthy life styles and green living for as long as I remember.

Here we have a space that has old mature trees, a beautiful tall hedge to help keep the noise of the city streets out, a place that is frequented by kids and adults of all ages. Somewhere you can just take a minute. And now, that is all going to be taken away.

How much money was spent by the city for the tree planting program in 2019? Here we have mature, healthy trees doing exactly what the program intended that are going to all be lost.

A small patch of open ground that sees plenty of use is going to be taken for affordable housing, not because it's unused or a nuisance property, like so many others in the city, but because it's easy. No other reason.

Our street is a busy one. Traffic is an issue, whether the city wants to acknowledge it as fact or not. Parking is at a premium in the area and in the winter, with the minimal snow clearing there is often barely enough room to get 2 cars by each other. Excessive speeds is an issue as people use Eric as cut through to Leslie or Shaw. Some of the homes on the street rely on on-street parking as they have no driveways. Now we are talking about adding 3 more homes, 3 more families, with how many more cars? What about those current residents?

And then there is the water issue. Many of the homes across from the proposed development already have an issue with water flooding into the basements in the springtime as run-off from the higher levels head in our direction.

The Green Space acts as a drainage system, somewhere the excess can go and for the most part be absorbed. Where will the all of that water go when you pave over that open ground?

Habitat for Humanity will be the ones taking care of that, but for who and to what extent? What will I do when my basement sees more water than usual? My sump pump is constantly running in the spring as it is.

Will my basement become unusable? Maybe, we'll have to see.

But who is going to take care of it, surely not the new homeowners. It's not going to be HfH once the project is completed.

While people may try to make this out as a NIMBY issue, I take exception to that. There are already low income housing developments in the area, and the people that live there use the green space and are part of the community that will miss out on having it available. This isn't a matter of a street not wanting affordable housing here, it's one of people wanting to keep something for the community that no matter what your income level is, no matter what your back ground is, you have quiet piece of nature in amongst the city.

I find it odd that in a city with so many vacant properties, some on this very street, Habitat for Humanity wants to pave over a vital and well used part of the community instead of taking advantage of maybe buying and fixing up some of those houses to help make HOMES for people that deserve a chance. I have been told that another parcel of land, that is in sore need of development and would make a great addition to a not-so-distant neighbourhood was turned down. We look at the Old Grace property and the large parcel of land next to it, as well as the old fire hall and wonder why they are not being used or developed?

HfH and certain counselors seem dead set on taking this space away from the many people that use and enjoy it in order to provide something for a few. I have to ask why?

I think it's a shame to see this happen to our community and I want to be clear,
My Family is Opposed to the Zoning change for 28 Eric Street, in any capacity
Sincerely,

Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

From: <u>Karen Chafe</u>
To: <u>Shanna Fitzgerald</u>

Subject: FW: (EXT) 28 Eric Street - WECA Written Submission

Date: Wednesday, February 10, 2021 4:20:33 PM

Attachments: 28 Eric Street WECA 0221.doc

From: CityClerk <cityclerk@stjohns.ca>

Sent: Wednesday, February 10, 2021 4:10 PM

To: CityClerk <cityclerk@stjohns.ca>

Cc: Ann-Marie Cashin <acashin@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; Maggie Burton

<mburton@stjohns.ca>;

; Mayor <mayor@stjohns.ca>; Andrea Roberts <aroberts@stjohns.ca>;

Ashley Murray <amurray@stjohns.ca>; Dave Wadden <dwadden@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; Karen Chafe <kchafe@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>; Planning <planning@stjohns.ca>

Subject: RE: (EXT) 28 Eric Street - WECA Written Submission

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley
City Clerk

t. 576-8202

c. 691-0451

From:

Sent: Wednesday, February 10, 2021 2:43 PM

To: CityClerk < cityclerk@stjohns.ca>

Cc: Ann-Marie Cashin acashin@stjohns.ca; Ken O'Brien kobrien@stjohns.ca; Shawn Skinner

<sskinner@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; Maggie Burton

<mburton@stjohns.ca>;

Mayor < mayor@stjohns.ca >

Subject: (EXT) 28 Eric Street - WECA Written Submission

Dear City Clerk:

Please find attached for your consideration a synopsis of the main issues regarding the Open Space at

28 Eric Street and the proposed project.

As we anticipate that the Public Meeting will not allow for ample time to discuss all issues related to rezoning, the Habitat for Humanity project and ongoing public works issues, we want to ensure that past pertinent and current issues do not fall off the radar.

Sincerely,

West End Community Alliance

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Submission to: City of St. John's From: West End Community Alliance

Re: Open Space at 28 Eric Street

February 10, 2021

Ongoing and Current Issues and Considerations:

- Ground Water and Drainage. Despite numerous requests and City efforts, the issue has not been dealt with and the space remains saturated with ground water. WECA is concerned with the potential detrimental impacts regarding contaminants to the field.
 - Uncertainty around what the ground water consists of and its source and feel it is the responsibility of the City of St. John's to further investigate the origin and root cause
 - Can the City of St. John's lead and manage the Environmental Assessment for the space?
 - Can a Project Committee be struck to deal with ongoing issues including WECA input on the assessment process and plans to mitigate identified risks?
 - O How can Council ensure the current drainage capacity will not be further impacted by the H4H project? How will the measures outlined in the H4H proposal be adequate to deal with recurring water issues? Will proposed measures change direction of the water flow? What has been built into the plan to address liabilities and who is responsible for costs related to potential water damage to affected properties into the future? Need assurances in writing in case issues arise.
- Parking, Traffic and Snow Clearing. Current traffic issues on Leslie Street and Eric Street prohibit public safety:
 - The street is congested, especially during winter months when snow hinders the flow of traffic on the street.
 - Due to limited parking availability on Leslie Street, residents occupy the roadway on Eric Street making it difficult to navigate.
 - School busses for children stop at Eric and Leslie Streets; and, at Eric and Richmond Streets. The additional traffic in these locations creates a bottleneck, resulting in thru-way traffic on Eric Street. This poses a safety risk for children, pedestrians and drivers.
 - During the fall and winter months, plow operators with the City of St. John's use the space at 28 Eric Street to dump access snow so

- they can navigate the narrow street. At times, residents have observed that the plow cannot get through at all.
- Additional housing on Eric Street will exacerbate these issues.
- The City of St. John's Traffic Calming Policy (2011) indicates that very poor levels of service with little or no residual capacity remaining is an indication that clearly illustrates the need to take a broader, longer term look at the transportation infrastructure needs of the area prior to the development of a housing initiative.
 - This needs to be investigated prior to gifting the land to Habitat for Humanity.
 - A traffic review needs to be carried out during the winter months and during evening/weekend hours when issues are most evident. What are the details and outcomes of the traffic review for Leslie and Eric Streets?
- Trees and the Preservation of Urban Forests. Concern with the preservation of Norwegian Creeping Maple trees/urban forest.
 - The Residential Re-Leaf program has objectives to enhance streetscapes and to enhance the presence of trees. We support this initiative and hope the City recognizes and follows through on its goal to enhance existing urban forests.

2014 Open Space Masterplan

- Land in the downtown area is at a premium, and these present municipal parks cannot be enlarged, so why isn't City holding on to any open spaces presently available, rather than risking the same mistake of over populating the area versus green space/ open space?
- The report suggests a number of implementation steps (page 48) which, if any, of these recommendations have been actioned and what, if any, are/were the plans proposed for Ward 2, especially as they relate to those parcels of land that are not mentioned in this report? Example 1: One of the implementation steps is development of a document that articulates resident desire for a revised network, identifies sections that should be changed, and provides the text for the updated policy sections has this been done? Example 2: Another is for the City to undertake a Municipal Parks and Open Spaces Operational Review has this been done and, if so, what are the plans/comments for the Eric Street Open Space?
- The NRPA benchmark indicates that Ward Two's 21,450 residents require approximately 8.6 hectares of tot lot; however, the Ward hosts 5.3 hectares or approximately 40% less than the benchmark.
- Ward Two's community park space exists at 2.8 hectares while the benchmark suggests a 42.9 hectare requirement. This suggests

- that the ward community park space exists at approximately 7% of benchmark.
- Ward 2 has the most densely populated ward in the city (26.5 people/hectare). And, have the greatest gap in terms of NRPA benchmark standards (at only 62%).
- At least two of the guiding principles do not align with the proposed development for the space (page 14): Principle One - Conserving cultural assets; and, Principle Two - Integrated and Interactive neighborhoods – the rationale presented in these Principles align with our reasons for wanting to preserve the Eric Street Open Space.
- Figure 4 indicates that open spaces may be preserved/conserved for ecological reasons - given the current water/drainage issues, WECA feels this is the case for the Eric Street Open Space
- o In its consideration of natural spaces, the report refers to the Municipal Government Act (Page 18) and dedicating undevelopable areas (due to being environmentally significant) as Environmental Reserves. Given the grates and possible underground drainage (or aquafort), does this space qualify for the designation and the amenities listed for these types of space?

Alternate Site/Land Availability

- Minister Tom Osborne, MHA, has offered an alternate option for the building site for the project at the old Grace Hospital site. To our understanding, this land has been declined by the City. The City has cited that changing the project site creates a precedent. With all due respect, what difference does this make if all stakeholders are satisfied?
- It is possible for partners to create a win-win-win- situation for all interest groups. Why has Council so quickly closed the doors on this option? What can be done to re-consider this option?

Process, Transparency and Communications

- o WECA is disappointed at the lack of transparency and accountability displayed by City Council and Staff. WECA organized as a community group to compile facts and work together with Council to help them better understand the complex water issues at the site. We feel that Council has been unwilling to listen and we have been subject to disrespectful actions. We invited Council and staff to the field for a discussion and first hand look at the site. To date, Shawn Skinner has been the only Councilor to accept our invitation.
- In September 2020, during a Council of the Whole meeting, Council unanimously voted to deny the public access to minutes of Working Committee meetings in the future. This is unacceptable and reflects bad faith actions of the Council.

- o In July 2020, three WECA members were called to a meeting of City Staff. The purpose of the call was to inform WECA not to directly call staff members to discuss the project. This month, we have been advised in various correspondence to contact City Staff. Communications seem to be more intent on keeping local residents muzzled and confused about the project than engaging and inclusive. This is unacceptable and reflects bad faith actions of the Council.
- o The current engagement process is flawed and favors the political will and not the public good. The consultation/public meeting is being held too late to make it an effective part of the process. Thousands of dollars are spent on the development phase prior to affected individuals being able to chime in with their opinions through the engagement process. If future projects continue with the current model for engagement, it is advised that the engagestjohns.ca division be closed down. As taxpayers, we believe that the current process is a waste of money if you can't listen, you can't lead. And it's abundantly clear that the majority of St. John's City Council and Staff are not listening and not basing decisions on facts and public participation!
- As the brand for municipal engagement should reflect the promise of what it delivers, we recommend a rebrand to 'The Centre for Illusion, Confusion and Disengagement'!

Additional Outstanding Issues:

- H4H has been asked to submit a plan with measures to rehabilitate (enhance and improve) the garden
 - WECA has requested access to proposals from H4H and Community Garden – to include workplan, site plan, drawings, contractor details, etc.?
- Consider the current vacancy rate and whether the need still exists?
- Status of request for Environmental Assessment to be undertaken by the City; and, shared with WECA and general public
- Request for access to information regarding:
 - Status of/update on work undertaken by the City related to water issues at the site
 - Traffic study of Eric Street, Leslie Street, Richmond Street and surrounding area – this needs to be done during winter months
 - Councilor Shawn Skinner, in his presentation to Council of the Whole, stated that he feels the project needs a re-set. Is Council willing to work with WECA to establish a fairer, more engaging and transparent process?

From: CityClerk

Sent: <u>Monday, February</u> 22, 2021 11:37 AM

To: CityClerk

ts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) 28 Eric Street Meeting - Discussion Points

Good Morning:

We acknowledge receipt of your feedback and thank you for the same.

Given the agenda for today's Regular Meeting of Council has already been published, with all submissions on this application included, I will send this directly to Council for consideration prior to reaching a decision in this matter.

Your submission will be included in the minutes of today's meeting and all personal information, including name, will be redacted.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Saturday, February 20, 2021 3:55 PM

To: CityClerk <cityclerk@stjohns.ca>;

(EXT) 28 Eric Street Meeting - Discussion Points

RE: Public Meeting, 28 Eric Street - March 3

Hi

I prefer to keep my name and address anonymous from public record. My name is and I'm a resident at the notice sent).

While excited about providing this opportunity for Habitat for Humanity there are several other community issues that are outstanding and should be addressed in conjunction with this redevelopment. Following is a summary of some issues I'm aware of.

On Street Parking - With the continued development of the store frontage at the top of Richmond Street, in the Hamilton Avenue/Lemarchant Road area, parking on Richmond has become an issue, especially during

winter. The community mail box between 43 and 37 Richmond Street adds to the parking congestion. Personally, I've had to call the city to have parked cars removed to give us access to leave our driveway. This problem should be resolved. The new housing should include its own on-site parking and an area to put the snow when clearing.

Parking Lot behind Marie's Minimart - Continued issue with parking lot ownership with 50 Richmond (see Vacant Housing below) and the Marie's Building. Several low-quality fences have been erected across the parking lot. Last summer the city had one removed but now another is there. This new "fence" is an eyesore and not up to code. It is a safety risk and should be removed now. The city needs to help with resolving this dispute.

Community Mailbox Lighting - Community Mailbox between 43 and 37 Richmond needs lighting. This is a safety risk when checking mail in the dark next to a vacant lot across the road from a vacant building (50 Richmond Street).

Derelict Vacant (Slum) Housing 50 Richmond - The community has raised issues about this derelict property for years. It continues to degrade and become more of an eyesore and a health/safety risk:

- · No lighting,
- Structure falling down, roof leaking and smells of rot/mold in summer.
- Major cement section in risk of falling onto sidewalk
- Small tree is growing through its foundation
- Area has been used for illegal drug use
- Power and water cut off
- Property is in violation of city By-law with several notices posted

This property backs onto the new planned development and should be resolved before new developments are introduced.

Property 301 (Laurier Club) - This rundown property lies behind the new development on Hamilton Ave (301 on map). The back and the sides of this property should have the fencing improved to provide more height and a facade that blocks the view of the building from the residential property sides.

Return of Greenspace - Greenspace in the downtown should not be given up. If this area is to be used for new housing, then another area in the immediate neighbourhood should be used as community greenspace to allow for the continued enjoyment of the local community. Perhaps the land of 50 Richmond could be transitioned to that purpose as part of the issue resolution.

Thanks for your time and consideration.

Take care,



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From: Elaine Henley

Sent: Thursday, March 4, 2021 4:16 PM

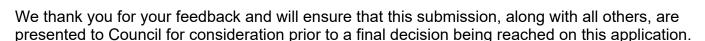
<u>To:</u>

Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Eric street-Against

Good Afternoon



In the interim, given the pandemic and following the public health guidelines, the City has chosen to conduct our meetings virtually. There are other ways for the public to provide feedback including email and telephone to ensure that all residents are given an opportunity to engage.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Thursday, March 4, 2021 12:01 PM

To: CityClerk <cityclerk@stjohns.ca>; CouncilGroup <councilgroup@stjohns.ca>

Subject: (EXT) Eric street-Against

Dear Elaine and Council.

I had hoped to attend the online meeting regarding the Eric Street proposal but was thwarted by an unstable internet connection.

I would like to reiterate comments that I have made previously that this is NOT the right way to do public engagement. To limit discussion to those who speak and read English, have computers and stable internet is not acceptable. The city needs to figure out how to do this better and they need to do it now.

I am entirely opposed to the proposed rezoning of the Open Space on Eric Street. I do not think it is acceptable at all to even be considering building in open spaces zones, whether they be city owned or privately owned. Our city core has far less green space than is recommended and it is disappearing all the time. Our current council seems to have little to no understanding of how much the public values these spaces, in particular the unstructured spaces like Eric Street. To suggest that people can simply go elsewhere shows how ut of touch council is with how people in the area live and what they value. Green space is valuable in and of itself, but

also for the ways that humans us it, in this case this is a well used and well loved space. This green space improves our city by cleaning the air, buffering noise and contributing to our mental health and well being.

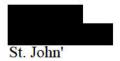
Council members have argued that we need to encourage more density. While this may be true, there are many other ways to go about this. The city owns multiple parking lots and vacant building that could be developed into affordable housing. This would be more in keeping with the general policies of the Municipal Plan which state

"The City must also limit growth in areas where it may threaten the natural environment" (section 1.2).

Finally, I would like to express what is probably an unpopular opinion. I do not think that Habitat for Humanity an organization that ur city should be giving land to. I realize that we would all love to believe that they are just a lovely organization that gives people homes. Sadly this is not so. Habitat for Humanity obtains land for free from the city, they apply for other government grants to administer thier program and they build houses with entirely donated materials and labour. This labour is often unskilled and this can lead to houses of a low quality. People who qualify for a Habitat for Humanity home are required to do 500 hours of unpaid labour. Sometimes this requirement conflicts with their regular employment. They are required to sign a mortage not with a bank, but with Habitat for Humanity. While these mortgages are interest free, they are required to pay 30% of gross income. This is adjusted annually, which means that if this low income person meets a partner with an income who moves in, has a teenager who works or gets a raise, then they pay more to Habitat. This does not encourage low income people to increase thier income. While eventually, if the mortage is paid off, they will own a home, but they will never own the land it sits on. That is always owned by Habitat, and what they have bought is a condo rather than a home. This is a brief summary of some of the ways that Habitat is not a great charity. I urge every member of council and staff to do some research to gain a through understanding of thier structure.

I hope you will encourage affordable housing in our city in other ways without Habitat for Humanity and without destroying green spaces.

Please deny the rezoning of the Eric Street Open Space!



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From: CityClerk

Sent: <u>Monday, March 8, 20</u>21 3:34 PM

To:

Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Eric Street - Traffic Issues

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From

Sent: Sunday, March 7, 2021 4:43 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Eric Street - Traffic Issues



March 7, 2021

Dear City Clerk:

As per Public Meeting protocol, please accept this letter for distribution to City of St. John's Councillors prior to the next Committee of the Whole meeting where the re-zoning and gifting of land on Eric Street is included in the agenda and meeting discussion. As a part of my submission, I am also attaching three photos for demonstration purposes.

Currently there are a number of traffic issues on Leslie Street and Eric Street that compromise public safety and will undoubtedly be compounded if the Habitat for Humanity Affordable Housing Project proceeds.

The street is overly congested, especially during winter months when snow hinders the flow of traffic on the street. Due to limited parking availability on Leslie Street, residents occupy the roadway on Eric Street making it difficult for traffic to navigate. In years prior, City plows have had to turn around and re-enter the street via Richmond Street because they could not get through the narrow road at the beginning of the street.

As you will see from the attached photos of my driveway, because of the vehicles parked on the right hand side of the road, the snow on Eric Street cannot be properly cleared (see the white pick up on attached photo). The first picture indicates how the snow is cleared approximately ten feet from the edge of my driveway/sidewalk which is marked with my shovel. Because of this, the oncoming red car is in the opposite lane. In addition, this makes clearing snow from my

driveway particularly difficult and unsafe as I have to shovel out into the road to move my car. Taking a right hand turn onto Eric Street from Leslie Street is very dangerous as, due to the high snow banks on the corner, it is a blind turn and when there is oncoming traffic coming from the opposite direction on Eric Street, there is risk of head on collisions and/or risk to pedestrians and I have witnessed many near misses from my window.

The solution to the snow clearing issue at the corner of Leslie and Eric Streets is to prohibit parking for a portion of the right hand lane of Eric Street. In order to determine what portion, a traffic review is required. This will allow for a better flow of two-way traffic on the street.

In addition, school busses for children stop at Eric Street and Leslie Street; and, at Eric Street and Richmond Street. The additional traffic in these locations creates a bottleneck, resulting in thru-way traffic on Eric Street. In addition, you can see from the photo that there is no cleared space for small children waiting at the bus stop on the corner of Leslie and Eric Streets. As this is the case for the majority of the winter, this poses an unacceptable safety risk for children, pedestrians and drivers.

Additional housing on Eric Street will exacerbate these issues.

The City of St. John's Traffic Calming Policy (2011) indicates that very poor levels of service with little or no residual capacity remaining is an indication that clearly illustrates the need to take a broader, longer term look at the transportation infrastructure needs of the area prior to the development of a housing initiative. To that end, there is a need to thoroughly investigate these issues prior to gifting the land to Habitat for Humanity and rezoning the space to a residential zone.

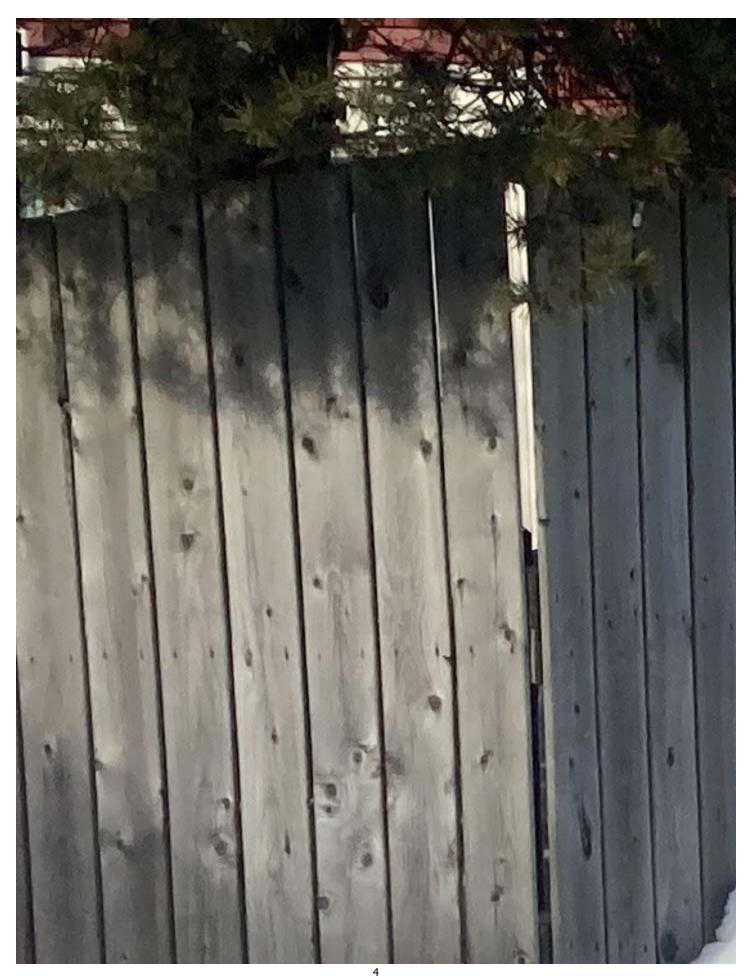
This traffic review needs to be carried out during the winter months and during evening/weekend hours when issues are most evident.

To that end, can Council guarantee a traffic review for Leslie Street, Richmond Street and Eric Street; and, remedy existing issues before proceeding with the application for rezoning and the housing development?

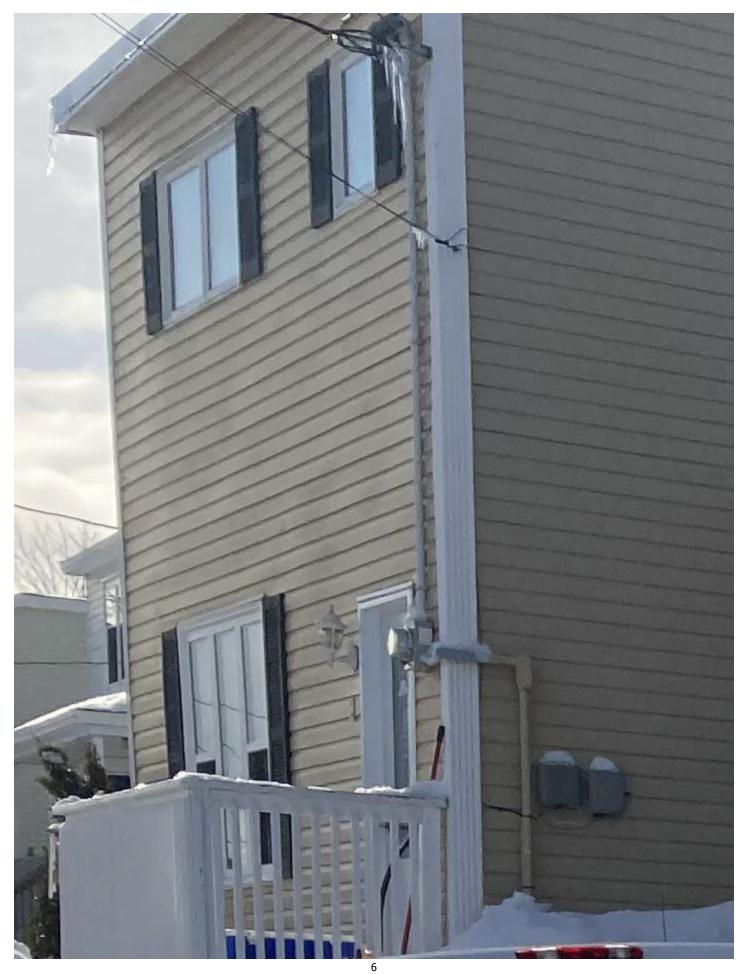
I believe as Councillor Skinner has mentioned previously, this project needs a reset where these and other critical and outstanding issues are addressed and properly corrected as was suggested in the last Committee of the Whole meeting for the other properties being considered for gifting and/or development purposes.

Thank you for your consideration of this serious issue.

Sincerely,







March 3, 2021

Dear City Clerk:

I am writing this letter to be submitted to Council members prior to their meeting on the re-zoning and gifting of land on Eric St.

The land in question has been a topic and ongoing concern to the residents of the area for the last couple of years. Many feel that our concerns have fallen on deaf ears. In response to pertinent questions regarding the proposed project, we have been met with disrespectful and defensive responses such as name labelling by one Councillor and accusations by another on social media who felt the questions we posed were a stalling tactic. The first time our concerns were acknowledged by the city was by Mr Shawn Skinner when he took over the ward and later Mr Ken O'Brien when it was brought to his attention.

The water issue has been ongoing for over 20 years. To date, there have been numerous attempts to get to the root of the problem including, but not limited to the following:

- There have been three storm drains installed on the street and one catch basin installed in the lot
- A French drain (as mentioned by the city supervisor) was installed for the purpose of directing water to the storm drains
- As recent as last summer when the issue was brought back to light, the Council removed three
 to four truck loads of soil from the lot, replaced a grey water line from the Laurier Club which
 was damaged by the dig, and ran an offset pipe with holes drilled in it to try and capture the
 water
- During this dig, there were several water samples taken in the hole which determined there was a small level of chlorine present. This lead to the determination there may be a water line leak in the area. (However, it didn't sound plausible at the time that this is a 20 odd year water line leak?)
- Two holes were then dug on Richmond St and another one on Hamilton Avenue above the site. The water continued to flow to test this theory
- The Eric Street dig was then re-filled with crushed stone. At this point, the soil and sod have been removed and replaced with three to four loads of crushed stone. The water continues to flow
- The latest theory, which was mentioned in the meeting by the City Supervisor, is that the existing water is ground water.

This is just a small snapshot of the most recent attempts to correct the water issue. And now, after 20 years and many attempts to fix or even identify the root cause, how is it possible that these water issues can simply be regarded as ground water? My question is this, when water is running through your basement or on to your property, does your insurance company favor ground water as opposed to another form?

As my experience reflects otherwise, this problem is a major problem. The city is well aware of the issue, has no solution or remedy and is now looking to gift the land to a non-profit organization to deal with. Habitat for Humanity does not have any obligation or accountability to the taxpayers on Eric St to resolve this issue nor will they be responsible or able to correct any property damage caused by a build on this property.

So my second question is this, will the City of St. John's provide assurances to residents that liabilities as a result of water damage from the build will be covered by the City in the event of flooding and water damage to homes in the area? And, can these assurances and risk mitigation be guaranteed to residents prior to the Council voting on the rezoning and housing project.

In conclusion, I sincerely believe it is irresponsible for Council to push this project through without resolution. And I guess in thinking about it, just as irresponsible for Habitat for Humanity to take ownership and pass the risk on to their client. The issue here is not the building of the homes but the neglect of Council (which was acknowledged by Council at the public meeting) to listen to the residents of the area that actually live with the problem and have insight into what hasn't worked and what potentially might.

I believe as Councillor Skinner has mentioned previously, this project needs a reset where the critical and outstanding issues are addressed and properly corrected as was suggested in the last Committee of the Whole meeting for the other properties being considered for gifting and/or development purposes.

Thank you for your consideration.

Sincerely,

From: CityClerk

Sent: <u>Monday, March 8,</u> 2021 2:57 PM

<u>To:</u>

Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: FW: (EXT) Eric St. Re-Zoning **Attachments:** CouncilLetterRev579.pdf

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Friday, March 5, 2021 10:16 AM
To: CityClerk <cityclerk@stjohns.ca>
Subject: (EXT) Eric St. Re-Zoning

Hi

I would like to have the attached added for to be considered by council with regard to the Eric St re-zoning application.

Thank you

(resident of Eric St)

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From: CityClerk

Sent: Monday, March 8, 2021 2:56 PM

To: ; CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) 28 Eric Street

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

March 4, 2021 7:05 PM

To: CityClerk < cityclerk@stjohns.ca>

Subject: (EXT) 28 Eric Street

I would like to submit my thoughts on the rezoning plan for 28 Eric St. I participated in the online meeting on March 3, 2021.

I have family who live on Eric St. and I don't think the city should be changing this green space to residential. It has been used and enjoyed by residents of the area for many, many years. I thought the City was encouraging green spaces and the "greening of St.John's". Very disappointed that the City would even consider this rezoning change.

As well, the parking on this street is terrible at any time and with the new proposal the street would have to accommodate between 3-8 more cars

depending on the age-range of new families. Snow clearing on Eric Street is already very difficult.

The city is already aware of water problems at this site and lot of work would be required to accommodate foundations/basements on this land

that would include proper drainage to prevent future flooding of basements of any proposed new homes and the current neighbouring properties.

I have no objection to Habitat for Humanity wanting to build new homes - but to take a longstanding neighbourhood green space for housing use is definitely not a good idea.



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From: CityClerk

Sent: <u>Thursday, March 11, 2</u>021 3:37 PM

To:

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: FW: (EXT) 28 Eric Street

Attachments: Petition to.pdf; Petition to Stop the Rezoning.pdf; Petition to (1).pdf; petition_signatures_jobs_

19087342_20210310174518.pdf; petition_comments_jobs_19087342_20210310174406.pdf

Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley

Elaine Henley City Clerk t. 576-8202 c. 691-0451

From:

Sent: Thursday, March 11, 2021 2:05 PM

To: CityClerk <cityclerk@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>;

Subject: (EXT) 28 Eric Street

Hello,

Please see the attached documents which include:

- An online petition against the rezoning of 28 Eric Street.
- An online comments from the petition against the rezoning of 28 Eric Street.
- In-person petition signatures against the rezoning of 28 Eric Street (these are primarily the elderly residents and family members that live at the old age complex at the end of the Eric Street that have ZERO outdoor space. They use the greenspace frequently either whit or without their family members).

Consider this the official record of the West End Community Alliance's submission of petition signatures for Council. If there is another requirement, please let me know ASAP.

--

Chair, West End Community Alliance





Petition to Stop the Rezoning of the Eric Street Open Space

The Eric Street Open Space is a haven of greenery in downtown St. John's, with mature trees, an open play area and huge natural bushes as well as a community garden where local residents grow berries and vegetables.

The City of St. John's, in partnership with Habitat For Humanity, are planning to rezone our well-used space located at 28 Eric Street to build homes. This space is integral to our community.

By signing this petition, we are asking the elected officials of the City of St. John's to act quickly to preserve this green space.

We, the undersigned, are concerned citizens who urge our leaders to act now to vote no to rezoning and/or expropriating the lot and or hold a public consultation on the future of the lots and/or designating the green space a part of the heritage of the city

	SIANATURE	Email	Address
oleen Dunn	Cac Da		St. John D. N=
INIS toporon	# 7		St. John's, NPLd.
sha Mice	My ly	/	a. Com St. John's
thy McGiolog	1 Menly		87. 78 MS
enny Mela	Pm frield		+ (plins) NL
war Gilly	To the state of th		Gohn's, NC
crane well.	Threlle		St-Johne, MC
Dee Frase 1	Maser		n Daradise M
de Dinn	1992		\$ St. John's, NL

Printed Name	Signature	Email	Address	
Peter Gifford David F. Denr Sheri Boon	75 1/20		57.	John's, N
Sheri Boon	Dru Boon		ST	- John's N
	7.60			
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Petition to Stop the Rezoning of the Eric Street Open Space

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For more information please contact us at ericstreetgreenspace@gmail.com, 709.770.3776 or our Facebook Group "Save Our Green Space".

Printed Name	Signature	Email	Address	
Tidy, Mus	Dhy Judy M	usphy		
Jewil Elling	DAVID ETHER	RIDGE	14 (12 19)	
OLIVE ShawAR	& Olive She	pod		
Emma Spep	and Emma She	ppard		
Ruby Sh	ea Ruby Sh	ea		
mary Do	don Marg Dob	619		
ALLEED KE	NNY Geleen (en			
Bosenaryl	Dry Kasmary D	niggatt		
Mabel Wir	\$50- Malel Wer	nor		

Printed Name	Signature	Email	Address	
Dionnelle	ements Tel	1		
	ents Michael Ch			
Mar Jen	1 9 - 1			
- Mary Ign	New Danige L	Vell		
011	quire Stephen	0.1		
Rieby Wild	an Tuly on	helon		
KEN-LA	13 of Tron Vo	wan		
1.2.4.	10500 - alieda	ersone		
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mary Ery	eise TUB	rin		
eon he				
Linds Ko	ma			
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Olice Oftend	oury \$5			
Pat 1, 20-41	sury 50			
MARYAU	OONT.			
	wet MADELINE R. BEN	100.0		
0		1017		
	IGR			
Crolet who	The second secon			
Catherine B.	reply			
Theresa Ken	D+			
Eclini Hamn	nord			

Printed Name	Signature	Email	
Rosemany S.			
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your priers			
Kohenta Bugde	n		
Mary Some			
Doa's Thou	MYN A Q		
Justyler ticken	en Mysta		
Audita Mal	1	21	
Madeline Pickau	of preliabile fresh	Lend	
Dashing Man	under Daphne M	aund.	
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Petition to Stop the Rezoning of the Eric Street Open Space

The Eric Street Open Space is a haven of greenery in downtown St. John's, with mature trees, an open play area and huge natural bushes as well as a community garden where local residents grow berries and vegetables.

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RINTED NAME S	IANATURE	Email	cur Facebook Group "Save Our Green Space".
oleen Dunn C	ac D		St. John D. N=
INIS toporon ?	1-1		St. John's, NPLd.
shy Mice >	De ly		ip Coms St. John's
thy Minday of	2 Many		St. John's
arla/Parfrey	St. P. OV		. Gohn's, NC
MAN GITT,	y 250.		1. Johns, RIC.
come well.	Juselle		St Johnsonel
fee trase 4	Mare		St. John's, NL
le Dinn	Jeffer-		& STOCHN'S, NL

Printed Name	Signature	Email	Address
Peter Cofford David F. Denr Sheri Boon	75 400		St. John's, NI
Dars K. Denr	Dat Wern		
Sheri Boom	Dru Boon		ST- John's N
			MID.
-			

change.org

West End Community Alliance

Recipient: St. John's City Councillors

Letter: Greetings,

Save our Eric Street Green Space from Housing Development

Comments

Name	Location	Date	Comment
veron ca egge	Ha fax, Canada	2019 11 19	"Too much of our beaut fu andscape s be ng destroyedbu d somewhere e se"
Heather Da ton	Newfound and, Canada	2019 11 19	"There are p enty of other p aces downtown to bu d hous ng w thout tak ng green space from the ch dren of Er c Street!"
Kathy Messervey	St. ohn s, Canada	2019 11 20	"I cher sh th s space, because I spend t me there w th my granddaughter; p ease cons der another ocat on for your home bu d ngthere are p enty of spaces n the area that wou d be much more appropr ate for your campa gn! Green s sooo mportant!"
Pau Crotty	St. ohn s, Canada	2019 11 20	"I th nk the c ty needs more of these green spaces, un ess ts on y a hangout for teenage dr nk ng and drugs, they shou d be prov d ng more not ess."
enn fer ohnson	St. ohn s, Canada	2019 11 22	"The human race needs more trees n order to surv ve, not fewer! It s the b ggest no bra ner there cou d be!!"
Bonn e Dean	St. ohn s, Canada	2019 11 25	"There are enough empty condos and other deve opments around. Keep some greenery."
N A	St. ohn s, Canada	2019 11 25	"to Save green spaces because we dont need any more nature destroyed w th n c ty m ts"
Co een Dunn	St. ohn s, Canada	2019 11 25	"My mother ves n the area and ut zes the area t adds to her enjoyment of the ne ghbourhood as she ves n a pr vate y owned apartment bu d ng for mature adu ts wh ch doesn't apprec ate the tenants ove of garden ng and enjoyment of outdoor spaces. This is her bit of heaven!!"
Patr ck Dunn	St. ohn s, Canada	2019 11 26	"In case you need to be rem nded. More parks and nature $$ n a c ty makes for happ er c t zens. Th s $$ s more true now than $$ t ever has been."
K m Rose	Canada	2019 11 28	"Green space s a must!!!!"
daphne march	St. ohn s, Canada	2019 12 03	"We need more green nour fe!!"
Anna Mar e Brennan	St. ohn s, Canada	2019 12 03	"Green space s v ta to ne ghbourhoods. Trees are v ta , n th s day and age espec a y"
Chr s Squ res	St. ohn s, Canada	2019 12 03	"I want to protect the free and open green space n the commun ty."
Karen Herzberg	St. ohn s, Canada	2019 12 03	"Green spaces need to be protected in our city."
Dav d Roberts	Br gus, Canada	2019 12 03	"I be eve green spaces are too rare in the innericity. Once gone this is gone forever."
eff Ke and	St. ohn s, Canada	2020 02 28	"I m s gn ng because preserv ng green spaces s more mportant now than ever before."

Name	Location	Date	Comment
Matthew Mo r	St. ohn s,n , Canada	2020 02 29	"Green spaces are n ce. Not everyone has a yard to enjoy. Espec a y those trend ng apartments."
L nda H ckey	Mt Pear , Canada	2020 03 04	"We need Green Space! It's that's mp e"
Ash ey B shop	Grande Pra r e, Canada	2020 03 04	"I ove green!"
bruno r ou r ou	St. ohn s, Canada	2020 03 05	"bruno r ou"
G na W ns ow	P nware, Canada	2020 03 05	"It's a very m ted, beaut fu space and shou d be kept that way."
Sue Mart n	Sa nt ohn s, Canada	2020 11 11	"Last year the c ty had a program g v ng money towards a tree purchase f you attended a sess on and p ant t n your front yard to make St. ohn s greener. Now they want to take our few green spaces away. Why not bu d on the o d Grace s ght. Peop e are try ng to get LeMarchant Rd. back to the commun ty t was and they cou d have houses and green spaces n an area that cou d we come new peop e n the area."
Mary Carro	Canada	2020 11 18	"I know that we a need to be aware that here in NL peop e need to be more self sufficient. The price of food here is ridiculous and there is a ways a reward to eat something that you grew yourse f."
Sharon Brophy	St. ohn s, Canada	2021 01 25	"We need more green spaces! Bu d on the outsk rts of the c ty!"
Stephan e Cr tch	St. ohn s, Canada	2021 01 28	"Green spaces are a fundamenta part of hea thy ct es. Once they are gone, they are gone forever. It s very shorts ghted to turn we used commun ty green space wth mature trees nto a hous ng deve opment. There are p enty of vacant derect ots that are better su ted for th s."
He ena But er	St. ohn s, Canada	2021 01 31	"Green spaces are the fe b ood of a commun ty"

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West End Community Alliance

Recipient: St. John's City Councillors

Letter: Greetings,

Save our Eric Street Green Space from Housing Development

Signatures

Name	Location	Date
Christina Steele-Nash	St. John's, Canada	2019-11-19
Esther Pope	St. John's, Canada	2019-11-19
Simone Messervey	Paradise, Canada	2019-11-19
Mark Langer	St. John's, Canada	2019-11-19
Matt Morgan	St. John's, Canada	2019-11-19
Martha Goodyear	St. John's, Canada	2019-11-19
Jessica Marsden	St John's, Canada	2019-11-19
Manu S-M	Hamilton, Canada	2019-11-19
David Grauf	St. John's, Canada	2019-11-19
Krystal McIntyre	St. John's, Canada	2019-11-19
veronica legge	Halifax, Canada	2019-11-19
Hannah Fuchs	St. John's, Canada	2019-11-19
Dinah Goodyear	St. John's, Canada	2019-11-19
Sarah Kirby	Gander, NL, Canada	2019-11-19
chaemus mahoney	St. John's, Canada	2019-11-19
Esmae Mahoney	St. John's, Canada	2019-11-19
Nicole Ryan	St. John's, Canada	2019-11-19
Heather Dalton	Newfoundland, Canada	2019-11-19
Elaine Finlay	CBS, Canada	2019-11-19
Dj Stokes	Paradise, Canada	2019-11-19

Name	Location	Date
William Cushion	Kitchener, Canada	2019-11-19
Homa Ardakani	Thornhill, Canada	2019-11-19
Geoff Haskell	Toronto, Canada	2019-11-19
Amanda Power	Edmonton, Canada	2019-11-19
Karen Byrne	Mount Pearl, Canada	2019-11-19
SherryLynn Hickey	St. John's, Canada	2019-11-19
Erin O'Brien-Rogers	Bay Roberts, Canada	2019-11-19
Cindy O'keefe	Mount pearl, Canada	2019-11-19
bella cuff	Newtown, Canada	2019-11-19
Jessica Drakul	Winnipeg, Canada	2019-11-19
Mandi Osborne	St. Johns, Canada	2019-11-19
Sabrina Russell	St. John's, Canada	2019-11-19
Tracy Bishop	St. John's, Canada	2019-11-19
Ryan Kennedy	St. John's, Canada	2019-11-19
Ian McInnis	Gatineau, Canada	2019-11-19
Chelsie Lukinuk	Mount Pearl, Canada	2019-11-19
Krystal Johnson	St.john's, Canada	2019-11-19
Cory Egan	Ajax, Canada	2019-11-19
Emma Moore	Conception Bay South, Canada	2019-11-19
Caitlin Whelan	St. John's, Canada	2019-11-19
Jessica Fleming	St. John's, Canada	2019-11-19
Wendell Russell	Vancouver, Canada	2019-11-19

Name	Location	Date
Vincent Poisson-Gagnon	St. John's, Canada	2019-11-19
Stephanie Bartlett	St. John's, Canada	2019-11-19
Kim Templeman	St. John's, Canada	2019-11-19
Rose Nash	St. John's, Canada	2019-11-19
Maeve Collins	Macau, Macau	2019-11-19
Mary Watt	Halifax, Canada	2019-11-19
Kristyn Coley	St. John's, Canada	2019-11-19
Ken Mahoney	St. John's, Canada	2019-11-19
Karen Templeman	Vancouver, Canada	2019-11-19
Katherine Van Dam	Prince George, Canada	2019-11-19
Gina King	Montréal, Canada	2019-11-19
Michelle Hart	Loulé, Portugal	2019-11-19
Laura Kennedy	St. John's, Canada	2019-11-19
blaine raven	St. John's, Canada	2019-11-19
Amy Tuck	Conception Bay South, Canada	2019-11-19
Paul Thorne	St. John's, Canada	2019-11-19
Debora Scatena	St. John's, Canada	2019-11-19
Felicity Roberts	St. John's, Canada	2019-11-19
Kathy Messervey	Paradise, Canada	2019-11-20
Lesley Clarke	St. John's, Canada	2019-11-20
Kaden Brown	Mississauga, Canada	2019-11-20
Samuel Duvalsaint Fafard	Chambly, Canada	2019-11-20

Name	Location	Date
Isaiah Lee	Stoney Creek, Canada	2019-11-20
ас	King City, Canada	2019-11-20
Brian Burnyeat	CALGARY, Canada	2019-11-20
Shaylagh Phypers	Halifax, Canada	2019-11-20
Stephen Pope	St johns, Canada	2019-11-20
Laura Cassell	St. John's, Canada	2019-11-20
rola smith	St. John's, Canada	2019-11-20
Kyle W	Edmonton, Canada	2019-11-20
Debbie Tuck	St. John's, Canada	2019-11-20
Catherine best	St. John's, Canada	2019-11-20
Lorraine Walsh	St. John's, Canada	2019-11-20
Wanda Goodyear	Gander, Canada	2019-11-20
Tessa Smith	St. Johns, Canada	2019-11-20
Paul Crotty	St. John's, Canada	2019-11-20
James Cox	Edmonton, Canada	2019-11-20
ben dover	Mount Pearl, Canada	2019-11-20
Lindsey Rowsell	Conception bay south, Canada	2019-11-20
Donna Ivey	Mount Pearl, Canada	2019-11-20
Tia Merkle	St. John's, Canada	2019-11-20
Owen S	Welland, Canada	2019-11-20
Gary O'Brien	Torbay, Canada	2019-11-20
Azadeh Ghaderi	Toronto, Canada	2019-11-20

Name	Location	Date
Cohen Chan	Winnipeg, Canada	2019-11-20
Hannah Tyler	Sointula, Canada	2019-11-20
Freya Pakravesh	Mississauga, Canada	2019-11-20
Claire Power	St. John's, Canada	2019-11-20
Sebastian Ortega bermudez	Zurich, Switzerland	2019-11-20
Diane Power	St. John's, Canada	2019-11-20
EE	Toronto, Canada	2019-11-20
Shayla Vye	St. Catharines, Canada	2019-11-20
Marion Day	Torbay, Canada	2019-11-20
Sarah Messervey	St. John's, Canada	2019-11-20
Melissa Sampson	Mt. Pearl, Canada	2019-11-20
Tom Osborne	St. John's, Canada	2019-11-20
Sarah Maher	St. John's, Canada	2019-11-20
MANDEEP Dhesi	Brantford, Canada	2019-11-20
Abby Olivarez	Red Deer, Canada	2019-11-20
Michelle Compton	St. John's, Canada	2019-11-20
Angela Masters	Halifax, Canada	2019-11-20
Maria Hunt	Ottawa, Canada	2019-11-20
Madison Bailey	CBS, Canada	2019-11-20
Alex Andrilovic	Canada	2019-11-20
Jesse Viel	Saint-épiphane, Canada	2019-11-20
Angie Bailey	Shelburne, Canada	2019-11-20

Name	Location	Date
Patsy Parsons	Torbay, Canada	2019-11-20
Anita Singh	St. John's, Canada	2019-11-20
Deanne Browne	Mount Pearl, NL, Canada	2019-11-20
Charlotte Postlethwaite	St. John's, Canada	2019-11-20
Susan Snook	Dartmouth, Canada	2019-11-20
Robyn Power	St. John's, Canada	2019-11-20
Joey Bellissimo	Canada	2019-11-20
tony Hickey	St. John's, Canada	2019-11-20
Joel Campbell	Richmond Hill, Canada	2019-11-20
Trisha Mae De Guzman	Duncan, Canada	2019-11-20
Calla Lachance	Montréal, Canada	2019-11-20
Myrah Yala	St. John's, Canada	2019-11-20
Michael Whittle	St. John's, Canada	2019-11-21
Robyn Bursey	St. John's, Canada	2019-11-21
mike ivey	Calgary, Canada	2019-11-21
Valerie Fudge	St. John's, Canada	2019-11-21
Lynn McLellan	Sydney, Canada	2019-11-21
Elizabeth Mojaeva	vancouver, Canada	2019-11-21
Rachel Berg	Edmonton, Canada	2019-11-21
Tina Parsons	St. John's, Canada	2019-11-21
Ashton Waskahat	Frog Lake, Canada	2019-11-21
King David Mbaya	Oshawa, Canada	2019-11-21

Name	Location	Date
Kim Parsons	CBS, Canada	2019-11-21
Sarah Colven	St. John's, Canada	2019-11-21
Raphaëlle Thériault	Granby, Canada	2019-11-21
pep barry	st. john's nl, Canada	2019-11-21
Sheri Barry	Mount Pearl, Canada	2019-11-21
Jacky Cook	St. John's, Canada	2019-11-21
celine duburg anchen	montevideo, Uruguay	2019-11-21
Michael Ballantyne	Stanley Mission, Canada	2019-11-21
Colten Russell	Chilliwack, Canada	2019-11-21
Desi Armey	Calgary, Canada	2019-11-21
Jennifer Johnson	St. John's, Canada	2019-11-22
Tracy O'Brien	Toronto, Canada	2019-11-22
Kerri Steele	Conception Bay South, Canada	2019-11-23
Patrisha Flemming	Nova Scotia, Canada	2019-11-23
Monica Derksen	St. John's, Canada	2019-11-23
Vivian Connolly	Mount Pearl NL, Canada	2019-11-23
Fionnuala McMahon	St. John's, Canada	2019-11-23
Cathie Horan	St. John's, Canada	2019-11-23
Ted Rogers	Bay Roberts, Canada	2019-11-23
Liam Hynes	St. John's, Canada	2019-11-24
Christopher Darlington	Logy Bay, Canada	2019-11-24
Lenore Black	Markham, Canada	2019-11-25

Name	Location	Date
Bonnie Dean	St. John's, Canada	2019-11-25
calvin nash	Conception Bay South, Canada	2019-11-25
Greg Malone	St. John's, Canada	2019-11-25
Jane Diamond	St. John's, Canada	2019-11-25
Serena Evans	Markham, Canada	2019-11-25
Sheldon Melendy	Paradise, Canada	2019-11-25
N A	St. John's, Canada	2019-11-25
Amy Forsey	St. John's, Canada	2019-11-25
Joanne Strugnell	St. John's, Canada	2019-11-25
Coleen Dunn	St. John's, Canada	2019-11-25
Kelly Mahoney	St. John's, Canada	2019-11-25
Dee Fraser	Paradise, Canada	2019-11-25
W Hume	Englehart, Canada	2019-11-25
Mel Woodford	St. John's, Canada	2019-11-25
Evan Flood	St.john's, Canada	2019-11-25
Emily-Ann Hynes	Conception Bay South, Canada	2019-11-25
Madeline Pickard	St. John's, Canada	2019-11-25
Vanessa Keats	St. John's, Canada	2019-11-26
Pat Moret	St. John's, Canada	2019-11-26
Yvonne Dawe	St. John's, Canada	2019-11-26
Jacqui Janes	St. John's, Canada	2019-11-26
Heather Griffin	Conception Bay South, Canada	2019-11-26

Name	Location	Date
Chris Barfoot	St. John's, Canada	2019-11-26
Janet Power	St. John's, Canada	2019-11-26
Wendy Power	Ottawa, Canada	2019-11-26
Michelle Power	Mount Pearl, Canada	2019-11-26
Martina Tucker	St. Philip's, Canada	2019-11-26
allan power	St. John's, Canada	2019-11-26
Elizabeth Keats	St. John's, Canada	2019-11-26
Nicole Kearsey	St. John's, Canada	2019-11-26
Kerry Norman	Vernon, Canada	2019-11-26
Patrick Dunn	St. John's, Canada	2019-11-26
Margaret Elizabeth Carew	Mount Pearl, Canada	2019-11-26
Lillian Joy	St. John's, Canada	2019-11-27
Julie Wiebe	Winnipeg, Canada	2019-11-27
Mary Murphy	Toronto, Canada	2019-11-27
Kim Rose	Canada	2019-11-28
Traceyaylward@gmail.com Aylward	St. John's, Canada	2019-11-28
Kathleen Connors	St. John's, Canada	2019-11-28
jeff Dawe	Conception Bay South, Canada	2019-11-28
Valerie Milley	ST. JOHN'S, Canada	2019-11-29
Josh Smith	St. John's, Canada	2019-12-01
Marianne Cocker	St. John's, Canada	2019-12-02

Name	Location	Date
Sheila M. Rowe	Toronto, Canada	2019-12-03
KS	St. John's, Canada	2019-12-03
daphne march	St. John's, Canada	2019-12-03
Sylvia Dalton	Saint Bride's, Canada	2019-12-03
Reo Kurogane	Pelican Narrows, Canada	2019-12-03
Crystal Stacey	St. John's, Canada	2019-12-03
Damini Johnstone	Vancouver, Canada	2019-12-03
Roy Lewis	Canada	2019-12-03
fjfj hrhd	Pickering, Canada	2019-12-03
Sam Kearney	Sussex, Canada	2019-12-03
JOSEPH PENNELL	Bay Roberts, Canada	2019-12-03
Abby M	Edmonton, Canada	2019-12-03
Heidi Sawchuk	Kelowna, Canada	2019-12-03
Richard Perry	Port Saunders, Canada	2019-12-03
Sumera Khursheed	Ontario, Canada	2019-12-03
Natalie Falk	St. John's, Canada	2019-12-03
Alexandra Zarueva	Vancouver, Canada	2019-12-03
Anna Marie Brennan	St. John's, Canada	2019-12-03
michelle wright	st. john's, Canada	2019-12-03
Michelle Brophy	St. John's, NL, Canada	2019-12-03
Melissa Carrera	St. John's, Canada	2019-12-03
Joanne O'Brien	North Rivet, Canada	2019-12-03

Name	Location	Date
Kevin Rogers Sparkes	St. John's, Canada	2019-12-03
Chris Stow	Canmore, Canada	2019-12-03
Kaleigh Mesic	Prince George, Canada	2019-12-03
Chris Squires	St. John's, Canada	2019-12-03
Karen Herzberg	St. John's, Canada	2019-12-03
sean rumboldt	lewisporte, Canada	2019-12-03
Child Of Jesus	Orillia, Canada	2019-12-03
Graham Whyte	Brantford, Canada	2019-12-03
Perfecto Ladores	Montréal, Canada	2019-12-03
Jeff Ronan	St. John's, Canada	2019-12-03
Trisha Pond	Mississauga, Canada	2019-12-03
Ghasem Darbandi	Chestermere, Canada	2019-12-03
Joanne Whalen	St.John's, Canada	2019-12-03
Valerie Barter	St. John's, Canada	2019-12-03
David Roberts	Brigus, Canada	2019-12-03
Grace Taylor	Uxbridge, Canada	2019-12-03
Nicolas Van Velzen élève	Canada	2019-12-03
Pauline Underwood	Kitchener, Canada	2019-12-03
Claude M. Dionne	Fort St. John, BC., Canada	2019-12-03
Steven Turchyniak-miller	Langley, Canada	2019-12-03
Rp Sperling	Maple Ridge, Canada	2019-12-03
Shanda Wason	Dawson Creek, Canada	2019-12-04

Name	Location	Date
Gloria Lacombe	Belleville, Canada	2019-12-04
Therese Lazos	Schomberg, Canada	2019-12-04
Falyn Joy Jones	Wiarton, Canada	2019-12-04
MacKenzie Parman	Abbotsford, Canada	2019-12-04
Bill Facknie	Lethbridge, Canada	2019-12-04
Nadim Iddon	Toronto, Canada	2019-12-04
Larissa Delaey	Chatham, Canada	2019-12-04
BELINDA WAGG	BURLINGTON, Canada	2019-12-04
Miranda Tee	Sudbury, Canada	2019-12-04
Katie Andruchow	Cambridge, Canada	2019-12-04
kiran brar	Toronto, Canada	2019-12-04
Meghan Brennan	Smiths Falls, Canada	2019-12-04
Jacques Brun	Pointe-du-Chêne, Canada	2019-12-04
sherry chandler	Waterloo, Canada	2019-12-04
Pauline Walker	Toronto, Canada	2019-12-04
Marion Scott	Saint Catharines, Canada	2019-12-04
Donatello Iocco	Etobicoke, Canada	2019-12-04
_ Aveyonn _	Vancouver, Canada	2019-12-04
Samantha Gosel	Richmond, Canada	2019-12-04
Jean Chagnon	Montréal, Canada	2019-12-04
kathy li	Canada	2019-12-04
Wendy Little	Saskatoon, Canada	2019-12-04

Name	Location	Date
Jenna Trantau	Etobicoke, Canada	2019-12-05
Barbara Lynch	Miramichi, Canada	2019-12-05
Annecy Houston	Ottawa, Canada	2019-12-05
Zina Hijjawee	Coquitlam, Canada	2019-12-05
Jacob Redvers	Canada	2019-12-05
Stephen Sweetland	Moncton, Canada	2019-12-05
Mike Mallard	St. John's, Canada	2019-12-05
gwen meyers	Langley, Canada	2019-12-05
Mariabelen Zambrano	Toronto, Canada	2019-12-05
Krzysztof Mruk	Edmonton, Canada	2019-12-05
Meg Fatah	Toronto, Canada	2019-12-05
Therese Lidstone	Dartmouth, Canada	2019-12-05
Thomas Power	St. John's, Canada	2019-12-05
Irene Washington	Etobicoke, Canada	2019-12-05
gordon pinchbeck	gatineau, Canada	2019-12-05
Natasha Nelson	Kanata, Canada	2019-12-05
Chantal Maillet	Moncton, Canada	2019-12-05
Darryl Hollett	St. John's, Canada	2019-12-05
Melissa Miller	Kingston, Canada	2019-12-05
shawn shirazi	van, Canada	2019-12-05
ted Bernstein	Laval, Canada	2019-12-05
kelly munro	Guelph, Canada	2019-12-05

Name	Location	Date
Nik Dre	Winnipeg, Canada	2019-12-05
Angie Squires	St. John's, Canada	2019-12-06
Barb Macuch	Saint Albert, Canada	2019-12-06
shelly balson	Maple Ridge, Canada	2019-12-06
Celyna Logan	Orangeville, Canada	2019-12-06
Haillie Jade	Riverview, Canada	2019-12-06
Ashlie Soko	Victoria, Canada	2019-12-06
Steven Leblanc	Fort McMurray, Canada	2019-12-06
Oriah Gallacher	Nanaimo, Canada	2019-12-06
Moses Amanquah	Vaughan, Canada	2019-12-06
Allister Trudel	Montréal, Canada	2019-12-06
Dave Williamson	Brampton, Canada	2019-12-06
Pat Mohammed	Toronto, Canada	2019-12-06
Valerie Canina	Calgary, Canada	2019-12-06
Maryanne Condruk	Ontario, Canada	2019-12-06
Hasna Latif	Scarborough, Canada	2019-12-06
Nancy Harvey	Saint-zenon, Canada	2019-12-06
JANICE YEE	Burnaby, Canada	2019-12-06
Rida Imran	Toronto, Canada	2019-12-06
Oliver Baker	North Vancouver, Canada	2019-12-06
Ann Seymour	Orangeville, Canada	2019-12-06
Gisele Dupuis	Saint-hubert, Canada	2019-12-06

Name	Location	Date
Félix Roy	Blainville, Canada	2019-12-06
Julie Gregus	Cambridge, Canada	2019-12-06
IVETA JARCICOVA	Langley, Canada	2019-12-06
alexandra Z	Mississauga, Canada	2019-12-06
Valerie Hildebrand	Salt Spring Island, BC, Canada	2019-12-06
David Piper	Windsor, Canada	2019-12-06
Leonie de Young	Toronto, Canada	2019-12-06
duncan ward	Richmond Hill, Canada	2019-12-06
Woodlands Ledgend	Mississauga, Canada	2019-12-06
Sarah Stahl	Canada	2019-12-06
Pyara Grewal	Surrey, Canada	2019-12-06
Elaine Qiu	Richmond Hill, Canada	2019-12-06
Kathie Preston	Mississauga, Canada	2019-12-07
Deb Ve	Dunlop, Canada	2019-12-07
Doyle Prier	Dundalk, Canada	2019-12-07
Yadvinder Singh	Toronto, Canada	2019-12-07
Navid Faiyaz	Montréal, Canada	2019-12-07
Carrie Durkin	Surrey, Canada	2019-12-07
Carlee Larratt (Cherneski)	Regina, Canada	2019-12-07
Juan Pinto	Oshawa, Canada	2019-12-07
Kristy Barrett	Hamilton, Canada	2019-12-12
Liz Hutton	Brantford, Canada	2019-12-12

Name	Location	Date
Carl Georgian	Oshawa, Canada	2019-12-13
Steven Payne	St. John's, Canada	2020-01-06
Brad Maclean	Brandon, Canada	2020-01-07
Jim Mitchell	Oshawa, Canada	2020-01-14
Melanie Wallace	St. Albert, Canada	2020-02-06
Michael Carter	Victoria, Canada	2020-02-26
Jiangming Zhou	Victoria, Canada	2020-02-27
Kerri Nash	St. John's, Canada	2020-02-28
Terry Power	Labrador City, Canada	2020-02-28
Jeff Kelland	St. John's, Canada	2020-02-28
Eldin Husic	St. John's, Canada	2020-02-28
Anne Marie Walsh	Placentia, Canada	2020-02-28
Sheila Nash	CBS, Canada	2020-02-28
Ed Hartling	St. John's, Canada	2020-02-28
Melissa Martin	St. John's, Canada	2020-02-28
Sheldon Pretty	St. John's, Canada	2020-02-29
Lori Boland	St. John's, Canada	2020-02-29
Mathew Moir	St. John's, Canada	2020-02-29
Mercy Muyanga	St. John's, Canada	2020-02-29
Jennifer Bragg	St. John's, Canada	2020-02-29
Felicity Mckenzie	St. John's, Canada	2020-02-29
Adam Pitcher	St. John's, Canada	2020-03-01

Name	Location	Date
Linda Hickey	Mt Pearl, Canada	2020-03-04
marcus malcolm	Pickering, Canada	2020-03-04
Alana Brundtt	Calgary, Canada	2020-03-04
Cathie Simms	St. John's, Canada	2020-03-04
Wilfred Maloney	Canada	2020-03-04
Judy Moores	St. John's, Canada	2020-03-04
Vanessa McLachlan	Calgary, Canada	2020-03-04
Anne Marie Nolan	Bridgewater, Canada	2020-03-04
Ella Heneghan	St. John's, Canada	2020-03-04
Kayla Boland	Mount Pearl, Canada	2020-03-04
Sksksks Skskksksks	St. John's, Canada	2020-03-04
Kendall O'Donnell	London, Canada	2020-03-04
Grace Beausoleil	Niagara Falls, Canada	2020-03-04
Marie Pynn	St. John's, Canada	2020-03-04
Qiaoge Zheng	Mississauga, Canada	2020-03-04
Albetel Abera	Toronto, Canada	2020-03-04
Margaret Harder	Windsor, Canada	2020-03-04
Adrian Rogers	North York, Canada	2020-03-04
Blair Brown	Placentia, Canada	2020-03-04
Kseniya Karpova	Red Deer, Canada	2020-03-04
Lianna Lucarini	Toronto, Canada	2020-03-04
Danna Bernal	Nepean, Canada	2020-03-04

Name	Location	Date
Gene Herzberg	St. John's, Canada	2020-03-04
Kevin C	St. John's, Canada	2020-03-04
Ashley Bishop	Grande Prairie, Canada	2020-03-04
Jodi Mahon	St. John's, Canada	2020-03-04
Tracie Boland	St. John's, Canada	2020-03-04
Carolyn Power	St John's, Canada	2020-03-04
Debbie Penney	St. John's, Canada	2020-03-04
Jennifer Deon	St. John's, Canada	2020-03-04
Jill Duggan	PCSP, Canada	2020-03-04
Kimberley MacKinnon	Medicine Hat, Canada	2020-03-04
Derek Mallows	Dartmouth, Canada	2020-03-04
Carol ANDREWS	Stratford, Canada	2020-03-04
geraldine hibbs	Bell Island, Canada	2020-03-04
Rob Squires	Jasper, Canada	2020-03-04
sarah smith	St. John's, Canada	2020-03-04
Delores Pike	St. John's, Canada	2020-03-05
Lana Andrews	Edmonton, Canada	2020-03-05
Mark Ferguson	St John's, Canada	2020-03-05
Bill Hickey	St. John's, Canada	2020-03-05
Troy Russell	St. John's, Canada	2020-03-05
Kayla Phillips	St. John's, Canada	2020-03-05
heidi dunphy	st john's, Canada	2020-03-05

Name	Location	Date
Patricia Lannon	St. John's, Canada	2020-03-05
Emily Catherine	Canada	2020-03-05
Lynn Simms	Halifax, Canada	2020-03-05
Robert Tucker	St. John's, Canada	2020-03-05
Michelle Dominey-Romykh	St. John's, Canada	2020-03-05
Joanne Pardy	St. John's, Canada	2020-03-05
SUSAN SQUIRES	St. John's, Canada	2020-03-05
Russell Croker	Ilford, UK	2020-03-05
bruno riou riou	St. John's, Canada	2020-03-05
Eta Nash	Branch, Canada	2020-03-05
Kelly Walsh	Mount Pearl, Canada	2020-03-05
John Gray	Toronto, Canada	2020-03-05
Milan Mehta	Midlothian, US	2020-03-05
Lilly Smith	Collierville, US	2020-03-05
Cynthia McDonald	St. John's, Canada	2020-03-05
Pauline Johnson	Mount Pearl, Canada	2020-03-05
John Paterson	Perez Zeledon, Costa Rica	2020-03-05
Melissa Pittman	St. John's, Canada	2020-03-05
carol lidstone	St. John's, Canada	2020-03-05
anne doran	SKELMERSDALE, UK	2020-03-05
Gina Winslow	Pinware, Canada	2020-03-05
Sherry Hunt	Cambridge, Canada	2020-03-06

Name	Location	Date
Prakah Bafna	Mumbai, India	2020-03-06
debbie humphries	Conception Bay South, Canada	2020-03-06
Marina Lucas	St. John's, Canada	2020-03-06
Paul Borzel	Red Deer, Canada	2020-03-06
Tracey Kelly	Welwyn Garden City, UK	2020-03-06
Jolene borstel	Vegreville, Canada	2020-03-07
samuel despot	Canada	2020-03-07
Bailey Pinto	Georgetown ontario, Canada	2020-03-07
Davola Girvan	Fairview, Canada	2020-03-08
Dave Roberts	Fall River, Canada	2020-03-08
Courtney Krieger	Edmonton, Canada	2020-03-09
marlene squires	US	2020-03-10
Florence Treboutte	France	2020-03-10
Melissa Heithaus	Mckinney, US	2020-03-10
Padraig Bailey	New Ross, Ireland	2020-03-10
Maryam Khan	Edmonton, Canada	2020-03-12
Igal Liapis	Vaughan, Canada	2020-03-18
McKayla Barber	Okotoks, Canada	2020-04-13
Sabrina Bell	Edmonton, Canada	2020-04-18
julie bates	coquitlam, Canada	2020-04-20
Adam Finan	Okotoks, Canada	2020-04-21
Andrea Shawaga	Okotoks, Canada	2020-04-23

Name	Location	Date
Jayson Oliver	Okotoks, Canada	2020-04-23
Jessica Legrow	St. John's, Canada	2020-05-04
Eric Blair	St. John's, Canada	2020-09-27
Mikayla McCormack	Winnipeg, Canada	2020-10-04
Bryce Stewart	Victoria, Canada	2020-10-05
Patrick Major	Canada	2020-10-06
Sue Martin	St. John's, Newfoundland and Labrador, Canada	2020-11-11
Amy Evans	St. John's, Newfoundland and Labrador, Canada	2020-11-16
Mary Carroll	Canada	2020-11-18
Darryl Borland	Simcoe, Canada	2020-12-09
Tyler Stapleton	St. John's, Nova Scotia, Canada	2020-12-09
Kate Lyne	Toronto, Canada	2020-12-10
Julie Cosgrove	Peterborough, Canada	2020-12-10
Vicki Mugford	St. John's, Newfoundland and Labrador, Canada	2020-12-10
Li Robbins	Toronto, Canada	2020-12-10
Ben Hickey	Peterborough, Canada	2020-12-11
Clare Lowe	Gabriola, Canada	2020-12-11
Dolores Moore	St. John's, Canada	2020-12-11
Margaret Adkins	Peterborough, Canada	2020-12-11
Mary Winn	Omemee, Canada	2020-12-12

Name	Location	Date
Patrick Markowski	Windsor, Canada	2020-12-13
timi wood	Ottawa, Canada	2020-12-29
Christopher Stimson	Akron, Canada	2021-01-06
Breanne Humber	Surrey, Canada	2021-01-06
David Warford	Montréal, Quebec, Canada	2021-01-10
Jocelyn Young	St. John's, Quebec, Canada	2021-01-25
Jocelyn Young	St. John's, Canada	2021-01-25
Sharon Brophy	St. John's, Canada	2021-01-25
Stephanie Critch	St. John's, Canada	2021-01-28
Krista Harris	Mount Pearl, Newfoundland and Labrador, Canada	2021-01-28
Tiffany Paul	North Vancouver, British Columbia, Canada	2021-01-28
Tom Mallard	St. John's, Newfoundland and Labrador, Canada	2021-01-30
Alana Smith	Mount Pearl, Newfoundland and Labrador, Canada	2021-01-31
Helena Butler	St. John's, Canada	2021-01-31
Rob Luther	St. John's, Newfoundland and Labrador, Canada	2021-02-04
Ross Luther	Gander, Newfoundland and Labrador, Canada	2021-02-05
Janice Walters	St. John's, Newfoundland and Labrador, Canada	2021-02-05
Justin Leyte	Medicine Hat, Alberta, Canada	2021-02-05

Name	Location	Date
Marc Bennett	St. John's, Newfoundland and Labrador, Canada	2021-02-05
Debbie Laite	St. John's, Canada	2021-02-05
Derrick Quilty	St. John's, Newfoundland and Labrador, Canada	2021-02-05
Michelle Delouche	St. John's, Newfoundland and Labrador, Canada	2021-02-05
P. Coristine	Mount Pearl, Newfoundland and Labrador, Canada	2021-02-05
Stephanie Woodford	Corner Brook, Newfoundland and Labrador, Canada	2021-02-06
Patricia L	St. John's, Newfoundland and Labrador, Canada	2021-02-07
Jacob Lester	Fruitvale, Canada	2021-02-07
Devon Duckworth	Trail, British Columbia, Canada	2021-02-07
Heather Paquette	Kamloops, British Columbia, Canada	2021-02-07
Jordie Brown	Vancouver, British Columbia, Canada	2021-02-07
Mark Kimmins	Trail, British Columbia, Canada	2021-02-07
Robert Verigin	Lake Country, British Columbia, Canada	2021-02-07
Shane Reid	Fruitvale, British Columbia, Canada	2021-02-07
Ashley Auger	Kamloops, Canada	2021-02-08
Adam Balfour	Chilliwack, Alberta, Canada	2021-02-08
Emily McCullough	St. John's, Newfoundland and Labrador, Canada	2021-02-09

Name	Location	Date
Robert Triethart	Paradise, Newfoundland and Labrador, Canada	2021-02-09
Heather Chiasson	Chéticamp, Nova Scotia, Canada	2021-02-10
Jennifer Stamp	St. John's, Newfoundland and Labrador, Canada	2021-02-10
ANASTASIA OCONNELL	St. John's, Newfoundland and Labrador, Canada	2021-02-10
Pamela Martin-McDonald	St. John's, Newfoundland and Labrador, Canada	2021-02-10
Pablo Navarro	St. John's, Newfoundland and Labrador, Canada	2021-02-10
Chad St. Croix	Paradise, Canada	2021-02-10

DECISION/DIRECTION NOTE

Title: 3 Park Place, Adoption REZ2000006 (Revised)

Date Prepared: April 27, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required:

That Council adopt the attached revised resolution for St. John's Development Regulations Amendment 715, 2021, that would expand Heritage Use to allow the development of a Dwelling Unit in a designated Carriage House (a historic residential accessory building).

Discussion – Background and Current Status:

On January 25, 2021 Council adopted St. John's Development Regulations 715, 2021 that would allow designated Carriage Houses to be used as a Dwelling Unit. City staff had recommended adding a sentence to the definition of an Accessory Building. During the provincial review for registration, the Province advised that they do not allow any changes to provincial definitions and directed us to find another way to regulate the residential use of carriage houses that are designated heritage buildings.

The attached wording solves the problem. The intent of this version of the amendment is the same as what was already advertised, so additional public consultation is not required. We have vetted this through provincial staff.

Further to the amendment, it is recommended that Council approve the discretionary use of a Heritage Use (Carriage House) at 3 Park Place. The owner will still have to apply for a building permit to bring the building into compliance for a Dwelling Unit.

Key Considerations/Implications:

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Neighbouring residential and property owners; heritage organizations; owners of designated Carriage Houses; owners of other Carriage Houses that might merit heritage designation.
- 3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.



- 4. Legal or Policy Implications: A text amendment to the St. John's Development Regulations is required.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: Additional public engagement is not required.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council adopt the revised St. John's Development Regulations Amendment Number 715, 2021, which will expand Heritage Use to allow the development of a Dwelling Unit in a designated Carriage House.

Further, that Council approve the discretionary use of 3 Park Place as a Heritage Use (Carriage House).

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

Report Approval Details

Document Title:	3 Park Place, Adoption REZ2000005 (Revised).docx
Attachments:	- 3 Park Place - Adoption Attachments(Revised).pdf
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Apr 27, 2021 - 3:17 PM

Jason Sinyard - Apr 29, 2021 - 11:15 AM



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF ST. JOHN'S Development Regulations, 1994

Amendment Number 715, 2021

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 715, 2021.

Adopted by the City Council of St. John's on the 3rd day o	f May, 2021.
Signed and sealed this day of	
	Town Seal
Mayor:	
Clerk:	
Canadian Institute of Planners Certification	
I certify that the attached City of St. John's Developm	nent Regulations Amendment
Number 715, 2021 has been prepared in accordance with and Rural Planning Act, 2000.	the requirements of the <i>Urban</i>
MOID/FOID:	
MCIP/FCIP:	MCIP/FCIP Stamp

CITY OF ST. JOHN'S

Development Regulations Number 715, 2021

BACKGROUND

The City of St. John's wishes to allow a Dwelling Unit in a designated Heritage Building (Carriage House). See Council Decision Note dated January 20, 2021 and April 27, 2021 for background information on this amendment.

PUBLIC CONSULTATION

The proposed amendment was advertised on three occasions in The Telegram newspaper on November 28, December 5, and December 12, 2020. 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 and social media.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 715, 2021 The City of St. John's Development Regulations is amended by:

- 1) Adding the following to Section 2 Definitions:
 - "CARRIAGE HOUSE means a designated heritage building which is a detached subordinate Building originally designed primarily for the storage of carriages. For the purpose of these Regulations, a Carriage House is not an Accessory Building."
- 2) Adding the following to Section 7 Special Developments:
 - **"7.36 CARRIAGE HOUSE**
 - (a) A Carriage House may include one Dwelling Unit. Use of a Carriage House for a Dwelling Unit is considered a Heritage Use."
- 3) Repealing Section 8.3.6(1)(i) and substituting the following:
 - "(1) General:
 - (i) Notwithstanding the definition of Accessory Building, for the purposes of this section an Accessory Building shall not include a Deck, a Swimming Pool, a Carport or a Carriage House."

Statement of Significance



3 Park Place

Formal Recognition Type

City of St. John's Heritage Building, Structure, Land or Area

Description of Historic Place

The house located at 3 Park Place, St. John's, is a three-storey, semi-attached Second Empire style home. An associated coach house is located at the back of the property. The designation is confined to the property.

Heritage Value

3 Park Place has been designated a Municipal Heritage Building because of its architectural, historical, and social values.

Architecturally, 3 Park Place is significant because it is a great example of the modified Second Empire style made popular in Newfoundland by John Thomas Southcott. John Thomas, who was partner in the family building firm J. and J.T. Southcott, introduced the idea of a concave roof and bonneted dormers to Newfoundland architecture after visiting England in 1876. As his influence spread across Newfoundland, this style of Second Empire became directly associated with the Southcott family and today, bonneted dormers in Downtown St. John's are still referred to as Southcott dormers. This particular house, besides being a Southcott house, is likely one of the best examples of a Second Empire house in St. John's. Virtually unaltered, this semidetached house features numerous characteristics typical of the Second Empire style including the concave roof with dormers, three-sided bays, and ornate exterior decoration. Symmetry is maintained along the front façade through the use of matching window shapes along each level, which also corresponds with the adjoining house creating the appearance of one continuous dwelling. Located at the back of the house is a large, original stained-glass window, which was installed as a means of lighting the main interior stairwell. Other original features that add to the charm and elegance of this home are the fanlight and sidelights surrounding the main door, the pilasters along the corners of the house and the ornate wooden detailing added to windows.

Historically, 3 Park Place is valuable because of the prominent people associated with it. In addition to its very famous architect, John Thomas Southcott, 3 Park Place was the residence of

James Harvey Monroe (1861-1922). Monroe immigrated to Newfoundland from Ireland in 1882 to assist his brother Moses in managing the Colonial Cordage Company. The Company, known as the "Ropewalk", made rope, twine and nets. By the mid 1880s the firm employed 180 people.

For the people of St. John's, this house is socially important to them for a number of reasons. Located on a small street near a public park, this house is well known among residents as one of the more impressive houses built by Southcott in downtown St. John's. It has been featured on a number of advertisements for the area, most notably the Parks Canada plaque on Rennie's Mill Road. Complete with its original coach house, this house serves as a reminder to both locals and tourists of Newfoundland's past success.

Source: City of St. John's, Council meeting held 2005/05/30

Character Defining Elements

For the house, all features typical of the Second Empire style, including;

- concave mansard roof, bonneted dormers, pilasters, bay windows with base panels, eaves brackets;
- narrow wooden clapboard siding;
- all original windows including stain-glass window at rear of building;
- decorative wood appliqué on windows;
- fanlight window and sidelights surrounding main entranceway;
- size and appearance of main door;
- location of main entrance;
- symmetrical façade; and
- overall dimensions and location of structure.

For the carriage house, all those original features reflective of upper class outbuilding architecture for the period, including:

- mansard roof with dormers;
- original window and door openings;
- large garage doors, originally intended for a carriage; and
- location at the rear of the property.

Notes of Interest

Large stained-glass window at rear of building. This particular house is a version of Southcott's Second Empire.

Location and History

Community	St. John's
Municipality	City of St. John's
Civic Address	003 Park Place
Construction (circa)	1883 - 1887
Architect	John Thomas Southcott
Style	Second Empire
Building Plan	Rectangular Long Façade
Website Link	http://thecanadianencyclopedia.com/en/article/john-thomas-southcott/

Additional Photos







DECISION/DIRECTION NOTE

Title: Request for Crown Land Lease for Agricultural Use – Trans-

Canada Highway - CRW2100002

Date Prepared: April 27, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 5

Decision/Direction Required:

To seek approval for a Crown Land Lease for 28 hectares of land.

Discussion – Background and Current Status:

The Provincial Department of Fisheries, Forestry and Agriculture has referred an application to the City requesting approval for a Crown Lane Lease. The parcel is 100 hectares in total, with 28 hectares in the City and 72 hectares in the Town of Conception Bay South. The property would be used for livestock, forage and crops, which are Permitted Uses in the Agriculture (AG) Zone. The parcel of land surrounds the Wych Hazel Pond, while a small portion is within an identified wetland, which cannot be developed. Should the applicant be successful in obtaining the Crown Land Lease, a development application is required.

Key Considerations/Implications:

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Not applicable.
- Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029
 A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.
- 4. Legal or Policy Implications: St. John's Development Regulations Section 10.34.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: Not applicable.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.



- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council approve the Crown Land Lease for 28 hectares of land within the City of St. John's, located off the Trans-Canada Highway.

Prepared by:

Ashley Murray- PTech, Development Officer II

Approved by:

Jason Sinyard, P. Eng., MBA, Deputy City Manager Planning, Engineering & Regulatory Services

Report Approval Details

Document Title:	Development Committee- Proposed Crown Land Lease for Agriculture Use on Trans Canada Highway CRW2100002.docx
Attachments:	- 157866 - 15000 Map.pdf
Final Approval Date:	Apr 29, 2021

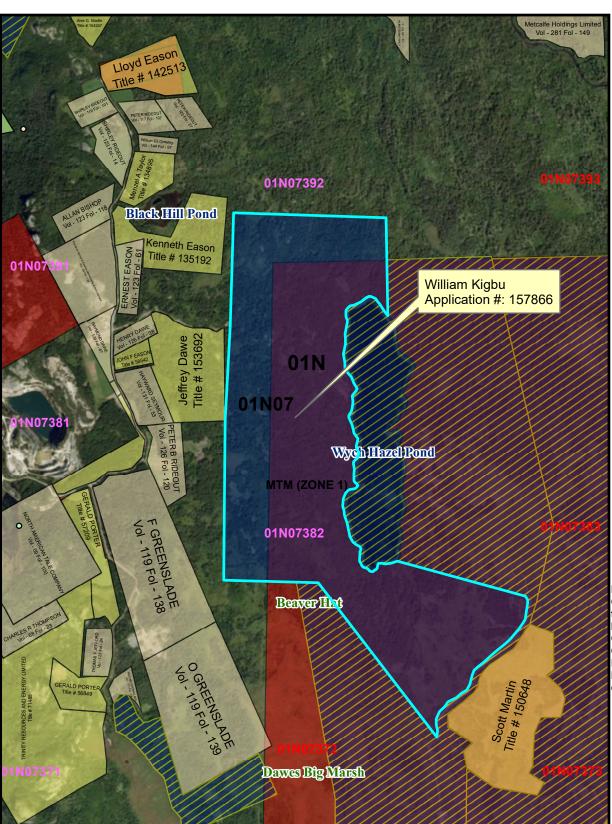
This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Apr 28, 2021 - 3:21 PM

Jason Sinyard - Apr 29, 2021 - 11:13 AM

Department of Fisheries, Forestry and Agriculture Crown Lands Division





NOTE TO USERS

The information on this map was compiled from land surveys registered in the Crown Lands Registry.

Since the Registry does not contain information on all land ownership within the Province, the information depicted cannot be considered complete.

The boundary lines shown are intended to be used as an index to land titles issued by the Crown. The accuracy of the plot is not sufficient for measurement purposes and does not guarantee title.

Users finding any errors or omissions on this map sheet are asked to contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at CrownLandsInfo@gov.nl.ca.

Some titles may not be plotted due to Crown Lands volumes missing from the Crown Lands registry or not plotted due to insufficient survey information.

The User hereby indemnifies and saves harmless the Minister, his officers, employees and agents from and against all claims, demands, liabilities, actions or cause of actions alleging any loss, injury, damages and matter (including claims or demands for any violation of copyright or intellectual property) arising out of any missing or incomplete Crown Land titles, and the Minister, his or her officers, employees and agents shall not be liable for any loss of profits or contracts or any other loss of any kind as a result.

For inquiries please contact the Crown Lands Inquiries Line by telephone at 1-833-891-3249 or by email at CrownLandsInfo@gov.nl.ca. Or visit the nearest Regional Lands Office; http://www.flr.gov.nl.ca/department/contact_lands.html



DECISION/DIRECTION NOTE

Title: Request for Accessory Building and Fence in the Floodplain Buffer

- 42 Gallipoli Street - INT2100039

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 1

Decision/Direction Required:

To seek approval for the construction of an Accessory Building and Fence, which are partially located in the Floodplain Buffer, at 42 Gallipoli Street.

Discussion – Background and Current Status:

An application was submitted to construct of an Accessory Building and Fence at 42 Gallipoli Street, which is zoned Residential Low Density (R1). A portion of the Accessory Building and Fence is located within the Floodplain Buffer at the rear of the property. Under Section 11.2.4(2) of the St. John's Development Regulations, Council may permit construction of residential patios, residential fencing, and residential accessory buildings within the 15-metre buffer of the 100-year high water mark of designated bodies of water. No part of the development shall encroach into the floodplain.

Key Considerations/Implications:

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Not applicable.
- 3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 A Sustainable City Plan for land use and preserve and enhance the natural and built. environment where we live.
- 4. Legal or Policy Implications: St. John's Development Regulations Section 11.2.4(2).
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: Not applicable.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.



- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council approve the construction of the proposed Accessory Building and Fence at 42 Gallipoli Street, which is within the Floodplain Buffer.

Prepared by:

Ashley Murray, P. Tech, Development Officer II Planning, Engineering & Regulatory Services

Approved by:

Jason Sinyard, P. Eng., MBA, Deputy City Manager Planning, Engineering & Regulatory Services

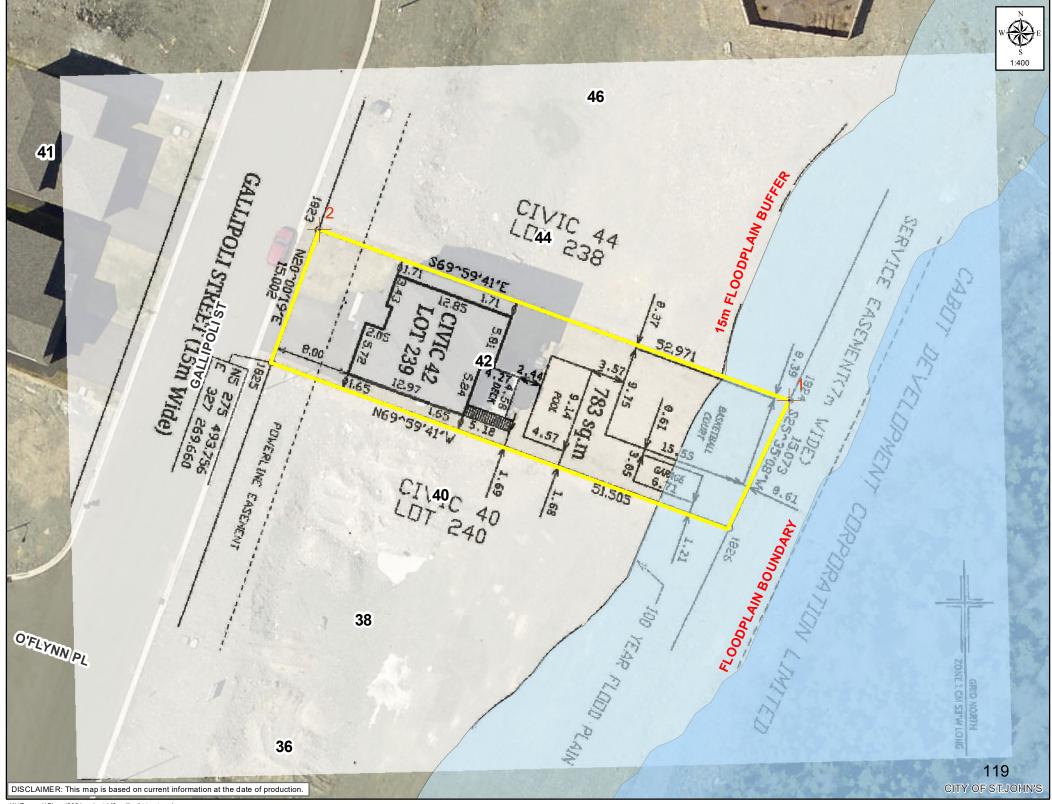
Report Approval Details

Document Title:	Development Committee- Request for Accessory Building and Fence in Floodplain Buffer at 42 Gallipoli Street-INT2100039.docx
Attachments:	- 42 GALLIPOLI STREET.pdf
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Lindsay Lyghtle Brushett - Apr 28, 2021 - 1:01 PM

Jason Sinyard - Apr 29, 2021 - 11:15 AM



Development Permits List For the Period of April 22 to April 28, 2021

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Construction of Single Detached Dwelling	21 Barton's Road	5	Approved	21-04-27

			<u> </u>	<u> </u>		
F	Code Classification: RES - Residential COM - Commercial AG - Agriculture DT - Other	INST - Institutional IND - Industrial			Lindsay Lyght Supervisor - F Development	tle Brushett Planning and
	advised in writing of the	rmation purposes only. Ap Development Officer's dec o the St. John's Local Board	ision and of their right			

Permits List

Council's May 3, 2021 Regular Meeting

Permits Issued: 2021/04/22 to 2021/04/28

BUILDING PERMITS ISSUED

Residential

Location	Permit Type	Structure Type
11 Murphy's Ave	Accessory Building	Accessory Building
17 Airport Heights Dr	Fence	Fence
2 Banikhin Pl	Deck	Single Detached Dwelling
23 Fourth Pond Rd	Deck	Patio Deck
23 Fourth Pond Rd	Site Work	Single Detached Dwelling
23 Fourth Pond Rd	Site Work	Single Detached Dwelling
23 Sumac St	Accessory Building	Accessory Building
25 Keith Dr	Deck	Patio Deck
28 Rumboldt Pl	Renovations	Single Detached Dwelling
3 Durham Pl	Fence	Fence
359 Southside Rd	Renovations	Single Detached Dwelling
37 Maurice Putt Cres	Renovations	Single Detached Dwelling
371 Newfoundland Dr	Renovations	Single Detached Dwelling
4 Titania Pl	Site Work	Single Detached w/ apt.
5 Ballylee Cres	New Construction	Single Detached Dwelling
50 Duntara Cres	Accessory Building	Accessory Building
531 Main Rd	Accessory Building	Accessory Building
59 Nautilus St	Accessory Building	Accessory Building
60 Maurice Putt Cres	Fence	Fence
67 Galway Blvd	Fence	Fence
69 Diamond Marsh Dr	New Construction	Single Detached Dwelling
7 Beauford Pl	Accessory Building	Accessory Building
70 Parsonage Dr	Fence	Fence
87 Rotary Dr	Fence	Fence
96 Diamond Marsh Dr	New Construction	Single Detached Dwelling

This Week: \$777,490.45

Commercial

Location	Permit Type	Structure Type	
120 Torbay Rd	Change of Occupancy/Renovations	Mixed Use	
125 Water St	Change of Occupancy/Renovations	Restaurant	
143 Forest Rd	Renovations	Apartment Building	
143 Forest Rd	Renovations	Apartment Building	
143 Forest Rd	Renovations	Apartment Building	
143 Forest Rd	Renovations	Apartment Building	
143 Forest Rd	Renovations	Apartment Building	
143 Forest Rd	Renovations	Apartment Building	
143 Forest Rd	Renovations	Apartment Building	
185 Waterford Bridge Rd	Accessory Building	Accessory Building	
202 Lemarchant Rd	Sign	Pharmacy	
288 Duckworth St	Change of Occupancy	Other	
355 Main Rd	Sign	Bank	
		This Week:	\$428,844.00
	Government/Institu	itional	
Location	Permit Type	Structure Type	
		This Week:	\$0.00
	Industrial		
Location	Permit Type	Structure Type	
		This Week:	\$0.00

This Week: \$0.00

This Week's Total: \$1,206,334.45

Structure Type

REPAIR PERMITS ISSUED: \$142,300.00

Demolition

Permit Type

NO REJECTIONS

Location

YEAR TO DATE COMPARISONS				
May 3, 2021				
ТҮРЕ	2020	2021	% Variance (+/-)	
Residential	\$6,311,095.46	\$12,383,471.13	96	
Commercial	\$25,342,959.22	\$14,661,179.44	-42	
Government/Institutional	\$134,000.00	\$779,941.00	482	
Industrial	\$3,000.00	\$4,007,500.00	133483	
Repairs	\$265,140.00	\$1,964,757.00	172	
TOTAL	\$32,056,194.68	\$33,796,848.57	5	
Housing Units (1 & 2 Family Dwelling)	14	38		

Respectfully Submitted,

Jason Sinyard, P.Eng., MBA
Deputy City Manager
Planning, Engineering and Regulatory Services

<u>Memorandum</u>

Weekly Payment Vouchers For The Week Ending April 28, 2021

Payroll

Accounts Payable (A detailed breakdown available here)	\$ 1	1,196,293.68
Bi-Weekly Fire Department	\$	810,469.67
Bi-Weekly Management	\$	923,537.27
Bi-Weekly Administration	\$	735,399.81
Public Works	\$	386,811.87

Total: \$4,052,512.30

ST. J@HN'S

BID APPROVAL NOTE

Bid # and Name: 2021051 - Asphalt Lab Renovation

Date Prepared: Thursday, April 29, 2021

Report To: Regular Meeting

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: N/A

Department: Planning, Engineering & Regulatory Services

Division: Engineering

Quotes Obtained By: Sherri Higgins **Budget Code:** ENG-2020-984

Source of Funding: Capital

Purpose:

The purpose of this open call is to replace the existing asphalt lab which was closed back in Fall 2019 due to occupational health & safety concerns. The work has been consulted out since last fall. The new lab will allow city staff to resume sampling of material collected from the street's rehabilitation program in-house.

Results: \boxtimes As attached \square As noted below

Vendor Name	Bid Amount

Expected Value: \boxtimes As above

□ Value shown is an estimate only for a # year period. The City does

not guarantee to buy specific quantities or dollar value.

Contract Duration: The substantial completion date is two months from award date.

The final completion date will be one year after substantial completion date.

Bid Exception: None

Recommendation:

That Council award this open call to the lowest bidder that meets specifications, J & T Construction Limited, for \$357,378.83 (HST Included) as per the Public Procurement Act.

Attachments: 2021051 - Bid Summary

ST. J@HN'S

Report Approval Details

Document Title:	2021051 - Asphalt Lab Renovation.docx
Attachments:	- 2021051 - Bid Summary.pdf
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Rick Squires - Apr 29, 2021 - 8:37 AM

Derek Coffey - Apr 29, 2021 - 9:19 AM

2021051

Asphalt Lab Renovation

Closing Date: Tuesday, April 27, 2021

<u>Vendor</u>

Bid Submissions

J & T Construction Limited	\$357,378.8 300
Lindsay Construction Limited	\$367,902.2500
Redwood Construction Limited	\$376,107.5000
JMJ Holdings Limited	\$410,015.2500
Eastern Contracting Ltd.	\$411,495.3000
Can-Am Platforms & Construction Ltd.	\$425,496.5500
C&E GROUP LTD	\$434,452.7500
Newfoundland HVAC Ltd.	\$438,054.1820
Electra Contracting Inc	\$479,254.4500
Jordan Construction Limited	\$494,155.0000
Maher's Contracting Limited	\$554,524.2500

DECISION/DIRECTION NOTE

Title: 142 Old Pennywell Road – Adoption – REZ2000012

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 4

Decision/Direction Required:

That Council adopt the attached resolution for St. John's Development Regulations Amendment 719, 2021, to rezone land from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone to allow three Townhouses.

Discussion – Background and Current Status:

The City has received an application to rezone land at 142 Old Pennywell Road from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone to allow the development of three (3) Townhouses. A single-detached dwelling on the property was demolished in early 2021. The R1 Zone does not permit Townhouses and therefore a zone amendment is required. The property is designated Residential Low Density; subject to a land use assessment report (LUAR), this could allow medium density residential uses that Council deems are compatible with single detached dwellings.

This rezoning would be a spot zone on the north side of Old Pennywell Road where the surrounding residential lots are zoned R1; however, the south side of the road is zoned R2 and includes a mix of single detached and semi-detached dwellings. Slightly east off Lynch Place, Rotary Manor has 46 units in the Apartment Special (AA) Zone. West of the subject property where sewer servicing ends, the area is zoned Residential Rural Infill (RRI). Overall, with the combination of residential types in the neighbourhood, a three-unit Townhouse is compatible.

From Section 3 of the Municipal Plan, Council may deem that a staff report shall constitute an LUAR where the scale or circumstances of a proposed change do not merit extensive analysis. Given that the south side of Old Pennywell Road is zoned R2 and the development is proposing only 3 units, staff recommend that Council accept the staff report as the LUAR. The applicant has provided enough information to evaluate the proposal.

At its regular meeting of April 5, 2021, Council decided to consider the amendment and advertise it for public review. The rezoning was advertised three times in *The Telegram* newspaper and was posted on the City's website, and property owners within 150 metres of the application site were notified. One written submission was received by the City Clerk and is included in the agenda for the regular meeting of Council.



The submission expresses concerns that the Townhouses will decrease property value, create flooding, reduce privacy, increase noise level, and add traffic. The review of the application by City staff has not raised any concern about flooding or traffic. Should the development proceed, it would have to meet all City regulations and policies, including stormwater management and landscaping. Regarding privacy and noise, staff do not believe that the rezoning will affect these issues. While Old Pennywell Road is higher than Neptune Road, there are lots of houses on Old Pennywell, so concerns around privacy would not change. Further, most houses along Old Pennywell have trees in their rear yards, creating a buffer between them and the rear yards of houses on Neptune. Regarding property values, studies show that new residential development generally does not reduce neighbouring property values.

From Section 1.2.3 of the Municipal Plan, the City shall increase densities in residential areas where feasible and desirable and encourage a compatible mix of residential buildings of varying densities in all zones. This rezoning would be a gentle increase in density, going from 1 house to 3, and therefore staff recommend adoption of the proposed rezoning. Should Council adopt the amendment, it will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. No commissioner's public hearing is required.

Key Considerations/Implications:

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Neighbouring residents and property owners.
- 3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.
- 4. Legal or Policy Implications: A map amendment (rezoning) to the St. John's Development Regulations is required.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: The application has already been publicly advertised.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council adopt St. John's Development Regulations Amendment Number 719, 2021, which will rezone property at 142 Old Pennywell Road [Parcel ID 22428] from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone.

Prepared by: Ann-Marie Cashin, MCIP, Planner III - Urban Design & Heritage

Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

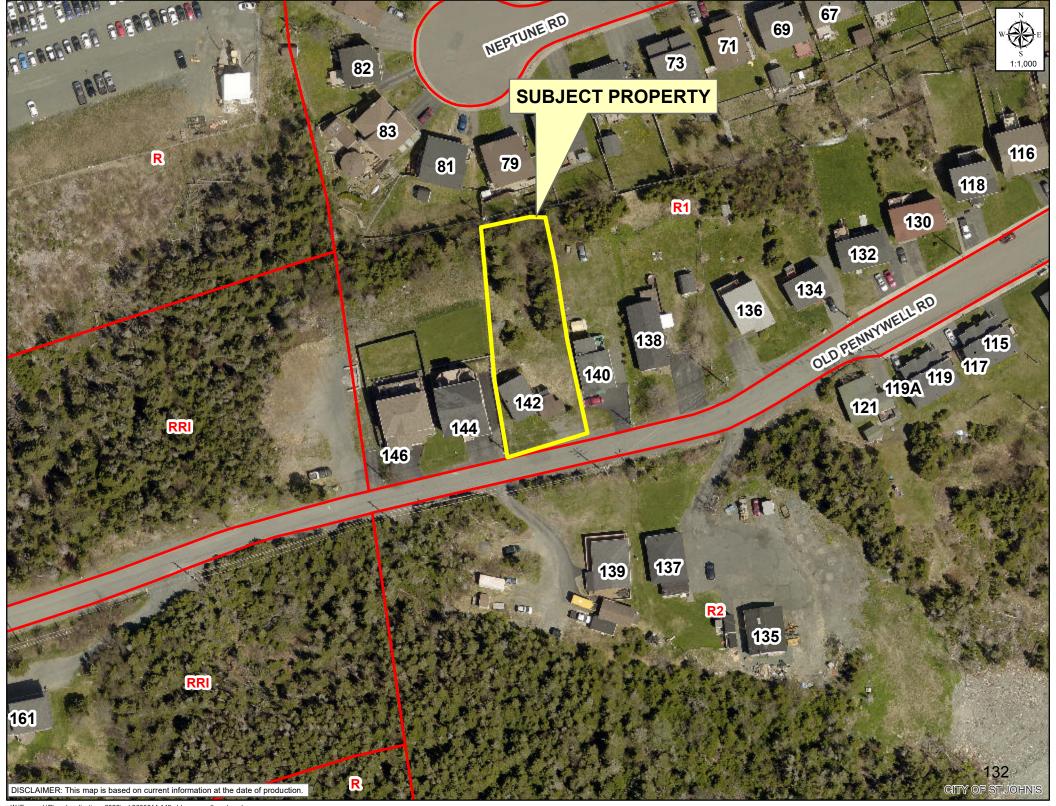
Report Approval Details

Document Title:	142 Old Pennywell Road - Adoption - REZ2000012.docx
Attachments:	- 142 Old Pennywell Road - Adoption Attachments.pdf
Final Approval Date:	Apr 29, 2021

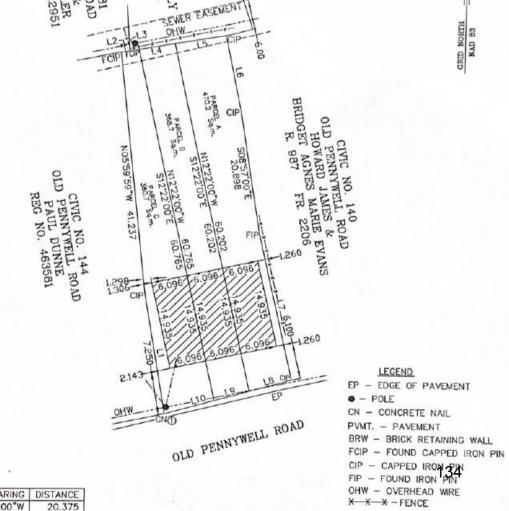
This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Apr 28, 2021 - 4:12 PM

Jason Sinyard - Apr 29, 2021 - 11:12 AM









URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF ST. JOHN'S Development Regulations, 1994

Amendment Number 719, 2021

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 719, 2021.

Adopted by the City Council of St. John's on the 3rd day of I	May, 2021.
Signed and sealed this day of	
	Town Seal
Mayor:	
Clerk:	
Canadian Institute of Planners Certification	
I certify that the attached City of St. John's Developme Number 719, 2021 has been prepared in accordance with the	_
and Rural Planning Act, 2000.	ie requirements of the orban
MCIP/FCIP:	
	MCIP/FCIP Stamp

CITY OF ST. JOHN'S

Development Regulations Number 719, 2021

BACKGROUND

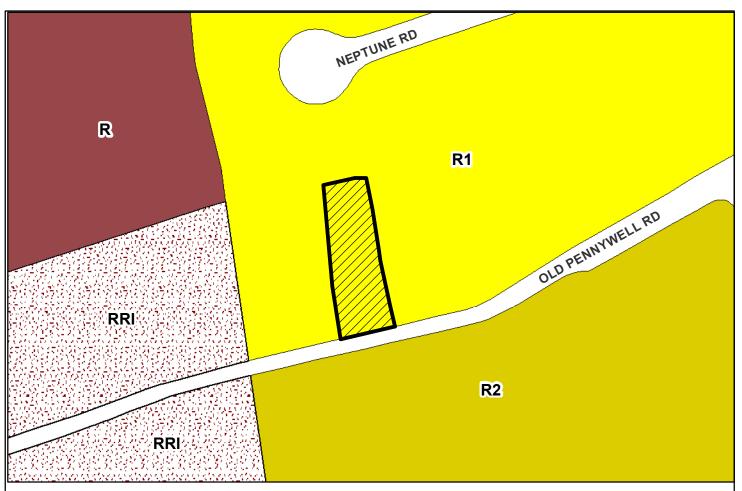
The City of St. John's wishes to rezone land at 142 Old Pennywell Road from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone to allow the development of three Townhouses. See attached Council Decision Note dated April 28, 2021 for background information on this amendment.

PUBLIC CONSULTATION

The proposed amendment was advertised on three occasions in The Telegram newspaper on April 10, April 17 and April 24, 2021. 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 and social media.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 719, 2021 The City of St. John's Development Regulations is amended by:

1) Rezoning land at 142 Old Pennywell Road [Parcel ID#22428] from the Residential Low Density (R1) Zone to the Residential Medium Density (R2) Zone as shown on Map Z-1A attached.



CITY OF ST. JOHN'S DEVELOPMENT REGULATIONS Amendment No. 719, 2021 [Map Z-1A]



AREA PROPOSED TO BE REZONED FROM RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE TO RESIDENTIAL MEDIUM DENSITY (R2) LAND USE ZONE

142 OLD PENNYWELL ROAD Parcel ID 22428

2021 04 28 Scale: 1:1500 City of St. John's Department of Planning, Development & Regulatory Services

I hereby certify that this amendment has been prepared in accordance with the Urban and Rural Planning Act.

M.C.I.P. signature and seal

City Clerk

Mayor

Council Adoption

Provincial Registration

Karen Chafe

From: CityClerk

Sent: <u>Wednesday, April 21, 2021 11:50 AM</u>

To: CityClerk

Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) re; 132 Pennywell Rd.

Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration prior to a final decision being reached on this application.

Elaine Henley City Clerk 709-576-8202

From:

Sent: Tuesday, April 20, 2021 3:48 PM **To:** CityClerk <cityclerk@stjohns.ca> **Subject:** (EXT) re; 132 Pennywell Rd.

Building three townhouses so close to our property has great concerns for us, The decrease of property value, flooding, privacy, noise level, and added traffic.

The city extended the car dealership on Kenmount Rd which now is basically in our back gardens, At the time, there was supposed a tree barrier between the homes and the parking lot. This did not happen and there is only a chain link fence separating the two.

Building three townhouses, on a hillside, which will overlook our properties, would create a privacy concern. Along with this concern would be the issue of flooding after the land is cleared to build. The trees now are preventing this. Since we get so much rain, removing the trees would be an issue.

Having three townhouses so close will also ensure the the noise level will be a concerning issue.

Then we have the traffic issue. Since the completion of the Old Pennwell/ Brier road, gaining access to turn left on Brier, has become impossible at times. At peak times you could be there 10 to 15 minutes and still not get out,, Turn around was the only option if you had a time schedule.

After many considerations and living here for 32 years, we do not agree with changing the area zone.

We hope you take these concerns into consideration for all that will be affected.



Disclaimer: This email may contain confidential and/or privileged information intended only for the individual(s) addressed in the message. If you are not the intended recipient, any other distribution, copying, or disclosure is strictly prohibited. If you have received this email in error, please notify me immediately by return email and delete the original message.

INFORMATION NOTE

Title: 2021 Streets Rehabilitation Program List

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Sandy Hickman, Public Works

Ward: N/A

Issue:

Discussion – Background and Current Status:

Funding currently available for the 2021 Streets Rehabilitation Program is \$4.2 M. This includes \$2 M from the 2021 Capital Out of Revenue (COOR) program for grind and patch and \$2.2 M carried over from past cost-shared programs. Pending approval of the MYCW cost shared with the Province, the proposed program will be approximately \$13 M. Attached for the information of Council are two (2) lists for 2021. The smaller list/program is based on \$4.2 M and the larger list/program is based on \$13 M. The grind and patch component will be completed no matter what list is ultimately tendered.

Key Considerations/Implications:

1. Budget/Financial Implications:

Monies for the smaller program have already been allocated under the 2017 – 2021 Multi-Year Capital Works Program with the Province and the 2021 COOR for the grind and patch portion. Monies for the larger program is pending approval of a new MYCW Program with the Province NL in addition to the 2021 COOR for the grind and patch portion already approved.

2. Partners or Other Stakeholders:

Government of NL All City of St. John's Residents

3. Alignment with Strategic Directions/Adopted Plans:
A City that Moves - Improve safety for all users on a well-maintained street network.

 Legal or Policy Implications: N/A

Privacy Implications: N/A



6. Engagement and Communications Considerations: While the work is ongoing, the City's Engineering staff will release weekly updates on the City's website, in consultation with the Communications Division. The updates will list worksite locations for the upcoming week.

7. Human Resource Implications:

Hiring of temporary Construction Inspectors will be required. Associated costs will be charged to the project budget.

8. Procurement Implications:

Project to be tendered through the Supply Chain Management Division.

9. Information Technology Implications:

N/A

10. Other Implications:

N/A

Conclusion/Next Steps:

We are advising Council that we will proceed with public tender(s) for the 2021 Streets Rehabilitation Program based on the lists provided. The smaller program will be tendered if we do not receive approval on the new MYCW cost shared program with the Province. If additional MYCW funding is approved within the next week, we will go to tender with the larger program. If additional funding is approved after we tender the smaller program, we will proceed with other tenders as required to complete the larger program.

Report Approval Details

Document Title:	2021 Streets Rehabilitation Program List.docx
Attachments:	- 2021 STREETS REHABILITATION PROGRAM LIST (SMALLER PROGRAM).pdf - 2021 STREETS REHABILITATION PROGRAM LIST (LARGER PROGRAM).pdf - 2021 GRIND AND PATCH LIST.pdf
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Scott Winsor - Apr 29, 2021 - 9:49 AM

Jason Sinyard - Apr 29, 2021 - 10:37 AM

2021 Streets Rehabilitation Program List of Streets

Street	Street Section	Class
BATTERY ROAD	86 Battery Road to end	RES
BOTWOOD PL		RES
GREEN ST	Hussey Drive intersection	RES
HAMLYN RD	Baie Verte to Canada Drive	COLL
KENNA'S HILL		ART-MA
KINGS ROAD	Gower St to Queens Rd	RES
LEE'S RD		RES
POWER'S ROAD	50m north of Civic 180 extending 500m	RES
TEAKWOOD DR	Southlands Blvd. to Bayberry Pl	COLL
THORBURN RD	Wearing surface on bridge over TGH	ART-MI

Provisional Streets (Should time and funding permit)

Street	Street Section	Class
BLACKHEAD RD	Water St to Southside Rd	COLL
ELDERBERRY PL		RES
LINDEN PLACE	at the end in parking area	RES

2021 Streets Rehabilitation Program List of Streets

Street	Street Section	Class
AIRPORT HEIGHTS DR	Argus Pl. to Macbeth Dr	COLL
ALICE DR		RES
BATTERY ROAD/FORT WAL	86 Battery Road to end	RES
BOTWOOD PL		RES
BROWNSDALE ST	Canada Dr to Markland St	RES
CEMETERY LANE	Old Petty Habour to Civic # 26	RES
CHEYNE DR	Regent Street to Hebbard Place	RES
COLUMBUS DR	Topsail Rd to Bay Bulls Rd	ART-MA
CONWAY CRES		RES
DOYLE'S RD EXTENSION	Doyles Road to End	RES
DUBLIN RD	Higgins Line to Somerset PI	RES
EDGECOMBE DR		RES
ELDERBERRY PL		RES
GREEN ST	Hussey Drive intersection	RES
GUY ST	Baltimore St to Whiteway St	RES
HAMLYN RD	Baie Verte to Canada Drive	COLL
HILLVIEW DR WEST	Walking Trail to Southside Road	RES
KENNA'S HILL		ART-MA
KINGS ROAD	Gower St to Queens Rd	RES
L'ANSE AUX MEADOWS CRE	Blackmarsh Rd to Greystone Crt east	RES
LEE'S RD		RES
Linden Place	End in Parking Area	RES
LUNENBURG ST		RES
MOUNT CASHEL RD	Horwood St to Torbay Rd	RES
NAGLE'S PL	Park Entrance to Civic #53	RES
POWER'S ROAD	50m north of Civic 180 extending 500m	RES
REID ST	Thomas St. to Civic 37	RES
SACKVILLE ST		RES
SILVERTON PL		RES
ST. MICHAEL'S AVE	Symonds Ave to Civic # 30	RES
STRATFORD PL		RES
TEAKWOOD DR	Southlands Blvd. to Bayberry Pl	COLL
THORBURN RD	Bridge Deck over TGH	ART-MI
TORBAY RD	Gleneyre St to Nfld. Dr	ART-MA
WATERFORD AVE		RES
WEDGEPORT RD		RES

Provisional Streets (Should time and funding permit)

Street	Street Section	Class
ALBANY ST		RES
ALLANDALE RD	Golf Course Entrance to End	RES
BLACKHEAD RD	Water St to Southside Rd	COLL
HALLEY DR	Lawton Cres. to Wedgeport Rd.	RES
HUNT'S LANE	Kelly St to Kildare Place	RES
QUEEN'S RD/KINGS RD	Prescott St to Military Rd	ART-MI
VETERANS RD	Churchill Ave to Techniplex Entrance	RES

Grind and Patch

Grind and Patch		
Aberdeen Avenue	Gleneyre Street	Old Petty Harbour Road
Adams Avenue	Gold Medal Drive	O'Leary Avenue
Airport Heights Drive	Goldstone Street	Ordnance Street
Allandale Road	Golf Avenue	Oxen Pond Road
Anderson Avenue	Gower Street	Paddy Dobbin Drive
Anspach Street	Great Eastern Avenue	Patrick Street
Austin Street	Great Southern Drive	Pearltown Road
Back Line	Hamilton Avenue	Peet Street
Bannerman Road	Hamilton Avenue Extension	Pennywell Road
Barter's Hill	Hamlyn Road	Petty Harbour Road
Bay Bull's Road	Harbour Drive	Pine Bud Avenue
Beaumont Hamel Way	Harrington Drive	Pippy Place
Bennett Avenue	Harvey Road	Pleasant Street
Blackhead Road	Heavy Tree Road	Plymouth Road
Blackler Avenue	Hebron Way	Portugal Cove Road
Blackmarsh Road	Higgins Line	Prescott Street
Bonaventure Avenue	Highland Drive	Prince of Wales Street
Brookfield Road	Hogan Street	Prince Phillip Drive
Burgeo Street	Job Street	Queen's Road
Campbell Avenue	Job's Cove	Rawlins Cross
Canada Drive	Kelsey Drive	Rennie's Mill Road
Captain Whelan Drive	Kenmount Road	Rickett's Road
Carpasian Road	Kenna's Hill	Ridge Road
Carrick Drive	King's Bridge Road	Road De Luxe
Casey Street	King's Road	Ropewalk Lane
Cashin Avenue	Kiwanis Street	Ruby Line
Cashin Avenue Extension	Ladysmith Drive	Shaw Street
Castle Bridge Drive	Larkhall Street	Snow's Lane
Cathedral Street	Legion Road	Southern Shore Highway
Cavendish Square	Lemarchant Road	Southlands Boulevard
Cheeseman Drive	Logy Bay Road	Southside Road
Church Hill	Long Pond Road	St. Clare Avenue
Churchill Avenue	Long's Hill	Stamp's Lane
Circular Road	MacDonald Drive	Stavanger Drive
Clifts Bairds Cove	Maddox Cove Road	Strawberry Marsh Road
Columbus Drive	Main Road	Symonds Avenue
Cookstown Road	Major's Path	Tammarack Street
Cornwall Avenue	Mayor Avenue	Teakwood Drive
Cowan Avenue	Merrymeeting Road	The Boulevard
Crosbie Road	Messenger Drive	Thorburn Road
Doyle's Road	Military Road	Topsail Road
Duckworth Street	Monkstown Road	Torbay Road
East White Hills Road	Mount Scio Road	Tree Top Drive
Elizabeth Avenue	Mundy Pond Road	University Avenue
Empire Avenue	New Cove Road	Viscount Street
Ennis Avenue	New Gover Street	Waldegrave Street
Forbes Street	Newfoundland Drive	Water Street
Forest Road	Newtown Road	Waterford Bridge Road
Foxtrap Access Road	Old Bay Bulls Road	Westerland Road
Francis Street	Old Broad Cove Road	White Rose Drive
Frecker Drive	Old Pennywell Road	Wicklow Street
Freshwater Road	Cia i Ciniy Won i Youd	Triodon on out
i rosniwater rtoau		

DECISION/DIRECTION NOTE

Title: Envision St. John's Municipal Plan and Development Regulations –

Adoption

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: N/A

Decision/Direction Required: That Council adopt the Envision St. John's Municipal Plan and Development Regulations, dated April 2021.

Discussion – Background and Current Status:

Years of teamwork and effort have brought us to the present. The Envision St. John's project is culminating in draft documents which have received provincial release and are ready for Council's consideration for adoption. The Envision St. John's Municipal Plan is Council's policy document for present and future land use and development. The Envision St. John's Development Regulations set out development standards which implement Council's land-use policies. These documents are enabled by the Newfoundland and Labrador Urban and Rural Planning Act.

Guided by this and previous Councils, the City has devoted considerable effort to preparing these documents. The draft Envision Municipal Plan was first published for public review in 2014, edited in 2017, updated to 2019 for adoption-in-principle, and is now in a finished form after provincial release. The draft Envision Development Regulations followed a similar timeline.

Council adopted-in-principle the two documents (and their associated maps) on March 4, 2019. All changes from then to now are *highlighted in yellow* in the documents, showing changes made up until provincial release. See the attachments for a full explanation. When the NL Department of Municipal and Provincial Affairs issued its provincial release in late February 2021, it attached a list of recommended changes in line with provincial requirements. The changes since provincial release are shown *highlighted in blue*. For some provincial recommendations, City staff have set out the reasons why we do not agree with them; see the attachments. This difference of approach is not made lightly and will not affect the progress of Envision St. John's. As an example, the provincial staff asked that we use base maps underneath the zoning layer on the zoning map. We have done this for some of the smaller maps, but it makes the wall-sized zoning map harder to read. We already use base



maps (aerial photographs) on the City's online Mapcentre, so we assert that a base layer is not needed on the wall-sized zoning map.

The Envision St. John's Municipal Plan and Development Regulations reflect the directions of Council, the comments of the public and the efforts of City staff. The input of many interested citizens, community groups, property owners and businesses has helped shape the results.

Under the Urban and Rural Planning Act, a municipal plan is adopted for a 10-year planning period, with a regular review every five (5) years. Until a new plan is ready, the existing plan remains in effect and does not expire. The current St. John's Municipal Plan, 2003, and St. John's Development Regulations, 1994, have been amended many times and remain in effect until the new Envision Plan and Regulations have been adopted and approved by Council and registered by the Minister of Municipal and Provincial Affairs.

The outline of the approval process is:

- 1. Adoption-in-principle by Council done in March 2019.
- 2. Referral to Municipal Affairs for provincial review and release done in March 2019.
- 3. Public review done.
- 4. Provincial release received in late February 2021.
- 5. Adoption by Council. we are here.
- 6. Commissioner's public hearing.
- 7. Approval by Council.
- 8. Registration and gazetting, after which the new Plan and Regulations are in legal effect.

The Envision St. John's Municipal Plan and Development Regulations conform to the policies of the St. John's Urban Region Regional Plan, as required.

A note on the built heritage of St. John's: the Envision Municipal Plan continues the City's policies on heritage and its ongoing protection and future use. Many of the standards and regulations in the current St. John's Development Regulations are being transferred to the new Heritage By-Law. This has been referred for public review and comment. The Heritage By-Law will be considered for adoption by Council at the same regular meeting (later this year) when Council considers approval of Envision St. John's. Thus, there will be no gap in heritage protection between the end of the current Development Regulations and the start of the new Heritage By-Law.

Key Considerations/Implications:

- 1. Budget/Financial Implications: As per the various policies of the Municipal Plan.
- 2. Partners or Other Stakeholders: Residents, property owners and business owners of St. John's; a variety of interest groups in citizen engagement, environmental protection,

- economic development, built heritage, property development, construction, recreation, neighbourhood groups, institutional uses, and others.
- 3. Alignment with Strategic Directions/Adopted Plans: City's Strategic Plan 2019-29: A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.
- 4. Legal or Policy Implications: The Envision St. John's Municipal Plan and Development Regulations meet the requirements of the Urban and Rural Planning Act, 2000. They also conform to the St. John's Urban Region Regional Plan, 1976, as amended.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: Envision St. John's will be referred to a commissioner's public hearing as required by the Urban and Rural Planning Act. The public is also invited to comment on this matter using the Engage St. John's website.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council adopt the Envision St. John's Municipal Plan and the Envision St. John's Development Regulations, dated April 2021.

That Council appoint Marie Ryan as an independent commissioner to conduct a virtual public hearing on Envision St. John's, tentatively scheduled for Wednesday, June 9, 2021, at 7:00 p.m., using Microsoft Teams.

Prepared by: Ken O'Brien, MCIP, Chief Municipal Planner

Approved by: Jason Sinyard, P. Eng., MBA, Deputy City Manager Planning, Engineering & Regulatory Services

Report Approval Details

Document Title:	Envision St. John's Municipal Plan and Development Regulations - Adoption .docx
Attachments:	- Updates to Envision - December 2020(kob).docx
	- Envision Updates following Provincial Release April 2021.docx
	- Municipal Plan draft April 2021.pdf
	- Municipal Plan draft Appendix April 2021.docx.pdf
	- Development Regulations draft April 2021.pdf
	- Development Regulations draft Appendices April 2021.pdf
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Apr 29, 2021 - 11:01 AM

Envision St. John's Municipal Plan and Development Regulations Proposed Updates December 9, 2020

This report, along with associated updated drafts of the Envision St. John's Municipal Plan and the Envision St. John's Development Regulations, is submitted to the Province in accordance with Section 15 of the Urban and Rural Planning Act, for provincial review of a draft plan and development regulations.

The draft Envision St. John's Municipal Plan and Development Regulations were adopted-in-principle by the St. John's Municipal Council on March 4, 2019 and forwarded to the Province the next day. Provincial review is ongoing.

In August 2019, the Province provided a report on its internal referrals from ILUC, the Interdepartmental Land Use Committee. The ILUC report contains recommendations and comments from various government departments. Since then, City staff have been following up with various departments to seek more information, or clarification, or maps. That work concluded recently.

In February 2020, City staff and provincial staff met to review the work to date, progress on the ILUC report, and required map work. City staff have updated all required maps to ensure that the maps are supported by underlying Municipal Plan policies, that the Future Land Use Map and the Zoning Map correspond to one another without variation, and that there are no slivers or other artifacts left over from the digital map-making process.

The versions of the draft Envision Municipal Plan and Development Regulations attached to this report on proposed updates include changes to the texts of the two documents, highlighted in yellow, and changes to the various maps associated with each document. The changes are in line with the ILUC report so far as the City agrees with the various provincial recommendations and comments. In cases where the City does not agree with a recommendation or comment in the ILUC report, no changes have been made to Envision.

Since March 4, 2019, Council has made several amendments to the St. John's Municipal Plan, 2003, as amended, and to the St. John's Development Regulations, 1994, as amended. The attached versions of the draft Envision Municipal Plan and Development Regulations contain all changes that have been brought into effect by amendments since March 4, 2019.

City staff have also identified some "housekeeping" provisions that will make the Envision Municipal Plan and Development Regulations easier to use and more internally consistent, based on longstanding practices that have been used for years. Originally, City staff intended to make the housekeeping changes as an amendment early in the life of the new Plan and Regulations, but given the longer-than-usual time for provincial review, we decided to incorporate the changes now. That way, Envision

St. John's will be a more finished product from the start. All changes have been highlighted in yellow throughout the document.

This report is organized in 4 parts:

Part 1: Proposed Envision changes arising from the ILUC Report

Part 2: Changes to ensure compliance between the Future Land Use Map and

the Zoning Map

Part 3: Housekeeping items identified during staff review

Part 4: Approved amendments Since March 4, 2019

Once the Province issues a provincial release in accordance with Section 15 of the Urban and Rural Planning Act, all changes will be brought to Council for consideration of adoption as per Section 16 of the Planning Act.

Part 1:

Proposed Envision changes arising from the Province's Interdepartmental Land Use Committee Report - ILUC Project #1736

The following is a summary of the comments provided by the Province in the Interdepartmental Land Use Committee report based on provincial review of the draft Envision St. John's Municipal Plan and Development Regulations, 2019. City staff comments, along with recommended changes to the Envision Municipal Plan and Development Regulations, are included in response to the ILUC report. Some of the proposed changes included in the ILUC report do not support the goals and objectives of Envision St. John's; these have been identified, along with an explanation as to why those changes are not recommended by City staff to be considered by Council.

Provincial Archaeology Office:

Since the City's Archaeological Master Plan was created in 2006, it is recommended that the Master Plan be reviewed and updated.

1. Recommendation: Section 4.8 "Historic Resources" under the Municipal Plan -- add Policy (3) Update the City's Archaeological Master Plan (2006) to ensure that archaeological investigation be undertaken subject to the most recent data and information available.

Environment (Climate Change):

Flooding, sea surge and coastal erosion are factors to be considered when allocating land for future developments that are in close proximity to a river, floodplain or coastline, and it is suggested that provincial climate-change projections for the St. John's Airport be considered in development stages.

 City staff comment: The City already uses our own climate-change rainfall data which is more stringent then the suggested data set.

The National Building Code of Canada has been updated regarding energy efficiency requirements for new developments.

 City staff comment: It should be noted that the City uses the 2015 National Building Code and enforces Section 9.36 of the NBC for Energy Efficiency for new home construction only.

Forestry:

The provincial departmental name needs to be updated throughout the Envision documents.

2. Recommendation: Update the "Department of Forestry and Agrifoods" to "Department of Fisheries and Land Resources" in the Envision Municipal Plan.

Any development proposed within the Forestry, Rural or Agriculture Zones (ADA) should be referred to the Forestry Division of the Department of Fisheries and Land Resources.

Domestic and Commercial Forest Management areas must be maintained, and all silvicultural treated areas are to be recognized, protected and removed from development.

- 3. Recommendation:
 - Add new Forestry Areas (Map P-9) to the Envision Municipal Plan.
 - Section 3.1 under the Municipal Plan add a new heading at the end of the section titled "Forest Areas" and add "15. Support the future sustainability and long-term health of the province's forest resource industry and consult with the Forestry Division of the Department of Fisheries and Land Resources prior to development within a Forest Management Area identified in Appendix A, Forest Areas Map (Map P-9) or for an area zoned for Forestry uses."
 - Envision Development Regulations: Add Provincial Lands Map 9.
 - Section 6 of the Envision Development Regulations: Add Provincial Forestry Areas: Silviculture Areas as outlined on Map 9 will be recognized and protected as directed by the Province, unless otherwise notified by the Forestry Division of the Department of Fisheries and Land Resources.

The Forestry Division notes that "keeping Watersheds in their natural state" as identified in Envision St. John's can lead to catastrophic occurrences due to insect outbreak and/or forest fire severity, and continuous review of forest health within watersheds is suggested for maintaining a dynamic forest, along with the continued allowance of Forest Management Activities within the Thomas Pond Watershed.

 City staff comment: We recognize the preservation and protection of our water supply watersheds in their natural state.

GIS (Geographic Information Services) and Mapping:

Provided for information.

Land Management (Agriculture):

Land within the Agricultural Development Area is controlled under the St. John's Urban Region Agricultural Development Area (ADA) Regulations. These are subject to the Lands Act and require all land and soil to be protected. There are 9,839 hectares of legislated Agricultural Development Area land within the City and the zoning reflects these Agricultural areas. There are 93.6 hectares of Agricultural land within the Watershed.

 City staff comment: Agricultural land within the Watershed has been designated/zoned as Watershed for the protection of the City's public water supply areas. To preserve the high quality of raw water, we do not support allowing agricultural activities in a watershed area.

The department asks that the City consider the potential impact of residential and commercial development in lands adjacent to agricultural activities to mitigate future land use conflicts.

 City staff comment: Appropriate buffering shall be maintained between new residential and commercial uses and existing agricultural uses in order to support the future development and expansion of farming operations and to mitigate potential land use conflicts; this regulation is already included in the Envision Development Regulations.

Land Management (Planning):

Several Crown Land Reserves fall within the City's municipal planning boundary and all amendments must comply with the reserve conditions.

- City staff comment: After following up with Crown Lands, the following reserves were identified as not applicable from the list included in the ILUC report:
 - 50 metre buffer on the East Coast Trail: **Does not apply to portions of the trail** located within municipalities that have a municipal plan.
 - Directive 9.E.39 (Bremigan's Pond Industrial Land Reserve): No applications will be accepted or approved for a period of one year from the approval date of March 6, 2006. "Directive no longer valid".
 - Directive 9.E.16 (St. John's Crown Reserve Southside Road to Waterford Bridge - Cancelled
- 4. Recommendation: Add a new Section 6 "Crown Lands" in the Envision Development Regulations which states: The following Crown Land Reserves will be recognized and, as directed by the Province, applications will not be entertained within the following areas:
 - Directive 9.E.80 (Three Arm Pond): No Crown Land applications may be accepted or approved except for applications for utilities or Provincial Infrastructure may be accepted in consultation with the Department of Transportation and Works (now called the Department of Transportation and Infrastructure).
 - Directive 9.E.50 (Former MUN Woodlot at Paddy's Pond): No Crown Land applications may be accepted or approved, except:
 - Applications for Agriculture or Forestry Development may be accepted in the area marked as "A" on the attached map.
 - Applications for Quarry Development may be accepted in the area Defined as area "B".
 - Applications for Utilities or Provincial Infrastructure may be accepted in all areas.
 - * All applications for Crown Lands must be approved and meet the zoning requirements as determined by the City of St. John's and the Town of Conception Bay South, as applicable.
 - Directive 9.E.65 (Cuckold's Pond Crown Land Reserve):
 - No applications will be accepted or approved.
 - Applications taken in error must be cancelled.
 - Directive 9.E.29 (Freshwater Crown Reserve):
 - No Crown Land applications to be accepted
 - Directive 9.E.66 (Signal Hill Road/Murphy's Right-of-Way Crown Reserve):
 - No Crown Land applications to be accepted or approved.

- Applications taken in error must be cancelled.
- Add the above Reserves to Provincial Land Map 9.

Mines:

There are several areas within the city where there are active quarry sites including the Harbour Arterial Mineral Workings Area, Incinerator Road, and Pyramid Construction west of the airport. Other areas have future aggregate resource potential which include the Harbour Arterial Mineral Workings Area, the Pyramid Construction site west of the airport, and Gear Pond (watershed), which is currently an undeveloped site.

 City staff comment: The Gear Pond Watershed should not be amended to allow for future quarrying.

Section 6.21 of the draft Envision Development Regulations set out inflexible buffer distances between mineral workings and residential uses, and such inflexibility could restrict development in existing quarry development areas. The Mines Branch seeks to ensure that quarry materials remain accessible to meet future demand.

 City staff comment: The existing buffer distances between quarries and Residential uses and other various Rural Residential Zones should be maintained at 300 metres, and at 1,000 metres where blasting occurs.

The Thomas Pond Watershed has been proposed for mineral exploration and was denied permission to do so by the City. The Department encourages the City to consider allowing exploration in this area on a limited trial basis sufficient to give the City the opportunity to monitor and assess exploration activity in order to gain a realistic understanding of the impacts involved.

 City staff comment: The Thomas Pond Watershed has been identified as the City's future water source. Zoning requirements should not be amended to allow for future exploration or quarrying activity.

Specific definitions were provided for "Mineral Exploration", "Mineral Working", and "Mining".

Recommendation: Update the definition of "Mineral Workings" in the Envision Development Regulations and include Mineral Exploration and Mining uses.
 * This updated definition would allow all three uses to occur in all Zones where Mineral Working is considered as a Permitted Use or a Discretionary Use.

Mineral Workings that were established before zoning regulations are now considered a non-conforming use and should be allowed to continue accordingly.

 City staff comment: A use which is non-conforming would be allowed to continue as outlined in the Envision Development Regulations.

The Mines Division provides several recommendations on allowing mineral workings closer than the separation buffer distance where the municipal authority (the City of St. John's) is satisfied that the use will not adversely affect the specified adjacent use.

 City staff comment: It is recommended that the buffer distances remain as included in the Envision Development Regulations.

The Mines Division asks for a statement where encroachment of new development toward an existing mineral working area shall not cause the mineral working to be discontinued or impeded.

 City staff comment: Where a Mineral Working Use is in existence prior to other forms of development, the new development must adhere to separation distances from the existing quarry activity, and vice versa.

*The buffers set are to protect Residential uses from quarry activities. The minimum buffer is 300 metres so that uses are not disrupted from daily noise. The buffer is increased to 1,000 metres where blasting activity occurs. Where a quarry activity is permitted, new uses must also meet the buffer requirements and would not be allowed to locate closer to the quarry use than previously stated.

Mineral exploration should at least be a discretionary use in all zones, with appropriate conditions, including Watersheds.

 City staff comment: Mineral exploration will be added to the definition of Mineral Workings in the Envision Development Regulations. It would be listed as a Permitted Use in the Mineral Working (MW) Zone and as a Discretionary Use in the Industrial General (IG) and Forestry (F) Zones.

Mineral working should be a Permitted Use in areas zoned Rural and at least Discretionary in other relatively undeveloped zones;

City staff comment: Mineral Working uses are Permitted in the Mineral Working (MW) Zone and Discretionary in the Industrial General (IG) and Forestry (F) Zones; Mineral Working (MW) and Industrial General (IG) Zones can be considered under the Rural District of the Envision Municipal Plan. Therefore, following a rezoning, mineral working activity could be considered in undeveloped rural areas following a detailed review (via a Land Use Report) and a change of zoning.

Envision Development Regulations should contain a statement to the effect "For approved developments where extraction of quarry material is occurring or may be

expected to occur, the City will send a copy of the Development Permit to the Quarry Materials Section, Mineral Lands Division, Department of Natural Resources."

 City staff comment: Our current procedure is to send a copy of the Development Approval for a mineral working application to both the applicant and the Mineral Lands Division, Department of Natural Resources. We will ensure this continues.

(Additional background regulatory information on mining and quarries is provided.)

Geological Hazards:

Slope Movement: Account for the potential of geological hazards when making planning decisions, including zoning. Slope stability is a concern and, depending on the angle of the slope along with the type of development proposed in an area, failure may occur.

 City staff comment: The current Restricted District and Open Space Reserve (OR) Zone reflect the need to protect such lands within the city where development is unacceptable.

Flooding affects both inland and coastal areas. Flood risk maps are available and show the 1:100-year flood events.

 City staff comment: The City's maps in the Envision Development Regulations reflect the most up-to-date information available for floodplains, waterways, and ponds, along with appropriate buffer areas.

Climate-change projections show that our climate is becoming warmer, wetter and with increased incidence of extreme precipitation; storm surges are forecast to increase in intensity and frequency; sea level is predicted to rise. Based on sea level rise, areas below 4-metre contour (4 metres above current sea level) are highly vulnerable to coastal flooding; development within this area should be restricted to ensure that appropriate mitigation measures are employed such as coastal protection or enhanced engineering standards, or rezone to limit future development.

- City staff comment: Areas along the shoreline with a low elevation include the St. John's harbour; Quidi Vidi Village and Blackhead Village where development exists. The required setbacks to move development beyond the 4-metre contour would be difficult to achieve without limiting new development or redevelopment.
- 6. Recommendation: Add a new policy under Section 3.3 of the Municipal Plan: "(2) As mapping and information becomes available the City will revisit consideration for sea level rise and development."

Consider cliff rates of erosion and coastal setback limits, which should aim for a 100year planning timeframe. Suggested setback limit is twice the average yearly erosion rate, multiplied by 100. Where rates are not known, the average rate of erosion for the province is 15 centimetres per year, and a setback of at least 30 metres from the cliff edge is therefore recommended. Larger setbacks should be considered in areas that are high risk or have enhanced erosion rates.

- 7. Recommendation: Areas along the City's coastlines are currently zoned Open Space Reserve (OR) or Rural (R). There are limited uses allowed in these zones and there is limited public road access. A 30-metre setback from the coastal cliff edge could be added to the Rural (R) Zone under the Envision Development Regulations.
- City staff comment: Areas along the shoreline also include St. John's harbour,
 Quidi Vidi Village and Blackhead Village where development currently exists, and such a large setback would limit development.
- City staff comment: The Industrial Special (IS) Zone which includes the Robin Hood Bay Regional Waste Management Facility extends to the edge of the cliff and prevents future development in this area.

Natural Resources:

The Energy Branch has no concerns with Envision St. John's.

Parks Division:

No concerns listed; noted that a portion of the Newfoundland TRailway has been leased to the City of St. John's for a period of 50 years that started in 2007.

Service NL:

No concerns; noted as a reminder that certain developments might require a permit or approvals from the Government Service Centre.

Water Resources Management Division:

Identified the various waterbodies and watersheds and the specific legislation that governs each of these protected areas.

New potential drinking-water sources have been identified but are not officially protected: Thomas Pond and North Arm Brook.

8. Recommendation: Add to Section 8.14 "Watershed Land Use District" of the Envision Municipal Plan: Policy 4 "To protect future drinking water sources in the Regional System the City will work to gain protection under the applicable policies for the Thomas Pond and North Arm Brook watersheds."

Management of stormwater is a responsibility of the municipality.

 City staff comment: It is noted that the City has a zero-net-runoff stormwater policy to which development must adhere.

Development Regulations should not be less restrictive for areas also designated as Protected Public Water Supply Areas (PPWSA's) than policy under the Water Resources Act.

 City staff comment: It is noted that the Watershed (W) Zone under the Envision Development Regulations references the Water Resources Act.

Consideration should be given to refuse development where drinking-water treatment plant capacity is likely exceeded and minimum water pressures and fire flows cannot be guaranteed.

Unserviced areas: permits are required for drilled wells and groundwater monitoring requirements before the start of construction, along with the necessary groundwater monitoring requirements prior to construction as outlined depending on the size of the subdivision.

 City staff comment: Permit requirements for unserviced development are set out in Section 3.2 of the Envision Development Regulations.

Provincial requirements/permits are noted for public drinking-water or wastewater systems; work completed in any body of water prior to the start of construction; flood risk area; wharf/boathouse/slipway/breakwater; development in shore water zones and infilling within 15 metres of a body of water.

 City staff comments: Applicants will be directed to obtain the appropriate
 Provincial permits. All waterbodies have at least a 15-metre buffer surrounding the high-water mark to limit development in these areas.

Transportation:

Possible errors/inconsistencies in the Team Gushue Highway (Envision Maps P-1, P-3 and P-4) and the road is incomplete between Kenmount Road and Topsail Road. The proposed section of the highway between Topsail Road to Pitts Memorial Drive is missing from plans.

O City staff comment: Road layouts are included for the boundary of the Team Gushue Highway within the City of St. John's. Road cross-sections outside the city boundary (intersection of Topsail Road in Mount Pearl) are not identified. The area around the highway is zoned Open Space Reserve (OR) but does not affect development of the highway and would only limit development in the highway right-of-way. The proposed future highway from Topsail Road to Pitts Memorial Drive was not included because the final alignment has not been confirmed.

Wildlife Division:

Encourages the incorporation of wildlife and conservation values in municipal plans and regulations.

Ocity staff comment: Section 3.1(4) "Protecting Natural Areas" of the Envision Municipal Plan includes the consideration of additional Environmentally Valuable Areas for inclusion in a Municipal Stewardship Agreement and delineated as future Management Units in conjunction with the Wildlife Division.

Due to the occurrence of rare plants in the City, the Wildlife Division recommends consultation prior to developing any area within 30 metres of a pond or stream.

Consider wildlife habitat and landscape connectivity during development of the Municipal Plan: maintain appropriate riparian buffers, which are natural green belts along wetlands and waterbodies, such as a 30-metre minimum natural vegetated green belt. To maintain the connectivity, green belts should be connected to a forested area or other habitat patches to create travel corridors for wildlife.

 City staff comment: The City recognizes wetlands, waterways, ponds and streams and protects these areas with a 15-metre buffer beyond the high water level. No development is allowed within these areas and they are maintained in their natural state.

Part 2:

Compliance between the Future Land Use Map and the Zoning Map

The following changes were made to ensure compliance between the Envision Municipal Plan's Future Land Use Map and the Envision Development Regulations' Zoning Map. For cases where the land-use district and the land-use zone are not compatible but need to be maintained to support an existing land use, a policy was created in the Municipal Plan to explain the background rationale and to enable the use.

Please note that some of these discrepancies date back to the first St. John's Municipal Plan, 1984, and St. John's Development Regulations, 1985.

Policy Updates:

- 1. Policy 8.4 "Non-Residential Uses"
 - a. New #15 "Within the Residential District, the Industrial Commercial use may be considered in the James Lane area. This site was originally developed in the 1950's as a small light-use industrial park and any future redevelopment of the site would be encouraged to be that of a residential nature due to surrounding uses".
- 2. Section 8.11 "Rural Land Use District":
 - a. New wording for #8: "Recreational, tourism and other economic industrial and commercial opportunities should be promoted and may be considered in the Rural Land Use District where:
 - i. The type of use is appropriate for, or essential to, a rural site;
 - ii. The site is appropriate for the proposed use;
 - iii. The use will not impair the visual integrity and views from roads that are considered to be of scenic value and views from major historic and scenic landscapes as determined by Council;
 - iv. Commercial and Industrial uses are limited to locations near highways; and
 - v. New uses or expansion of existing Industrial uses may be considered where appropriate and are subject to a Land Use Report.
- 3. Section 8.16 "Urban Expansion Land Use District":
 - a. The introductory paragraph should be replaced with the following: "Lands for future urban expansion are located throughout the City. Land in the Southlands and Galway area, to the north and south of Kenmount Road (Kenmount Terrace) and in Kilbride have all been identified as future urban expansion areas for development. Lands in Goulds, Thorburn Road area, and Old Pennywell Road are also identified for future serviced urban expansion when infrastructure is extended and/or upgraded depending on constraints within the specific area".
 - b. #2 reword: Lands identified for future urban development in Kilbride, Southlands, Galway and Kenmount Road areas shall have the potential to be developed for a range of land uses utilizing municipal water and sewer services. Existing uses as outlined under the existing zoning may be permitted to continue in a manner that will not prevent future development.
 - c. Add new #4: "Existing uses may be permitted to continue along Thorburn Road and Old Pennywell Road in a manner that will not prevent future

comprehensive development based on the extension of sewer and water services".

- 4. Policy 8.17 "Open Space Land Use District"
 - a. Add new #2 "Within this District, open space land requiring additional protection but containing uses that are more passive in nature such as trails and recreational use activities may also be considered as outlined in the Open Space Reserve Zone.
 - b. Renumber #3 and #4.

Municipal Plan – Future Land Use Map Updates:

- 1. Tigress Street (north end) the Residential District boundary is expanded to include a small portion of the Urban Expansion District to correspond to existing residential development along the street.
- Kenmount Road (H3 Development area): The districts in this area will change from the Urban Expansion District to the Commercial District at the front of the property and the Industrial District at the rear, following zone lines.
- 3. Old Pennywell Road area: land shall be redesignated from Residential District to Urban Expansion District along the road to reflect that the area is unserviced but is planned for a future expansion of water and sewage services.
 - a. Land beyond the road frontage (on both sides) should be redesignated from Residential and Urban Expansion to the Rural District to reflect the unserviced area.
- 4. Blackmarsh Road (near the Mount Pearl boundary): Redesignate from Residential to Urban Expansion to reflect that the area is unserviced but is planned for a future expansion of water and sewage services.
- 5. Kilbride: current CDA Zones 3, 4, and 5 need to be redesignated from the Residential District to the Urban Expansion District to support existing zoning.
- 6. Kilbride: backland is redesignated from the Residential District to the Urban Expansion District to reflect that the area is unserviced but is planned for a future expansion of water and sewage services; zoning will be maintained as Residential Low Density (R1).
- 7. Southside Hills: The Rural District should be update to the Restricted District to reflect existing zoning.

- 8. East White Hills: The Rural District will be changed to the Industrial District to reflect the existing quarry site and surrounding lands.
- Brookfield Road: Change from the Industrial District to the Rural District to reflect the surrounding area; the property is zoned Industrial Commercial (IC) which can considered in the Rural District.
- 10. Blackmarsh Road apartment buildings: Change the Institutional District to the Residential District; this site is proposed for rezoning to A1 as part of the Envision St. John's approach to seniors' apartment buildings. These will no longer be defined or regulated except as regular apartment buildings, and thus will not be part of the Institutional District or the INST Zone. Therefore the District in this area needs to reflect the use and the new approach.
- 11. Southside Road: Change the Residential District to the Open Space District to reflect the existing Open Space Reserve (OR) Zone.
- 12. Cornwall Avenue/Hamilton Avenue Extension (O'Regan Agency / former Scotiabank / Richard Cashin Unifor Building): Change from Residential District to Commercial District; all three sites are zoned Commercial Neighbourhood (CN).
- 13. Campbell Avenue (intersection with Beaumont Street) (former Lawton's drugstore and ParmaChoice building) Residential District to Commercial District to support the Commercial Neighbourhood (CN) Zone.
- 14. Ladysmith Drive/Lady Anderson Street: Residential District to Commercial District
- 15. Great Eastern Avenue / Iceland Place (vacant sites) Residential District to Commercial District
- 16. Southside Road redesignated from the Residential District to the Commercial District for an existing Commercial Mixed Use (CM) Zone.
- 17. Pleasantville redesignate several sites from Residential to Institutional District to reflect Institutional (INST) Zones.
- 18. Office building next to Sobeys on Torbay Road redesignated from Residential to Commercial District to reflect the existing Commercial Office (CO) Zone.
- 19. Portugal Cove Road (next to Super 8 hotel) will have the Commercial District extended to include the existing Commercial Office (CO) Zoned site.

Envision Development Regulations – Zoning Map Updates:

- 1. Land on the southwest side of Thorburn Road bordering the Open Space (O) Zone will be changed to the CDA 9 Zone; this is adjacent to Kenmount Terrace and was included in the development area plan.
- Thorburn Road (near Outer Ring Road interchange): zoning needs to be amended from the Rural (R) Zone to the Forestry (F) Zone to reflect the Municipal Plan and the St. John's Urban Region Regional Plan.
- 3. Blackmarsh Road: CDA1 Zone to Apartment Medium Density (A2) Zone; there was a small strip of left-over land and the zoning was updated.
- 4. Bay Bulls Road and Stanley's Lane 2 sites are in the Residential District and Commercial Neighbourhood (CN) Zone; the CN Zone is not enabled under the Residential District due to the nature of the land uses.
 - a. Greenhouses Rezone to the Commercial Local (CL) Zone to conform with the Residential District (the greenhouses are a non-conforming use in both the CN and CL Zones, so that will not change)
 - b. Convenience store/house Rezone to the Commercial Local (CL) Zone.
- 5. Portugal Cove Place / Hunt's Lane: Designated as Residential, rezone to Commercial Local (CL) Zone; the Allnorth office building is a permitted use in the CL Zone.
- 6. Torbay Road and Penny Lane will be rezoned from Commercial Office (CO) to Apartment Low Density (A1) to reflect the existing apartment building use in the Residential District.

Part 3A:

Envision Municipal Plan housekeeping items identified during staff review

- 1. Update Map P-1 "Future Land Use" (add to the end of Envision Municipal Plan)
- 2. Section 8.3 "General Policies"
 - o New #4 "Sensitive Sites"
 - For sites that are subject to heritage designations or standards, or sites that may be of an environmentally sensitive nature and Council wishes to impose

further conditions on development, Development Control Provisions may be considered.

- The creation of Development Control Provisions may be used to enable the creation of a new zone that is site-specific and includes specialized standards and requirements that protect the unique characteristics of the site.
- 2. A Land Use Report would be required for the consideration of such Zones.
- 3. Section 8.6 "Mixed-Use Development"
 - Introduction states that "the new Planned Mixed Development Zones are created for future urban expansion areas or where large tracts of vacant land are available". The following should be included after the word available: "and should also allow for redevelopment of existing developed areas if the minimum amount of land can be assembled".
 - #21 should remove the word "vacant" and read"10 acres of land are available for development".
- 4. The refence to "church" and "religious" uses throughout the document should be updated to reference "Place of Worship" as used in the Envision Development Regulations, as the language is more inclusive.
- 5. Credit needs to be added under the Appendix to recognize the various children's drawings used in the Envision Municipal Plan document. "The City wishes to recognize the artistic work which has been included from students of the following schools Mary Queen of Peace, Bishop Feild, and Cowan Heights Elementary Schools."
- 6. Update Section 10 "Secondary Plans" the city's new Neighborhood Mapping project was released, which identified 26 neighbourhoods across the city. Instead of using the dated Census Areas, it is recommended to use the new Neighbourhoods as Secondary Planning areas under Envision St. John's. The policy was updated and a revised map added. These changes support Envision's intent to bring Secondary Plans back to the local neighbourhood level.

Part 3B:

Envision Development Regulations housekeeping items identified during staff review:

Table of Contents:

1. Commercial Downtown Mixed -2 (CDM-2) Zone should be added.

Section 2 "Definitions":

- 2. "Accessory Building" should be defined as: "means a detached Building not used as a Dwelling Unit, located on the same Lot as the main Building to which it is an accessory, and which has a Use that is incidental or complementary to the main Use, and may include, but is not limited to:
 - for Residential Uses: garages, sheds, swimming pools, greenhouses, fuel sheds, vegetable storage cellars, shelters for domestic pets;
 - for Commercial Uses: workshops, or garages; and
 - for Industrial Uses: garages, offices, raised ramps, and docks.
- 3. "Horticulture Use" should include a reference to a nursery and should read: "means the growing of fruit, flowers, vegetables, trees, shrubs and plants (nursery) for commercial purposes for consumption and/or sale and includes Hydroponics.
- 4. "Institution" definition should be replaced by: "means a Building or part thereof used for non-commercial purposes by a non-profit society for the promotion of social, educational, cultural, religious or philanthropic objectives, and may include a residential component owned and managed by the Institution and ancillary to the purpose of the Institution".
 - This is the definition under the current Development Regulations, which allows the use only as a non-commercial use by a non-profit society. The draft Envision Regulations had a different definition, but a Council decision in 2019 for an application on Adams Avenue reinforced the older definition and did not allow an expansion to consider for-profit institutions.
- 5. "Long-Term Care Facility" definition updated to include only a use which provides care: "means a residential Building for persons requiring moderate to total assistance with the activities of daily living, having on-site health and nursing services and which is provincially licensed".
- 6. "Personal Care Home" definition updated to consider the use with or without medical care: "means a residential Building for persons who need minimal to no assistance with the activities of daily living, which may have associated health or nursing services, and is provincially licensed".
- 7. "Office" definition updated to remove an exclusion: "means a Building, or part thereof, used for the practice of a profession, business, or public administration that

- may include administrative and clerical functions but does not include a Clinic or Bank".
- 8. Add a "Shopping Centre" definition: "SHOPPING CENTRE means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit, containing a minimum of five (5) retail sales establishments".
- 9. The following definitions for "Dwellings" should be updated. These definitions were updated to allow Subsidiary Apartment use to be considered in the various types of Dwellings. The definition changes enable Subsidiary Apartments.
 - a. SEMI-DETACHED DWELLING "means a Building containing at least one Dwelling Unit and which Building is attached to another Building containing a Semi-Detached Dwelling on one side only, where each Building is on its own Lot".
 - SINGLE DETACHED DWELLING "means a Building containing at least one Dwelling Unit and which Building is not attached to another Building and is on its own Lot".
 - c. SUBSIDIARY DWELLING UNIT "means a separate Dwelling Unit that is located within the structure of a main Building and which is subordinate to the main Dwelling Unit".
 - d. TOWNHOUSE "means a Building containing at least one Dwelling Unit and which Building is attached on both sides to a Building containing a Townhouse, unless it is the end unit in a row as a row of three such Buildings or more, where each Building is on its own Lot".

Section 4 "General Development Procedures":

- 10. Section 4.4(2) "Application Chart": for Snow Storage Plan, add "(As Requested)"; Add an "X" to the column for "All Applications"; "Discretionary and Commercial Uses" and "Rezoning Application".
- 11. Add Section 4.10.(4)(I) "Driveways".

Section 6 "Specific Developments":

12. Section 6.2.1 "General": remove "Carport". The section will now read: "For the purposes of this section, an Accessory Building shall not include a Deck or Swimming Pool."

- 13. Section 6.2.4 "Accessory Building Locations": revise the proposed setbacks subject to snow storage requirements following discussion with Public Works, Inspection Services, and Transportation Engineering:
 - "6.2.4 (1) (d) located a minimum of 3.0 metres from a Street.
- 14. Section 6.19 "Lounge":
 - (1) A Lounge shall not be permitted within 50 metres of the Newfoundland War Memorial
 - (2) A Lounge shall be a Discretionary Use when located:
 - (A) within 150 metres of
 - (i) a Residential Zone;
 - (ii) an Apartment Zone;
 - (iii) a School; or
 - (iv) a Place of Worship; or
 - (B) within the Downtown Business Improvement Area, excepting those properties abutting George Street between Queen Street and Beck's Cove (see Map 6).

Section 7 "General Site Requirements":

- 15. Revise Section 7.1.3 "Frontage on a Street" to add the following: "No Development shall be permitted unless the Lot has frontage on a Street and the Lot is accessible by emergency vehicle via the Street".
- 16.7.2.3 "Corner Lot and Yard Abutting a Street":

For the purposes of this Subsection, a sight triangle shall be formed by two Street Lines and a line connecting two points on the two Street Lines located:

- (a) 15 metres distance from the point of intersection of the two Street Lines along each Street Line for streets that serve a higher-order function within the immediate area, or
- (b) 8 metres distance from the point of intersection of the two Street Lines along each Street Line for streets that serve a lower-order function within the immediate area.
- 17. Add the following new Section 7.2.7 "Fence Location" Subject to Subsection 7.2.3, Fences shall be located a minimum of 2.0 metres from a Street.
- 18. Section 7.3 "Snow Storage": Where a Lot or Development is proposed, a Snow Storage Plan may be required subject to the requirements of the Development Design Manual.

Section 8 "Parking Requirements":

19. Add revised Section 8 "Parking Standards" (as sent to Council already).

Section 9 "Mapping and Ancillary Documents":

- 20. Map 7 "Snow Volume" is removed from the document and replaced with the "Intensification Area Map" (Add map to the end of the document).
- 21. Add Map 8 "Downtown Snow Removal Map" (Add map to end of document)
- 22. Add Map 9 "Provincial Lands".
- 23. Add Section "C" to the Map chart and add "PMD1 Zone Schedules" and "PMD2 Zone Schedule".
- 24. Supplemental documents: Remove A "Snow Storage Calculation" and re-letter the remaining list.

Section 10 "Zones":

- 25. Residential 2 (R2) Zone, Section 8 Zone Standards for Townhouse the Building Line should be 6 metres.
- 26. Residential 3 (R3) Zone, Section 6 Zone Standards for Townhouse the Building Line should be: "0 metres when located within the Downtown Snow Removal Area (Map 8)"; "4.5 metres all other locations".
- 27. Residential 3 (R3) Zone, Section 6 Zone Standards for Townhouse the Rear Yard (minimum) 4.5 metres (delete the existing text).
- 28. Residential Battery (RB) Zone: Add maximum Lot Area to the zone to keep lot sizes no larger than those which are typical of traditional development patterns in this neighbourhood.
 - Zone Standards add new 3(b) Lot Area (maximum) 400 metres square
- 29. Residential Downtown (RD) Zone the Rear Yard (minimum) for all uses should be changed to 3.5 metres (except #9).
- 30. Apartment 2 (A2) Zone make Townhouse a Discretionary Use, not a Permitted Use.

- 31. Apartment Downtown (AD) Zone keep Micro Units but remove the maximum of 5 per Building – allow as many as a developer would like to provide.
- 32. Commercial Downtown (CD) Zone, Commercial Downtown Mixed (CDM) Zone and Commercial Downtown Mixed 2 (CDM2) Zone: Under the Zone Standards, "Building Façade Setback" should be revised to "Building Façade Stepback". This is to clarify that the top storeys of the Building (Height) are being stepped back from the sidewalk and that the entire Building (foundation or podium) is not required to be setback from the sidewalk).
- 33. Commercial Downtown (CD) Zone should have "Dwelling Unit 2nd storey or higher" added as a Permitted Use and "Dwelling Unit - 1st storey or higher" added as a Discretionary Use.
- 34. Commercial Downtown (CD) Zone proposed change in Floor Area Ratio (maximum) from 4 to 5. Further review and discussion with developers/architects and examination of current projects show that the proposed FAR is too low for the proposed Height and corresponding Lot Area).
- 35. Note: The minimum and maximum Building Façade Stepback in the downtown zones (Commercial Downtown and Commercial Downtown 2) allows Buildings to be designed so the stepback can be adjusted to reflect existing development patterns along the streetscape.

Commercial Downtown (CD) Zone revision to Stepback:

with a 0 metre Building Line

(c) Building Façade Stepback on Street 0 meter stepback for first 18 metres in Building Height, 4 metre stepback for greater than 18 metres in Building Height.

> Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being determined by the Chief Municipal Planner.

(d) Building Façade Stepback on Street No stepback required. with a 4 metre or greater Building Line

*Re-letter: (e) Floor Area Ratio and (f) All Other Zone standards.

Commercial Downtown Mixed 2 (CDM2) Zone revision to Stepback:

(d) Building Façade Stepback on Street 0 meter stepback for first 18 metres in (minimum) Building Height, 4 metre stepback for

0 meter stepback for first 18 metres in Building Height, 4 metre stepback for greater than 18 metres in Building Height unless otherwise approved by Council.

Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being determined by the Chief Municipal Planner.

- 36. Commercial Downtown Mixed (CDM) Zone remove "(d) Building Façade Setback on Street" this standard is not required for the Zone and is a typographic error.
- 37. Commercial Downtown Mixed 2 (CDM-2) Zone proposed increase in Floor Area Ratio (FAR) from 3.5 to 4. Further review and discussion with developers/architects and examination of current projects show that the proposed FAR is too low for the proposed Height and corresponding Lot Area.
- 38. Commercial Downtown Mixed (CDM) Zone and Commercial Downtown Mixed 2 (CDM-2) Zone: add "Micro Unit" as a Discretionary Use.
- 39. Commercial Local Downtown (CLD) Zone for Section 1 "Permitted Use", remove the "except 24 Torbay Road (PID#21267)" as it does not apply to this zone and is a typographic error.
- 40. The Commercial Local Downtown (CLD) Zone should have "Lot Area Council discretion" as lot sizes vary within the downtown.
- 41. Commercial Office Hotel (COH) Zone: add "Personal Care Home" as a Discretionary Use. This reflects existing care homes around the city in the COH Zone.
- 42. Commercial Highway (CH) Zone: add "Health and Wellness Centre" as a Permitted Use.
- 43. Add "Shopping Centre" as a Permitted Use to the following Zones: Commercial Regional (CR) and Commercial Kenmount (CK).

- 44. Industrial Quidi Vidi (IQV) Zone: "Lounge" added as a Discretionary Use. (This reflects NL Liquor Corporation requirements for existing lounges in Quidi Vidi Village.
- 45. Rural(R) Zone add Section 6 Zone Standards for Float Plane Hangar Lots
 - (a) Lot Area (minimum) 1400 metres square
 - (b) All other Zone Standards shall be in the discretion of Council.
- 46. Planned Mixed Development 1 (PMD-1) Zone and Planned Mixed Development 2 (PMD-2) Zone: add "Community Garden" as a Permitted Use. '
- 47. Planned Mixed Development 1 (PMD1) Zone (8) Zone Standards for Apartment Building Density (maximum) instead of a minimum standard.
- 48. Comprehensive Development Area (CDA) Zone (Update) Area 1 intentionally left blank.

Part 4:

Approved Amendments Since March 4, 2019

The following amendments have been gazetted and brought into legal effect since March 4, 2019 when Council approved-in-principle the Envision Municipal Plan (MP)and Development Regulations (DR):

- 1. MP 146 & 677, 2018 364 Blackhead Road
- 2. MP 147 & DR 680, 2020 1 Clift's-Baird's Cove Atlantic Place Parking Garage
- 3. MP 150 & DR 686, 2018 47A Heavy Tree Road Diamond Marsh Phase 4
- 4. MP 151 & DR 688, 2019 Commercial & Industrial Zones to allow a Craft Brewery and Distillery
- 5. MP152 & 698, 2019 430 Water Street, JAG Hotel expansion and concert hall
- 6. MP 153 & 700, 2019 75 Airport Heights Drive
- 7. DR 684, 2019 Galway Wetlands
- 8. DR 689, 2019 26 Logy Bay Road
- 9. DR 690, 2019 Industrial Commercial (IC) Zone Add Lounge as a Discretionary Use
- DR 691, 2019 Industrial Commercial (IC) Zone Add Vehicle Storage Yard as a Discretionary Use
- 11. DR 692, 2019 Downtown Parking Standards Parking Relief
- 12. DR 693, 2019 276 Pennywell Road
- 13. DR 695, 2019 Danny Drive (INST Zone)
- 14. DR 696, 2019 Danny Drive (PMD-2 Zone)
- 15. DR 699, 2019 43-53 Rowan Street, Churchill Square

- 16. DR 701, 2019 331 Water Street (building height in the CCR Zone)
- 17. DR 702, 2019 93-95 Merrymeeting Road (reduced sight lines at intersection)
- 18. DR 703, 2020 Adult Massage Parlour
- 19. DR 704, 2020 Cornwall Avenue
- 20. DR 705, 2020 725 Southlands Boulevard (Donegal Run)
- 21. DR 707, 2020 42 Bannerman Street
- 22. DR 708, 2020 Off-street parking requirements for Mixed-use and Commercial Buildings
- 23. DR 709, 2020 25 Sea Rose Avenue
- 24. DR 710, 2020 35 White Rose Drive

Changes reflective of the above amendments:

- 1. Atlantic Place Parking Garage (APG) Zone requires the following updates:
 - a. Add "Office, 9th storey or higher" and "Retail Store, 9th storey or higher" as a Discretionary Use.
 - b. Zone Standards (a) Building Height 12 storeys (not exceeding 47 metres)
 - c. Zone Standards (d) Floor Area Ratio (maximum) 2.5
- 2. For Craft Brewery, the following changes are required:
 - a. Update definition: "CRAFT BREWERY/DISTILLERY means a facility which is licensed by the Province to produce, sell and distribute beer, wine, or other liquor or distilled spirits and shall include a tasting room open to the public. Retail sales or Restaurant may be permitted.
- 3. Industrial Commercial (IC) Zone requires "Lounge" to be added as a Discretionary Use.
- 4. Industrial Commercial (IC) Zone requires "Vehicle Storage Yard" to be added as a Discretionary Use.
- 5. Galway:
 - a. Add the Planned Mixed Development 2 (PMD2) Zone (see following)
 - b. Add to the Table of Contents
 - c. Add the PMD2 Schedule
- 6. Commercial Mixed (CM) (4) Zone Standards will be updated for Building Height:
 - a. (a) Building Height (maximum), except 615 Empire Avenue (PID#46166) and 43-53 Rowan Street (PID#18955) 18 metres
 - b. (b) Building Height (maximum) 615 Empire Avenue (PID#46166) except 43-53 Rowan Street (PID#18955) 8 metres

- c. (c) Building Height (maximum) 43-53 Rowan Street (PID#18955), except 615 Empire Avenue (PID#46166) 21.5 metres
- d. All other zone Standards shall be in the discretion of Council
- 7. Section 7.2.3 "Corner Lot and Yard Abutting a Street" requires the wording updated: "(4) Notwithstanding the foregoing, an authorized Officer may extend or reduce the restrictions imposed by Section 7.2.3 where it is appropriate to do so in the opinion of the authorized Officer".
- 8. For Adult Massage Parlour amendment:
 - a. Remove the definition of "Massage Parlour" from Section 2 and add the new definition: "ADULT MASSAGE PARLOUR means a Building, or part of a Building, where massage or similar services are provided by persons who are not Registered Massage Therapists and does not include a Clinic or Service Shop".
 - b. Replace Section 2 definitions of "Clinic" and "Service Shop" with the following:
 - "CLINIC means a Building or part of a Building used by physicians, dentists or other health care professionals, their staff and their patients, for the purpose of consultation, diagnosis or treatment of human non-residential patients, and may include medical laboratories or an ancillary pharmacy, but does not include an Adult Massage Parlour".
 - "SERVICE SHOP means a Building, or part thereof, where personal services are provided. Without limiting the generality of this definition, a Service Shop may include a barber shop, hair salon, tailoring shop, but does not include an Adult Massage Parlour".
 - c. Under Section 6.20 "Massage Parlour" change the title to "Adult Massage Parlour".
 - d. The following Zones need the word "Adult" added to the Massage Parlour use: Commercial Regional (CR) Zone; Commercial Mixed Use (CM) Zone; Commercial Downtown Mixed (CDM) Zone; Commercial Downtown Mixed 2 (CDM2) Zone; Commercial Kenmount (CK) Zone.
- 9. Planned Mixed Development 1 (PDM1) Zone Section 12 requires the following Schedule to be updated:
 - b. Galway Land Use Plan (December 2019)
 - c. Galway Road Cross Sections/Transportation Plan (December 2019)
 - d. Parkland & Pedestrian Trail Plan (December 2019)

- 10. Replace the definition of Heritage Use as follows:
 - a. "HERITAGE USE means any Use of a designated heritage building which is, in Council's opinion, compatible with the adjoining Uses."
 - b. Add "Heritage Use" as a Discretionary Use to both the Institutional (INST) and Institutional Downtown (INST-DT) Zones.
- 11. Add "Pharmacy" in the following Zones:
 - a. Permitted Use in Commercial Highway (CH), Commercial Regional (CR), Commercial Downtown Mixed (CDM), Commercial Downtown Mixed 2 (CDM2), Commercial Downtown (CD) and Commercial Kenmount (CK) Zones.
 - b. Discretionary Use in Commercial Neighbourhood (CN), Commercial Office (CO), Commercial Mixed Use (CM), and Commercial Industrial (CI) Zones.

This concludes the report.

Envision Updates Regarding Provincial Review and Release:

The following comments are in response to the comprehensive review of the city's Municipal Plan and Development Regulations regarding items which required action on behalf of the City. All the following changes are reflected in blue in the Municipal Plan and Development Regulations.

Mapping:

- Base mapping was added to all maps except for the Future Land Use Map (Municipal Plan) and the Zoning Land Use Map (Development Regulations). Due to the complexity of these two maps, the additional base layer made the map not legible (paper version). Base mapping is an option that can be added/viewed on the city's Map Centre (digital version).
- To ensure consistency the headings (used only for organizational purposes)
 were removed from the Zoning Land Use Map; this should ensure zoning is now
 consistent with the districts. The sub-heading for Mixed-Use was also removed
 as it falls within the Commercial Land Use District no a separate district
 (formatting mistake).
- Colour assignment to denote land use zones relative to designations/ districts.
 were reviewed and changes made to better distinguish between multiple Zones where the colours were indistinguishable.

Inconsistencies Between Plan and Regulations:

- Enabling policies in the Municipal Plan to support the Development Regulations were reviewed to ensure they were provided for various uses. As there is only one District for each of the various land uses (example: Residential, Commercial, Industrial) within the Municipal Plan, the city does not feel the need to list all individuals uses in both the Municipal Plan and Development Regulations. The intent of the Municipal Plan is to set out future land use designations and provide policy direction on how that land should be developed (in a general sense), while the Development Regulations enable the specific uses (permitted/ discretionary) and the required development standards and criteria.
- Lodging House term was used in the Development Regulations; it has now been replaced and used in the Municipal Plan.
- Heritage Use the Municipal Plan Policy 4.7(5) spoke to uses for designated Heritage Buildings, and wording was changed to add "heritage use" to reflect the definition under the Development Regulations.

- Bed and Breakfast was term was used in the Development Regulations; it has now been replaced and updated in the Municipal Plan. New Policy 8.4(4) has been added to enable small scale businesses within the Residential District.
- Tiny Homes which are a form of residential development are enabled under the Municipal Plan Policy 8.4(1) which allows "low, medium and high density zones with a variety of residential forms".
- Under the Pocket Neighbourhood Zone, a Tiny Home is a Permitted Use. The individual unit standards are not required as the PN Zone is designed (under definitions) to have 4 to 8 Tiny Homes on one Lot and is governed by density per unit as opposed to the Lot size of one individual Dwelling Unit.
- Micro Unit is a form of residential development enabled under Policy 8.4(1) of the Municipal Plan, which allows "low, medium and high density zones with a variety of residential forms". The Micro Unit standards have been enabled in the Development Regulations for each Zone it is listed under; it is an apartment and is considered within an apartment building standards to increase density.
- Review of Municipal Plan Section 8.4 to ensure that the Residential Land Use references the Development Regulations provisions for all densities and forms of residential including "duplex" and "fourplex - Policy 8.4(1) of the Municipal Plan allows "low, medium and high density zones with a variety of residential forms" which are identified in the residential zones.
- Massage Parlour Use is enabled by Municipal Plan Policy 8.5(1).
- Enabling Municipal Plan Policy for Aquaculture, Aquaponics, Horticulture, and Hydroponics use was added under the Commercial Land Use District Policy 8.5(8), which supports these uses in appropriate Commercial Zones.
- Craft Brewery / Distillery Use, is enabled in the Municipal Plan under Policy 8.5(1) where by the Commercial Land Use designation, enables commercial land use zones for a wide range of uses including some light industrial uses, and references corresponding Zones under the Development Regulations.
- Day care centres were added to the list of uses in the Commercial District under Policy 8.5(1) of the Municipal Plan. The Institutional District speaks to complimentary uses that support Permitted and Discretionary uses, while the day care Policy 4.2(1) enables these specific uses in various workplace contexts, which would include the Institutional Zone.
- Lounge Use is enabled by the Municipal Plan under Policy 8.5(1). The current COH Zone does not include Lounge and therefore it was not included under the new Development Regulations.
- Restaurant is enabled by the Municipal Plan under Policy 8.5(1).

- Bakery is enabled by the Municipal Plan under Section 8.5(1).
- Service Station, Commercial Garage and Gas Station are enabled by the Municipal Plan under Section 8.5(1). All three uses are defined in the Development Regulations and have a different purpose.
- Pharmacy is enabled by the Municipal Plan under Section 8.5(1).
- Massage Parlour is enabled as a Discretionary Use in multiple commercial zones within the Development Regulations. Under the Municipal Plan all discretionary uses are enabled under Section 8.5(1) for the Commercial District.
- Wharves and stages: this use will be added to the Residential Battery (RB) Zone as a Discretionary Use to recognize existing uses in the area. A new regulation will be added to the Development Regulations Section 4.10(7) to address how these structures are process/accepted in coastal areas. It is important to note that in Quidi Vidi some of the jurisdiction is Federal and some is Provincial. Normally the ocean (navigable waters) would be Federal, but they gave parts of the harbour to the Province. From a Development Regulations point of view we would review anything out to the high water mark and beyond that is would be outside the city's jurisdiction.
- Home offices/home occupations and other commercial uses that may be considered within a Dwelling have been enabled under new Policy Section 8.4
 (4) to enable small scale businesses within the Residential District.
- The defined use of Community Garden under the Development Regulations has been clarified as a shared space and not a personal, individual garden.
- Policy 8.3(1) General Policies a statement was added to allow the listed uses as enable by zoning under the Development Regulations.
- Industrial and Commercial uses may be considered within the Rural District and the allowance/consideration of such Zones has been enabled under the Municipal Plan Policy 8.10(8) Industrial, Commercial and Tourism Uses (similar to existing Policy under the existing Municipal Plan).

Non-Compliance with Act:

- Review required at the 5-year mark for the Municipal Plan and Regulations was added under Municipal Plan Policy 9.1.
- Non-conforming Use Policy 8.3(4) has been updated to reflect the Act.

Additional Items:

Minor typos have been noted and fixed within the Municipal Plan.

<u>Development Regulations:</u>

- Minister's Development Regulations have been added (Appendix A).

Legislative Compliance:

- Accessory Building definition and other definitions (Development Regulations Definitions Section 2) were updated to reflect the Minster's Development Regulations.
- Appeals and Orders: The Municipal Plan Policy 9.8 has been updated to between reflect the requirements of URPA. It should be noted that the Development Regulations were reviewed but no changes made. It was noted from Legal that although many municipalities enact their maintenance standards regulations pursuant to URPA, that is not the case with the City of St. John's. Maintenance, or "enforcement", is largely addressed in by-laws enacted pursuant to the City of St. John's Act. It is therefore inappropriate to provide for a penalty or process available under the City Act in a regulation enacted under URPA.

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- The Protected Road Zoning Regulations are noted under Policy 7.1(2) of the Municipal Plan. The roads are now all included on the mapping (Map P-4 Road Classifications). A new regulation has been added under the Development Regulations for Provincial Roads; this addresses Protected Roads, Scenic Roads and Highway Signs.
- The Industrial Commercial (IC) Zone and the Industrial General (IG) Zones (Brookfield Road, Kenmout Road and Peacekeepers Ways) are enabled in the Rural District within the Municipal Plan Policy 8.10(8) Industrial, Commercial and Tourism Uses (follows policy in the existing Municipal Plan which enabled the rezoning of these various parcels of land).
- Ruby Line, Riverglen Close and Triton Place: Commercial District but zoned R2 and A2 – there was a plan amendment and rezoning on this parcel of land and the plan amendment change was missed on the mapping. It has since been updated.
- Thorburn Road Area: There are two sites designated Industrial and zoned Commercial Office Hotel; the Municipal Plan District will be changed to reflect commercial zoning.

- The corner of Gower Street, Church Street and Henry Street shows the existing District as Residential and the zoning as commercial (CDM); the District will be changed to Commercial to reflect the zoning.
- The Molsen Brewery along with James Lane area are both recognized as Industrial Commercial Zones in the Residential District under Policy 8.4(16) of the Municipal Plan.

Additional Updates to Municipal Plan:

 Updates Heritage Policies under Section 4.7 to reflect wording of the Heritage By-Law.

Additional Updates to Development Regulations:

- Personal Care Home Side Yard Zone Requirements were updated (type regarding the use of storey instead of height).
- Apartment 2 (A2) Zone typo was fixed to add "Office" to Home Office Use.
- Recreational Use campground was added to the definition under Section 2.

There were several general housing keeping items that were corrected along with typos and grammar changes to make the documents flow better.

The following changes were also made to the Development Regulations:

- Update to Section 4.10 Development Regulations to reflect better Floodplain and Buffer wording which is subject to current internal staff review (amendment).
- Section 8 Parking Requirements "Unspecified" use was added to account for any uses that are not defined within the Regulations.
- Section 8.8 Parking Lots Outside the Downtown were updated to allow for flexibility in establishing buffers for snow storage in areas where Lots are constrained, and redevelopment may occur.
- Carriage House definition and special requirements were added.

Envision St. John's





Municipal Plan























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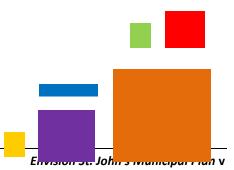
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CHAPTER 1 Introduction

1.1 Purpose of the Municipal Plan

Envision St. John's Municipal Plan is the City's principal planning document. The Municipal Plan sets out a vision for the City that reflects input gathered from extensive public consultations. Goals, strategic objectives, and policies support the vision and will help guide the City's growth and development over the next decade.

Development in the City was first guided by a Zoning By-Law adopted in 1955, followed by the City's first Municipal Plan that was approved under the *Urban and Rural Planning Act* in 1984. Since that time, the Municipal Plan has undergone several reviews, most recently in 2003, and has been subject to numerous amendments since its adoption. Envision St. John's, prepared as a result of a comprehensive review, will replace the current St. John's Municipal Plan (2003).

1.2 Plan Review Process

In 2012, Envision St. John's was introduced to the general public, through a year-long intensive, public engagement process designed to bring together various stakeholders from the community to create a unified vision for the city's future.

The public engagement process included the following components:

- Municipal plan review Advisory Group: established to guide the municipal plan review process. The committee was comprised of 7 representatives from stakeholder organizations, 2 members of the general public, a member of Council who chaired the group, and supported by staff from the Department of Planning, Engineering and Regulatory Services.
- City- wide brochure was mailed to St. John's residents, outlining the Municipal Plan review process and invited them to attend ward meetings and open houses, and encouraged written submissions.
- A background discussion document was prepared to provide information about the city, its changes, challenges and opportunities to provide a context for public discussion.

- Press releases and public notices were placed in *The Telegram* and posted on the City's website to advertise meetings and invite citizen input.
- Public Forums and Meetings:
 - Two city-wide forums were held: The Mayor's Symposium was the kick-off event for the municipal plan review process and the downtown forum. Both were open to the general public and drew about 100 participants each. The forums provided citizens with an opportunity to comment on a future vision for the city, express opinions and concerns around issues pertaining to future development and provide input regarding future growth within the city and the downtown.
 - Forums were held on the topics of Affordable Housing, Heritage, and the Environment. Attendance was by invitation and brought together key organizations and agencies to discuss future goals, objectives and policies.
 - Open houses followed by a public meeting were held in each Ward. The open house provided citizens with an opportunity to speak one-on-one with City staff, while the public meetings provided a more structured opportunity for the transfer of information.
 - Public meetings were held with two neighbourhood organizations: The Narrows and Georgestown. These meetings included discussion about neighbourhood concerns and future steps towards the creation of Secondary Plans for the neighbourhood.
- Facebook was used during the summer of 2012 to engage a wider audience outside the public meetings. Weekly polling and discussion questions were posted to discuss key planning topics and city growth.
- Organizations and agencies were invited to meet with City Council and staff, providing an opportunity to comment on issues concerning future growth and development.
- Referrals were sent to City departments, neighbouring municipalities and Provincial government agencies for comment regarding the City's municipal plan review.
- Staff compiled public input and prepared a Draft Plan for the consideration of Council and the public in 2014. This has been updated in 2017 and 2021.





1.3 Legal Basis

The Municipal Plan is a statutory document, prepared and approved by Council in accordance with the *Urban and Rural Planning Act* (2000) for a ten-year period. The Municipal Plan applies to all land within the boundaries of the City. As required by the *Urban and Rural Planning Act*, the Municipal Plan includes:

- A set of objectives for land use;
- Policies to be implemented;
- Land classified into districts indicating intended uses;
- Proposals for implementation;
- Proposals for land use zoning regulations;
- Provisions for existing uses that do not conform to the Plan; and
- Provide direction in regard to development within the planning area over a 10year period.

The *Urban and Rural Planning Act* also allows a Municipal Plan to address other areas relating to the physical, social, economic and natural environment, including:

- Existing and proposed street and transportation networks;
- Lands for comprehensive development;
- A program of public works;
- Protection, use and development of environmentally sensitive lands;
- Stormwater and erosion control;
- Protection and use of natural resources:
- Excavating, filling in, or reclaiming land;
- Protecting trees and vegetation, and other environmental matters;
- Building height and location for various types of development;
- Use and conservation of energy;
- Attracting, locating, and diversifying economic activity;
- Garden suites and back-lot development;
- · Housing and other facilities for senior citizens; and
- Other proposals considered necessary by Council.

1.4 Conformity with Provincial, Regional and City Policy

Municipal Plans must be consistent with provincial policy and law, and with any Regional Plan in place that affects the Planning Area. The City is subject to the St. John's Urban Region Regional Plan.

The Plan supports and incorporates City policies included in various plans and policies approved by Council, including, but not limited to, the St. John's Strategic Plan 2019-2029, the Economic Roadmap 2021, and the Open Space Master Plan. It also incorporates Council-approved recommendations from a variety of studies on topics such as built heritage, recreation, and transportation, among others.

1.5 Review and Amendment of the Municipal Plan

The *Urban and Rural Planning Act (2000)* requires each Municipal Plan to undergo a comprehensive review every ten years to ensure that its goals, objectives and policies remain consistent with community values, growth, economic and market trends.

The Municipal Plan may be amended to respond to changing circumstances, including the needs of the city with regards to the economy, housing demand, changing demographics or environment. The process to amend the Plan is established in the *Urban and Rural Planning Act (2000)*.

1.6 Plan Organization

Envision St. John's Municipal Plan consists of three parts and is organized as follows:

- 1. Chapters I and II Introduce the Plan, its purpose, and the context for the vision and strategy for growth of the city.
- 2. Chapter III through VIII contain the goals, objectives and policies under five key themes, areas and the land use districts identified on the Future Land Use Map.
- 3. Chapter IX addresses how the Plan will be implemented.

The Plan consists of this document, the Future Land Use Map and other supporting maps. Graphics included in the Plan are for illustration purposes only.



CHAPTER 2 Framework for Growth

2.1 Managing Growth - Our Vision to 2031

The City recognizes that growth presents many opportunities and challenges. When the preparations for this Municipal Plan began, the economic prosperity resulting from a robust provincial economy led to an increase in employment, attracted new investment opportunities and brought new citizens to St. John's. At the same time, growth resulted in pressure on the City to provide new and improved infrastructure and an expanded range of services. In subsequent years, economic challenges reduced the amount of growth the City witnessed. The key is to manage growth in a sustainable manner while maintaining the character of St. John's. The City needs to balance the pace, location, extent and form of development occurring, in a manner that continues to improve the quality of life for all citizens.

Public input received as part of the municipal plan review consultations indicate that citizens want a city that fosters healthy neighbourhoods, safeguards and enhances environmental systems, and maintains a strong and diverse economy. They recognize the unique qualities and character of the city's neighbourhoods and the role that the historic downtown plays in their sense of place and identity.

2.2 Growth and Development Strategy

The strategy for growth set out in this Plan is one that attempts to balance growth with a strong diverse economy, environmental stewardship, recognition of heritage and its importance to the culture and economy of the city and complete neighbourhoods that have access to amenities such as parks, open space, food and local services. As the strategy is implemented, overall neighbourhood health will be a key consideration in the development of the built environment. Balance will be achieved through:

 Identification of undeveloped areas that are able to accommodate future, wellplanned growth, an emphasis on encouraging intensification, and a greater mix of uses through investment in infrastructure that supports higher density development along major transportation corridors and centres where there are opportunities for redevelopment;

- Preserving the pattern and scale of development in established residential neighbourhoods and working to improve amenities such as local food, services, parks, recreation and pedestrian trail networks. The role of historic downtown is also recognized for its importance to our culture, heritage and economy; and
- Environmental stewardship through the protection and preservation of waterways, wetlands, coastlines and rural areas, and the creation of a natural open space system throughout the city.

2.3 City Vision

The vision for the City of St. John's that emerged during public consultation for the municipal plan review is:



St. John's will have a future of continued economic prosperity and diversity, where citizens have a strong sense of identity and appreciation for their cultural, natural and built heritage and the arts. This city has active, healthy citizens, living in affordable, accessible, complete neighbourhoods. St. John's attracts and welcomes investment, residents and visitors from the region, the province, and around the world.

The growth and development strategy and vision of this Municipal Plan are consistent with the vision set out in City's *Roadmap 2021: A Strategic Economic Plan for St. John's*:

"St. John's is a vibrant city capitalizing on its energy, creativity and distinctiveness to embrace economic progress and enhance quality of life".

2.4 Key Themes

The vision of this Municipal Plan reflects five key themes which have emerged from the public consultation process:

- Valuing Environmental Systems
- Healthy Neighbourhoods
- Strong, Diversified Economy
- Urban Design
- Investment in Transportation and Services



The following sections outline the context for each of the key themes, identifying a set of goals, objectives and policies as presented in Chapters III to VII, which are also arranged according to the key themes and support the City's overall vision.

Valuing Environmental Systems

The City of St. John's identified environmentally valuable waterways and wetlands in the reports in 1998 and 1993. Over the following decades, these areas have been maintained as an important component of the city's open space system. This Plan continues to protect the city's river and wetland systems and recognizes their important ecological functions.

Windsor Lake, Broad Cove, Petty Harbour Long Pond, Bay Bulls Big Pond and Thomas Pond, and their associated watersheds, are recognized and protected as the main sources of potable water for the city and the region. Continued protection of these watersheds facilitates long-term sustainability of the quantity and quality of the drinking water supply.

The City's Open Space Master Plan (2014) identifies and defines an integrated system of linked natural corridors, which encompasses a network of parks, trails, greenspace, waterways, wetlands and woodlands that will be incorporated and expanded through future developments throughout the city.

The impacts of global climate change are being felt locally. More intense and more frequent storms are leading to expanding flood zones along our rivers and streams. The Plan recognizes the need to anticipate and adapt to climate change impacts.

Lands within the city support a stable, prosperous agricultural industry. As concerns over availability of and access to locally produced food increases, the importance of protecting this finite resource becomes more important. Agricultural areas contribute to the city's open space, enhance the rural landscape and natural heritage areas by providing environmental benefits, and contribute to the local economy and food production.

Healthy Neighbourhoods

Input from public consultations on the Plan indicate a desire for a city of healthy, walkable neighbourhoods with access to local services. There was also recognition that a greater mix of uses and higher density residential development will be required to support such initiatives. At the same time, there are concerns about how such development could be achieved and how it might affect established residential neighbourhoods.

Many of the City's neighbourhoods, with the exception of the downtown area, are traditionally low density, with consistent building size, height and lot size.

Neighbourhoods change and evolve over time, therefore it is the City's intent to implement policies that maintain the essential character of the neighbourhood, while allowing appropriate growth and development.

The City will re-invest in planning at the neighbourhood level to identify ways to improve the built environment for better mobility, access to goods, services, open space, employment and opportunities to increase the assortment of housing form.

New areas identified for development will be planned in a manner that provides for neighbourhood services within walking distance of where people live. This will be achieved through quality urban design, Complete Street planning, active





transportation, and a mixture of housing forms, at densities that can support neighbourhood commercial services.

The City's goal is to increase the number of people who live and work within the city and to "re-capture" those individuals and families who have moved to suburban locations outside the city. This will be accomplished by improving the quality of residential areas and their accessibility to goods and services through mixed-use, pedestrian-friendly commercial centres. The aim is to reduce traffic congestion, support transit, and improve quality of life in the city.

Sustainable communities have a range of housing choice so that people of all ages, abilities and incomes can find quality, affordable shelter. While the range of housing choices is expanding, further steps are required to address issues of affordability. By encouraging housing and employment opportunities in close proximity, the City will encourage higher density, mixed-use development in areas identified for intensification along transit corridors.

Increasing the supply of affordable housing over the planning period is an important goal for the City. Policies have been developed to require new residential and mixed-use developments to include a variety of housing forms that are affordable to people with a range of incomes.

A Strong, Diversified Economy

Economic Roadmap 2021 identifies five goals for economic development over the next decade. These include:

- A location of choice for business investment;
- A magnetic and desirable city for newcomers and young professionals;
- A global leader in ocean technology and a global centre for offshore energy expertise;
- A destination of choice for people seeking authentic visitor experiences; and
- A leading Canadian artistic metropolis.

The goals, objectives and policies of the Municipal Plan are consistent with and support the goals of the Economic Roadmap.

The City will maintain and build on its success as a major employment centre within the province and the region. Through the provisions of this Plan, Council will encourage continued opportunities for businesses of all types, including industrial, retail, warehousing, office and service employment uses.

The City recognizes the economic importance of supporting the offshore oil and gas sectors and development of ocean technology, along with the need for



industrial lands and office space to support these uses. Office buildings will be encouraged in key development nodes, located along major transportation corridors. Industrial uses will be encouraged in areas surrounding the airport, the port and along the Outer Ring Road/Trans-Canada Highway, which form part of a regional network in the movement of goods.

The Downtown will remain an important employment and retail centre. The City recognizes the importance of preserving the historic character of the downtown and the contribution that it makes to the local economy through tourism and the arts. Through urban design, the City will determine the appropriate size, scale and location of new development that can be accommodated within the historic downtown, in order to increase opportunities for new development, and re-use existing structures to accommodate a mix of retail, service, office and residential uses.

C.A. Pippy Park, established as a land bank and nature park, includes the City's major institutions. Memorial University of Newfoundland is a significant contributor to the local economy as a major employer and purchaser of goods and services, along with its

ability to attract significant investment in research and development, and through its outreach activities and contribution to local arts and culture, further enrich the local community. Together with the Health Sciences Centre and Provincial Government buildings (including Confederation Building), these uses create a major regional employment centre. The City will continue to support this important area by working to ensure that it is well connected to residential neighbourhoods, retail and recreation opportunities, and accessible by multiple modes of transportation.

Urban Design

The ability to achieve intensification and redevelopment that encompasses a mix of land uses within the built-up areas of the city requires high quality urban design.

The City will use Secondary Plans for identified Planning Areas, and work with citizens to develop a community vision and specific guidelines to support the local development of attractive multi-use buildings, pedestrian-friendly streets, parks, trails and public spaces.



Areas identified for intensification in the city will be characterized by compact development that provides a variety of opportunities for working, living, and enjoying the local culture and recreation. Quality public spaces and pedestrian-friendly streetscapes will provide additional amenities. Care will be taken with the design of new buildings to provide appropriate buffers and design solutions to minimize the impact on adjoining established residential neighbourhoods. Opportunities for new retail and services will be provided for in areas identified for intensification.

In new neighbourhoods, development will be planned around the parks and open space network, with an emphasis on compact, walkable residential neighbourhoods, with a mix of uses and employment areas along primary transportation corridors.

The city's Heritage Area (including the Ecclesiastical District set out by the Historic Sites and Monuments Board) will continue to be protected under the new St. John's Heritage By-law. Residential districts in the downtown will be preserved to retain the blocks of row housing, streetscapes, laneways and public spaces that are unique to the city. Urban design guidelines will be prepared for commercial areas in the downtown, addressing such things as site specific parameters for height, bulk and form of buildings, as well as exterior design elements.

Investment in Transportation and Services

Since the 1970s when the regional road network was established, it has facilitated outward growth in the region. Today, that growth has placed pressure on regional roads and city streets. The City will work with the Province and the region's municipalities to review the regional network and develop a transportation plan to address regional transportation issues.

The St. John's International Airport is a critical piece of transportation infrastructure for both the city and the province. The City will work with the Airport Authority to ensure land use and development around the airport will not negatively impact operations, so the airport can continue to provide service for the movement of people and goods to, from, and within the province.



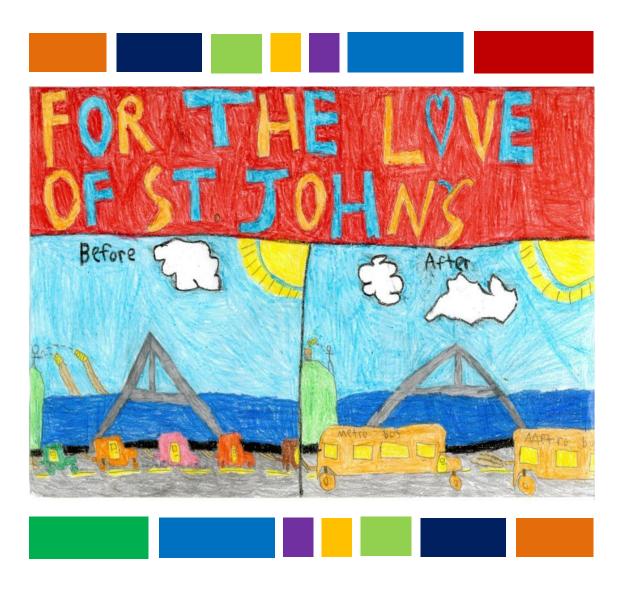
The Port of St. John's also plays an important role in the city's transportation infrastructure, particularly as a gateway for the movement of goods to and from the province. Ensuring that the Port continues to have convenient access to the regional road network is a priority.

Great streets make great communities. Complete streets are for everyone and are designed and operated to enable safe use and access for all users; automobiles, pedestrians, cyclists and transit. The City will work towards improving the city street network to incorporate Complete Street guidelines where major retrofits or new construction is underway.

Within the city, investment in transportation and transit infrastructure will be directed to nodes and corridors targeted for intensification. In these areas, planning will emphasize complete streets that are walkable, safe, provide pedestrian access with adjoining neighbourhoods, cycling routes, and transit routes. New development areas will also be designed with these key initiatives. In the downtown, improved transit service and other transportation demand management (TDM) techniques will be considered as a way to reduce the demand for downtown parking.

Over the next decade, the City will concentrate on upgrading and replacing aging municipal infrastructure. This will include improving the water distribution system to reduce leakages, upgrades to water treatment plants, the upgrading and where necessary the replacement of sewers, and addition of stormwater detention

infrastructure. As infrastructure is upgraded or replaced, the opportunity will be taken to update any affected streets to improve walkability and overall connections.



CHAPTER 3 Environmental Systems

GOAL

To conserve, protect and enhance the City's natural environment – its waterways, wetlands, coastline and forested areas - for their ecological, aesthetic and economic value.



Landforms, watercourses and coastline serve important ecological functions within the city and the broader regional ecosystem. Watersheds such as the Waterford River encompass several municipal jurisdictions, while the rugged coastline provides protection from the sea as well as unique and spectacular scenic vistas. Public consultations for the municipal plan review show that citizens recognize the importance of the natural environment for its amenity, ecological and recreational values, and the contribution that natural areas make to health and quality of life. They also want a greater integration of the natural and built environment, including better connectivity and access to natural areas through pedestrian trails, parks and green space.

Over the years, the City has worked to identify and protect important waterways, wetlands and natural areas, which support healthy populations of fish, birds and mammals. Since Hurricane Igor in 2010, considerable effort has been spent studying the hydrology of the city's watersheds and major river systems, and their capacity to safely accommodate stormwater runoff. As climate change may bring more intense storm systems, protecting the city's river systems for their hydrologic function becomes even more important.

Forested lands within the city provide wildlife habitat, amenity space and opportunities for recreation and resource use. Forest management in rural areas and within the built-up areas of the city are recognized as an important component of a healthy urban environment. A healthy urban forest is also more resilient to the effects of climate change.

Throughout the region there is a growing recognition for measures that manage surface water and groundwater resources. Such measures are needed to protect the quality and

quantity of potable water in both surface and groundwater supplies, and to reduce pollution and sedimentation that is carried by stormwater runoff.



- Protect the public water supply watersheds to ensure a safe, clean and reliable source of drinking water.
- Protect the hydrologic functions of waterways and wetlands as a critical component of the city's stormwater management system.
- Establish a city-wide parks and open space system that protects and enhances natural heritage, hydrologic functions, biodiversity and visual amenity.
- Improve the city's urban forest through best management practices
- Incorporate green infrastructure in public spaces and private developments to address climate change impacts.
- Manage development to reduce risk in hazard areas.

3.1 Protecting Natural Areas

Environmentally Valuable Areas

- 1. Identify, protect, maintain, and enhance important elements or features of the natural environment including:
 - Lands and waters to support natural resources (fish stocks, vegetation, woodlands, or other valuable flora and fauna);
 - Ecologically vulnerable lands and waters (coastal areas, riparian lands, lakes, and wetlands);
 - Physically unstable lands (steep slopes, areas of high relief, and/or unstable soil, and areas susceptible to flooding);
 - Valuable landscape features (valleys, hills, and ridges, groups of trees, bodies of water);
 - Lands required for storm water management; and
 - Other lands or waters considered environmentally significant by Council.
- 2. Protect environmentally valuable areas as identified under the St. John's Development Regulations (Z-2 EVA Map) that include significant ponds and wetlands, significant rivers and their tributaries and the protected public water supply areas.

Lundrigan's Marsh, identified as an Environmentally Valuable Area, is delineated as a Management Unit under a Municipal Stewardship Agreement signed with the Province in 2004. This agreement designates Lundrigan's Marsh for conservation in terms of its wetland and wildlife values. Further management and enhancement

- options have been outlined in an associated Habitat Conservation Plan seeking to ensure these values of the wetland are not lost.
- Any development proposed for the area delineated as Lundrigan's Marsh shall be referred to the Wildlife Division of the Department of Fisheries, Forestry and Agriculture, for review prior to development approval.
- 4. Consider additional environmentally valuable areas for inclusion in a Municipal Stewardship Agreement and delineated as future Management Units in conjunction with the Wildlife Division of the Department of Fisheries, Forestry and Agriculture.
- 5. Undertake appropriate studies to define with more precision the edges of the Goulds wetland complex as identified in the environmentally valuable areas study.
- 6. Update the Significant Waterways and Wetlands Study (1993).

Open Space System

- 7. Develop linkages and connections between the St. John's Open Space Master Plan and environmentally valuable areas, natural heritage features, coastlines, parks and other open spaces that shall be protected and preserved.
- 8. Ensure that recreation usage within the city's open spaces is managed to minimize environmental impacts and preserve ecological integrity.
- 9. Work with other municipalities to develop a consistent approach for the protection of natural features and areas in the Northeast Avalon in the form of a regional greenway system.
- 10. Encourage the retention of natural features, including hilltops that are not included as an Environmentally Valuable Area (Z-2 EVA Map) or in the St. John's Open Space Master Plan, and their incorporation into the planning and design of proposed development wherever possible.

The Urban Forest

- 11. Protect and expand the urban forest in existing city neighbourhoods and integrate it into new neighbourhoods as they are planned and developed, consistent with the City's Urban Forest Plan.
- 12. Enhance the urban forest through tree planting and landscaping on public lands in urban areas of the city and provide for ongoing monitoring and maintenance.

- 13. Ensure a healthy forest cover within Protected Water Supply Areas and within the City's Parks and Open Space to preserve fish and wildlife habitat, maintain stream flows and water quality, and provide amenity value to the city.
- 14. Require quality landscaping in new developments including consideration for the incorporation of street trees.

Forest Areas

15. Support the future sustainability and long-term health of the Province's forest resource industry and consult with the Department of Fisheries, Forestry, and Agriculture prior to development within Forest Management Areas identified in Appendix A, Forest Areas Map (P-9) or for an area zoned for Forestry uses.

3.2 Water Systems

- 1. Continue to work in cooperation with the Province, regional municipalities, and non-government organizations in the Northeast Avalon Region to:
 - Monitor and implement measures to manage stormwater flows to reduce the impact on water quality in regional waterway systems, particularly those flowing into and out of the city, and
 - Where appropriate, prepare joint watershed management plans to address interjurisdictional interests and approaches to planning and land management in identified watersheds.

Stormwater

- 2. Ensure that new development in the city is planned, designed and constructed in accordance with the City's Policy on Stormwater Detention.
- 3. Ensure that development sites have adequate erosion and sediment control measures in place to prevent pollution of the city's waterways.

Groundwater

- 4. Work with the **Department of Environment** and Climate Change and other municipalities in the region to develop a regional groundwater model that can be used to inform land-use planning decisions to protect groundwater resources.
- 5. Ensure that private on-site septic systems, where permitted, are designed in accordance with Digital Government and Service NL requirements.
- 6. Require an assessment of groundwater quantity and quality where development using on-site wells is permitted, in accordance with the Department of Environment and Climate Change "Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells".

3.3 Climate Change

The City recognizes that climate change is occurring. Anticipating and addressing impacts of climate change will become increasingly important over the planning period. Of particular importance is the identification of lands that are susceptible to hazards such as low-lying coastal areas, steep slopes and floodplains. Measures are being taken to address increased stormwater flows by upgrading stormwater detention systems, while other measures will be looked into, in order to increase the city's resilience to climate change.

- Acknowledge that as more information is gathered on climate change and its potential impact on vulnerable areas within the city, structures and buildings may be required to be located and designed to withstand the risks associated with climate-induced impacts.
- 2. As mapping and information becomes available the City will revisit consideration for sea level rise and development.

3.4 Hazard Areas

The complex and often rugged topography of the city presents a challenge for new urban development. With rising land values and less available land, development on more marginal sites is proposed. It is important for the City to consider the safety of residents by preventing development in areas where it is not desirable, such as on steep or unstable slopes, in coastal areas vulnerable to storm surges, or in floodplains.

Areas that are subject to periodic flooding are a risk to public safety and can result in considerable damage to property. With predictions of more frequent and intense storms as a result of climate change, preventing development in areas that are subject to flooding is one way to minimize damage, along with natural buffers and the 1:100 year floodplain. These areas can act as separation buffers for developed areas, while forming a part of the city's open space system that can accommodate low intensity uses such as trails and recreational playing fields. Public uses such as utilities, flood control structures, and other public works can also be placed in these areas. Private properties that are located within a floodplain buffer can reasonably accommodate property improvements that include such things as landscaping and fencing.

Hazard Lands

- 1. Prevent development along coastal cliffs, low lying coastlines, or areas where steep topography make the land unsuitable for development.
- Where development is proposed in an area identified as a potential hazard, the City may require a site-specific study to determine the level of hazard and acceptable measures to mitigate identified risks.



Development shall be prevented within the 1:100 year floodplain and within the buffer areas surrounding ponds, wetlands, rivers, major tributaries of rivers, or floodplain area, or any flood risk areas identified by the **Department of Environment and Climate Change** as identified under the St. John's Development Regulations (Z-3 Flood Hazard Areas, Watersheds, Waterways and Wetlands Map).

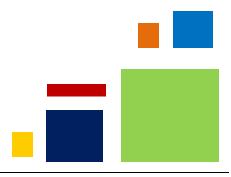
- Notwithstanding Policy 3.4.3, passive recreation uses, including pedestrian trails or other open space uses, can occur within required buffers of designated bodies of water, provided the impact and/or extent of such development on the waterbody is determined by Council to be minimal.
- 4. A Land Use Report shall be required for a proposed development in an Environmentally Valuable Area or within a required buffer around a designated waterbody or floodplain, and where any proposed development is permitted a Conservation Plan shall be required.

3.5 Brownfields

Brownfield properties are vacant or underutilized sites, where past industrial or commercial activity is suspected or has left environmental contamination or derelict buildings behind. These properties represent key opportunities for the city, and encouraging redevelopment of brownfield sites can have numerous economic, environmental and social benefits.

Brownfield redevelopment can eliminate or reduce environmental contamination in the soil or groundwater, increase property tax revenue through new uses, support economic development and encourage community revitalization, among other factors.

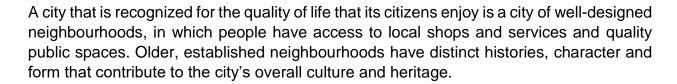
- Facilitate discussion with community groups, property owners and other levels of government and the development industry to identify opportunities for redevelopment of brownfield sites in a manner that is consistent with this Plan and any applicable Secondary Plan.
- 2. Actively promote and facilitate brownfield redevelopment to add vitality to established communities and the city.



CHAPTER 4 Healthy Neighbourhoods

GOAL

To design complete and interconnected, walkable neighbourhoods with efficient infrastructure, facilities and services, including a range of housing options.



Existing urban areas of St. John's are experiencing changing demographics and rising costs of housing. Here, there are opportunities to address housing need and improve the overall health and vibrancy of neighbourhoods. Such changes can be accomplished by providing a greater mix of uses in underutilized commercial areas, particularly those served by transit, providing a range of housing options, and better pedestrian connectivity. When considering new areas for development, it is important to plan and design neighbourhoods that are less reliant on the automobile.



Policies of this Plan support the strengthening of neighbourhoods by encouraging diversity of housing, investment in infrastructure, parks, open spaces, arts and culture, and the protection of our heritage and archaeological resources.



4.1 Housing

Strategic Objectives:

- Facilitate thoughtfully designed mixed-use development that provides access to various housing options, amenities and employment opportunities in the same neighbourhood.
- Encourage a range of housing options that contribute to community health, sustainable growth and economic security.
- Promote higher density development in and around key transportation corridors to support increased access to housing and transportation options to reduce service and infrastructure costs.
- Identify appropriate areas for future growth and development that take advantage of existing infrastructure and services, which would in turn create financial efficiencies and limit urban sprawl.
- Limit impacts to established neighbourhoods, heritage districts and employment areas.
- Celebrate St. John's unique character by protecting cultural and heritage resources, such as significant landmarks and buildings.
- Create vibrant, well-designed public spaces where people can connect with each other and their community.

Access to adequate and affordable housing is a fundamental component of quality of life in a city. Many factors impact access to housing including price, supply location and access. The housing market and various levels of government play a role in influencing what housing choice exists for people with varying needs and income levels.

The City, along with not-for-profit housing partners and other levels of government, is working to increase the supply of and access to affordable housing. Through this Plan and its implementation, the City will work to produce, protect and promote affordable housing by providing a choice in housing forms, tenures and affordability, to accommodate the needs of current and future residents.

- Support the implementation of the City of St. John's Housing Strategy, 2019 2028, and its strategies.
- Enable a range of housing to create diverse neighbourhoods that include a mix of housing forms and tenures, including single, semi-detached, townhousing, medium and higher density and mixed-use residential developments.
- 3. Promote a broad range of housing choice for all ages, income groups, and family types by supporting the development of housing that is appropriate, accessible and affordable for low-income and moderate-income households.

- 4. Partner with developers, other levels of government and non-governmental agencies to achieve construction of affordable, "age-friendly" housing.
- 5. Implement incentives for the provision of affordable housing units in new developments or re-development projects.
- 6. Identify surplus lands that could be used for affordable housing projects.
- 7. Work with other agencies and levels of government to identify and plan for the redevelopment of surplus institutional lands.

4.2 **Daycare** and Senior Services

Seniors are the fastest growing age group within St. John's. In response to our ageing population, it is important to recognize the need to make communities more age friendly. Age-friendly communities provide services and facilities for people of all ages, creating an inclusive and accessible environment that provides opportunities for health, participation and security in order to enhance quality of life.

The second most recognizable age group within our society is that of children or youth. In today's society, the care of children is increasingly needed to provide support for working families. The lack of accessible and affordable childcare facilities make it difficult for many parents/guardians to access employment, therefore the provision of this service is important for overall community health.

- Accommodate daycare services in appropriate locations within residential neighbourhoods and workplace contexts.
- 2. Accommodate senior services in the form of adult day centres in appropriate locations in residential and mixed-use areas.
- 3. Personal Care Homes in appropriate residential and mixed-use areas to make neighbourhoods more age-friendly and to allow seniors the ability to "age in place".
- 4. Encourage universally accessible design and age-friendly design for all facilities.

4.3 Enhancing Neighbourhood Character

The City is made up of a number of distinct neighbourhoods. A function of their history, landscape, built form and people, these neighbourhoods contribute to our unique city culture and heritage. Over the next decade, additional growth will be encouraged within developed areas of the City through intensification and redevelopment in targeted areas along identified corridors and at key nodes. Such change can affect adjacent established residential neighbourhoods. As a result, attention to urban design will be required so that



development can be achieved in a manner that enhances and adds value to the character of existing neighbourhoods.

- 1. Recognize the character of existing established low-density residential areas.
- 2. Ensure that infill development complements the existing character of the area.
- 3. Encourage a suitable transition in intensity, use and form of development between low-density residential areas and newly proposed medium/high density residential, mixed-use or commercial development, particularly in those areas that have been identified for intensification.
- 4. Use the planning process for preparing Secondary Plans to engage citizens to define neighbourhood needs and appropriate transition areas.

4.4 Good Neighbours: Reducing Land-Use Conflict

Conflict often arises where a land use or building is proposed next to a residential or open space use, or where a building is proposed that is considered out of scale or character with the form of adjacent buildings. Many different uses and building forms can co-exist, provided proper consideration is given to site and building design, and measures to reduce or eliminate potential land-use conflicts.

- 1. Ensure that the review of development proposals considers how new development may affect abutting properties and uses.
- 2. Establish a set of requirements that address compatibility between land uses, buildings and sites, such as shadow impacts on adjacent properties, parks and open space, separation distances, odours, lighting, transportation and noise.

4.5 Access to Healthy Food

A growing interest in food security has led to an interest in small-scale urban agriculture and food activities within the urban area. The City recognizes that urban agriculture contributes to the local economy, improves access to healthy foods and contributes to population health.

- 1. Support the production of local foods through urban farming, community gardens, and local food sourcing programs.
- 2. Include provisions for community gardens in public parks and open spaces where appropriate.

- 3. Through the process of preparing Secondary Plans for Planning Areas, identify sites appropriate for community gardens in or near residential neighbourhoods.
- 4. Identify appropriate locations for the sale of locally produced agricultural produce in the city, particularly in or near neighbourhoods that have poor access to supermarkets.

4.6 Parks, Recreation and Open Space

Parks and open spaces are integral to the liveability of cities. One of the defining features of St. John's is the availability of, and accessibility to, parks, plazas, open spaces and wilderness areas. The City's open space system includes parks, natural corridors, pathways and trail systems that play an important role in the quality of life, health, transportation and social well-being of residents.

Another aspect of the city's open space system are the various parks that are managed by other levels of government, such as the National Historic Sites at Cape Spear and Signal Hill, and C.A. Pippy Park. The many trailways, such as the Grand Concourse and the East Coast Trail, which have been developed by volunteer organizations, are also part of this system and have been recognized nationally and internationally for their quality.

With the preparation of a Recreation Master Plan, the city has invested in the renewal of existing recreational facilities and parks and the development of new infrastructure. As the city grows outward and looks for opportunities for new growth and intensification, there is also a need to strengthen and expand the system of parks and open spaces. In response, the Open Space Master Plan (2014) was prepared. It provides a framework for the creation of new parks and open space, along with a set of design and maintenance guidelines, implementation strategies, and steps for the infill and expansion of the network across the city.

Parks System

- 1. Establish and maintain a hierarchy of parks, trails and public open spaces in accordance with the St. John's Open Space Master Plan (2014).
- 2. Ensure that the open space system is accessible to all citizens and levels of mobility.
- 3. Protect the basic function of city parks and public open spaces and prevent parkland conversions to other uses.
- 4. Ensure that plans for new development areas include a hierarchy of parks and public spaces interconnected to adjacent neighbourhoods by pathways and complete streets based on the requirements of the St. John's Open Space Master Plan (2014).

- 5. Work with regional municipalities to plan and develop a regional system plan of parks, open spaces and pathways.
- 6. Recognize and protect the city's system of pathways and trails, including the Grand Concourse, the East Coast Trail and the Newfoundland Trailway as part of the City's open space TRrailway system.

Trails and Pathways

- 7. Ensure that new development supports the trail system, by providing appropriate buffers and, where possible, connections to it.
- 8. Require, where appropriate that sidewalks, paths and lanes provide access to and from bus stops, schools, places of worship, shopping areas, and places of employment.

Acquisition of Open Space Lands

- Ensure lands required for public open space are acquired through the development approval process where a proposed development includes lands identified as part of the St. John's Open Space Master Plan (2014) or as open space land for neighbourhood use.
- 10. Co-ordinate with the Province and the Government of Canada so that municipal parks and facilities complement the activities available at C.A. Pippy Park, Signal Hill National Historic Site, Cape Spear National Historic Site, and other relevant parks and historic sites.
- 11. Encourage the retention and use of existing privately-owned recreation facilities and open space to supplement municipal parks and facilities.
- 12. Encourage the shared use of trails, where appropriate, within the City.

Hilltop Protection

13. Encourage new development in a manner that preserves, where practical and desirable, forested hilltops and ridgelines as part of the natural landscape.

4.7 Heritage

The history and heritage of St. John's is significant to the history of the province and the early **European** settlement of North America. The remains of our early heritage are evident in the patterns of streets and buildings and their orientation to the harbour established in the early settlement of St. John's. Historic institutional buildings such as the **churches** and the court house, and the blocks of row housing defined by narrow streets, laneways and parks are unique to the city's downtown. This historic fabric,

particularly in the downtown, has resulted in interesting streetscapes that have a high social, cultural and economic value.

Over the years, the City carried out a number of studies that examined ways to preserve the built heritage. Many of these early studies considered how to encourage economic development so historic buildings would continue to be used. Today, different economic pressures, have the potential to change this historic landscape.



Preserving historic buildings maintains a human scale of structure and detail that is not always achieved in new development. Historic districts enhance our perspective, understanding and awareness of the past, and contribute to our sense of identity and pride. Preservation of historic districts provides tremendous economic benefits, stimulating commercial activity through increased tourism activity and spending.

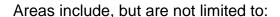
Balancing the desire to retain our built heritage with opportunities for new development in heritage areas has been, and will continue to be, a challenge. Ultimately, heritage resources are a fragile gift from past generations, and are not a renewable resource, therefore we must preserve them for their unique value and the qualities that make St. John's significant for past, present and future generations.

Heritage resources will now be protected under the new St. John's Heritage By-Law, which derives its authority from the City of St. John's Act. This new legislative structure will allow greater authority for the protection of heritage resources.



The following items are used to set up the framework for the new St. John's Heritage By-Law:

- 1. Identify and designate Heritage Buildings and Heritage Areas that have historic value through the administration of the City's Heritage By-Law, this Municipal Plan and its Development Regulations.
- 2. Ensure the preservation of the city's built heritage by encouraging appropriate renovations and adaptive reuse of Heritage Buildings and those buildings located in the City's Heritage Areas in keeping with the provisions of the City's Heritage By-Law, this Plan and its Development Regulations.
- 3. In keeping with the provisions of the City's Heritage By-Law, consult with and seek the advice of the Built Heritage Experts Panel on built heritage matters related to the designation of Heritage Buildings; the expansion, contraction and creation of Heritage Areas; and, the recognition of Heritage Districts as well as Commemorative Buildings and Sites.
- 4. Maintain a list of Heritage Buildings, Heritage Areas, Heritage Districts as well as Ceremonial Buildings and Sites that have historic and/or architectural significance, including those that are unique, rare, or exceptional, as well as those that represent examples of common or ordinary buildings of historic, cultural or social significance.
- 5. Identify and consider appropriate heritage uses for designated Heritage Buildings as a means of encouraging their preservation.
- 6. Ensure that exterior renovations or alternations to designated Heritage Buildings retain the building's character-defining elements and their significant architectural or historical physical features in accordance with the City's Heritage By-Law.
- 7. Encourage the use of alternative standards of the National Building Code of Canada and other related codes and regulations to permit the maximum conservation of a Heritage Building while still ensuring the health and safety of the occupants and the public.
- 8. Ensure that new developments within the City's Heritage Areas are compatible and in keeping with the streetscape in accordance with the City's Heritage By-Law.
- 9. Develop detailed urban design guidelines to help facilitate new development proposals through the City's Heritage By-Law review process.
- 10. Designate new Heritage Areas through the City's Heritage By-Law to ensure that development proposals are compatible and in keeping with the area's built heritage and their historic spatial relationships. Areas worthy of special recognition as Heritage



- The Battery Development Area
- Quidi Vidi Village
- Fort Amherst
- George Street Entertainment Area
- Churchill Park (the post-war northern suburb)
- 11. Continue to recognize special places within Heritage Areas by identifying them as Historic Districts through the City's Heritage By-Law. Areas worthy of special recognition as Heritage Districts, include the following National Historic Sites of Canada:
 - Rennie's Mill Road Historic District;
 - Water Street Historic District;
 - St. John's Ecclesiastical District;
 - Cape Spear Lighthouse; and
 - Signal Hill
- 12. Encourage local utility companies to place equipment and devices in locations that do not detract from the visual character or integrity of heritage resources in the Heritage Areas.

4.8 Historic Resources

The City recognizes the potential for the disturbance and discovery of historic resources as lands are developed or public works undertaken. Under the provincial *Historic Resources Act*, a historic resource is a work of nature or of humans that is primarily of value for its archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest, including an archaeological, prehistoric, historic or natural site, structure or object. A study prepared for the City identified areas where historic resources are likely to be found, including areas in the downtown, around the harbour, along the coastline, in and around Quidi Vidi Village, the cemeteries and older burial grounds of the city.

Consider, in the review of proposals for development, the potential for discovery and disturbance of historic resources in areas identified in the document entitled "Submerged History: Archaeological Master Plan for the City of St. John's", Gerald Penney Associates Limited (December 2009) and identified in the St. John's Development Regulations (Z-5 Archaeological Areas Map).

 Require developers, in accordance with recommendations of the Archaeological Master Plan, to implement a means of commemorating or interpreting the past use of a property where significant archaeological resources are uncovered which must be removed from the site.



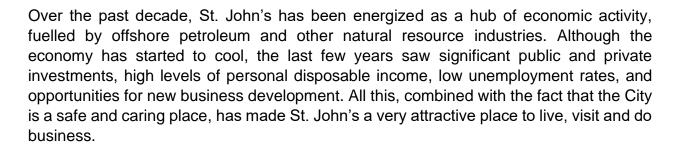
2. Work with the Department of Tourism, Culture, Arts and Recreation to ensure that historic resources within the City are managed in accordance with the *Provincial Historic Resources Act*. Update the City's Archaeological Master Plan (2006) to ensure that archaeological investigation be undertaken subject to the most recent data and information available.



CHAPTER 5 A Strong Economy

GOAL

Continue to strengthen the City's role as the centre for commerce and employment in the region and the province in a manner consistent with the strategic directions in the Economic Roadmap.



The City developed an Economic Roadmap, which recognizes that business and investment activity bring employment, opportunities, innovation and development. Retaining and nurturing business is key to generating long-term, predictable economic activity.

To ensure economic prosperity over the long term is to foster and retain a diversified economy that consists of a mix of local, regional, national and even international businesses, as well as a diversity of business types and sizes. Ensuring sufficient lands are identified to accommodate the various sectors, while encouraging mixed-use neighbourhoods, and supporting the growth of home-based businesses will help to achieve overall economic growth.





The policies of this Plan support the goals and objectives of the City's Economic Roadmap.

Strategic Objectives

- Accommodate a balanced and diverse range of opportunities for commerce.
- Ensure adequate land and land infrastructure is available for economic growth and development
- Facilitate redevelopment of vacant sites and building renovations in the downtown to support its continuation as the City's central business district.
- Ensure that the employment centres within C.A.Pippy Park the University, the Health Sciences Centre, Confederation Building – are serviced by an efficient, multimodal transportation network, which connects to quality residential neighbourhoods, surrounding retail and recreation opportunities.



5.1 Economic Diversification

- Promote economic development and competitiveness by providing an appropriate supply of lands for commercial and institutional uses, along with the necessary infrastructure to support such development.
- 2. Promote economic growth in order to maintain the City's tax base and provide a variety of employment opportunities for the city's residents.
- 3. Recognize the importance of industrial lands, such as manufacturing, warehousing and processing, as contributors to a diverse economy, and ensure an appropriate supply of lands and required infrastructure is available to support such uses.
- 4. Identify lands for industry where there is direct and convenient access to the regional transportation network, such as a highway, the port or the airport.
- 5. Encourage retail, service and office uses in designated commercial areas and areas identified for intensification.

Protecting Lands for Commerce

- 6. Ensure that lands designated for future industrial and commercial uses shall not be considered for conversion to non-industrial or non-commercial uses except where:
 - There is a demonstrated need for the conversion;
 - There is existing or planned infrastructure to accommodate the proposed conversion;



- The lands will not be required over the long term for the industrial and commercial uses for which they were designated; and
- An amendment to this Plan is made to accommodate the conversion.

5.2 The Port

- 1. Recognize the importance of the Port of St. John's as a marine industrial area and support its continuation as a working port within the city.
- 2. Work with the St. John's Port Authority to facilitate the continued operation of the Port catering to the fishery, offshore oil and gas industry, the movement of goods through the container terminal, ship repair facilities, Coast Guard operations and a growing volume of cruise ship and recreational boating traffic.
- 3. Ensure that land use bordering land owned by the St. John's Port Authority is planned and developed in a manner that is compatible with a working harbour environment.
- 4. Support the functioning of the Port through access to municipal services and connections to the regional transportation network and work with the St. John's Port Authority to ensure that access to and egress from the port are protected.
- 5. Support continued expansion of the cruise ship industry by working with the St. John's Port Authority to continue to improve infrastructure, facilities and services.

5.3 Institutions

Memorial University is a significant contributor to the local economy, as both a major employer and purchaser of goods and services. The University attracts significant investment in research, engages in outreach activities, fosters innovation and the creation of new business, and enriches the community through its contribution to arts and culture. The College of the North Atlantic is also a significant employer and contributor to the local economy and knowledge base. These and other institutions such as Confederation Building and the Health Sciences Centre are located in C.A. Pippy Park, an area established by the Province as a land bank for institutional uses, along with a recreational and wilderness park.

Institutional changes continue to occur within the city. Closures or planned closures of public schools and hospitals, along with relocation or consolidation of government buildings, has created multiple opportunities for a number of sites to be redeveloped. Left vacant, they represent lost opportunities and "dead zones" for the neighbourhoods that surround them.

1. Work with the Province, University, colleges, and the C.A. Pippy Park Commission and the Eastern Regional Health Authority to ensure the continued success of these



institutions within C.A. Pippy Park by providing efficient public transit, safe streets, pedestrian and cycling networks, and the provision of additional opportunities for housing, retail and services near these institutions.

2. Actively plan for and engage the Province on the future redevelopment of former hospitals, decommissioned public schools and other similar sites within the city that would allow for the creation of mixed-use developments, including public open space.

5.4 Retail

The City has a range of retail that include the Avalon and Village Shopping Malls and the downtown along with several big box developments. Smaller retail clusters consisting of low rise commercial buildings, along with larger anchor stores, like that of supermarkets, are located along main thoroughfares. Some of city's retail sites have underutilized or vacant space, typically large parking lots, and are located adjacent to residential neighbourhoods.

Opportunities exist to revitalize these underutilized areas, by encouraging redevelopment with a mix of residential, office and supporting retail and personal services uses, similar to the Churchill Square neighbourhood. Older neighbourhoods in the city have retail and service uses integrated into the established urban fabric. Public consultations on the Municipal Plan indicate that residents want access to local retail and service uses closer to where they live and particularly within walking distance.

- 1. Provide for a greater mix and integration of new retail and service uses in commercial areas.
- 2. Encourage redevelopment of underutilized single-use, single-storey retail and service sites, particularly in areas identified for intensification.
- 3. Encourage redevelopment of retail shopping centres into multi-use commercial areas that accommodate complementary retail, service and office uses, and higher story residential developments.

5.5 Tourism

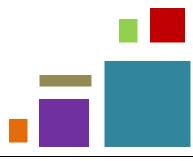
Tourism makes a significant contribution to the city's economy, providing various business opportunities and employment. St. John's is a major tourist destination, and is promoted as providing "authentic" visitor experiences. A key piece of this experience is the vibrant cultural heritage of the city within the context of a unique built heritage, particularly in the downtown.

- 1. Protect and enhance the city's cultural and built heritage resources, particularly in the downtown, as assets that are critical to the continued success and future growth of the tourism sector.
- 2. Continue to implement recommendations of the downtown St. John's Strategy for Economic Development and Heritage Preservation (2001).
- 3. Recognize and support the arts as a key component and contributor to the success of the tourism industry.
- 4. Ensure that St. John's has the infrastructure, amenities and products necessary to enhance the visitor experience and support the continued development of tourism.

5.6 Agribusiness

The St. John's Agriculture Development Area (ADA), established and regulated by the Land Development Advisory Authority (LDAA) within Agrifoods, Department of Fisheries, Forestry and Agriculture protect agricultural lands in the Northeast Avalon, and supports a thriving agricultural industry that provides local food and employment opportunities.

- Support the continued growth of the agriculture industry within the city by recognizing and supporting the provincially designated St. John's Agriculture Development Area (ADA), and designate and zone lands in accordance with the ADA regulations and guidelines as identified in Appendix A, P-8 (St. John's Agricultural Development Area Map).
- 2. Promote efficient operations and economic viability of farming activities by encouraging such uses and activities that support agricultural businesses like that of farm markets, small-scale local food processing and agri-tourism, while promoting the use of best management practices to ensure a high level of land stewardship and environmental protection.



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CHAPTER 6 Urban Design

GOAL

Improve quality of life through excellence in urban design of buildings, streets, neighbourhoods and public spaces throughout the City.



Citizens and organizations consulted as part of the review of this Plan called for measures that will result in greater comfort and walkability, the preservation of natural areas, scenic views and other cultural features, and buildings designed to fit appropriately into the urban and rural landscape, including more mixed-use areas. These measures speak to a desire for improved design in our downtown, commercial areas, neighbourhoods, and all other areas of the city.

Good urban design is about making connections between people and places, movement and urban form, nature and the built environment. It is about place-making, incorporating environmental stewardship, social equity and economic viability into the creation of places with distinct beauty and identity.

While principles of good urban design can be applied throughout the city, it will be of particular importance in areas that are identified for future intensification. Urban design is also needed in the downtown, where there is a desire to preserve heritage assets, while encouraging and accommodating new development.



Strategic Objectives

- Maintain the city's unique heritage and character with a particular emphasis on downtown, by balancing preservation of existing heritage structures and streetscapes with new appropriate development.
- Incorporate a complete streets approach in the design and retrofit of city streets.
- Develop urban design guidelines for areas identified for intensification and the downtown.
- Ensure a high quality of design in areas identified for future urban growth.
- Utilize green infrastructure to enhance the quality of public spaces throughout the City.
- Increase safety and security in the City by incorporating principles for crime prevention through environmental design.

6.1 General

- 1. Make St. John's a more beautiful city with a commitment to excellence in urban design appropriate to the context of the city and existing character of the neighbourhood.
- Develop comprehensive urban design guidelines for new development, redevelopment, streetscape improvements, built form, height and massing of buildings, and parks and open space that is consistent with the objectives and policies of this Plan.
- 3. Promote and recognize creativity, innovation and sustainability in architecture, landscape architecture, and site and neighbourhood design.

Built Form

- 4. Ensure that ground and lower levels of buildings contribute positively to the public realm and streetscape, and are designed at a pedestrian scale.
- 5. Require that new development and redevelopment of existing sites be integrated into the surrounding neighbourhood.
- 6. Ensure that tall buildings are designed and sited to:
 - Contribute positively to the skyline of the city;
 - Designed with a pedestrian scale at the base and a prominent roofline;
 - Be integrated with adjacent areas by stepping down to lower-scale buildings and neighbourhoods;



- Consider the shadow impacts on adjacent residential areas, streets and open spaces; and
- Increase safety and security by incorporating principles for Crime Prevention Through Environmental Design (CPTED).

Public Realm

7. Encourage new developments and redevelopment that contribute to the public realm through architectural design, particularly in areas of heavy pedestrian traffic such as commercial areas, intensification areas and the downtown, and provide connections designed to encourage pedestrian and cycling activity.

6.2 Secondary Plans

Secondary plans are used to engage detailed planning and analysis at the neighbourhood level, within the broader framework of the Municipal Plan. During public consultations, citizens expressed an interest in being able to discuss decisions that affect their neighbourhoods and a need for more planning at the local level. The city's various Planning Areas are identified in Appendix A, - Map P-2 (Planning Areas Map). It is Council's intention to place greater emphasis on reviewing and preparing Secondary Plans, and to use these as a way to refine those areas identified for intensification.

Intensification Areas as shown in Appendix A, Map P-3 (Intensification Areas Map), have been identified as having potential for future redevelopment and intensification for a mix of commercial, residential and other uses. These areas are typically commercial areas located on transit-serviced roadways that are characterized by vacant and underutilized sites, including large parking areas.

Planning Areas

- 1. Undertake the preparation of updating or creating Secondary Plans for Planning Areas as shown in Appendix A, Map P-2 (Planning Areas Map) to form part of, and be read with the Municipal Plan.
- 2. Where areas for Intensification as shown in Appendix A, Map P-3 (Intensification Areas Map) have been identified in a Planning Area, Secondary Plans shall be required to address ways to achieve intensification, consistent with the policies of this Plan including:
 - Defining specific boundaries of the areas targeted for intensification;
 - Design and height requirements; and
 - Appropriate zoning to facilitate intensification objectives and uses.



Intensification Areas

- 3. Encourage redevelopment of Intensification Areas to achieve a mix of commercial, residential, and service uses, along with increased density and high quality public spaces.
- 4. Develop new parking standards to encourage the development of complementary uses within the same building as a way to reduce the number of required parking spaces, which lead to better overall site design.
- 5. Encourage an appropriate transition of building scale between developments in areas identified for intensification and adjacent residential neighbourhoods.
- 6. Create new design guidelines for site layout, vehicular circulation and loading zones in order to reduce or improve the appearance of parking lots along the street, and to minimize the impact of vehicles on the pedestrian realm.

6.3 Development in the Downtown

The downtown St. John's Strategy for Economic Development and Heritage Preservation that was prepared in 2001, sets out a vision for the downtown:

- An internationally recognized, historic port city in which residents, businesses and visitors are welcome:
- Desirable residential neighbourhoods, with fully rehabilitated housing stock, looking as attractive as its original builders intended;
- An unforgettable commercial core featuring authentic, traditional buildings, well conserved and rehabilitated, which create a highly competitive retail sector along Water and Duckworth Streets;
- A desirable office/commercial location, with a solid supply of Class A and Class B office space to meet the needs and expectations of the corporate community;
- Low-rise buildings which do not obstruct the irreplaceable views of the Harbour;
- A vibrant entertainment area centered on George Street;
- A revitalized, pedestrian-friendly harbourfront; and
- A "people place" which forms the soul of the city.

Over two decades later, this vision is still valid and the downtown is recognized as a significant defining feature of the city in regards to built heritage, unique residential neighbourhoods, culture, the arts, tourism, and a centre for employment and commerce.

- 1. Recognize and protect established downtown residential neighbourhoods through the retention of housing stock or consideration of moderate intensification in a form that respects the scale and character of the neighbourhood.
- 2. Develop detailed urban design guidelines for the downtown that address built form, the height and bulk of buildings and their relationship to the street and to each other,



the design of public spaces, and the provision of parking and transit facilities, while consideration may be given to developing building design standards for specific sites or blocks.

3. Encourage development of mixed-use buildings in the downtown that contribute to the downtown as a "people place."

6.4 Building Height

Some of the most contentious issues in the city involve the height of buildings, particularly in the downtown. The city's built form consists largely of low-rise buildings, while taller buildings such as office towers, hotels and a range of institutional buildings are dispersed throughout the city.

In the downtown, many studies conducted over the years have recommended that building height be limited to four (4) storeys to retain the historic character of the downtown, as well as views of the Narrows, Signal Hill and the Harbour from various public vantage points. In other areas, concerns about increasing the height and bulk of buildings revolves around the effect on privacy and shadowing on adjoining properties, and generally whether taller buildings "fit" into the landscape.

- 1. The height of buildings within the city shall be dealt with in the following manner:
 - a. **Low-Density Residential Neighbourhoods** the heights of buildings are representative of existing dwellings within a particular area. New development shall be assessed to ensure that new dwellings are compatible with the neighbourhood in terms of form, height and setback.
 - b. Areas identified for Intensification In areas identified for future intensification through redevelopment of vacant or underutilized sites, the height of buildings may be greater, but still compatible with the existing built form.
 - The design of buildings must account for appropriate height, separation distance, lighting and other privacy requirements. Where development in commercial, mixed-use, or high density residential zones is proposed next to existing residential neighbourhoods, the City will develop urban design guidelines to set out how this can be achieved uses. Secondary Plans will be used to define the transition areas between residential neighbourhoods and higher density, mixed-use areas.
 - c. **Commercial and Industrial Areas** Building height in major commercial areas outside the downtown, including industrial parks and commercial land use districts along major roads such as Kenmount Road, can be greater than those that currently exist. In areas around the St. John's International Airport, particularly along flight paths, building height will be limited to that necessary for airport operations safety set out by Transport Canada.



d. The Downtown – The downtown will be treated as two distinct areas: east and west. Adelaide Street will be the boundary for delineating height in the downtown.

The objective for the east end of Downtown (east of Adelaide Street) is to retain the existing urban form and human scale along the commercial corridors of Duckworth and Water Street, while allowing some additional height. Additional height may be considered subject to the appropriate provision of building orientation, setbacks, public space and parking standards. The existing scale of buildings along the streetscape, along with the area's cultural and architectural significance and heritage requirements, will guide overall building design and will help with determining the appropriate scale and scope of new buildings and redevelopment.

In the west end of Downtown (west of Adelaide Street), greater building height will be considered. The area's lower elevation reduces the visual impact of taller buildings on the cityscape and surrounding properties, while the close proximity to Pitts Memorial Drive is also key, as this main road brings large volumes of traffic in and out of the downtown daily. Height shall be subject to heritage requirements, the appropriate building orientation, setbacks, public space and parking standards.

- e. **Downtown residential neighbourhoods** The unique form of downtown residential neighbourhoods shall be retained, including the historic block pattern of residential row, townhouse and single detached dwellings surrounding the resulting internal courtyards. Building height will be consistent with the existing built form and applicable heritage regulations.
- Battery Area Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the St. John's Development Regulations.
- g. **Areas outside the Downtown** In areas bordering the downtown along LeMarchant Road to the west of Harvey Road, building height can be increased subject to the Intensification Area policy. Increased building height will also be encouraged in developing areas, such as Pleasantville and areas identified for urban expansion, in accordance with approved comprehensive development plans.
- h. **Rural Areas** In rural areas, building height will be considered in the development review process. Development should be compatible with surrounding uses and the landscape by not extending above scenic ridgelines.
- i. Building Height General It is recognized that proposals for buildings that exceed the existing Zone Height may be received for development outside areas described above. In considering such proposals, Council shall take into account whether the building and the proposed use advances the goals and objectives of this Plan and contributes positively to the surroundings.

6.5 Separation Buffers

Good design incorporates the use of measures to provide a separation or screen between potentially conflicting uses. Buffers can be used to visually screen uses from each other, and reduce impacts from height, exterior lighting, noise, odours and so on.

1. Establish standards for buffers, screening, landscaping and noise attenuation features that may be required as part of a development proposal and are the responsibility of the property owner to maintain.

6.6 Art and the City

The arts community in St. John's contributes significantly to the culture and economy of the city and enriches the lives of citizens through visual and performing arts. Through its Municipal Arts Plan and Art Procurement Program, the City supports the arts community as well as individual artists.

- 1. Integrate works of art within the public realm, particularly when designing new public buildings, infrastructure and public spaces.
- 2. Encourage the incorporation of public art into the design and construction of private developments.
- Encourage the incorporation of features that can accommodate use by the visual and performing arts when designing or redeveloping public spaces.

6.7 Signage and Wayfinding

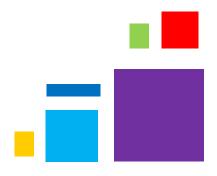
Signage is an important but often overlooked aspect of cities. It helps us find our way around and locate products and services. It can enhance the visual quality of a city and our experience within. It is important for the city to manage signage to ensure that it does not create sign clutter or safety hazards for motorists.



1. Ensure that signage is designed, constructed and placed in a manner that enhances wayfinding, safety, and the overall visual appearance of the city.



- 2. Retain signage-free green corridors along Columbus Drive and major roadways where speed limits exceed 70km/hour.
- 3. Integrate pedestrian way finding signage through key areas of the city and along trails.



CHAPTER 7 Transportation and Infrastructure

GOAL

Support growth and development in the City through an efficient and effective transportation network and investment in municipal infrastructure.



The provision of infrastructure is a key consideration in city planning. Municipal infrastructure – transportation networks, water and wastewater systems and treatment plants - are the underlying building blocks that support growth and livability of the city. How these services are planned and developed affects the daily lives of residents, as well as how and where new growth in the city can occur.

Within the city, efforts to integrate transportation planning and land use are needed to support more balanced mobility, while increasing alternative modes of transportation such as walking, cycling, transit and other innovations. The City's objective is to increase mobility options for all users by addressing the imbalance that exists, which emphasizes and accommodates the car. In some contexts this will mean less vehicle access in favour of providing safer, more active and attractive streets.

Today, more and more cities are re-imagining the street as an important component of increasing mobility options. This can be accomplished by creating walkable streets surrounded by higher density, mixed-use development at key nodes along major transportation corridors, and ensuring that neighbourhoods are connected to these areas by the network of local streets, sidewalks, pathways, trails and transit service. The City recognizes the important role that transportation networks play in community building, and that streets are an important component of "place making."

Over the past decade, the City has undertaken a number of measures to improve stormwater management, wastewater collection and treatment throughout the city. Significant upgrades to water treatment plants at Bay Bulls Big Pond, Windsor Lake and Petty Harbour Long Pond have been undertaken, while significant efforts have also been

taken to conserve water, including an analysis of the water distribution system to reduce leaks. Upgrades have been made to increase the capacity of the storm sewer system to accommodate increased flows and to upgrade and maintain older sanitary sewers in the city.

Over the 10-year planning period, the City will focus investment on renewal and maintenance of existing infrastructure. At the same time, monitoring and planning for future needs will also be undertaken, particularly with respect to regional systems.

Strategic Objectives

- Support public transit through higher density development, mixed-use and supportive housing options along main transit corridors.
- Ensure that areas for urban expansion have transit supportive design.
- Update the 1998 St. John's Transportation Study.
- Participate with the region's municipalities to undertake a regional transportation study.
- Facilitate the creation of transportation networks that support and connect neighbourhoods, provide quality options for active transportation, integrate transit, and prioritize user safety.
- Focus infrastructure investment on the upgrading and replacement of aging infrastructure including water (potable water, wastewater, stormwater), recreation and streets.
- Ensure that urban expansion is carried out in a manner that does not add a financial burden to the city.



7.1 Regional Transportation

As the City has grown, so has the city's street network. The regional road network, set out in a plan developed in the 1970s, will be completed with the final segment of the Team Gushue Highway. The regional road network provides convenient access into and out of the city, to the airport, the harbour, and major employment centres. It has also facilitated the growth of communities beyond the city's boundaries. Within the region, travel modes are almost entirely auto-dependent, resulting in increasing traffic volumes on major roadways within the city. Transportation planning at the regional level requires collaboration between the region's municipalities and the Province to address growing regional traffic issues and impacts on the city. Solutions need to focus on moving people, as opposed to vehicles.



- 1. Work with other regional municipalities and the Province to undertake a Regional Transportation Plan that will:
 - Identify regional traffic patterns;
 - Include a regional traffic model for use in evaluating the impact of proposed developments on regional transportation and city street networks;
 - Evaluate the potential for increasing modal share of transit, walking, cycling and other means of transportation within the region as a means of reducing the reliance on the automobile as the primary mode of travel to, from, and within the City; and
 - Identify necessary improvements in the regional road network.
- 2. Protected Roads as set out under the Urban and Rural Planning Act, identified in Appendix A, P-4 (Road Classifications), are designated by the Province for the purpose of controlling development within an established building control line, measured perpendicular from the centre line to a distance of 100 metres. An application must be obtained from Digital Government and Service NL prior to any development being permitted within this defined area.
- 3. Scenic Roads, Appendix A, P-4 (Road Classifications), are designed for traffic and access, but were developed as leisurely routes, where the scenic potential is of a greater value, and any proposed development is subject to the policies of the St. John's Urban Region Regional Plan.

7.2 Transportation Network

The major roadways of the city's transportation network are identified in Appendix A, P-4 (Road Classifications). Over the planning period, emphasis will be placed on developing complete streets, where the emphasis is on the movement of people instead of vehicles, increasing safety for all users, and the creation of attractive streetscapes. Complete streets will be achieved through new street standards for new development, as well as retrofitting existing streets as part of the city's ongoing capital works programs. City streets will be completed by a network of active transportation links and transit service.

- 1. Revise standards for the development of new streets and rights-of-way, to improve the balance of safety, accessibility, convenience and comfort of all street users. Complete Street guidelines will be incorporated where appropriate.
- 2. Ensure that lands are acquired through the development approvals process for required street rights-of-way, lands required for features such as intersection widening, transit infrastructure, improved sightlines, or other identified streetscape improvements.
- 3. Improve the city's transportation network in accordance with a new Transportation Master Plan for St. John's.

- 4. Encourage development that facilitates the potential for street and pedestrian connectivity. In new residential developments, the use of cul-de-sacs will be discouraged except for locations where there is a demonstrated need for a cul-de-sac to provide land access.
- 5. Ensure that all transportation infrastructure is open to the public and remains in the public realm wherever possible.

Active Transportation

- 6. Work with schools, the University, Colleges and private educational institutions to provide alternatives to car travel by improving conditions that encourage students to travel to school on foot, by public transit or by bicycle.
- 7. Update the City's Cycling Master Plan to identify and implement a network of safe, comfortable and convenient cycling facilities.
- 8. Create a more pedestrian-friendly environment that is inter-connected by a network of accessible, safe, comfortable and convenient routes.

Parking

- 9. Establish parking standards that:
 - Address requirements for parking in areas identified for intensification;
 - Permit reduced levels of parking in new mixed-use development projects where shared parking among compatible uses is possible and desirable;
 - Address the design and placement of off-street parking and loading facilities for delivery vehicles; and
 - Include provisions for bicycle parking areas and facilities.
- 10. Require that the planning and design for parking in large, commercial and mixed-use developments incorporate measures that facilitate the safe movement of pedestrians within and between retail sites, including the provision of appropriately sited facilities to support transit.
- 11. Encourage design and construction of parking facilities including parking lots and above-grade parking garages or other parking structures that enhance the visual quality of the streetscape and are pedestrian friendly and reflect the human scale.
- 12. Work with owners of private parking facilities to provide public parking during nonpeak hours.
- 13. Work with Metrobus and major employers in the city's employment centres to develop measures to reduce the demand for all-day commuter parking, particularly in the downtown.

Development

- 14. Create Transportation Impact Assessment Guidelines for the creation of new transportation infrastructure required to support new development.
- 15. Require new development to anticipate and implement traffic calming measures consistent with the principles and objectives of the City's Traffic Calming Policy, so that proactive measures can be applied before traffic problems arise.
- 16. Encourage the design and construction of new streets and the retrofit of existing streets, where appropriate, that incorporates the needs of pedestrians, cyclists, and persons with disabilities to create a transportation network that is accessible, safe, comfortable and convenient for all users.

Intensification Nodes and Corridors

Key nodes and corridors provide focal points for neighbourhoods and connections between different areas of the city. Increased density, a mix of uses and multimodal connectivity establish these areas as vibrant parts of our community.

17. Develop a system of nodes and corridors through the city that will be linked by transit service, active transportation and streets.

7.3 Public Transit

The City recognizes the role that an efficient public transit system contributes to personal mobility and health of residents. Increasing ridership both within, and to and from the city, is one way of reducing the number of personal vehicle trips and the number of vehicles on city streets. Investment in the Metrobus transit system has been made in the development of a new bus depot on Messenger Drive and purchase of additional buses for the fleet.

- 1. Increase ridership on public transit by the following means:
 - Work closely with Metrobus on transit supportive planning;
 - Improve transit infrastructure to support an efficient and effective transit service;
 - Provide increased development density and a mix of land uses in identified areas along main transportation corridors and nodes;
 - Reduce parking requirements that take advantage of alternate travel modes;
 - Work with the region's municipalities to develop park-and-ride lots in appropriate locations to encourage ride sharing and transit use;
 - Continue to support a regional ParaTransit service; and
 - Support Traffic Demand Management (TDM) policies.

7.4 Airport

The St. John's International Airport is a significant piece of the provincial transportation network, providing for the movement of people and goods to, from and within the province. Over the past decade, the airport has experienced significant growth in air traffic, for both passenger and freight, leading to corresponding improvements to navigational systems, the terminal building and other facilities.

Urban development around the airport has included residential development in the areas of Clovelly and Airport Heights, with commercial and industrial development occurring along Torbay Road and Stavanger Drive, and to the south along Major's Path.

- 1. Maintain road access from the airport to the regional highway system, the harbour, and other industrial lands to facilitate the movement of goods.
- 2. Manage land use to reduce conflicts arising from air traffic noise by preventing residential development in accordance with the Noise Exposure Forecast (NEF) contours prepared by Transport Canada, and in accordance with the policies of the St. John's Urban Region Regional Plan.
- 3. Ensure the height limit of buildings around the airport is in accordance with the requirements of the Airport Authority and Transport Canada for airplane safety.

7.5 Water and Wastewater Servicing

The cost of constructing and maintaining water and wastewater systems within the City is significant. Efficient utilization of the existing system helps to reduce such costs. Ensuring that expansion of such services, particularly to areas identified for urban expansion, occurs in a rational and comprehensive manner, which is not premature, is a priority.

- 1. Work with the Province and municipalities in the region to:
 - Review the regional water supply to confirm whether existing water supplies are sufficient to meet projected economic growth;
 - Identify additional water sources to meet future needs;
 - Continue to implement the regional water conservation policy; and
 - Reduce leakage from the municipal water distribution systems to further conserve the supply of potable water.
- 2. Ensure that new development is connected to full municipal water and wastewater services, unless located in a designated un-serviced area with frontage on an existing public road (prior to January 1, 1992).
- 3. Nothwithstanding Policy 7.5.2, development may occur on the basis of on-site services where:



- Lands are considered infill along an existing publicly maintained street (as of Jan 1, 1992); and
- Government Services approval(s) are obtained.
- 4. Require that where a new public road is extended or created, full municipal water and sewer services are required.
- 5. Incorporate an integrated design approach and use of best practices for stormwater management as part of City infrastructure projects.
- Continue to improve water and wastewater infrastructure to increase capacity of the system to accommodate new serviced development.

7.6 Limit of Servicing

Water and wastewater infrastructure, including stormwater systems were originally designed to accommodate development up to the 190-metre contour elevation. Over the years, the City has undertaken studies to re-assess capacity to accommodate development at higher elevations and to increase capacity of systems where possible. However, some limitations remain.

- 1. Unless infrastructure improvements as determined by Council to be necessary are carried out, development shall be limited to lands below:
 - The 130 metre contour elevation in the Kilbride area;
 - The 185 metre contour elevation in Airport Heights; and
 - The 190 metre contour elevation in the Kenmount/Southwest Development Area.

7.7 Unserviced Development

The City receives numerous applications each year for development in areas that have no municipal water or sewer services. In several areas, the City has faced significant financial costs where well and septic systems have failed, and municipal water and sewer services had to be extended in order to alleviate health and safety concerns. In order to address these issues and control unlimited unserviced development the following shall apply:

- 1. Unserviced residential development shall be allowed only on existing properties already zoned as Rural Residential Infill (RRI) or Rural Residential (RR) and no additional lands will be rezoned for residential infill development.
- 2. Unserviced rural infill development may occur only on public roads existing as of January 1, 1992.



3. No new roads will be permitted for unserviced development, with the exception that a private road that existed as of January 1, 1992, may be accepted as public road subject to conditions set out by the City.

7.8 Goulds Ultimate Service Area

Development in Goulds is limited by capacity in the existing wastewater system. Although the City has invested in upgrades to the system, there is still limited capacity to accommodate new development. The Goulds Ultimate Service Area in Appendix A, P-5 (Goulds Ultimate Service Area), identifies the current service area and lands identified for future urban expansion.

Policies

- 1. Continue to upgrade and improve capacity of the wastewater system in the Goulds Ultimate Service Area.
- Support extension of infrastructure into the future service area in a progressive manner, to accommodate fully serviced development within the Goulds Ultimate Service Area.
- 3. Allow no extension of services outside of the Goulds Ultimate Service Area until existing municipal services have been suitably upgraded.
- 4. Any development within the Goulds Ultimate Service Area must be developed to full City standards in accordance with the City's Subdivision Development Policy.
- 5. No development, whether serviced or unserviced shall be permitted outside the Goulds Ultimate Service Area (current and/or future) except for infill development consistent with existing zoning.

7.9 Torbay Road North Commercial Area

Lands identified as the Torbay Road North Commercial Area Appendix A, P-6 (Torbay Road North Commercial Area), have been studied to determine the available capacity of existing services such as transportation, water and sewer services, and stormwater infrastructure. Some limitations exist and as a result, development in this area must be carefully managed.

- 1. Require that all new development be in accordance with the policies of the Torbay Road North Commercial Area Plan and follow-up Transportation Study, and support required infrastructure upgrades.
- Ensure that all new development within the Torbay Road North Commercial Area contribute to required infrastructure upgrades in proportion to the demand they place on the network.



1. Encourage that new development and redevelopment in St. John's be done in a manner that provides access to emergency services, including the provision of adequate water for fire suppression.

7.11Telecommunications and Utilities

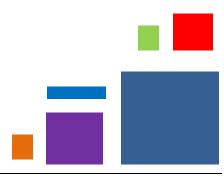
The provision of utilities and telecommunications infrastructure is important to the city's economy, safety and security.

- 1. Ensure that telecommunication service and data network providers locate all new infrastructure subject to the City's Siting Protocol for Wireless Facilities.
- 2. Coordinate with utility providers to identify the location, maintenance and renewal of utilities and services within public rights-of-way.
- 3. Work with utility providers to ensure appropriate utility design and placement (including underground placement) to minimize the visual impact of utilities, particularly in heritage areas, new residential areas, and areas identified for intensification.

7.12Small-Scale Wind Turbines

It is recognized that small-scale wind turbines are being used to supplement energy supply for commercial and industrial uses as a means of reducing reliance on fossil fuels.

1. Support the use of alternate energy production by permitting small-scale wind turbine structures in appropriate areas, subject to a Land Use Report.





GOAL

To promote a pattern of growth and land use that will encourage orderly, efficient, and environmentally sound development, and create highly desirable, vibrant, walkable neighbourhoods.



8.1 Land Use Districts

The City will continue to manage growth and development by designating lands within the Planning Area into land use districts. Each Land Use District is shown on the Future Land Use Map, Appendix A, - P-1 (Future Land Use), and is linked to policies outlined in this Chapter, which provide guidance regarding permitted uses, building and development form.

The Land Use Districts and policies are organized according to the following categories:

Residential Rural Restricted Development
Commercial Forestry Urban Expansion
Industrial Agriculture Pippy Park
Airport Watershed Open Space
Institutional

Objectives

- To enable land uses to develop in a compatible manner while ensuring sufficient land is made available for future growth.
- To support commerce and industry by providing opportunities for businesses to operate.
- To make provision for future infrastructure servicing as the basic framework around which the city will grow.
- Protect the city's public water supply watersheds to ensure a safe, clean and reliable source of drinking water.



8.2 Interpretation of Land Use Districts

For the purposes of administering this Plan, the Future Land Use Map (Appendix A, P-1) shall be read in conjunction with the goals, objectives and policies outlined in this document.

The boundaries between land use designations as shown on the Future Land Use Map are not intended to be rigid, except where they coincide with physical features (such as roads, rivers, steams). Where boundaries do not coincide with physical features or there is any uncertainty concerning the intended land use designation, the exact determination of the boundaries will be determined by Council or designate.

8.3 General Policies

The following policies shall apply to all Land Use Districts under the Plan.

General

- 1. The following uses shall be permitted in any Land Use District as enabled by zoning under the Development Regulations:
 - Public works and services;
 - Municipal transportation facilities;
 - Telecommunications and utilities (not including cellular towers)
 - Open space uses, including parklands, walkways, trails and recreation.
 - Buildings or structures that are normally incidental or essential to a permitted use.
- 2. Unless otherwise identified in this Plan, Council shall establish in the Development Regulations, the standards and conditions for development in each land use zone.

Cemeteries

 A Land Use Zone shall be established to recognize existing and planned cemeteries within the City, regardless of the Land Use District in which they are located. Standards and requirements for their development and expansion will be set out in the Development Regulations.

Non-Conforming Uses

- 4. In accordance with the Section 108 of the *Urban and Rural Planning Act (2000)*, the City shall allow a Development or Use of land to continue in a manner that does not conform to the St. John's Municipal Plan and the St. John's Development Regulations provided that:
 - The Non-conforming Use legally existed before the coming into effect of the St. John's Development Regulations 2021;
 - Council may permit the modification or change a Non-conforming Development;
 and

- Where a Building is damaged or deteriorated, Council may, upon application, approve a permit
- To repair or reconstruct the Building to restore the Non-conforming Use, provided that the
- Building is not damaged and/or deteriorated to an extent of 50 per cent or more of the value of
- The Building. However, where Buildings are primarily zoned and used for residential purposes,
- The value of the damage and/or deterioration of the Building shall not be considered.

Sensitive Sites

- 5. For sites that are subject to heritage designations or standards, or sites that may be of an environmentally sensitive nature and Council wishes to impose further conditions on development, Development Control Provisions may be considered.
- The creation of Development Control Provisions may be used to enable the creation of a new zone that are site-specific and include specialized standards and requirements that protect the unique characteristics of the site.
- A Land Use Report would be required for the consideration of such Zones.

8.4 Residential Land Use District

The Residential Land Use District applies to established and developing residential neighbourhoods of the city. Residential neighbourhoods should contribute to the maintenance and improvement of quality of life through housing design and variety of form, good subdivision design, effective management of non-residential land use and appropriate infill. Provisions should provide for the development of neighbourhood-supportive commercial uses that are compatible with surrounding residential uses.

The City's pattern of residential development is one of primarily low-rise single detached, semi-detached and townhouse dwellings in the downtown and surrounding older neighbourhoods of Georgestown and Rabittown. It then transitions to a greater proportion of single detached dwellings that characterize post-war neighbourhoods in the Churchill Square area and east and west ends of the City, along with other developing areas of the City.

High density multiple-unit developments are located in areas primarily located along main transportation routes, while lower density multiple-unit developments are mixed throughout the city alongside lower density residential neighbourhoods. A mix of residential densities and housing forms is proposed for both Pleasantville and Galway areas.

Neighbourhoods experience a variety of changes over time, and these transitions, create well-defined neighbourhoods and a varied housing stock. The challenge is to ensure the stability of developed neighbourhoods while recognizing that neighbourhoods evolve to reflect changes in the local population. Accommodating change within neighbourhoods as they evolve requires detailed planning and collaboration with residents at the local level.

The City's goal is to ensure that residential neighbourhoods are inclusive and support people of differing ages, abilities and socio-economic groups. This requires a variety of housing options, public amenities and transportation infrastructure, capable of change as neighbourhoods mature.

Residential Land Use Zones

1. Within the Residential Land Use District, Council shall establish low, medium and high density residential land use zones that consider a variety of residential forms.

Residential Neighbourhoods

- 2. Recognize and protect established residential areas. Support the retention of existing housing stock, with provision for moderate intensification, in a form that respects the scale and character of the neighbourhood.
- Support neighbourhood revitalization, redevelopment and residential infill that
 contributes to the livability and adaptability of established neighbourhoods, is sensitive
 to existing development and is economically viable for a range of socio-economic
 groups.
- 4. Consider the use of small scale businesses within the dwelling which provide services to the local area and where the intensity of the use is reflective of the surround neighbourhood such as services shops, home office, home occupation, day care centres, adult day centres and bed and breakfasts.
- 5. New development should be complementary to existing adjacent neighbourhoods in scale, form, massing, style and materials, and will incorporate design elements that create a transition between the new and existing development.
- 6. Apartment Zones shall be permitted within the Residential District outside of Planning Area 1. Their location should be compatible with surrounding uses, ensuring that overall size and scale is sensitive to the surrounding residential neighbourhood.
- 7. The Residential Downtown and the Apartment Downtown Zones shall be established in the Development Regulations under the Residential Land Use District and shall be

- considered within Planning Area 1 (Downtown) and adjacent neighbourhoods, which are reflective of existing development patterns, housing stock, lot sizes and setbacks.
- 8. Support a variety of residential forms in all medium and high-density zones that is reflective of existing demographics and provides housing options for various socioeconomic groups.
- Encourage increased density in residential areas where appropriate, along with an increase in public open space, services and amenities, reflective of increased density levels.
- 10. Minimize urban sprawl by encouraging integrated developments.
- 11. Promote the development of infill, rehabilitation, and redevelopment projects, thereby better utilizing existing infrastructure.
- 12. Encourage the rehabilitation and preservation of existing housing stock in older parts of the City.
- 13. Subdivision, siting, and landscaping standards shall be used to control noise resulting from traffic, highways, commercial, industrial, and airport activities.

Residential Mini-Home Parks

14. Well planned, residential mini-home park developments may be permitted at the discretion of Council in the Residential Land Use District as an acceptable form of affordable housing, subject to a Land Use Report.

Non-Residential Uses

15. Within the Residential Land Use District, Commercial uses may be considered where:

- The proposed use is a small scale, commercial use that is compatible with the surrounding residential area,
- The site is an appropriate zone for Commercial Local and Commercial Local Downtown uses, and
- The site shall be designed to minimize any effects on adjacent residential areas.
- 16. Within the Residential District the Industrial Commercial Zone may be considered in the James Lane area and at the Molson Brewery (131 Circular Road). The James Lane area was originally developed in the 1950's as a small light use industrial park, while the neighbourhood, including the brewery, date back to the 1920's. Any future redevelopment of either site would be encouraged to be that of a residential nature due to surrounding uses.

8.5 Commercial Land Use District

The Commercial Land Use District applies to existing and future areas of commercial development within the City. These commercial uses range from small-scale commercial sites serving residential neighbourhoods, to larger regional centres like the Village and Avalon Malls, and the developing areas of Stavanger Drive, Kelsey Drive and Galway. Smaller concentrations of commercial uses can also be found along the city's main roadways. The downtown is recognized as an important commercial hub, for both the city and the province. Provisions in the commercial district are included to allow the development of residential dwelling units provided they will not hinder or prevent an area from being used for commercial purposes.

The role of the City is to ensure an adequate level of commercial services are provided throughout St. John's, by facilitating appropriate development in new areas, and maintaining the viability of older areas. Retail uses in commercial areas directly serve residential needs, while office uses bring employees from residential districts daily. It is, therefore necessary and desirable to place commercial facilities close to residential neighbourhoods, while minimizing the impact on established neighbourhoods and municipal services.

- 1. Within the Commercial Land Use District, Council shall establish commercial land use zones that accommodate a wide range of permitted and discretionary uses including retail, restaurants, entertainment and assembly, hotel, office, service shop, clinics, residential, day care centres, schools, place of worship, parking, and light industrial uses, along with other uses which are listed in the corresponding Zones under the Development Regulations.
- Ancillary and complementary uses that fit into a commercial context with appropriate permitted and discretionary uses set out in the Development Regulations may be considered.
- 3. Promote the growth of new commercial areas for business and retail opportunities, with the downtown as the primary focus.
- 4. Designate lands for commercial use in appropriate locations along main roadways, at intersections and in the downtown, to ensure an adequate supply of suitable land is available to accommodate a range of commercial activity and support commerce.
- 5. Encourage large scale commercial centers and commercial strips to develop into vibrant, transit-supportive and walkable urban areas and are well designed and landscaped.
- 6. Provide adequate opportunity for business expansion at appropriate locations throughout the city and assist in the reorganization and redevelopment of older



- 7. Plan for small local commercial uses that meet the daily needs of residents and are compatible with surrounding uses.
- 8. Support local food sourcing production by allowing urban agricultural opportunities in the form of Aquaculture, Aquaponics, Horticulture, and Hydroponics in appropriately zoned commercial areas.

Downtown

- 9. The Commercial Downtown Zones shall be established within the Development Regulations and considered within Planning Area 1 (Downtown), while the Commercial Downtown Zone shall only be considered in the west end (west of Adelaide Street).
- 10. The downtown is recognized as a special multi-use commercial area that includes residential, institutional, entertainment and public space uses, as well as retail and service uses.
- 11. Preserve and strengthen the role of the downtown as a major regional employment centre.
- 12. Support traditional retail shopping streets as centres of community activity, particularly in the downtown by:
 - Creating urban design guidelines;
 - Encouraging good quality development that accounts for type, density and form compatible with the character of the area and adjacent uses;
 - Ensuring pedestrian-friendly street frontages; and
 - Improving and maintaining infrastructure and public amenities such as transit and parking facilities, street furniture and landscaping.
- 13. Ensure development in the downtown features unique, context sensitive designs and promotes public safety and security.
- 14. Enhance downtown livability by increasing amenities to support a desirable urban community.

Proposals for Commercial Development

15. Encourage and facilitate redevelopment or expansion of commercial sites in a manner that addresses compatibility with adjoining residential uses and shall be subject to a Land Use Report, where a commercial use is proposed in or adjoining a Residential Land Use District.

Commercial Atlantic Place

16. Recognition of Atlantic Place development at 215 Water Street, where the City shall create a zone that acknowledges use of the existing development.

A.P. Parking Garage

17. Recognition of Atlantic Place Parking Garage at 1 Clift's-Baird's Cove, where the City shall create a zone that acknowledges use of the existing development and other ancillary uses.

Commercial Development within the Heritage Area

18. All commercial development within the defined Heritage Areas, shall be subject to the City's Heritage By-law.

Mixed-use Development

19. Within the City, there are a number of areas where a mix of commercial, residential and other compatible uses currently co-exist, in various built form. It is the City's intention to encourage additional areas of mixed-use development, creating neighbourhoods where commercial functions are combined with housing, office space, community services, arts, entertainment facilities and public open space, particularly in areas identified for intensification and new development, such as Comprehensive Development Areas.

The concept of mixed-use development helps to build a sense of place within the community. It embraces such concepts as reduced auto dependence, public transit, reduced urban sprawl and better use of infrastructure through higher density development, while allowing for greater flexibility and adaptability of uses when developing projects.

New Planned Mixed Development Zones follow the same principles as other mixeduse development, while providing a more flexible and creative land use and innovative neighbourhood design. They are creating through the rezoning process in areas designated for future urban expansion, or where large tracts of vacant land are available. They should also allow for redevelopment of existing developed areas if the minimum amount of land can be assembled.

- 20. Encourage development that accommodates a mixture of uses, various built form and public spaces.
- 21. Allow Mixed-Use Zones in appropriate areas within Residential and Commercial Districts, along transportation nodes and within areas identified for Intensification.

- 22. Encourage buildings within a mixed-use zone that are multi-storey, and contain a mix of uses, with commercial, retail and service uses on the ground floor level.
- 23. Encourage the design and creation of new Planned Mixed Developments through the rezoning process, in areas designated for Urban Expansion or where a minimum of 10 acres of land is available for development.
- 24. Planned Mixed Developments must be located adjacent to existing development in order to effectively connect to existing infrastructure and near existing or planned transit routes.

8.6 Industrial Land Use District

The City recognizes the importance of industrial areas for economic development and competitiveness, both locally and within the province. The Industrial District provides for a mixture and range of uses that include both 'heavy' and 'light' industrial. Industrial operations and their associated uses can have significant impacts on surrounding land use, therefore, industrial uses must be located with care. As most industrial uses such as manufacturing and warehouses generally accommodate large transport trucks, good access to the regional highway system, marine or air transportation is important.

The Municipal Plan recognizes and accommodates industrial development under a single Land Use District that recognizes and accommodates such things are light industries that are significantly free of hazards and nuisances to adjoining properties, airport and harbour-related activities and other industrial uses that could cause nuisances for adjacent land uses. The Industrial District applies to lands around the harbour and the St. John's International Airport, the Robin Hood Bay Regional Waste Management Facility, O'Leary Industrial Park, Incinerator Road, and Glencrest, along with other existing industrial sites at various locations within the City. Undeveloped land at Freshwater Bay has also been set aside for marine industrial use, as identified under the St. John's Urban Region Regional Plan.

- 1. Within the Industrial Land Use District, Council shall establish industrial land use zones to accommodate both permitted and discretionary uses that include light and general industry, along with non-industrial ancillary uses that are considered acceptable, as set out in the Development Regulations.
- 2. Ensure there are sufficient lands available for new industrial areas in appropriate locations, and support existing industrial areas, taking into account good road access, opportunities for growth, and separation from incompatible land uses.

- 3. Maintain adequate separation distances between industrial uses and incompatible uses by addressing risk, nuisance and other impacts through a Land Use Report where:
 - Lands proposed to be redesignated to the Industrial Land Use District require a Land Use Report;
 - An industrial use is proposed adjoining a Residential Land Use District; or
 - A proposal is received to rezone lands within the Industrial Land Use District to another District.
- 4. Ensure that acceptable access to the regional highway system is maintained between the airport, the harbour, and other industrial lands within the City.

Industrial Land Use Zones

5. Industrial zones will be established to distinguish between Industrial Commercial which includes such uses that are not particularly intrusive and free of hazards and nuisances, and Industrial, which include such uses as heavy industry, airport and harbour-related activities, and other industrial uses that cause nuisances to adjacent land uses and may allowed subject to a Land Use Report.

Robin Hood Bay Waste Management Area

6. The City will manage land use in the area surrounding the Robin Hood Bay Regional Waste Management Facility, as shown in Appendix A, P-7 (Robin Hood Bay Waste Management Area), in a manner that prevents land use conflicts and ensures its continued operation as a regional waste management facility.

Harbour Development

- 7. The focus for Industrial lands around the Port of St. John's will be primarily related to marine uses transportation, the fishery, the supply and servicing of offshore oil and gas industries, marine recreation, tourism and shipping.
- 8. The special character of the residential areas known as the Battery and Fort Amherst/Southside Road, which are located on opposite sides of the Narrows Planning Area and the entrance to the harbour, shall be protected and enhanced.

Marine Uses at Quidi Vidi Village

9. At the harbourfront in Quidi Vidi Village, traditional marine industry uses such as those associated with the fishery will be encouraged, while other uses, such as those associated with tourism or recreational boating, may also be considered where they are consistent with the St. John's Development Regulations (Z-7 Quidi Vidi Village Overlay Map).



10. The City shall recognize the possible future industrial use of Freshwater Bay in accordance with the St. John's Urban Region Regional Plan and the St. John's Development Regulations.

8.7 Airport Land Use District

The Airport Land Use District includes all lands owned and managed by the St. John's International Airport Authority.

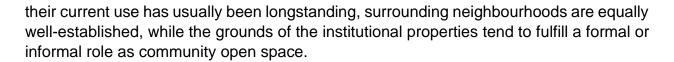
- 1. Land use within the Airport Land Use District shall be in accordance with the requirements of the St. John's International Airport Authority.
- 2. The City shall work with the St. John's International Airport Authority to ensure that Land Uses surrounding the airport are in accordance with the Noise Exposure Forecast (NEF) Contours under the St. John's Urban Region Regional Plan.
- 3. Land Uses in the vicinity of the airport shall be undertaken so that the long-term operation and economic role of the airport is protected and uses that may cause a potential aviation hazard will be avoided.
- 4. Building height shall be restricted in the vicinity of the Airport to ensure aviation safety. The City shall work with the St. John's International Airport Authority and Transport Canada to develop a maximum height standard overlay for lands surrounding the Airport Zone.

8.8 Institutional Land Use District

The Institutional Land Use District applies to lands owned and used by Government and institutions such as hospitals, place of worship and educational institutions. These lands represent a significant element of St. John's land use structure, and cooperation for their use and development is important.

C.A. Pippy Park, established by the Province as a park and land bank to accommodate institutional needs, is the largest institutional area within the city, and includes: Memorial University, the Health Sciences Centre, Confederation Building, the College of the North Atlantic, other Provincial Government office buildings, and a significant area of parkland and recreational facilities, which are managed by the C.A. Pippy Park Commission.

Many of the Institutional lands in St. John's are currently in transition as the roles of government and religious organizations evolve. As some schools, hospitals, and place of worship close, the lands on which they are situated become prime areas for redevelopment within the city. The reuse of such property is frequently controversial as



- 1. The Institutional Land Use District will accommodate a variety of permitted and discretionary institutional uses including government, institutional, public administration, public services, and non-profit, along with other related and complementary uses that fit into an institutional context within the permitted and discretionary uses as set out in the institutional land use zones in the Development Regulations.
- 2. The Institutional-Downtown Zone shall establish those uses which are permitted and discretionary as outlined within the Development Regulations and considered within the Planning Area 1 (Downtown).
- 3. Ensure sufficient lands are available for new Institutional development in appropriate locations, and through mixed-use development, along with support for existing uses throughout the city.
- 4. Recognize the importance of Institutional land holdings within the city and the need for cooperation between the various public bodies involved to ensure the best comprehensive use and (re)development of the property.

8.9 C.A. Pippy Park District

- 1. The C.A. Pippy Park District includes all lands within the legal boundaries of C.A. Pippy Park.
- 2. Land use within the C.A. Pippy Park District shall be in accordance with the requirements of the C.A. Pippy Park Commission.

8.10 Rural Land Use District

The Rural Land Use District is applied to lands outside of the urban core. Lands are characterized by farms, large tracks of open spaces, along with a limited number of rural dwellings, contained on large oversized lots. Rural areas and urban areas are interdependent in terms of markets, resources and amenities, therefore, it is important to control rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Rural and resource lands within the city include large tracts of land in the provincially protected St. John's Agricultural Development Area, land that is unsuitable for development due to excessive slope or erosion concern, quarries, and tourism and recreation. The Rural Land Use District applies to those lands that are not intended to be settled for urban development within the planning period.

Rural areas also include land for residential development. The City recognizes rural residential development as low density, located on large rural lots along existing roads that are not serviced by full municipal services and are not planned to be serviced in the future. No infill development is permitted along arterial roads and scenic roads as identified by the St. John's Urban Region Regional Plan.

- Within the Rural Land Use designation, Council shall establish rural land use zones that will accommodate uses in the form of agriculture, quarrying, forestry, natural heritage and tourism, limited rural residential uses, and other complementary uses as outlined in the permitted and discretionary uses of the zones identified in the Development Regulations.
- 2. Lands not intended for urban development over the next 10 years shall be designated under the Rural Land Use District.
- Appropriate standards shall be established to ensure the quality and preservation of the rural environment.
- 4. Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

Rural Residential Development

- 5. Unserviced residential development shall be permitted only on existing properties zoned Rural Residential Infill (RRI) or Rural Residential (RR), and no additional lands are to be rezoned for residential infill development.
- 6. Unserviced residential development can occur only on public roads existing as of January 1, 1992. No new roads will be permitted for unserviced development. Private roads that existed as of January 1, 1992 may be accepted as public roads subject to conditions set out by the City.
- 7. Rural residential development shall be permitted in the Rural Land Use district only where:
 - The location constitutes infill development new development is added between existing residential development and no new residential development will be extended:
 - Lots have sufficient frontage on a public road;
 - New dwellings are placed on the lot to accommodate future subdivision of land should municipal services become available, or to accommodate the installation of an alternate septic disposal field;
 - The development is suitably zoned in the Development Regulations.

Industrial, Commercial and Tourism Uses

- 8. Recreational, tourism and other industrial and commercial opportunities should be promoted and may be considered in the Rural Land Use District where:
 - The type of use is appropriate for, or essential to, a rural site;
 - The site is appropriate for the proposed use;
 - The use will not impair the visual integrity and views from roads that are considered to be of scenic value and views from major historic and scenic landscapes as determined by Council;
 - Commercial and Industrial uses are limited to locations near highways; and
 - New uses of expansion of existing Industrial uses may be considered where appropriate and are subject to a Land Use Report.

Mineral Workings

9. Quarrying and mineral working uses shall be subject to a Land Use Report, appropriate separation distances and rezoning of the proposed area. Expansion of an existing site shall be subject to the same requirements.

8.11Forestry Land Use District

The Forestry District applies to those lands that are considered to have potential for forestry operations. Designated areas and development requirements have been identified in accordance with the Forestry Division of the Department of Fisheries, Forestry and Agriculture.

1. Ensure that all lands within the Forestry Land Use District reflect the Productive Forest Lands identified by the St. John's Urban Region Regional Plan and ensure development within this district is in accordance with the St. John's Urban Region Regional Plan and the Forestry Division of the Department of Fisheries, Forestry and Agriculture.

8.12Agriculture Land Use District

The Agricultural Land Use District includes those lands designated by the Province as the St. John's Urban Region Agriculture Development Area shown in Appendix A, P-8, (St. John's Agricultural Development Area), with the exception of those lands in the Thomas Pond Watershed. Land use within this area is regulated by the Land Development Advisory Authority, within Agrifoods under the Department of Fisheries, Forestry and Agriculture. The purpose of the Agricultural Development Area (ADA) is to encourage and support agricultural production and prevent the conversion of agricultural lands to other uses.



- 1. Development in the Agricultural Land Use District is subject to the approval of the Land Development Advisory Authority.
- 2. Development requirements shall be in accordance with the standards outlined in the Development Regulations.
- Agricultural Development Area lands within the Thomas Pond Watershed will not be approved for Agricultural Uses and have been designated under the Watershed District.

Residential Uses

- 4. Residential uses may be permitted where:
 - It has been approved by the Land Development Advisory Authority; or
 - The use is an accessory use to an established agricultural operation; or
 - The dwelling constitutes infill housing within an existing development pattern along an existing public road; or, if adjacent to urban development, is serviced at the outset by municipal water and sewer.

8.13Watershed Land Use District

The Watershed Land Use District applies to those lands that are either used as a watershed for the protection of an existing public water supply or to those lands that are deemed to have potential for future water supply use and shall generally be protected from development.

- 1. Preserve protected water supply watersheds in their natural state.
- 2. Manage designated Watersheds under the applicable polices of the City of St. John's Act and the Water Resources Act.
- 3. Any development considered under the Watershed Zone of the Development Regulations, established within the Watershed District, with the exception of legal nonconforming development, shall require a Land Use Report.
- 4. To protect future drinking water sources in the Regional System the City will work to gain protection under the applicable policies for the Thomas Pond and North Arm Brook Watersheds.



The Restricted Development Land Use District applies to undeveloped lands that are not suitable for urban development. These include areas of steep slopes, unstable soils, poor drainage, areas susceptible to flooding or other environmental hazards.

Prevent development of lands in the Restricted Land Use District except where they
may be suitable for passive recreational activities such as trails or as required for
erosion and flood control, as outlined in the Open Space Reserve Zone of the
Development Regulations.

8.15Urban Expansion Land Use District

Lands for future urban expansion are located throughout the City. Land in the Southlands and Galway area, to the north and south of Kenmount Road (Kenmount Terrace) and in Kilbride have all been identified as future urban expansion areas for development. Lands in Goulds, Thorburn Road Area, and Old Pennywell Road are also identified for future serviced urban expansion when infrastructure is extended and/or upgraded depending on constraints within the specific area.

- 1. A Comprehensive Development Plan must be prepared and approved by Council prior to development of all Urban Expansion areas.
- 2. Lands identified for future urban development in Killbride, Southlands, Galway and Kenmount Road areas shall have the potential to be developed for a range of land uses utilizing municipal water and sewer services. Existing uses as outlined under the existing zoning may be permitted to continue in a manner that will not prevent future development.
- Lands in the Urban Expansion District in Goulds may be developed in accordance with the Goulds Ultimate Service Area as shown in Appendix A, P-5 (Goulds Ultimate Service Area).
- 4. Existing uses may be permitted to continue along Thorburn Road and Old Pennywell Road in a manner that will not prevent future comprehensive development based on the extension of sewer and water services.

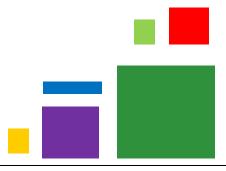
8.16Open Space Land Use District

1. Within the Open Space Land Use District, Council shall establish an open space zone to accommodate parks, recreation lands, trailways, facilitates and open space uses within the City, along with other complementary uses as outlined in the Development Regulations



- 2. Within this District, open space land requiring additional protection but contain uses that are more passive in nature such as trails and recreational use activities may also be considered as outlined in the Open Space Reserve Zone.
- 3. Support the acquisition and retention of an adequate supply of open space, parks and recreation lands and facilities to meet the needs of St. John's.
- 4. Manage open space and recreation lands in accordance with the policies of the City's Open Space Master Plan.





CHAPTER 9 Implementation

GOAL

To ensure that growth in the City during the planning period is achieved in an efficient manner that is financially and environmentally responsible and involves citizens, community partners and regional cooperation.



This Plan serves as the City's blueprint for future growth. It provides the structure to establish Land Use Districts which allow for the creation of land use policies that will guide development throughout the city, helping achieve our established goals and objectives. Arising out of the Plan, the St. John's Development Regulations will create Land Use Zones to implement the policies of this Plan.

Successful implementation of the Plan involves:

- Effective administration;
- Appropriate investment in infrastructure;
- Adoption of Development Regulations;
- Preparation and adoption of Secondary Plans;
- Preparation and incorporation of recommendations from research and studies;
- A consistent procedure for considering amendments to the Plan; and
- An effective and fair appeal process.



Strategic Objectives

- Develop an effective framework to engage citizens in the planning process.
- Utilize a variety of tools to achieve a high level of citizen participation in an open and transparent decision making process.
- Integrate planning and development into all aspects of municipal design, management and operations.
- Ensure a clear and efficient approach to the development review and approval process

9.1 Municipal Plan Review

Council will undertake a comprehensive review of the Municipal Plan and Development Regulations at least every ten (10) years in accordance with the requirements of the *Urban and Rural Planning Act (2000)*.

The Act also requires that the Municipal Plan and Development Regulations be reviewed by Council within five (5) years of the date they came into effect, to ensure the documents comply and reflect any unforeseen development within the 10 year comprehensive plan.

Municipal Plan Amendments

Council may consider an amendment to the Municipal Plan when:

- There is an apparent need to change policy due to changing circumstances;
- Studies have been undertaken which contain policies or recommendations that should be incorporated into the Municipal Plan; or
- An amendment to the St. John's Urban Region Regional Plan or a relevant Provincial Land Use Policy has been released that requires a change in policy by the City; or
- There is a development proposal which provides sufficient information and rationale to support a change in the Municipal Plan.

9.2 Secondary Plans

Council will prepare Secondary Plans to implement the goals and objectives of the Plan. Such Secondary Plans become part of the Municipal Plan, and are prepared and approved in the same manner as the Municipal Plan in accordance with the provisions of the *Urban and Rural Planning Act (2000)*.

9.3 Public Engagement and Consultation

The City is committed to engaging citizens in planning and decision-making processes at the City, neighbourhood and site planning level. In cooperation with other City staff, the City's planning staff will use tools and processes to inform citizens and facilitate their input into planning processes.

9.4 Development Regulations

Development Regulations implement the policies of the Municipal Plan. The City will review and adopt Development Regulations pursuant to Section 35 of the *Urban and Rural Planning Act (2000)*.

9.5 Considerations for Rezonings

This Plan provides flexibility for change within the framework for growth and development in the City by enabling, under certain circumstances, amendments to the Development Regulations without amendment to the Municipal Plan. In considering requests for rezoning, Council shall consider all appropriate policies set out in this Plan and have regard for the following:

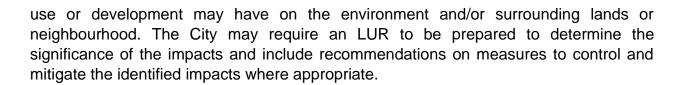
- The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
- The adequacy and proximity of public transit, recreation and community facilities;
- The adequacy of the transportation network in, adjacent to, or leading to the development;
- The potential for the contamination or sedimentation of watercourses or for erosion:
- Environmental impacts such as air, water and soil pollution and noise impacts;
- Previous uses of the site which may have caused soil or groundwater contamination;
- Suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps, or bogs;
- Potential for restoration, rehabilitation, damage or destruction of historic buildings or sites;
- Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;
- Whether the proposed use will alter the intended mix of land uses in the District or neighbourhood;
- Whether the proposal is in conformity with the intent of this Plan, any applicable Secondary Plan, and with the requirements of other City by-laws and regulations; and
- Lands shall not be considered for rezoning where the development is premature by virtue of being beyond the limits of servicing.

9.6 Development Review Process

As development pressures have increased in recent years, the City has examined its development approval process to ensure that the public's best interests are protected through the review and approval of new development, and to ensure processes are as efficient and effective as possible. The City will continue to improve the review process to ensure the Plan and Regulations are administered effectively and in accordance with the policies of the Municipal Plan.

9.7 The Land Use Report

The Land Use Report (LUR) is a valuable tool in the review of proposals for a development or use that cannot be adequately evaluated by City staff. A Land Use Report is a report prepared by suitably qualified person(s) to assess any significant impacts a



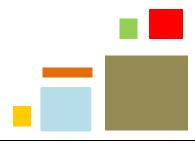
The following policies apply to the requirements for an LUR:

- 1. Where determined by Council, a Land Use Report may be required as part of the development application review process or where otherwise required further to the Municipal Plan and Development Regulations.
- 2. Council shall prepare and approve Terms of Reference setting out the matters that require assessment in an LUR.
- 3. The LUR and any supporting studies shall be prepared at the expense of the applicant. Notwithstanding this requirement, Council may deem that a Staff Report constitutes a Land Use Report where the scale or circumstances of a proposed change or development proposal does not merit extensive analysis. In this case Terms of Reference are not required from Council.
- 4. The City shall provide adequate time for public review of an LUR prior to its consideration for approval.

9.8 Development Appeals

Appeal procedures are set out in Part VI of the Urban and Rural Planning Act. Under Section 40(2), The City of St. John's is empowered to establish a local appeal board. The Development Regulations outline the procedure for establishing a Local Board of Appeal to hear appeals arising from their enforcement.

Any person may appeal any decision of Council or an authorized officer of Council, such as the Development Officer, made under the St. John's Development Regulations. The Board must consider each appeal in accordance with the intent of the Municipal Plan, the Regulations, and any further plans, schemes, or regulations in force at the time. The decision of a majority of the members of the Appeal Board present is the decision of the Board.



CHAPTER 10 Secondary Plans

This chapter addresses and includes policies that apply to the various Planning Areas, as shown in Appendix A Map P-2 (Planning Areas) and Map P-2A(Neighbourhood planning Areas), through Secondary Plans. These Secondary Plans are a second layer of policy under the Municipal Plan, and include specific policies which:

- Identify opportunities and address issues related to land use in a defined geographic area.
- Adapt and implement the objectives, policies, land use designations and overall planning approach of the City's Municipal Plan to a local or neighbourhood context.
- Establish local development policies unique to an area that will guide growth and change in that area to promote a desired outcome.
- Promote consistency in new/developing areas and compatibility within existing areas that require revitalization.

These original Secondary Plan Areas (Map P-2) originate from the Municipal Plan 2003 (some of them dating back to the 1980s), and will be updated through future planning initiatives (note: minor text/reference changes were made to avoid conflict with Envision St. John's 2021).

In areas where Secondary Plans exist, city-wide policies are relevant, as they set the context for the creation of local policies, and these specific policies of the Secondary Plan take precedence in how development is governed within the applicable Planning Area. Under the policies of this section, Secondary Plan may be revised, and additional Secondary Plans may be developed and adopted for areas definite by Council. Such alterations of boundaries shall be at the discretion of Council. Planning Areas should at a minimum, however, encompass a neighbourhood or a commercial or industrial area, or an intensification area as opposed to a specific property or development site.

The City is divided into a number of Planning Areas (Map P-2) dating back to the 1980's. These areas were created and generally conform to older Census Subdivision and Dissemination Areas used by Statistics Canada.

The following Secondary Plans have been created and adopted as follows:
Planning Area 1 - Downtown
Planning Area 2 - East End, Battery and Quidi Vidi Village
Planning Area 4 - Mundy Pond
Planning Area 9 - South West Expansion Area
Planning Area 12 - C.A. Pippy Park Master Plan
Planning Area 13 - Freshwater Bay Industrial Lands
Planning Area 16 - Goulds
Planning Area 17 - Blackhead

The City of St. John's recently undertook a project to design an accessible Neighbourhood Profile system, with the goal of improving the health and vibrancy of our local communities. These smaller communities, local cultural areas, and neighbourhoods are the core building blocks for city programs, services, and policies, which supports the concepts of planning at the secondary level.

Twenty-six new neighbourhood boundaries were developed to help local government and community organizations with long-term planning, and the new boundaries will assist with the collection of long-term data. These neighbourhood boundaries were developed using features such as major roadways, former municipal borders, rivers and lakes. Choices about neighbourhood boundaries were made to make the data in the profiles useful to as many users as possible and are not intended to be statements or judgments about where a neighbourhood starts or ends.

These new neighbourhood boundaries are identified on Map P-2A and will represent the new boundaries for the future development of Secondary Plans. As new plans are developed, the older plans will be replaced. Until such time the new Secondary Plans are created, the boundaries under P-2 will be used and existing plans will provide direction for new development.

Not all Planning Areas need to have a Secondary Plan, as most have stable land use patterns and do not face major development or redevelopment issues. A Secondary Plan will be undertaken where Council determines such detailed attention is required. Secondary Plans are to be developed and adopted in a manner that is flexible, open and accessible to all interested citizens. Notwithstanding the intention to allow various approaches to the design of a Secondary Plan, these Plans are policy documents. They should provide general direction for the development of the area they address. Like the Municipal Plan, a Secondary Plan shall not include specific requirements or place limitations on development. Policies can and should address the type and form of development appropriate to a Planning Area but quantitative limits, except where broadly applicable, shall be incorporated in the Development Regulations. These Secondary Plans provide a means by which general policies can be evaluated and the Municipal

10.1 Planning Area 1 - Downtown

Downtown St. John's is the heart of the City of St. John's and the St. John's Urban Region. The downtown is home to the bulk of the City's heritage buildings. Its skyline and views of St. John's Harbour and the Battery define the image of St. John's to tourists.

From the end of World War II to well into the 1970s, Downtown St. John's was challenged by the suburbanization of housing and shopping facilities in the region. Since then, however, the downtown has been re-established as the home to a range of activities, including residential neighbourhoods, shopping areas, cultural and entertainment facilities, and administrative and institutional uses. In many ways, the downtown is a model of mixed use combining single family housing with row housing and apartment uses with supporting commercial and service uses. It is also a key regional shopping centre providing specialized retail uses catering to general, tourist, and niche markets.

In recent years, the downtown has particularly emerged as a centre of entertainment activities. The many pubs on George Street and adjacent alleys and lanes are known across Canada. With the addition of Mile One Stadium, the downtown now regularly hosts large-scale sporting and entertainment events.

Objectives

To ensure a comprehensive and balanced development of the downtown that provides a dynamic focus for a wide variety of activities within a harmonious physical setting through pursuit of the following land use objectives.

Preserve Residential Neighbourhoods

To preserve residential neighbourhoods in residential areas through:

- 1. Conservation and rehabilitation of existing homes in these areas; and
- 2. Where necessary and feasible, redevelopment of older housing in a manner sensitive to the architectural scale and historic character of the older city.

Improve Retail Function

To enhance retail function by:

- 1. Redefining and concentrating retail function;
- 2. Improvement of access and circulation;
- 3. Provision of adequate and convenient parking;

- 4. Promotion of pedestrian links;
- 5. Improvement of marketing through better management of retail services; and
- 6. Provision of continuous business promotion.

Accommodate Office Space

To accommodate office space by:

- 1. Identifying areas in the downtown that are suitable for office development in terms of access and municipal services;
- 2. Allowing for a range of accommodation in terms of size, type and rental structure;
- 3. Introducing policies that will promote the use of available buildings through conversion, as well as the construction of new buildings; and
- 4. Recommending improvements in access and parking requirements that will have to be made in connection with office area.

Optimize Harbour/Industrial Uses

To optimize use of industrial lands adjoining the Harbour for marine-related uses, and to facilitate the establishment of semi-industrial services and small 'clean' industries in appropriate commercial zones.

Promote Religious, Public Assembly, Tourism and Recreation Uses

To optimize the location and operation of religious, public assembly, tourism, and recreation uses through:

- 1. The development of an attractive urban environment that will emphasize the importance of the City's heritage and preserve the existing amenities and views of the Harbour and Southside Hills from streets and open spaces;
- 2. The preservation of an environment that will enable Downtown place of worship to carry on their religious and social functions; and
- 3. The development of adequate convention, assembly, recreation and tourism facilities in the downtown.

Protect the Architectural Scale of Downtown

Protecting the architectural scale of Downtown by maintaining and developing the St. John's Heritage Area and ensuring harmonious integration of new development.

Provide Adequate Transportation Facilities

Achieve an adequate level of access, circulation and parking to maintain each of the main

land use functions in the downtown Area.

Policies

For the purpose of this Plan, the major land use functions are defined as follows:

Housing

A high density residential area, accommodating a changing population of varying income levels in a range of housing types.

Retail

Major retail and services including regional specialty shops, convenience shopping for local community.

Office

Major office buildings for financial, legal and professional services, head offices of major companies.

Industry

Harbour support services, capital and labor-intensive manufacture not requiring bulk supplies.

Harbour

All harbour functions, warehousing and shipping facilities.

Public Assembly, Recreation and Tourism

- 1. The most important area for experiencing the historic legacy of the Province;
- 2. An important concentration of amenity areas and religious, assembly, recreation and education facilities for residents and tourists alike:
- 3. Major site for high density tourist accommodation and convention facilities.

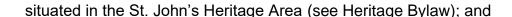
Transportation

The network of streets facilitating access and circulation.

Improve Retail

The City shall:

- 1. Plan for a concentrated retail core facilitating the renewal and improvement of downtown retail by means of :
 - a. consolidation of retail in a fairly compact, accessible area that makes the redevelopment and improvement of supporting services possible;
 - b. conservation and rehabilitation of buildings in that part of the retail area



- c. development of new facilities to support the retail function as deemed appropriate by Council;
- Assist in improvement of the downtown retail core by means of a Business Improvement Area and promote its use for the renewal and rehabilitation of the downtown core and the provision of off-street parking;
- 3. Promote the provision of a coordinated marketing system for Downtown;
- 4. Assist in attracting opportunities for renewal of the Retail Core; and
- 5. Assist in the promotion of the downtown in general.

Accommodate Office Space

The City shall:

- 1. Provide opportunities for a wide range of office accommodation in terms of size, type and tenure;
- 2. Promote the construction of new high density buildings in designated areas of the western part of Downtown. This is the best area for such developments in terms of:
 - a. topography and the availability of developable sites;
 - b. potential for the improvement and upgrading of public services;
 - c. location in respect to the Retail Core; and
 - d. the degree of impact on other land uses and the historical character of the City; and
- 3. Promote the use of smaller offices or mixed-use buildings by means of rehabilitation or renewal.

Maximize Harbour-related Lands

The City shall work with the St. John's Port Authority to maximize the amount of land available for harbour-related uses.

Preserve Residential Neighbourhoods

The City shall encourage:

- 1. Designation of residential zones allowing for a variety of housing types that are compatible with the existing architectural scale and the existing infrastructure;
- 2. Improvement of amenities (open space, recreation facilities and general quality of the urban environment) and services (off-street parking);
- 3. Conservation and rehabilitation of the housing stock where this is both desirable and feasible; and
- 4. Promotion of infilling and the renewal of housing that cannot be rehabilitated economically in a manner sensitive to the historic and architectural environment.

Protect the Architectural Scale of Downtown

The City shall maintain and develop the St. John's Heritage Area (see Heritage Bylaw) as the historic architectural focus of the City and ensure harmonious development of the downtown by:

- 1. Adopting regulations to:
 - a. protect significant public views from streets and open spaces;
 - b. control blockage of sunlight in streets and public open spaces:
 - c. control the density, height and siting of buildings;
 - d. control the relationship of buildings to streets and open spaces;
- 2. Providing guidelines for improving the design of buildings, streets, and open spaces to provide greater convenience and enjoyment to the public.

Provide Adequate Transportation Facilities

The City shall:

- 1. Encourage the use of public transit through improved service; and
- 2. Exercise strict control of street parking and provide adequate off-street parking.

Public Parks

Downtown parks are important components in retaining and enhancing the character of old St. John's. The City shall promote public parks in the downtown so as to:

1. Improve pedestrian circulation;



- 3. Enhance design; and
- 4. increase public well-being and enjoyment.

To protect these spaces from development and ensure that they are properly landscaped and maintained, they are designated as Open Space on the Future Land Use Map (Appendix A, P-1 Future Land Use), and shall be landscaped and maintained by the City's Public Works and Parks Department.

Downtown Roads

The City shall preserve the existing Downtown street pattern, including current street widths, to maintain the scale and character of the downtown.

Pedestrian Paths

Paths - General

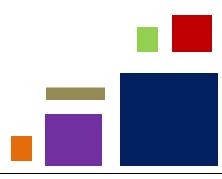
Pedestrian circulation is essential to the social and economic health of the downtown, in particular the social vitality of public and recreation spaces and the commercial viability of retail areas. It is also vital to the livability of the Residential Downtown.

Pedestrian paths serve two major objectives:

- 1. they provide convenient linkages between dwellings, shopping areas, places of work and leisure areas for residents and patrons of Downtown; and
- 2. they provide 'discovery routes' to expose places of interest to tourists and to provide amenities for leisure pursuits of visitors to the downtown.

Laneways - Development

The City will maintain and promote existing pedestrian laneways and paths in the downtown.



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10.2 Planning Area 2 – East End, Battery and Quidi Vidi Village

Objectives

The objectives of this Secondary Plan are to preserve and enhance:

- 1. Landmarks, heritage buildings, historic landscapes, natural features, and recreation facilities;
- 2. Views of Signal Hill and Quidi Vidi Lake;
- 3. Residential neighbourhoods.

Policies

The basic intent of this Secondary Plan is to prevent change markedly at variance with existing dwelling types in residential neighbourhoods - for example, if there is a mixture of two and three-storey single detached and semi-detached dwelling types on large lots in a neighbourhood, then only dwellings of this nature and scale on large lots will normally be considered for approval; and if the predominant housing form is the bungalow or cottage, then only dwellings fitting with this scale of housing will normally be considered for approval.

Neighbourhood policies are set out for the East End - Sub-Areas 1 to 9, the Battery, and Quidi Vidi Village - the three "communities" that, together with the commercial districts and Signal Hill and the foreshore of Quidi Vidi Lake, comprise Planning Area 2.

The East End, the Battery and Quidi Vidi neighbourhoods and the nine sub-areas of the East End neighbourhood are set out in Appendix A, P-9 (Planning Area 2- East End, Battery and Quidi Vidi Village) and are as follows:

Sub-Area 1 - Forest Road - East of Quidi Vidi Road to Quidi Vidi Village

Except for existing apartment house and row house sites, only single detached and semidetached dwellings may be considered for approval in this area.

A public reservation is retained to provide for a linkage between Quidi Vidi Lake and Signal Hill National Historic Park.

Sub-Area 2 - Quidi Vidi Road

Only row house, single detached and semi-detached dwellings may be approved in this area.

Sub-Area 3 - Forest Road - Empire Avenue to Quidi Vidi Road

Only single detached dwellings may be permitted in this area.

Sub-Area 4 - Forest Road - Empire Avenue - King's Bridge Road

Only single detached dwellings may be permitted in this area.

Sub-Area 5 - Empire Avenue - King's Bridge Road - Lake Avenue - Anglican Cemetery

Only single detached dwellings may be approved in this area.

Sub-Area 6 - Circular Road - Empire Avenue

Only single detached dwellings may be approved in this area.

Sub-Area 7-King's Bridge Road-Circular Road-Government House Grounds-Military Road

The permitted uses in this area shall be single detached dwellings. Professional offices, semi-detached dwellings, row house dwellings retaining and enhancing present building and landscaping elements may be considered for approval, provided that the maximum height does not exceed three storeys.

Sub-Area 8 - Upper Rennie's Mill Road - Circular Road West (Monkstown and Riverview)

The permitted use in this area shall be single detached dwellings.

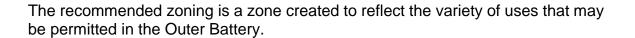
Sub-Area 9 - Lower Rennie's Mill Road and Rennie's Mill Road

The permitted use in this area shall be single detached dwellings, semi-detached dwellings and townhouses. Conversions of existing dwellings into apartments, bed and breakfast or lodging house may be considered for approval.

The Battery Neighbourhood

- 1. Single detached, semi-detached and infill housing residential development shall be permitted on fully serviced lots.
- 2. New buildings in this neighbourhood, regardless of the zone and use, shall visually harmonize with the natural and built environment of the Battery.
- 3. A portion of the Outer Battery between the Outer Battery Road and the Harbour shall be protected and developed for purposes of the inshore fishery, and may also, where buildings are within 6 m of the Road, be developed for dwellings and craft type businesses.

Due to difficulties in locating boundaries, the Land Use District shall be Residential Medium Density with, in this instance, the provision that uses mentioned in the preceding paragraph may be permitted.



Quidi Vidi Village

The general policy is to protect the basic character of historic Quidi Vidi Village and surrounding scenic and historic sites without jeopardizing reasonable opportunities for development. To this end, the developed part of the Historic Village around the Gut shall be developed so as to retain uses and densities of uses that presently characterize the area.

- 1. Within the residential historic Village single detached, semi-detached, and row house dwellings may be allowed along with custom workshops.
- 2. In the harbour-side area, harbour, and food and beverage industrial uses, commercial and office uses accessory to these industrial uses, and restaurants may be permitted on condition that such uses be scaled in a manner consistent with the character and scale of the historic village.
- Lands at the eastern extremity of Quidi Vidi Lake are retained as public open space to protect an historical site and an important part of the Quidi Vidi - Rennie's River trail and park system.
- 4. A road may be developed through this area provided:
 - the need for such a road is re-established:
 - a Land Use Assessment Report and an Environmental Analysis Report has been carried out: and
 - the road is visually subordinate to the site's natural features.
- 5. Open Space Areas are set out to achieve:

Preservation of Open Space

The preservation of the scenic setting of the Village by reserving all surrounding hills as Open Space, particularly the coastal hills and the foreshore of all nearby ponds and lakes, the linkage between Quidi Vidi Lake and Signal Hill National Historic Park, and the East Coast Trail between Robin Hood Bay and the Village;

Preservation and Development of Historic Sites

The preservation and development of historic sites and providing them with a suitable setting by retaining the surrounding natural landscape and linking them where possible by landscaped corridors, so that "historic trails" can be developed;

Preservation and Control of Recreation Facilities

The preservation and development of some recreation space for Village use; an open space that has a regional importance as a recreation or amenity centre (the Lake surface

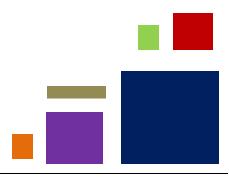


and the shores of Quidi Vidi Lake within 60 m of the high water mark represent such a resource); and Open Spaces that are not specifically required as active Open Space but which are not easily developable as a result of topographic conditions and should be preserved as Open Space to separate the old Village from new urban development and thereby accentuate it.

The Quidi Vidi Village Overlay Zone and Design Guidelines (2016) and the Quidi Vidi Village Development Plan (2006) shall form the basis of the Secondary Plan for this area.

East Coast Trail

The City shall work with the East Coast Trail Association to preserve, protect, and buffer portions of the East Coast Trail passing through Planning Area 2.



10.3 Planning Area 4 – Mundy Pond

Planning Area 4 is a prime area for intensification of land use within the urbanized portion of the City of St. John's. This Secondary Plan seeks to integrate new development with established areas with particular attention to the protection of existing neighbourhoods. As demand warrants and major trunk services become available, additional lands in Mundy Pond west of Columbus Drive ('Mundy Pond West') shall be developed in a planned manner.

Objective

To encourage the consolidation of development through infill of City residential lands, concentration of major commercial development within Ropewalk Lane area around present developments, further upgrading of existing recreation open space areas, and concentration of institutional uses in the immediate vicinity of Mundy Pond.

Policies

Policies for Planning Area 4 seek to protect existing low density areas while providing for the development of higher density uses in appropriate locations. Policies also address the provision of open space and facilitation of circulation within the area on foot and for vehicles.

Residential Low Density

Throughout the Planning Area, areas containing a preponderance of single detached housing shall be designated Residential Low Density and placed in a zone where only single detached housing may be permitted.

Residential Medium and High Density

Multi-family housing shall be concentrated along Blackmarsh Road, and the lands shall be designated Residential. However, for properties that do not have frontage along Blackmarsh Road, Council shall have the discretion to introduce zones that permit multifamily housing.

Open Space - Environmentally Valuable Areas and Recreation Areas

Portions of the Planning Area are to be protected from development that is likely to increase runoff and pollution and destroy natural vegetation. Lands deemed appropriate for environmentally valuable areas, and lands required as major buffers shall be designated as Open Space. These areas would include Mundy Pond and the streams and wetlands associated with the Mundy Pond watershed.

Certain types of development may be permitted if appropriate to a conservation and recreation function provided appropriate mitigation measures are undertaken.

Pedestrian Circulation

Because of the location of dwellings, schools and shops, there are many uncontrolled crossings by children and adults on Columbus Drive. To make pedestrian movement across Columbus Drive safer the City shall:

- 1. Establish appropriate means to prevent crossings at uncontrolled locations.
- 2. Review pedestrian movements in the area to develop safer and more convenient crossings where required.

Vehicular Circulation

To facilitate and make safer traffic movements along Columbus Drive the City shall reduce the number of intersections with Columbus Drive and provide for suitable turning or exit lanes, especially at Mundy Pond Road and Blackmarsh Road.

Road Network West of Columbus Drive

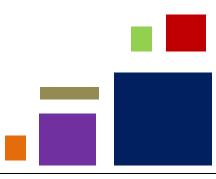
A road network shall be developed that will link Old Pennywell Road to Hamlyn Road and Topsail Road, and provide for a system of internal linkages that will facilitate the development of residential lands and facilitate access to community and commercial services within that part of Mundy Pond that lies west of Columbus Drive.

Mundy Pond Park

Develop Mundy Pond as a District Park that becomes a true focal point of the area (attractive, well landscaped, well endowed with facilities, and well used); and provides opportunities for fishing, hiking, cycling, skiing, skating and softball.

Linear Open Space System

Develop the linear park system linking Mundy Pond with its watershed and through the watershed to the Kenmount Hills, and the Kenmount-Rennie's River and the Waterford River systems.



10.4 Planning Area 9 – South West Expansion Area

The South West Expansion Area, which makes up the majority of Planning Area 9, includes lands along both sides of Kenmount Road and Thorburn Road (north to the Outer Ring Road), and the lands between Kenmount Road and Thorburn Road. The area runs from Parrell's Lane and the Bifurcation Road to the Windsor Lake Watershed.

Objectives

As a result of the extension of municipal water and sewer services in 2002 along Kenmount Road, properties which are located along Kenmount Road and Thorburn Road and those properties located between these two roads, can now be considered for urban development. The South West Expansion Area provides an opportunity to serve as a major growth area for well-planned urban development within the centre of the St. John's Urban Region. Development of the South West Expansion Area will further the objectives of the St. John's Urban Region Regional Plan and the St. John's Municipal Plan by allowing opportunities for residential and commercial development within a defined urban area.

Policies

Policies for the South West Expansion Area are intended to facilitate its development as a complete community. Policies are intended to preserve and protect the natural environment and ensure a full range of land uses, including commercial and institutional uses that complement and serve predominantly low density residential development within the area as seen in Appendix A, P-10 (Planning Area 9 -Southwest Expansion Area), sets out the Municipal Plan land use district designations for the South West Expansion Area, the access points for future development of lands north of Kenmount Road and the conceptual internal road network. Land use zoning designations will be put in place to reflect and implement this Development Plan.

Residential Development

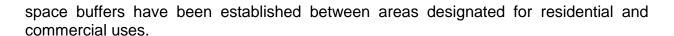
To satisfy anticipated demand for a long-term residential land supply in this area of the City, a significant portion of the South West Expansion Area will be designated for low density residential development. To foster municipal servicing efficiency for municipal snowclearing and garbage collection services, isolated pockets of residential development will be discouraged.

Other forms of housing other than single detached homes may be considered for the South West Expansion Area, subject to specific application to and approval by the City.

Commercial Development

The prominence of Kenmount Road as a major commercial and light industrial area of the St. John's Urban Region will be reinforced and enhanced through the expansion of the Kenmount commercial area along Kenmount Road and west of O'Leary Industrial Park. The commercial designation will extend as far as the City's municipal boundary with the City of Mount Pearl near Avalon Ford on Kenmount Road at Wyatt Boulevard.

To provide clear separation between commercial and residential uses, significant open



Provision has been made in the land use designation for this Secondary Plan to designate several sites for local neighbourhood commercial facilities.

Public Uses

As part of this Secondary Plan, a site has been reserved in a central location in the South West Expansion Area for the construction of a school(s). If the Avalon East School Board ultimately determines that a new school(s) will not be required to serve the residents of the South West Expansion Area, then the site may be redeveloped for another purpose under the "Institutional" designations of the Municipal Plan and the St. John's Development Regulations. Alternatively, an interested developer may make application to have the site redesignated and this application would be subject to review by the City.

Thorburn Road

Lands on both sides of Thorburn Road will continue to be zones for non-urban forms of development for the present time. However, as the area has the capability to be developed utilizing municipal water and sewer services, the City may consider developments for urban forms of development at a later time in which case urban forms of zoning could be introduced subject to review and approval by Council and subject to the extension of municipal services under conditions required by the City.

Access and Circulation

Access points for development of lands in the South West Expansion Area will be set by the City along Kenmount Road and Thorburn Road. These access points will require bridges to cross Ken Brook. Temporary access points along Kenmount Road may be considered subject to approval by the City for the purposes of accommodating initial development in the area. These temporary access points would eventually be required to be removed and the access points remediated subject to requirements of the City.

The road network prepared by the City as part of this Secondary Plan is designed to limit stream crossings, to provide acceptable access to commercial sites and to limit the amount of non-resident through traffic in the residential areas, while linking internal residential neighbourhoods. The right-of-way widths for collector roads in the South West Expansion Area have been increased to allow for greater setbacks for snowclearing operations and appropriate pedestrian movement.

The internal road network prepared by the City for the South West Expansion Area is conceptual only and may be varied as development of the area progresses without necessity for formal amendment of this Secondary Plan, subject to approval of the City and provided the basic principles of the road network are adhered to.

Recreational Uses

A site has been set aside for a neighbourhood park in a centrally-located area within the South West Expansion Area.

Neighbourhood Parks

Local neighbourhood recreational sites will be provided within residential clusters as residential development proceeds. Individual sites will be selected by the City's Parks Services Division as development progresses and when demand is warranted for the provision of local facilities.

Development Above 190 m Contour

Recreational development may be considered for approval above the 190 metre contour servicing limit subject to application to and approval by the City.

Trails System

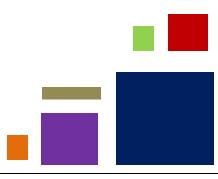
Where appropriate and feasible, walking trails will be constructed to link individual areas within the South West Expansion Area to each other and to other trail systems outside the area.

Environmentally Sensitive Areas

The South West Expansion Area contains most of the headwaters of the Rennie's River system. Ken Brook runs alongside Kenmount Road and there are wetlands in the area, including the Yellow Marsh. These flow towards Leary's Brook and the Rennie's River system.

To accurately determine the extent of waterways and wetlands in the South West Expansion Area and in the interest of conserving and protecting such areas, the City engaged an environmental consultant to map these waterways and wetlands. These identified areas will be protected through applicable "Open Space" designations under the General Land Use Plan of the Municipal Plan and the St. John's Development Regulations and buffers shall be designated around the waterways and wetlands.

Development in the vicinity of significant waterways and wetlands shall be subject to the applicable provisions of the Municipal Plan and the St. John's Development Regulations.



10.5 Planning Area 13 - Freshwater Bay Industrial Lands

The Plan is required in the ministerial order amending the St. John's Urban Region Regional Plan Gazetted August 7, 1987, for the area shown in Appendix A, P-11 (Planning Area 13 – Freshwater Bay Industrial Area). The area in question is situated on Freshwater Bay and includes lands to be used by Freshwater Offshore Base Limited on Freshwater Bay and between Freshwater Bay and Blackhead Road. The Regional Plan designation of the area in question is "Major Industrial".

OBJECTIVES

The objectives of the Secondary Plan are to:

- 1. Accommodate within the Plan area, an industrial park with a potential for eventual development of breakwater and docking facilities, capable of handling offshore oil related vessels, should it prove warranted by the developers;
- 2. Protect significant natural features and environmentally valuable areas within the Area;
- 3. Reasonably accommodate other development without unnecessary prejudice to the Freshwater Bay Offshore Base Limited development;
- 4. Provide a regulatory mechanism that will ensure the foregoing objectives are met to the satisfaction of Council.

POLICIES

Policies for Planning Area 13 require the development of Freshwater Bay through a Planned Unit Development (PUD) process with due regard for protection of the environment and impacts on the development potential of adjacent planning areas.

Planned Unit Development

Development in Planning Area 13 shall comply with the following requirements:

- 1. No permit shall be issued for any development until a PUD Plan has been approved by Council, and a Development Agreement has been entered into by Council and the Developer in accordance with the requirements of the Development Regulations.
- 2. The PUD Plan shall comply with the other provisions of this Plan.
- 3. The PUD Plan shall contain an Environmental Protection Plan under the approved Environmental Impact Statement.
- 4. The PUD Plan shall, where appropriate, recognize and accommodate developed and planned portions of the East Coast Trail not only preserving routes and corridors but ensuring visual buffering from urban and industrial uses.
- 5. Except for the breakwater and docks and other areas where no reclamation,



landscaping, impact mitigation, or site restoration is necessary, and excluding works for which the City Engineer has required a deposit, Council shall require the deposit of 10 percent of the value of the proposed work by phase of project to ensure that the proper landscaping, impact mitigation, and site restoration measures are carried out.

East Coast Trail

The City shall work with the East Coast Trail Association to preserve, protect, and buffer portions of the East Coast Trail passing through Planning Area 13.

Leamy's Brook

No development shall be permitted within at least 15 m of Leamy's Brook, except for a low impact pedestrian bridge to be built as part of the East Coast Trail.

Approved Environmental Impact Assessment

In addition to any other plans or regulations, no development shall be permitted unless it complies with the approved Freshwater Bay Offshore Base Environmental Impact Statement.

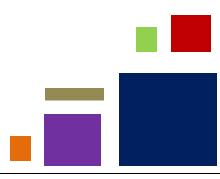
Environmental Protection Plan

Prior to initiation of construction in this area, the developer shall adopt an Environmental Protection Plan for use by contractors and tenants working on the project. The Plan will provide environmentally sound guidelines for the execution of various construction and operating procedures to be employed while on the development site. The Plan will provide procedures for handling hazardous materials and wastes and describe special monitoring as required.

As required by regulation, the Contingency Plan will be prepared as a separate document to deal with incident-specific emergencies.

Coordination with Other Developments

No development shall be permitted to occur within the Plan Area in such a manner as to exclude allowable and reasonable opportunities for development of properties adjoining this Plan Area.



10.6 Planning Area 16 – Goulds

Planning Area 16 encompasses the former Town of Goulds, which was incorporated in the City of St. John's through amalgamation in 1992. Apart from a small extension of the western boundary up to the Goulds Bypass Road (Robert E. Howlett Memorial Drive), the area is the same as that of the former Municipality of Goulds.

OBJECTIVES

The general development objective for the Goulds Planning Area is to maintain a community that includes both urban and rural development values as manifested in:

- 1. A well-defined urban core with full municipal services that is capable of being expanded gradually, to include the designated Urban Expansion areas;
- 2. A residential rural area where people can enjoy a rural lifestyle based on large rural lot development with private services;
- 3. A rich natural environment maintained and developed for use and enjoyment of all residents; and
- 4. Opportunities for agricultural development in a way that respects nearby residential development.

POLICIES

Policies for Planning Area 16 are intended to focus development in the Urban Core of Goulds where the City intends to upgrade existing municipal water and sewer systems. Extension of services outside the Core, in the Urban Expansion District will only be undertaken by the City at such time as deficiencies in the Core have been dealt with.

Within this context of controlled development, policies encourage the development of the Goulds as a complete community with a well-defined commercial centre and a range of recreation facilities and open space areas for the enjoyment of residents.

Urban Core

The Urban Core of the Goulds Planning Area is set out in Appendix A, P-5 (Goulds Ultimate Service Area). It comprises the area of Goulds that is fully serviced with municipal water and sewer services but also includes the partially serviced Sunset Park area, and the approved extension to the Meadowvale Subdivision.

Urban Expansion

The Urban Expansion Area of Goulds Planning Area is shown in Appendix A, P-5 (Goulds Ultimate Service Area), and comprises lands that could be serviced with extensions to the present municipal water and sewer systems.

Municipal Servicing

Within the initial five years of the Municipal Plan planning period, priority shall be placed on upgrading the existing municipal sewerage system of the Urban Core to City standards. Only when the municipal sewerage system is functioning to City standards, and is deemed to be capable of operating to its initial design capacity, will it be allowed to be extended into the Urban Expansion District. As portions of this District become serviceable, the City will seek amendments to the Municipal Plan to place the affected properties within an appropriate Urban Core land use district.

Town Centre

The Town Centre lies within the Goulds Urban Core and extends approximately a kilometer and a half (one mile) along Main Road.

Activities

The Centre includes three major activity clusters:

- 1. Major Shopping and Commercial Services;
- 2. Community Assembly and Religious Observances (St. Kevin's); and
- 3. Civic Centre and Community Recreation (Town Hall, Library, Recreation Centre).

Objectives

The Town Centre has been designated to identify the most appropriate area to provide the community of Goulds with a multipurpose service centre.

Public Walkways and Trails

The City shall preserve and, as appropriate, extend the network of walkways and trails in Planning Area 16.

East Coast Trail

The City shall work with the East Coast Trail Association to preserve, protect, and buffer the portions of the East Coast Trail through Planning Area 16.

Public Trail System

Within the framework of policies provided by the Municipal Plan, consideration may be given to setting out a public trail system for the Goulds Planning Area that will make use of the natural corridors along the major watercourses and make provision for linkages with the ponds of the community, as well as the hills forming part of the coastal area. These trails shall be developed to appropriate standards and linked wherever possible into the larger regional network of trails between Freshwater Bay and Cape Spear.

Recreation Facilities

The City will work to identify recreation facilities required in the Goulds Planning Area and shall establish such facilities where appropriate and feasible.

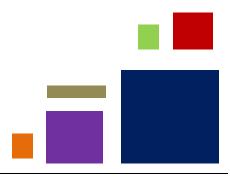
Commercial Development

Commercial General

The Commercial General District is applied to approve commercial sites along Main Road. No further expansion of the Commercial District shall be permitted outside the Urban Core.

Neighbourhood Shopping Facilities

Only Neighbourhood Shopping Facilities shall be permitted in the Commercial District of the Goulds Planning Area.



10.7 Planning Area 17 - Blackhead

The Blackhead Planning Area comprises the area generally bounded by Freshwater Bay and the Petty Harbour - Long Pond Water Protection Area on the west, the Town of Petty Harbour-Maddox Cove on the south, and the coast on the east and north. It includes Cape Spear National Historic Site.

Within this unserviced area there is the "historic community" of Blackhead Bay that is built up with dwellings, a place of worship, and a few shops. Adjoining this community is a short rural residential area extending about a kilometre along the Cape Spear Highway (Blackhead Road) toward St. John's. The balance of the Planning Area is entirely rural in character.

OBJECTIVES

The objectives of the Secondary Plan are:

- 1. To establish Blackhead as an attractive rural village with safe and dependable private water supply and waste disposal services; and
- 2. To protect the recreational/cultural potential of the rural area and Cape Spear National Historic Site by prohibiting incompatible urban and rural land uses outside the community of Blackhead.

POLICIES

Policies for Planning Area 17 identify areas for specific land uses. In this framework policies seek to preserve the character of the established community and provide trails and similar amenities for the benefit of residents and tourists.

Zoning and Development

Zoning for residential and commercial development shall be confined to the areas shown as Community Development and Rural Residential. The harbour has been designated as Industrial General, while the remainder has been largely designated as Industrial General, while the remainder has been largely designated as Rural.

Community Development Area

Together with nearby lands adjacent the Bay suitable for development, the original community of Blackhead centered on Blackhead Bay is shown as Community Development.

The Community Development Area is designed to accommodate zoning that would reflect the traditional uses within the historic community:

1. Single detached dwellings and subsidiary dwelling units;

- 2. Semi-detached dwellings; and
- A variety of compatible public and commercial uses, including parks, community centres, place of worship, personal service shops, bed and breakfast, custom-and craft-workshops, and similar uses that are deemed compatible with the historic community while allowing scope for activities that the residents find useful and profitable.

Rural Residential Area

Representing an extension to the Community Development Area along Cape Spear Highway (Blackhead Road) toward St. John's, the Rural Residential Area is designed to accommodate residential development on large lots.

Water Supply and Waste Disposal Services

Water supply and waste disposal are to be provided privately in accordance with the City's regulations. It is not intended that a municipal system be provided.

Trails Development and Natural Open Spaces

The City shall preserve and, as appropriate, extend the network of walkways and trails in Planning Area 17.

East Coast Trail

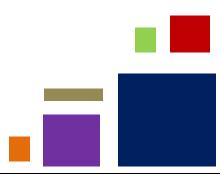
The City shall work with the East Coast Trail Association to preserve, protect and buffer the portion of the East Coast Trail through Planning Area 17.

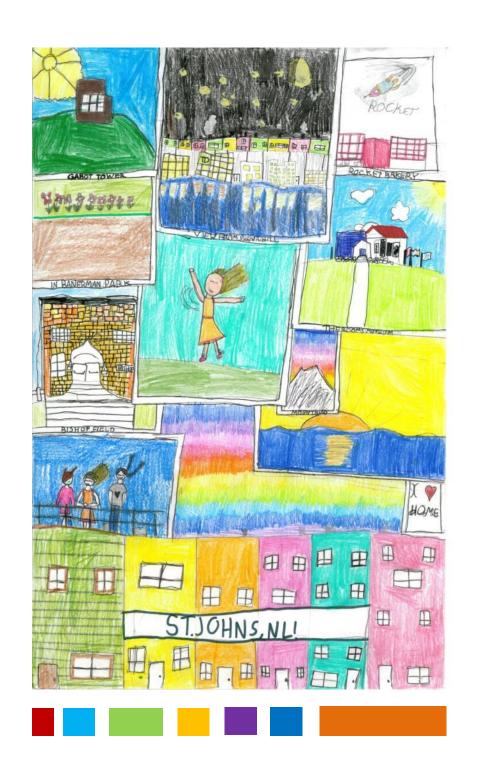
Public Trail System

Recreation trails and scenic lookouts may be developed in coastal areas for use by residents and visitors. These trails shall be developed to appropriate standards and linked wherever possible into the larger regional network of trails between Freshwater Bay and Cape Spear.

Scenic Roads

Blackhead Road and Maddox Cove Road are classified as Scenic Roads. To maintain and improve the scenic quality of these roads, development on these roads shall be processed in accordance with the requirements of the St. John's Urban Region Regional Plan.



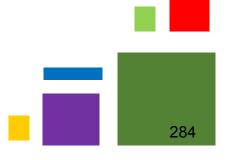


Envision St. John's

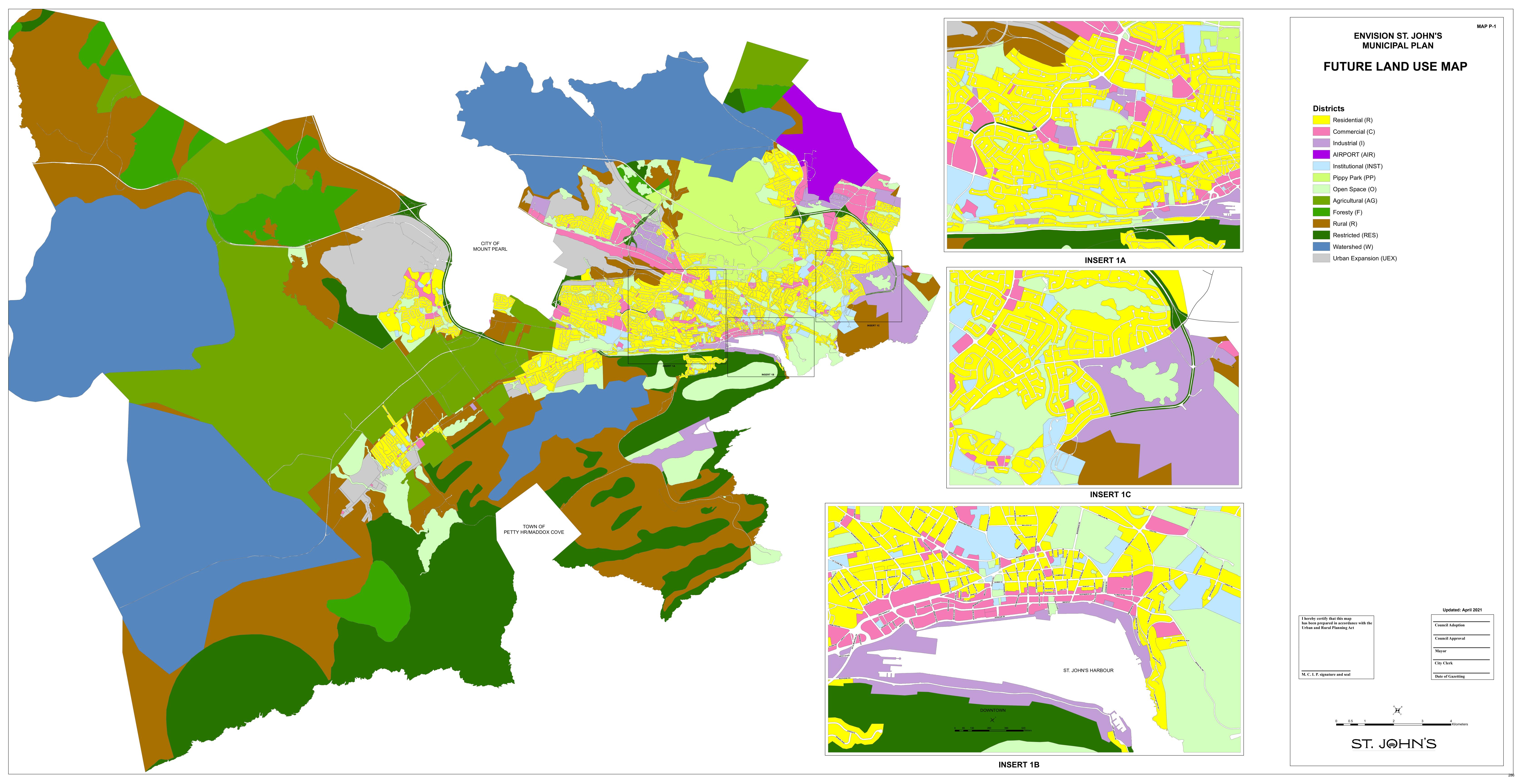
Draft Municipal Plan

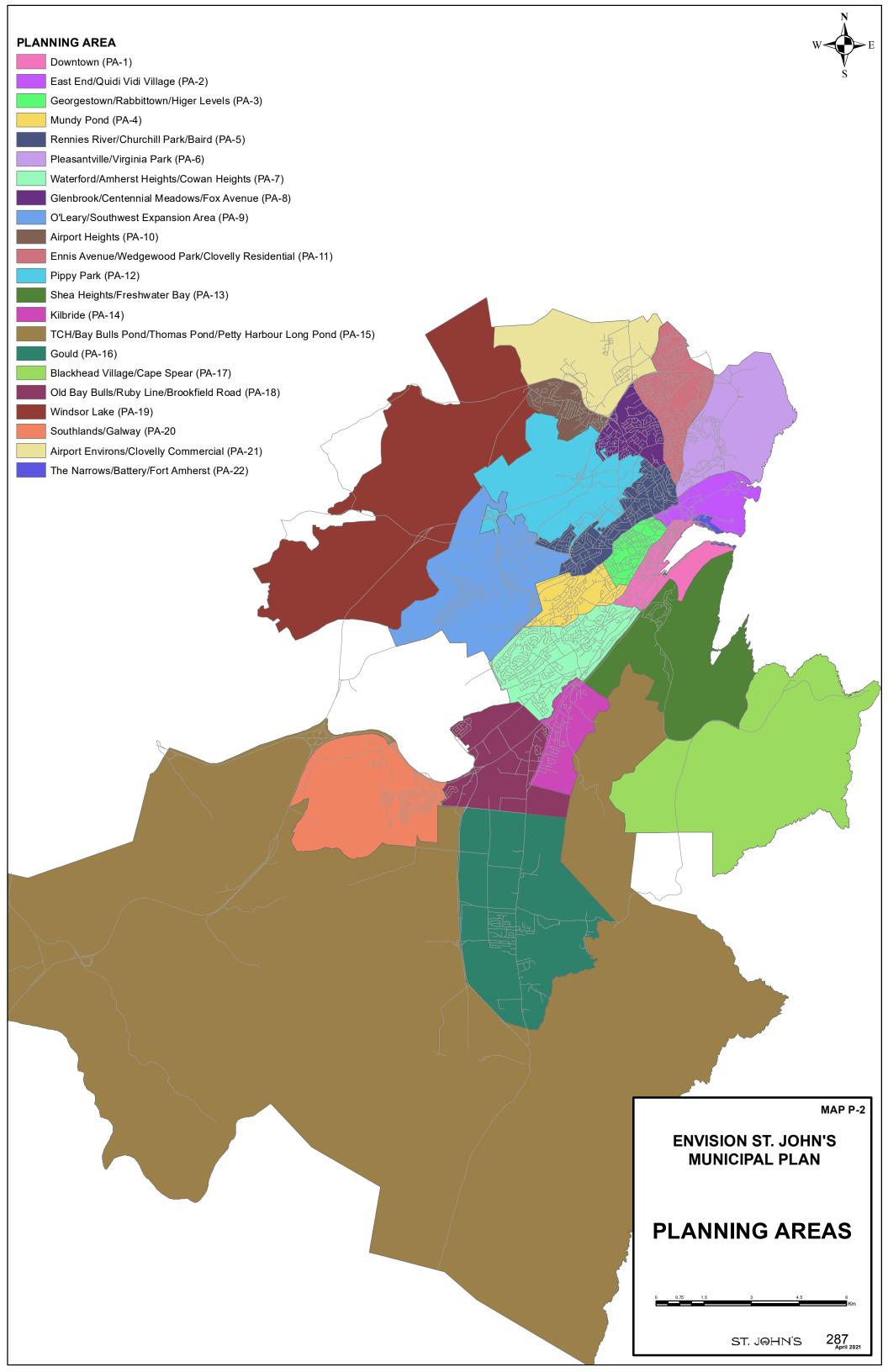
Appendices

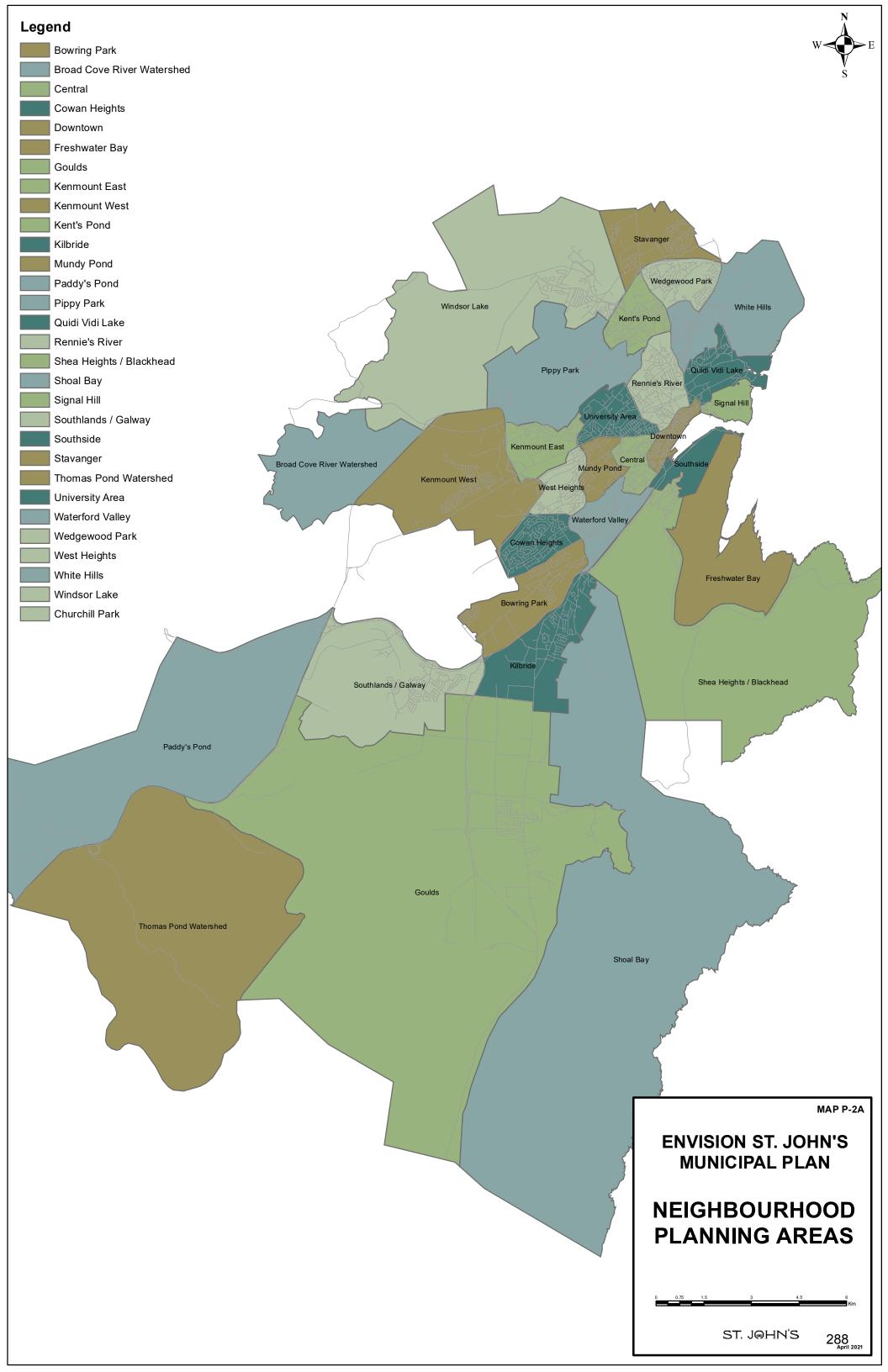
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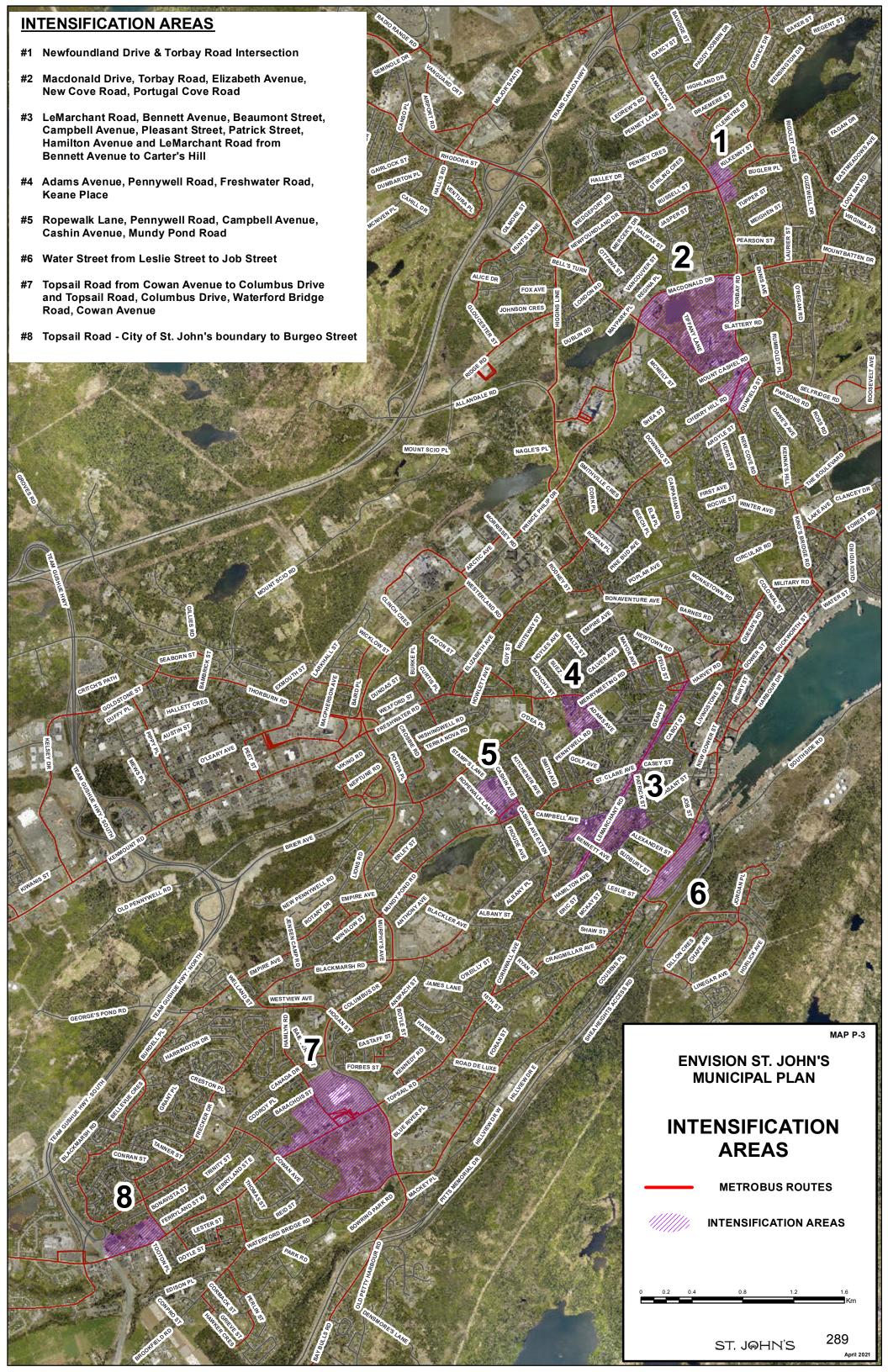


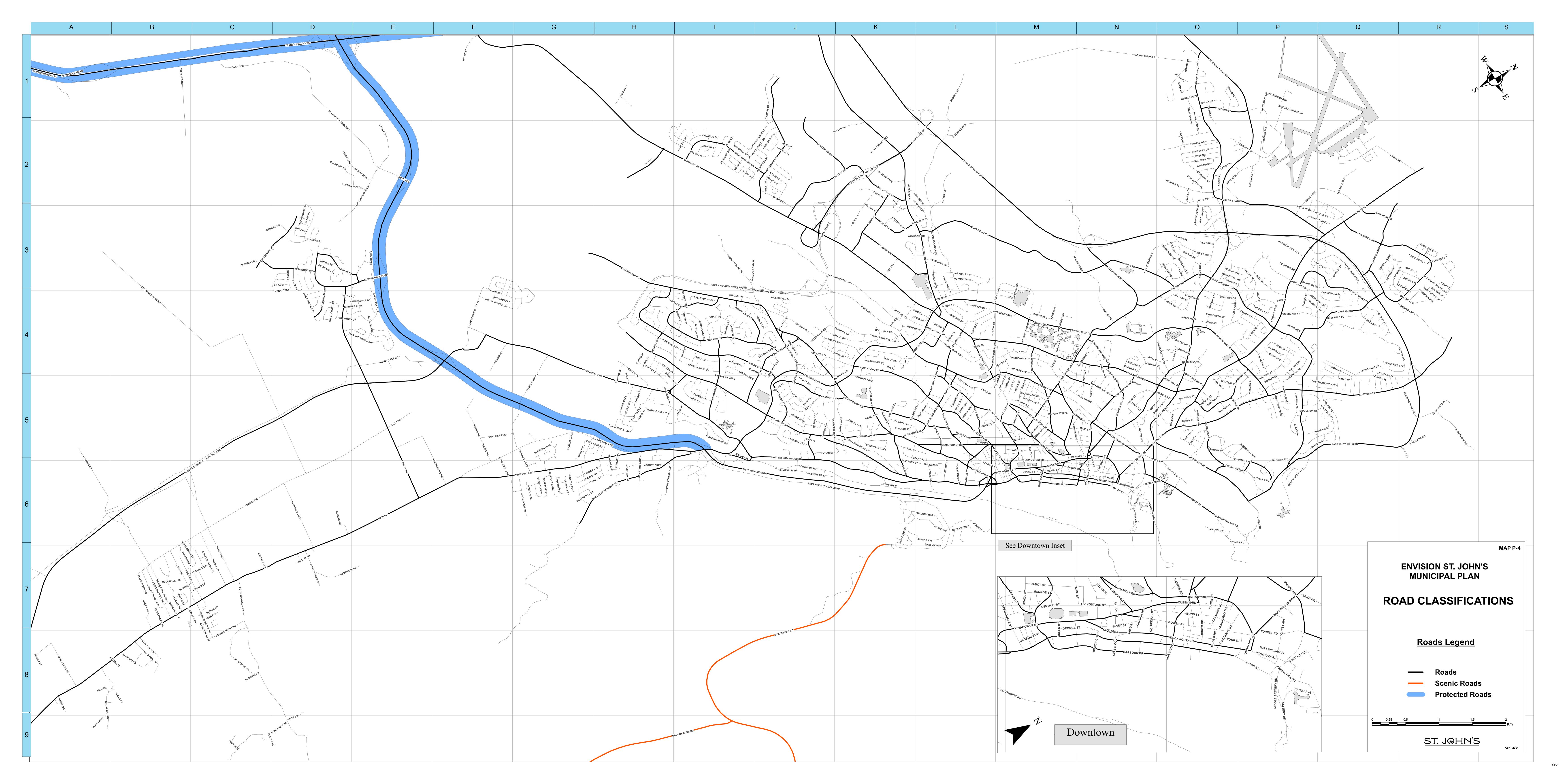


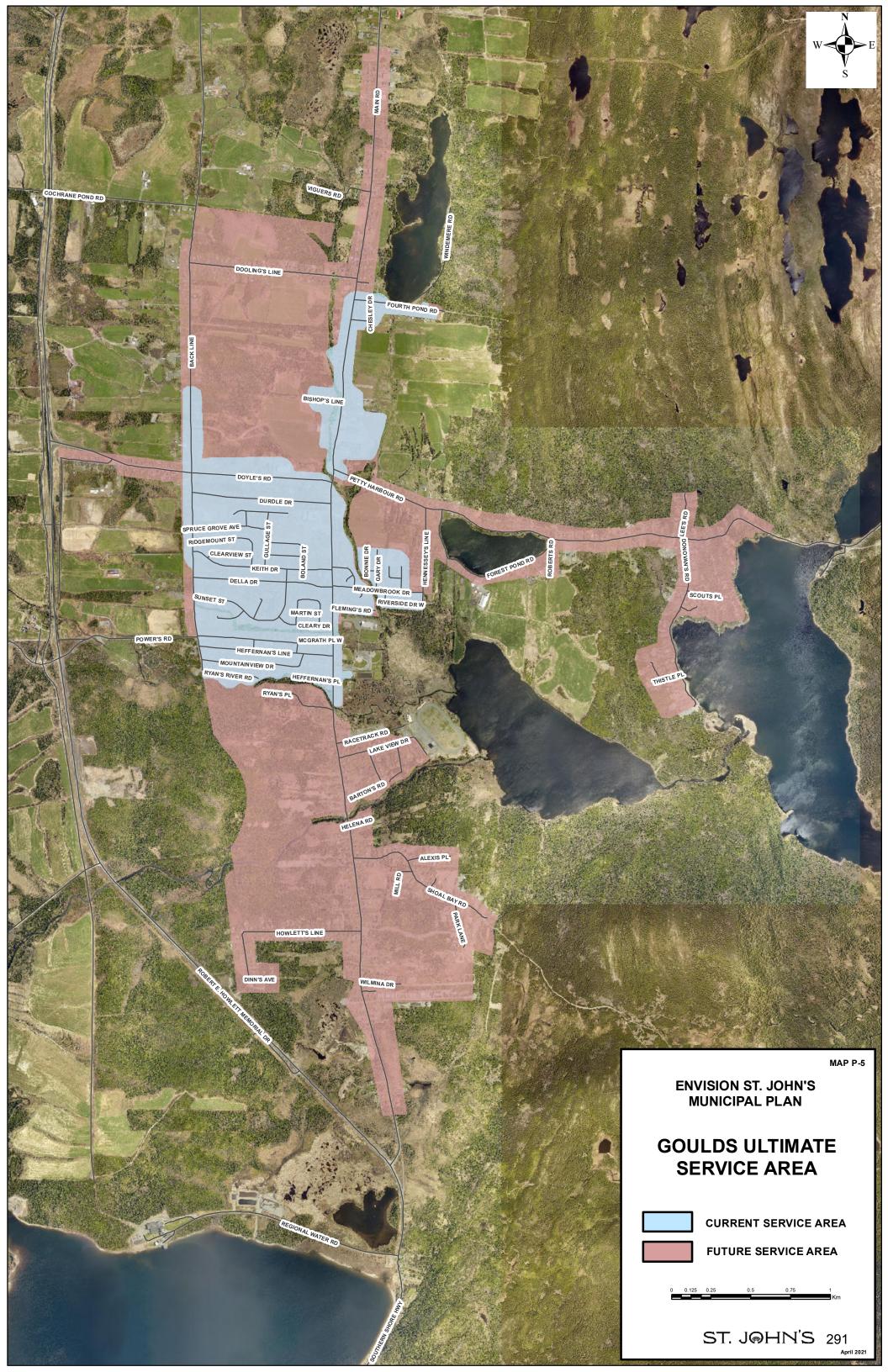




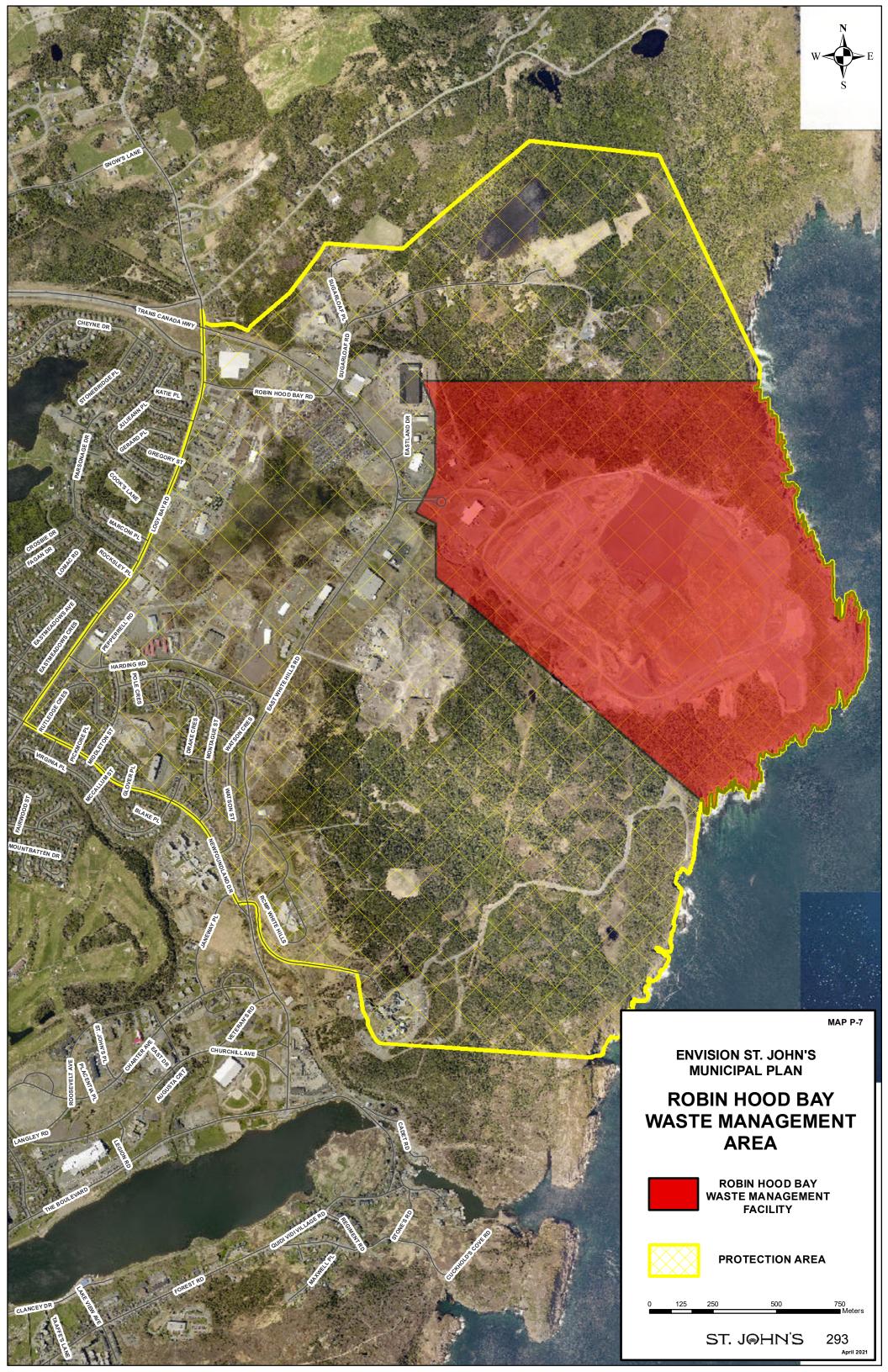


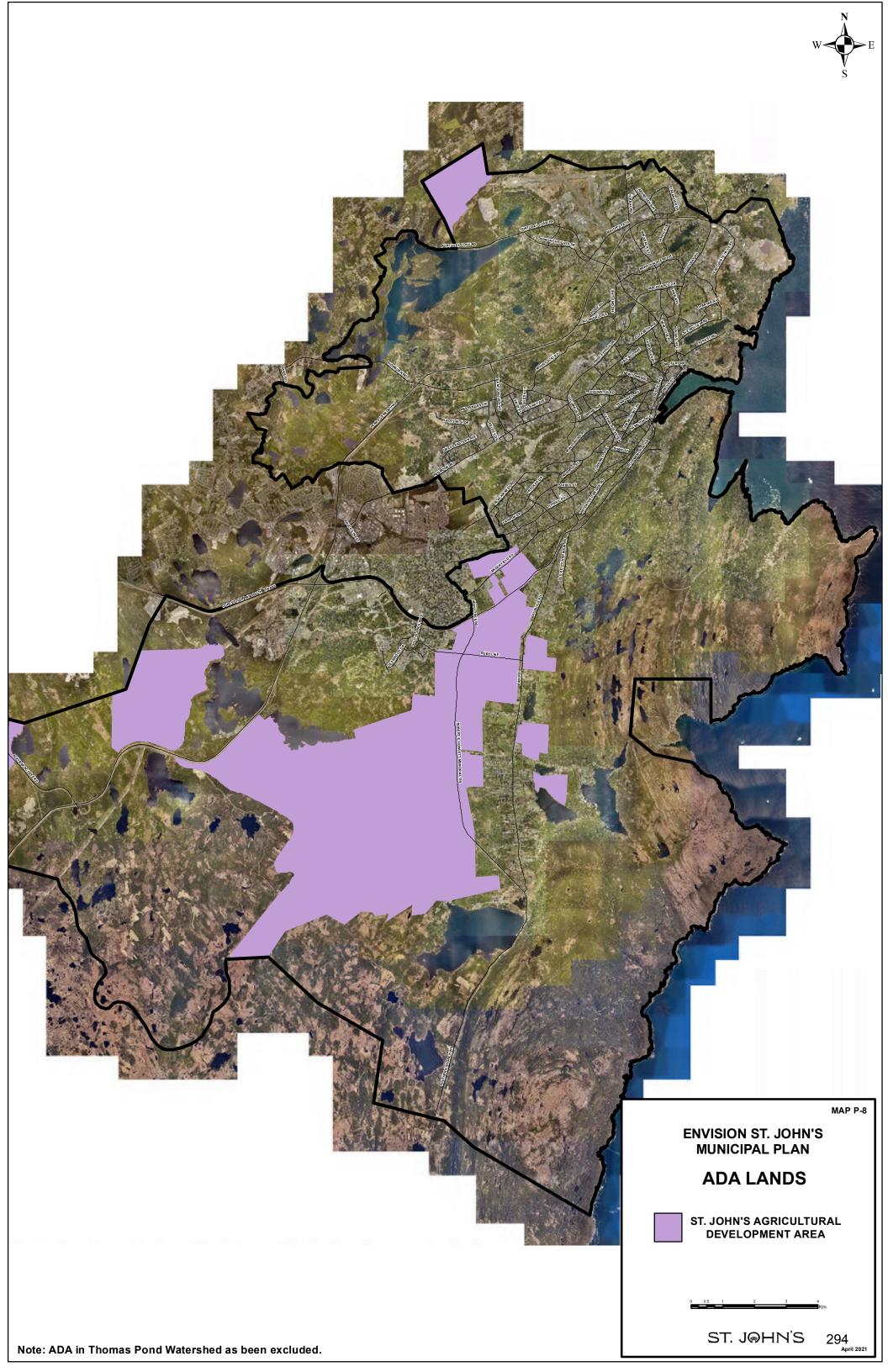


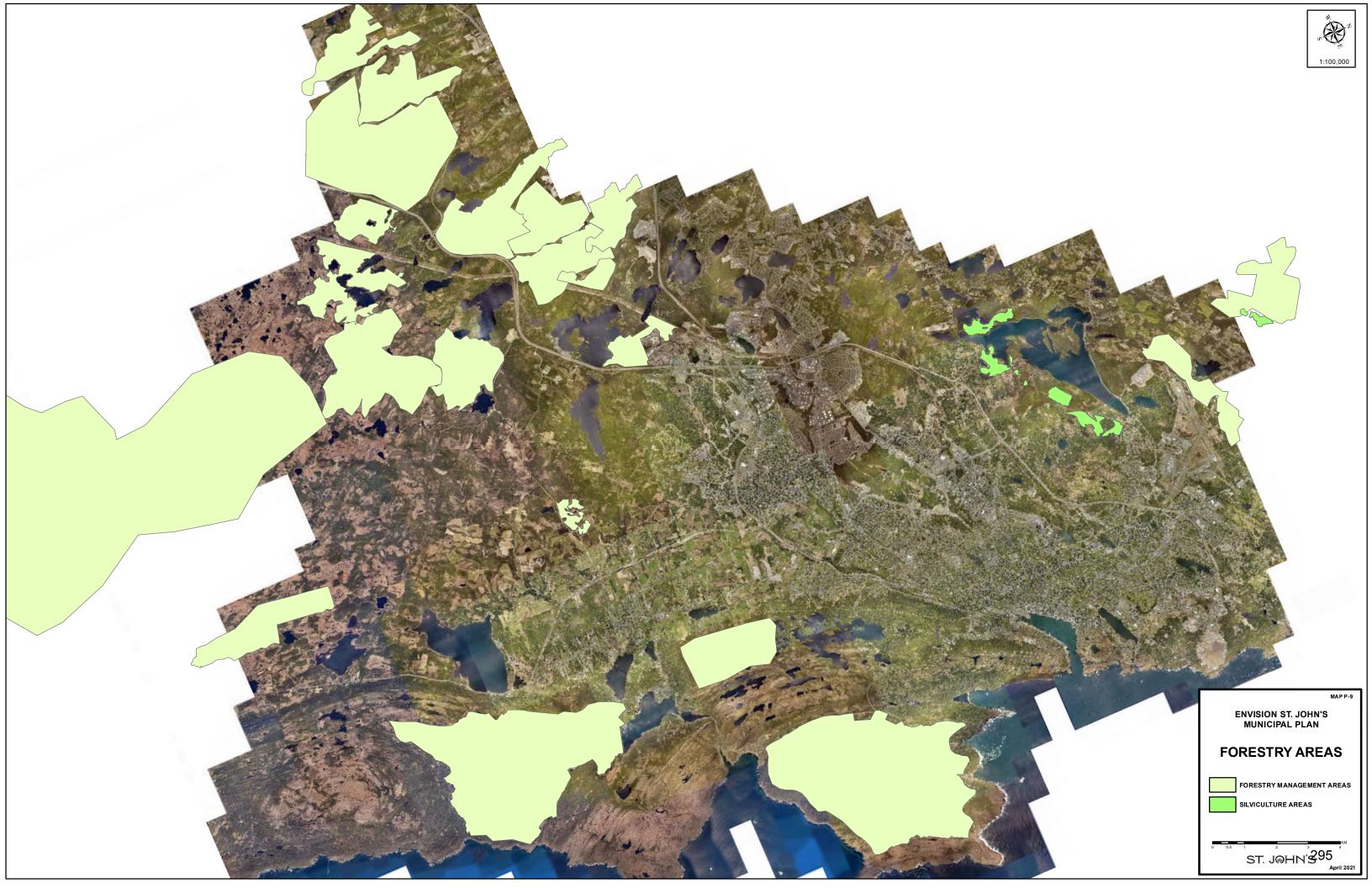












ENVISION ST. JOHN'S MUNICIPAL PLAN

PLANNING AREA 2

Neighbourhoods and Sub-Areas



Planning Area Boundary



NEIGHBOURHOODS

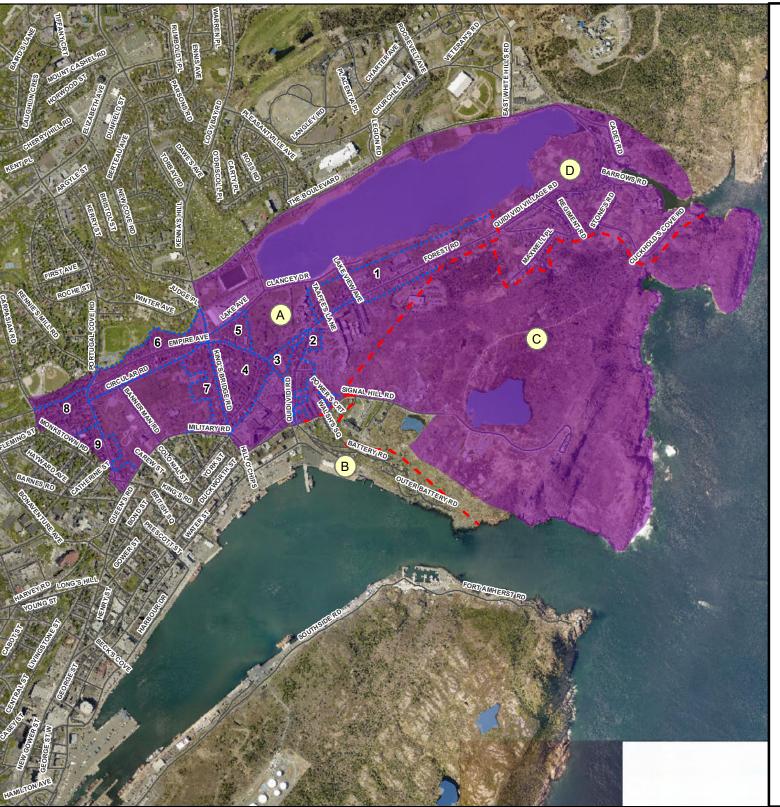
- (A) Circular/Forest Road
- (B) The Battery
- (C) Signal Hill Park (D) Quidi Vidi Village

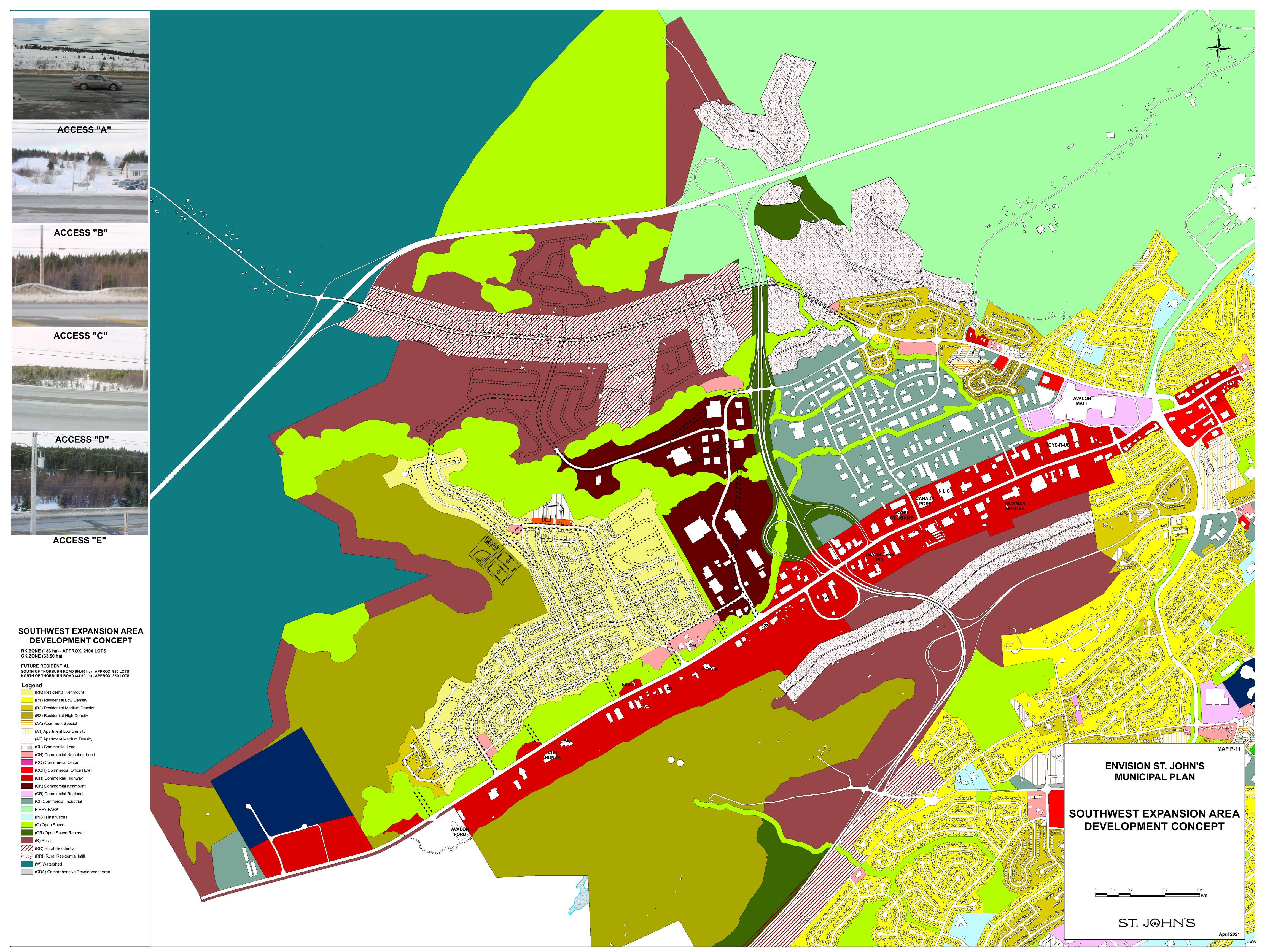


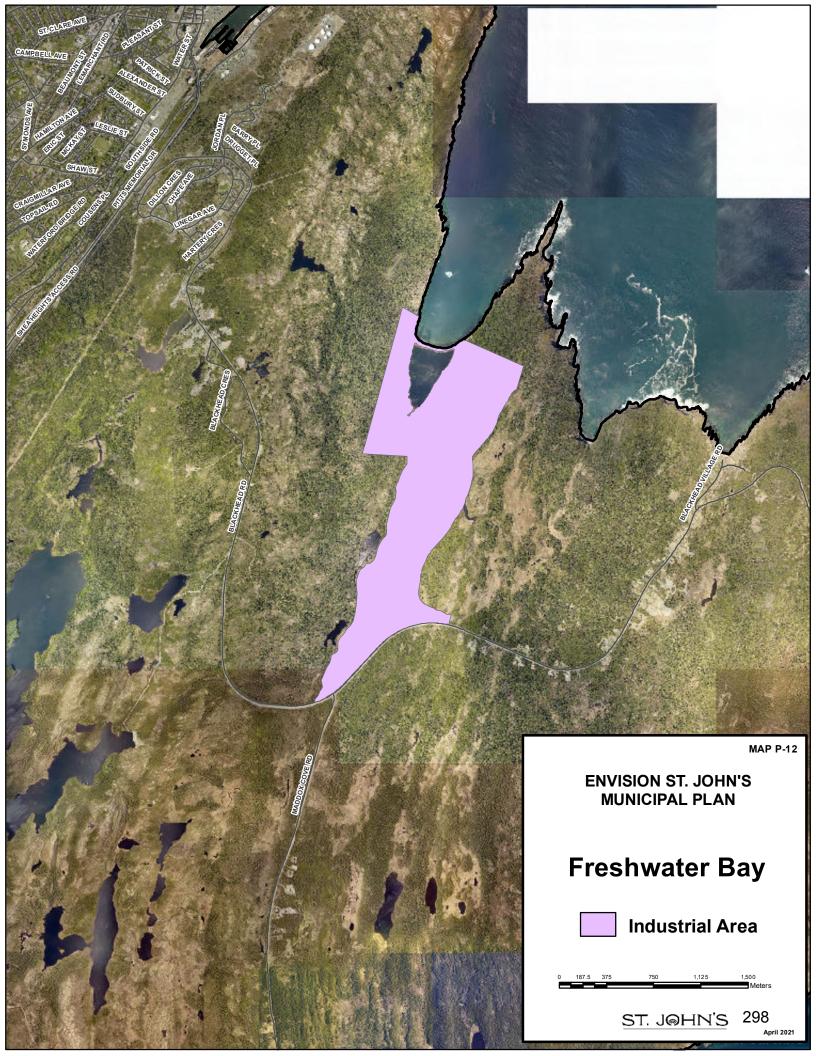
SUB - AREAS

- 1. Forest Road (East of Quidi Vidi Road to Quidi Vidi Village
- 2. Quidi Vidi Road
- 3. Forest Road (Empire Avenue to Quidi Vidi Road
- 4. Forest Road Empire Avenue and King's Bridge Road
- 5. Empire Avenue King's Bridge Road - Lake Avenue and Anglican Cemetary
- 6. Circular Road Empire Avenue
- 7. King's Bridge Road Circular Road - Government House Grounds - Military Road
- 8. Upper Rennies Mill Road -Circular Road West (Monkstown & Riverview)
- 9. Lower Rennies Mill Road and Rennies Mill Road

ST. J@HN'S 296







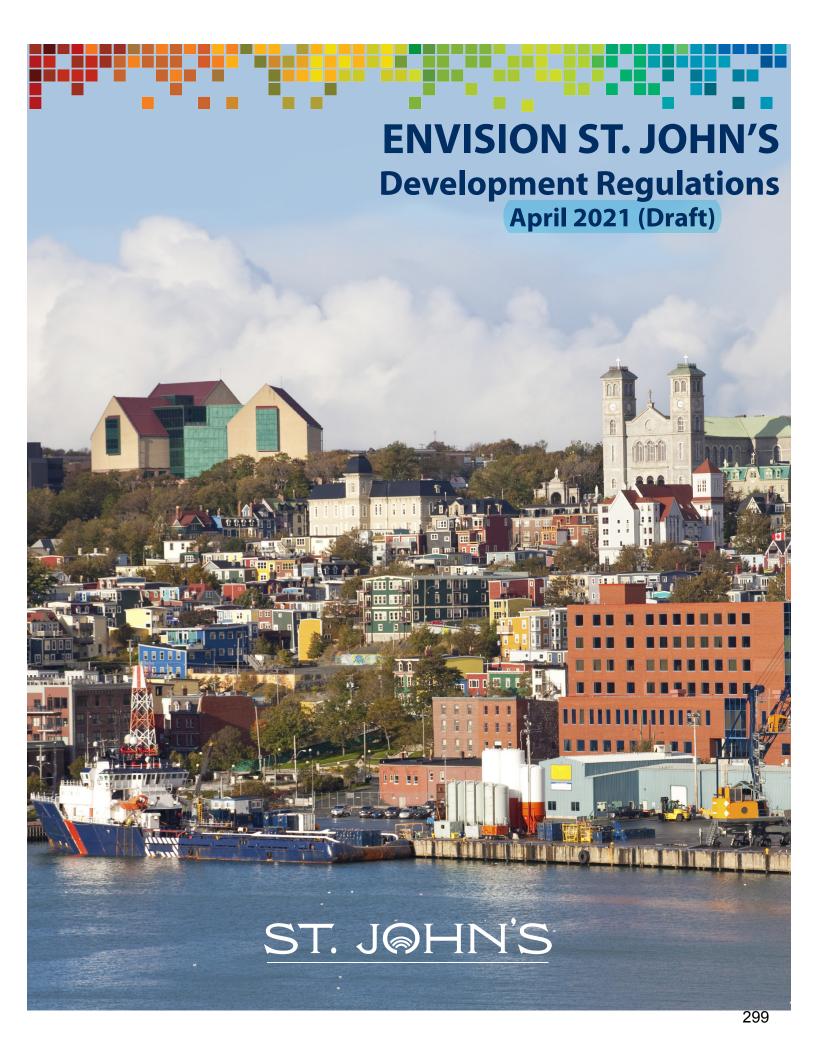


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Thank you to the Town of Truro, Nova Scotia for the images used throughout this document.

SECTION 1 – TITLE AND APPLICATION

1.1 SHORT TITLE

These Regulations may be cited as the "St. John's Development Regulations 2021".

1.2 INTERPRETATION

- (1) Words and phrases used in these Regulations shall have the meaning ascribed to them in Section 2.
- (2) Words and phrases not defined in Section 2 shall have the meaning which is commonly assigned to them in the context in which they are used in these Regulations.
- (3) Unless otherwise stated, the singular includes the plural.
- (4) Any references to sections made in these Regulations are considered to be references to these same Regulations unless otherwise indicated.

1.3 DRAWINGS AND ILLUSTRATIONS

Drawings and illustrations forming part of these Regulations are provided to assist in the interpretation of these Regulations. Where any conflict or inconsistency arises between a drawing or illustration and the text of the Regulations the text governs.

1.4 COMMENCEMENT

These Regulations come into force on the date of publication of a notice to that effect in the Newfoundland and Labrador Gazette.

1.5 DEVELOPMENT REGULATIONS

The St. John's Development Regulations, originally gazetted June 3, 1994, and all amendments thereto are repealed upon the coming into force of these Regulations.

SECTION 2 – DEFINITIONS

ACCESS means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

ACCESSORY BUILDING means a detached Building not used as a Dwelling, located on the same Lot as the main Building 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, but is not limited to:

- 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;
- for Commercial Uses, workshops, or garages; and
- for Industrial Uses, garages, offices, raised ramps, and docks.

ACCESSORY DWELLING UNIT means a Dwelling Unit for a caretaker or essential worker accessory to a Permitted Use when the unit is included in the main Building or, in the case of land uses such as Agriculture, Forestry or Salvage Yards, when the Dwelling Unit is situate on the same property as the Use and forms part of the Use, and which shall not exceed 80 metres square.

ACCESSORY USE means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

ACT if not specifically defined, means the Urban and Rural Planning Act, 2000 as may be amended from time to time.

ADULT DAY CENTRE means a Building or part thereof maintained and used for the purpose of providing care to adults on a daily basis, but does not include a Personal Care Home, Long Term Care Facility or Residential Care Facility.

ADULT MASSAGE PARLOUR means a Building, or part of a Building, where massage or similar services are provided by persons who are not Registered Massage Therapists and does not include a Clinic or Service Shop.

AGRICULTURAL TOURISM OPERATIONS means activities on a farm for the enjoyment or education of the public which promote the sale, marketing, production, harvesting or use of products of the farm and enhance the public's understanding and awareness of farming and farm life.

AGRICULTURAL USE means dairy farming, the breeding and rearing of livestock, including any creature kept for the production of food, wool, skins, or fur or for the purpose of its use in the farming of land, and/or the growing of crops.

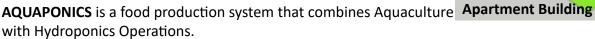
ANIMAL UNIT means any one of the following animals or groups of animals:

- 1 Bull
- 1000 Broiler Chickens or roasters (1.8-2.3 kg each)
- 1 Cow (including calf)

- 100 Female Mink (including associated males and kits)
- 100 Female Rabbits (including associated males and litter)
- 4 Goats
- x Hogs (based on 453.6 kg = 1 unit)
- 1 Horse (including foal)
- 125 Laying Hens
- 4 Sheep (including lambs)
- 1 Sow or Breed Sow (including weaners and growers based on 453.6 kg = 1 unit)
- x Turkeys, Ducks, Geese (based on 2,268 kg = 1 unit)

APARTMENT BUILDING means a Building which contains multiple Dwelling Units but does not include a Building with an Accessory Dwelling Unit, Subsidiary Dwelling Unit, a Four-Plex, or Townhouse Cluster.

AQUACULTURE means the breeding, hatching and rearing of fish or other aquatic plants or animals for sale and/or personal use.





BANK means any chartered bank, trust company, finance company, or credit union.

BAKERY means a facility for producing baked goods such as bread, biscuits, and cakes and may include the sale of same, but does not include a Restaurant.

BED AND BREAKFAST means an owner occupied or owner managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment shall be registered with and receive a rating from Canada Select and shall be approved by the Province.

BUFFER means an area left in its natural state or landscaped with various plants, trees, shrubs, or grasses, in order to assist in conserving a natural resource or to mitigate the impacts of one Use upon another.

BUILDING means:

- (i) a structure, erection, alteration or improvement placed on, over or under land attached, anchored or moored to land;
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- (iii) a part of and fixtures on Buildings referred to in subparagraphs (i) and (ii); and
- (iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a Building or thing referred to in subparagraphs (i) to (iii); but does not include for the

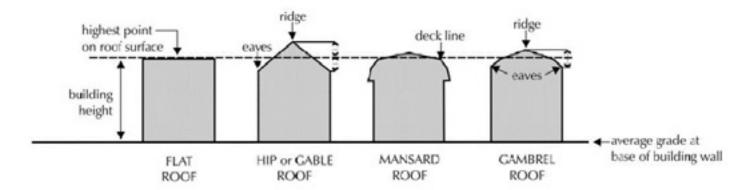
purposes of these Regulations:

- a fence
- a utility enclosure

BUILDING HEIGHT means the vertical distance measured in metres from the established grade to the:

- (i) highest point of the roof surface of a flat roof;
- (ii) deck line of a mansard roof; or
- (iii) mean height level between the eave and the ridge of a gable, hip, or gambrel roof, unless otherwise specified and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

ILLUSTRATION OF BUILDING HEIGHT



BUILDING LINE (SETBACK) means a line established by the City that runs parallel to a street line and is the closest point to a Street that a Building may be placed.

CARRIAGE HOUSE means a designated heritage building which is a detached subordinate Building originally designed primarily for the storage of carriages. For the purpose of these Regulations, a Carriage House is not an Accessory Building.

CARPORT means a Building or structure used for the parking or storage of a motor vehicle and being without walls on at least two sides.

CAR SALES LOT means a Building or an open area used for storage or display, for sales purposes, of motor vehicles.

CAR WASH means an establishment used exclusively for washing or cleaning motor vehicles for gain.

CEMETERY means any land, Building or structure used for burying or interring the dead, including associated



Buildings for grounds keeping, equipment storage and administrative office space.

CLINIC means a Building or part of a Building used by physicians, dentists or other health care professionals, their staff and their patients, for the purpose of consultation, diagnosis or treatment of human non-residential patients, and may include medical laboratories or an ancillary pharmacy, but does not include an Adult Massage Parlour.

COMMERCIAL GARAGE means a Building, or part of a Building, used for the repair of equipment or self-propelled vehicles and/or trailers, but does not include a service station.

COMMERCIAL USE means any Use categorized as commercial.

COMMUNICATIONS USE means any establishment or facility in the field of communications, including radio stations, television stations, and telephone companies.

COMMUNITY AMENITY BUILDING means a Building provided for the personal, shared, or communal use of residents of a Pocket Neighbourhood.

COMMUNITY GARDEN means a shared outdoor space used to grow and care for vegetables, flowers, and/or annual plantings for personal consumption.

CONSERVATION PLAN means a plan that identifies the impacts of a proposed Development and describes the requirements approved by Council under which the Development can proceed.

CONVENIENCE STORE means a Building which is used as a store that serves the primary needs of the adjacent neighbourhood and in which at least 80% of the retail floor space is devoted to the sale and display of grocery items and may include a delicatessen or snack bar provided that same is contained within the Building.

CRAFT BREWERY/DISTILLERY means a facility which is licensed by the Province to produce, sell and distribute beer, wine, or other liquor or distilled spirits and shall include a tasting room open to the public. Retail sales or Restaurant may be permitted.

DAYCARE CENTRE means a Building or part of a Building in which licensed child care services are provided to more than 5 non-resident children at any one time.

DECK means a structure without a permanent roof which may or may not have screening, and which may or may not be attached to the main Building.

DEVELOPMENT means the carrying out of building, engineering, mining, or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the:

(i) making of an access onto a highway, road, or way;

- (ii) erection of an advertisement or sign;
- (iii) construction of a Building; and
- (iv) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation;

and excludes:

- (v) carrying out of works for the maintenance, improvement, or other alteration of any building, being works which affect only the interior of the Building or which do not materially affect the external appearance or use of the Building;
- (vi) carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- (vii) carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of a street or other land for that purpose; and
- (viii) the use of a Building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

For the purposes of these Regulations, development also includes excavation, land clearing, grubbing, and the subdividing or consolidating of parcels of land.

DISCRETIONARY USE means a Use which may be permitted by Council subject to special conditions or controls as listed in the use Zone tables of the Development Regulations.

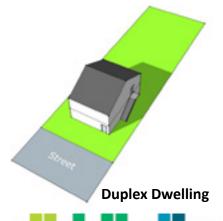
DRIVE THROUGH means a Building or operation that is designed to allow or require occupants to remain in their motor vehicles while goods and/or services are either provided to them or self-service is being undertaken or initiated by them.

DRIVEWAY means a way used or intended to be used by vehicles and/or pedestrians in order to go from a Street to adjacent land or to go from that land to the Street.

DRY CLEANING ESTABLISHMENT means a Building, or part of a Building, where dry cleaning, dyeing, or cleaning of articles or goods or fabric is carried on.

DUPLEX DWELLING means a Building containing two Dwelling Units, constructed one above the other, each having an individual entrance, provided that no Dwelling Unit shall be wholly in the basement of the Building.

DWELLING UNIT means any Building, or portion thereof, which is occupied in whole or in part, as the home or residence of one or more human beings,



with kitchen and bathroom facilities for the resident(s).

ESTABLISHED GRADE means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment.

FARM MARKET means a Building or operation on a farm where food produced in whole or in part on the farm is offered for retail sale to the public.

FARM RESTAURANT means a Building, or part of a Building, on a farm where food produced in whole or in part on the farm is prepared and offered for retail sale to the public for consumption on the farm, but shall not include catering service or a takeout service.

FENCE means a vertical physical barrier constructed out of typical fencing materials for the purpose of assuring privacy or protection, and shall include hedges, shrubs, and Landscaping features which are used for these purposes and shall also include that portion of a retaining wall which projects above the surface of the ground which it supports.

FLOAT PLANE HANGAR means a Building designed and used solely for the storage of a float plane.

FLOODPLAIN means the area of land adjacent to a watercourse or a water body that will be inundated by the one (1) percent annual chance flood.

FLOOR AREA – NET for the purposes of these Regulations means 80% of Floor Area - Gross.

FLOOR AREA – GROSS means the total floor area of all floors in a Building measured to the outside face of exterior walls, and includes basements and mezzanines but excluding any porches, verandas, sunrooms (unless habitable in all seasons of the year), garage, or mechanical penthouse and any areas used exclusively for parking of motor vehicles.

FLOOR AREA RATIO means the ratio which the Floor Area – Gross of the Building(s) on a Lot shall bear to the area of that Lot.

FOOD AND BEVERAGE PROCESSING means a facility for producing, mixing, compounding or baking any edible product, but does not include a Restaurant or other premises where any such product is made for consumption on the premises and does not include a Bakery.

FORESTRY USE means the Use of land for the purposes of forest and woodland management, and including the felling, cutting, trimming, extraction of timber therefrom or the reforestation thereof.

FOUR-PLEX means a Building that has four Dwelling Units having at least one Dwelling Unit entirely or partially above another with the entire Building being on one Lot. It is not a Semi-Detached Dwelling or Townhouse with multiple Dwelling Units.

FRONTAGE means the horizontal distance between side lot lines measured at the building line.

FUNERAL HOME means an establishment for the preparation of human remains for interment or disposal including a crematorium and/or Place of Worship to conduct commemorative services.

GAS STATION means an establishment for the sale of gasoline and ancillary products but does not include the repair of motor vehicles, a Commercial Garage or a Car Wash.

HARD LANDSCAPING means the man-made features used in Landscaping.

HEALTH AND WELLNESS CENTRE means an establishment providing health, fitness, and recreational activities, such as, but not limited to, boxing, dancing, gymnastics, martial arts, weightlifting, yoga, or other forms of physical exercise. This Use may also include the incidental sale of health and fitness merchandise. This does not include a Massage Parlour.

HEAVY EQUIPMENT STORAGE means the use of land or Buildings for the storage or parking of operational motorized vehicles or equipment such as, but not limited to: construction equipment, transportation equipment, agricultural equipment or fisheries equipment, tow trucks, tractors, tractor trailers, semi-trailers, dump trucks, flatbed trucks, utility trucks, graders, excavators and construction trailers, and shall exclude the service or maintenance, the sale or rental, the salvage for scrap or recycling of equipment or materials or the storage of scrap materials from the aforementioned type of vehicles and equipment.

HERITAGE USE means any Use of a designated heritage building which is, in Council's opinion, compatible with the adjoining uses.

HOME OCCUPATION means a secondary use of a Dwelling Unit and/or Accessory Building by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity.

HOME OFFICE means a secondary use of a Dwelling Unit by at least one of the residents of such Dwelling Unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation of clients to the site and employment of non-residents.

HORTICULTURE USE means the growing of fruit, flowers, vegetables, trees, shrubs and plants (nursery) for commercial purposes for consumption and/or sale and included Hydroponics.

HOTEL means an establishment that provides lodging and usually meals, entertainment, and various personal services for more than 16 persons.

HYDROPONICS means the cultivation of plants without soil.

INDOOR RIDING ARENA means an enclosed structure for horse riding.

INDUSTRIAL USE means the use of land or Building for the purpose of manufacturing, fabricating, assembling, altering, repairing, packing, canning, storing, breaking up, demolishing, or treating any article, commodity or substance, and "industry" shall be construed accordingly.

INSTITUTIONAL USE means a Building or part thereof used for non-commercial purposes by a non-profit society for the promotion of social, educational, cultural, religious or philanthropic objectives, and may include a residential component owned and managed by the Institution and ancillary to the purpose of the Institution.

KENNEL means an establishment used for the boarding of small animals normally considered as household pets and other animals. This shall include the boarding of animals during the day and for extended periods of time.

LANDSCAPING means an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not Landscaping.

LAND USE REPORT is a report prepared by suitably qualified person(s) to identify and assess the impacts of a proposed land use or Development on the urban environment and/or surrounding lands or neighbourhood, and includes recommendations and proposals to control and mitigate identified impacts and may include:

- an Archaeological Report
- an Environmental Report
- a Heritage Report

LAUNDROMAT means an establishment where individual washing machines and clothes dryers are operated by the customer or an attendant.

LIGHT INDUSTRIAL USE means Use of any land or Buildings for an Industrial Use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

LODGING HOUSE means a Dwelling Unit wherein accommodation is provided for between five (5) and sixteen (16) persons inclusive, in which kitchen and/or bathroom facilities are used in common by some or all the occupants.

LONG TERM CARE FACILITY means a residential Building for persons requiring moderate to total assistance with the activities of daily living, having on-site nursing staff and which is provincially licensed.

LOT means a plot, tract, or parcel of land which can be considered as a unit of land for a particular Use or Building.

LOT AREA means the total horizontal area within the lines of the Lot.

LOT COVERAGE means the combined area of all Building on a Lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the Lot.

LOT DEPTH means the average distance between the front Lot Line and the rear Lot Line of a Lot.

LOT FRONTAGE means the horizontal distance between the side Lot Lines measured at the Building Line.

LOT LINE means any line defining the boundaries of a Lot and shall include a Lot Line – Front, a Lot Line – Rear, and a Lot Line – Side.

LOT LINE – FLANKING means a Side Lot Line along a Street.

LOT LINE – FRONT means the Street line on which a Lot has its civic address.

LOT LINE – REAR means the Lot Line or lines opposite the Lot Line – Front.



LOT LINE – SIDE means a Lot Line or lines other than Lot Line – Front or Lot Line – Rear.

LOUNGE means a Building, or part of Building, which is primarily used for the purpose of selling and serving of spirits, wines, or beer to the general public for consumption on the premises and which is licensed under the Liquor Control Act and any Regulations made thereunder.

MICRO UNIT means a Dwelling Unit which shall not exceed 42 metres square (450 square feet).

MINERAL WORKING means land or Buildings use for the working or extraction of any naturally occurring substance, including a pit or quarry and can include exploration or mining activity.

MINI HOME means a Single Detached Dwelling Unit which is designed and built to be transportable to its site where it is affixed to a foundation.

MINI HOME PARK means a Development designed for Mini Homes.

MITIGATION PLAN means a plan that identifies the impacts of a proposed Development as established by a Land Use Report and describes the requirements under which the Development can proceed.

NON-CONFORMING BUILDING means a Building legally existing at the coming into force of these Regulations that does not meet the requirements of these Regulations.

NON-CONFORMING LOT means a Lot legally existing at the coming into force of these Regulations that does not meet the requirements of these Regulations.

NON-CONFORMING USE means a legally existing Use that is not listed as a Permitted or Discretionary Use for the Zone in which it is located or which does not meet the Development Standards for that Use zone.

OFFICE means a Building, or part thereof, used for the practice of a profession, business, or public administration that may include administrative and clerical functions but does not include a Clinic or Bank.

OWNER means a person or an organization of persons owning or having the legal right to use the land under consideration.

PARK means an area owned by either the City of St. John's, the Province of Newfoundland and Labrador, the Government of Canada, or an administrative/statutory agency, board, commission, or wholly owned corporation of either of the three levels of government; which is maintained substantially in its natural state and/or landscaped for the use and enjoyment of the public; and includes playgrounds, playing fields, campgrounds, and picnic areas; but does not include a Place of Assembly.

PARKING GARAGE means a Building, or part of a Building, used for the parking of vehicles and accessible to the public or as an accommodation to clients or customers.

PARKING LOT means a Lot, or part of a Lot, used for the parking of vehicles and accessible to the public as an accommodation to users or owners.

PERMITTED USE means a Use that is listed within the permitted use classes set out in Section 10 of these Regulations.

PERSONAL CARE HOME means a residential Building for persons who need minimal to no assistance with the activities of daily living, which may have associated health or nursing services, and is provincially licensed.

PHARMACY means a Building, or part of a Building, where prescriptions, medicines and drugs are compounded or prepared or sold and where non-prescription medications and health aids are sold under the direct supervision of a pharmacist.

PID means a Parcel Identification number.

PIPE STORAGE YARD means a property used for storage of pipe. An ancillary Building or Buildings with a total footprint not exceeding 30% of the Lot Area is permitted.

PLACE OF AMUSEMENT means land or Building used as a gathering place for non-sports related recreational activities and includes, but is not limited to, a bingo hall, billiard or pool room, games arcade, dance hall and music hall, but does not include an Indoor Riding Arena.

PLACE OF ASSEMBLY means land or Building used as a gathering place for substantial numbers of people, and without limiting the generality of the foregoing, includes auditoriums, convention centres, public and private halls, movie theatres and similar gathering places.

PLACE OF WORSHIP means a Building for religious observances and may include an accessory Place of Assembly.

POCKET NEIGHBOURHOOD – means between 4 and 8 Tiny Homes on a Lot, which are orientated around a common open space area and common ancillary Building(s) for the condominium use.

PROHIBITED USE means a use that is not listed within the Permitted or Discretionary Use classes under Section 10 or a use that the City specifies as not permitted within a Zone.

PUBLIC USE means land or Buildings used by the Council, the Province of Newfoundland and Labrador, or the Government of Canada for a purpose not otherwise defined in these Regulations.

PUBLIC UTILITY means all land and Buildings used by the City or a "Public Utility" within the meaning of the *Public Utilities Act*, RSNL 1990 c.P-47, as amended.

RECREATIONAL USE means a playground, playing field, an athletic field, stadium, trail riding facilities, outdoor skating parks, games parks, campground and similar Uses, and Buildings and structures accessory to the foregoing Uses, but does not include an Indoor Riding Arena.

RECYCLING DEPOT means a Building, or part of a Building, in which paper, plastic, glass, and other non-organic materials are received, sorted, processed, and stored for the purpose of recycling, and which has no outdoor storage of materials.

RESIDENTIAL CARE FACILITY means a Building for persons seeking treatment for addiction and similar medical conditions who live under the care and supervision of health care and counselling professionals.

RESIDENTIAL RETAIL STORE means a Retail Use within a Dwelling Unit.

RESIDENTIAL USE means any land or Building used for a Dwelling Unit.

RESTAURANT means a Building, or part of a Building, where food is prepared and offered for sale or sold to the public and may include catering service, a take-out service, and the serving of alcohol on the premises.

RETAIL USE means a Building, or part of a Building, where goods or articles are offered for sale at retail prices, and includes storage on or about the store premises of limited quantities of such goods or things sufficient to service such store.

SALVAGE YARD is a premises where scrap metals or other scrap materials are sorted or stores; or where automobiles, other vehicles, machinery, or parts thereof are dismantled, demolished, or stores; or where goods, wares, merchandise, or articles are processed for further use and excludes Recycling Depots.

SCHOOL means the Building used by a body of students that is organized as a unit for the purposes of primary, elementary, or high school education and includes the teachers and other staff members associated with the use.

SCREEN means:

- (i) a solid decorative wall constructed of brick, concrete, stone or wood, or other suitable construction material; or
- (ii) a plastic or chain-link fence, combined with a thick row of evergreen landscaping.

SEMI-DETACHED DWELLING means a Building containing at least one Dwelling Unit and which Building is attached to another Building containing a Semi-Detached Dwelling on one side only, where each Building is on its own Lot.

SERVICE SHOP means a Building, or part thereof, where personal services are provided. Without limiting the generality of this definition, a Service Shop may include a barber shop, hair salon, tailoring shop, but does not include an Adult Massage Parlour.

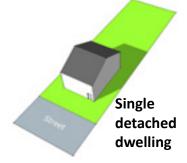
Semi-detached dwelling

SERVICE STATION means any land or Building used for the sale/installation of petroleum products, automotive parts and accessories and motor vehicle repairs, and may include the offering for sale of a maximum of six (6) motor vehicles at any time subject to adequate on-site parking and may also include a Convenience Store or car wash associated with the main use.

SHOPPING CENTRE means a group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit, containing a minimum of five (5) retail sales establishments.

SINGLE DETACHED DWELLING means a Building containing at least one Dwelling Unit and which Building is not attached to another Building and is on its own Lot.

SIGN means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements.



SOFT LANDSCAPING means Landscaping excluding hard-surfaced area such as decorative stonework, retaining walls, walkways or other hard-surfaced landscape or architectural elements.

STACKING LANE means an on-site queuing lane at a Drive Through for motorized vehicles which may be identified by barriers, curbs, markers or signs.

STOREY means that portion of a Building which is situated between the top of any floor and the top of the floor next above it, or, if there is no floor above it, that portion between the top of such floor and the ceiling above it.

STREET means a publicly owned street, road, highway, or other way including a structure for any part of the street, road, highway or other way designed and intended or used by the public for the passage of traffic and include all the space between the boundary lines of the street, road, highway or other way.

STREET LINE means the edge of a Street reservation as defined by the City.

SUBDIVISION means a Development of lands with two or more Lots.

SUBSIDIARY DWELLING UNIT means a separate Dwelling Unit that is located within the structure of a main Building and which is subordinate to the main Dwelling Unit.

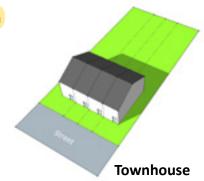
TAXI STAND means the location from which a taxi business and/or taxi is directed, managed, and/or dispatched.

TINY HOME DWELLING – means a Single Detached Dwelling on a permanent foundation, with a ground floor area of less than 46 metres square (500 square feet).

TOWNHOUSE CLUSTER means a group of three or more Townhouses on one Lot, with one Driveway, as a condominium.

TOWNHOUSE means a Building containing at least one Dwelling Unit and which Building is attached on both sides to a Building containing at least one dwelling unit, unless it is the end unit in a row as a row of three such Buildings or more, where each Building is on its own Lot.

TRAINING SCHOOL means a technical school, a vocational school, college or university, and includes the studio of a dance teacher or music teacher, an art school, golf school, business or trade school and any other specialized school conducted for gain, but does not include an Indoor Riding Arena.



TRANSPORTATION DEPOT means any structure or Lot used for the purpose of storing, servicing or refueling of vehicles connected with a transportation business, but does not include a Commercial Garage.

TRANSPORTATION TERMINAL means any structure for the use of transportation facilities, excluding taxis, available to the general public.

USE means a Building or activity situated on a Lot or a Development permitted on a Lot.

USE ZONE OR ZONE means an area of land including Buildings and water designated on the zoning map to which the Uses, standards and conditions of a particular Use Zone table apply.

VARIANCE means a departure, to a maximum of 10%, from the Yard, area, Lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable Use Zone table of these Regulations.

VEHICLE STORAGE YARD means a Lot used for the storage of motorized vehicles and shall exclude the service or maintenance of motorized vehicles, the salvage for scrap or recycling of motorized vehicles, and not be open to the public.

VETERINARY CLINIC means a Building for the medical care and treatment of animals and may include overnight accommodation for animals receiving medical care, outdoor pens, or enclosures, but does not include a Kennel.

WAREHOUSE means a Building, or part of a Building, which is used for the housing, storage, display, adapting for sale, packaging or distribution of goods, wares, merchandise, foodstuffs, substances, articles or things.

WATER UTILITY ENCLOSURE means a heated above ground, non-confined space for the purpose of locating and protecting premises isolation backflow prevention devices.

WETLAND means land that is seasonally or permanently covered by shallow water, as well as land where the

water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favored the dominance of either hydrophytic or water tolerant plants.

WHARVES AND STAGES means a structure affixed to land which a boat or ship may be moored to load and unload.

WIND TURBINE – SMALL SCALE means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The wind turbine is comprised of the tower, rotor blades (either horizontal or vertical) and the nacelle. A small scale wind turbine is a single turbine that has a nameplate capacity which is not greater than 300 kW. It has a stand-alone design, either on its own foundation or supported by guy wires.

WIRELESS COMMUNICATIONS FACILITIES means infrastructure regulated by the Federal Government that enables wireless communications including broadcast antennas, cellular phone towers including private antenna systems for Ham Radio and Citizen Band Radio, mounted on the ground or on another structure such as a rooftop.

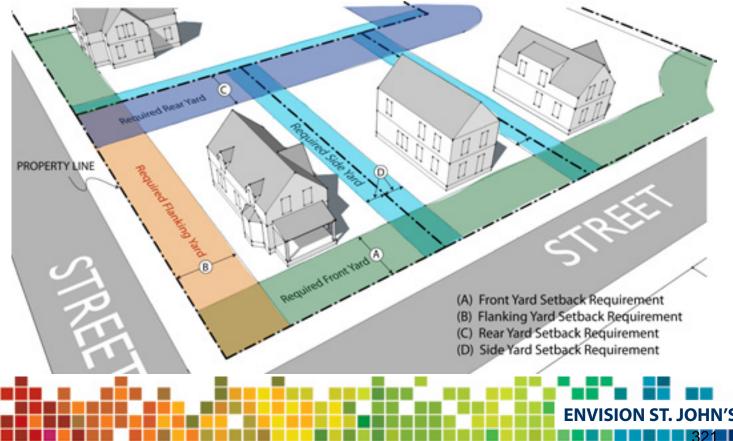
YARD means the part of a Lot unoccupied by the main Building.

YARD – FRONT means a Yard that extends across the full width of a Lot between the Front Lot Line and the nearest main wall of any Building on such Lot.

YARD – REAR means a Yard that extends across the full width of a Lot between the Rear Lot Line and the nearest main wall of the main Building on such Lot.

YARD – SIDE means a Yard that extends from the Front Yard to a Rear Yard between the Side Lot Line of a Lot and the nearest main wall of the main Building thereon.

ZONING MAP means the map or maps attached to and forming a part of the City's Regulations.



SECTION 3 – APPEALS

3.1 RIGHT TO APPEAL

Where a decision is made under these Regulations or the Act, the person to whom the decision applies shall be notified in writing, at the time of the making of the decision of:

- (1) the person's right to appeal the decision to the Appeal Board;
- (2) the time by which an appeal is to be made;
- (3) the right of other interested persons to appeal the decision; and
- (4) the manner of making an appeal and the address for filing the appeal.

3.2 ST. JOHN'S LOCAL BOARD OF APPEAL

3.2.1 Appointment of the Appeal Board

- (1) Council shall appoint five (5) persons to the Appeal Board.
- (2) Councillors or employees of the City are not eligible to be members of the Appeal Board.
- (3) A member of the Appeal Board holds office for three (3) years and may be appointed for a further three (3) years.
- (4) Notwithstanding Subsection (3), a member shall continue to be a member until he or she is reappointed or replaced.
- (5) A person appointed to fill a vacancy on the Appeal Board shall be a member for the rest of the vacating member's term.
- (6) Council, may, by a two-thirds vote, provide remuneration to be paid to members of the Appeal Board and may prescribe the amount.
- (7) The City Clerk, or his or her agent, shall be secretary of the Appeal Board.

3.2.2 Appeals to the Appeal Board

- (1) A person aggrieved by a decision made under these Regulations or the Act may appeal that decision to the Appeal Board where the decision is with respect to:
 - (a) an application to undertake a Development;
 - (b) a revocation of an approval or a permit to undertake a Development;
 - (c) the issuance of a Stop Work Order; or
 - (d) a decision permitted under the Act, or another act to be appealed to the Appeal Board.
- (2) An appeal shall be filed not more than 14 days after the applicant has received the decision being appealed.
- (3) An appeal shall be made in writing and shall include:
 - (a) a summary of the decisions appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.
- (4) The secretary of the Appeal Board shall, not less than 14 days before the hearing of an appeal, publish a notice in a local newspaper advising that an appeal has been filed and the date the appeal is to be heard.
- (5) The Appeal Board shall hear an appeal within 30 days of the filing of the appeal and shall issue a written decision within 14 days of the hearing.
- (6) Council and the appellant are entitled, but not required, to appear before the Appeal Board either personally or by authorized representative.
- (7) The Appeal Board shall be presided over by a chairperson appointed from among its members by Council, or, in the absence of the chairperson, such members present shall among themselves appoint.
- (8) A majority of the members of the Appeal Board shall constitute a quorum.

- (9) The Appeal Board shall not make a decision that is contrary to the Act, the Municipal Plan, these Regulations or policy adopted thereunder.
- (10) In determining an appeal, the Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the Appeal Board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding Subsection (10) where Council may, in its discretion, make a decision, the Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of the Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.

3.2.3 Development May Not Proceed

Where an appeal is filed under Section 3.2.2 the development concerned shall not proceed pending a decision of the Appeal Board and the subsequent issuance of all required permits.

3.2.4 Return of Appeal Fee

Where an appeal is successful, the appellant shall be refunded the fee paid at the time of filing.

3.2.5 Decisions of the Appeal Board

- (1) A decision of the Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador on a question of law or jurisdiction.
- (2) An appeal to the Supreme Court of Newfoundland and Labrador shall be filed not later than 10 days after the date of the decision being appealed.

SECTION 4 – GENERAL DEVELOPMENT PROCEDURES

4.1 CONTROL OF DEVELOPMENT

4.1.1 Compliance

All Development shall be carried out and maintained in accordance with the Act, the Municipal Plan, these Regulations and any policy adopted thereunder.

4.1.2 Permit Required

No person shall carry out any Development controlled by these Regulations unless all required approvals, permits, or Development Agreements have been issued by the City.

4.1.3 Development Above a Specified Metre Contour

Notwithstanding any other provision of these Regulations, no Development shall be permitted:

- (a) above the 130 metre contour elevation in Kilbride;
- (b) above the 185 metre contour elevation in Airport Heights; or
- (c) above the 190 metre contour elevation elsewhere;

unless approved by Council.

4.2 DECISIONS

Decisions made under or pursuant to the Act, the Municipal Plan, these Regulations and any policy adopted thereunder shall be written, state the rationale for such decision, and where the decision is an approval, state any conditions attached thereto.

4.3 EXERCISE OF DISCRETION

4.3.1 Compatibility with the Municipal Plan

When exercising discretion to approve or not approve a Development, Council shall take into account the Act, the Municipal Plan, these Regulations and any policy adopted thereunder, and such other considerations which are, in its opinion, material.

4.3.2 Discretion of Council

Where provisions herein are inadequate to meet the requirements of the Municipal Plan, these Regulations or any policy adopted thereunder, or these Regulations are silent or where requirements are left to the discretion of Council, Council may establish the necessary requirements.

4.3.3 Premature Development

No permit for Development shall be issued when, in the opinion of Council, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities or domestic water supply

ENVISION ST. JOHN'S

unless the applicant installs the access, services or facilities deemed necessary by Council.

4.3.4 Deferral of Applications

Council may defer decisions on Development applications and/or amendments to these Regulations where a planning study or other similar study pertaining to the future use and Development of the specific area to which the proposed Development or amendment relates is to be undertaken.

4.4 APPLICATION

4.4.1 Submission

- (1) An application for Development shall be made by the property owner or a person with the property owner's written consent. Where other persons have an interest in the property proposed to be developed, their consent may be required.
- (2) An application shall include such plans, specifications and drawings as necessary to evaluate the application, together with the applicable fee. At a minimum, an application for Development shall include:

Information	All Applications	Applications that include Buildings	Discretionary and Commercial Uses	Rezoning Application
Location	X	Х	Х	Х
Survey	X	X	Х	Х
Site Plan	X	X	X	Х
Description of Proposed Use	X	Х	X	Х
Lot Area & Frontage	Х	Х	Х	Х
Vehicular Access	X	Х	Х	Х
Water & Sewer	Х	Х	Х	Х
Building Placement		Х	Х	Х
Yards		Х	Х	Х
Building Floor Area and Height		Х	Х	Х
Off-Street Parking		Х	Х	Х
Number of employees on site		Х	Х	Х
Hours of Operation/Duration		Х	Х	
Storm Water Management Plan	Х	Х	Х	Х
Snow Storage Plan (As requested)	Х	Х	Х	Х
Pedestrian Access, Cycling, & Transit	X	Х	X	X
Other Information as Specified by Council	Х	Х	Х	Х

4.4.2 Deferral and Withdrawal

- (1) A request for deferral of an application shall be made in writing by the applicant. Where a request for deferral is received, the application may be deferred for a maximum of 90 days from the date of receipt of the request. Should the applicant not reactivate the application within the aforesaid 90 days, the application shall be deemed to be withdrawn.
- (2) An application may be withdrawn at any time upon the written request of the applicant or owner.
- (3) There shall be no refunding of any fees paid in respect of a deferred or withdrawn application.

4.5 APPROVAL

4.5.1 General

- (1) Applications that comply with the provisions of the Act, the Municipal Plan, these Regulations and any policy adopted thereunder may be approved by authorized staff.
- (2) All other applications, including, but not limited to, those involving a Discretionary Use, a Non-Conforming Use, a Subdivision of 10 or more Lots, a Development which requires an extension of municipal services and/or changes in infrastructure, or a Variance may be approved by Council and a Development Agreement entered into.
- (3) Notwithstanding Subsections (1) and (2) where Council, in its discretion, decides that a Development Agreement is required, a Development Agreement shall be entered into.
- (4) A Development Fee shall be paid for each new Dwelling Unit, new structure, new Use, and expansion of an existing Dwelling Unit, structure, or Use. The Development Fee shall be paid prior to final approval of the Development and shall be in accordance with the schedule of fees adopted by Council from time to time. This fee shall be in addition to any other fee and be non-refundable.

4.5.2 Development Agreement

- (1) A Development Agreement shall set out the terms of the application's approval and shall be signed by the applicant and the City Clerk, and be registered in the Registry of Deeds for the Province of Newfoundland and Labrador.
- (2) Where a Land Use Report has been required by Council, the Development Agreement shall specify:
 - (a) the details of the Land Use Report, and
 - (b) the implementation schedule of the Land Use Report recommendations.

- (3) A Development Agreement may be assigned only with Council's consent.
- (4) Approval given to a Development pursuant to a Development Agreement may be revoked if the applicant, or the operator of any facilities allowed under the Development Agreement, is, in the opinion of Council, in violation of any of the terms of the Development Agreement or any other approvals or permits issued subsequent thereto.
- (5) Any violation of the terms of the Development Agreement shall result in the immediate cessation of the Development.

4.5.3 Approval In Principle

- (1) Council, after considering an application and being satisfied that the proposed Development, subject to submission and approval of detailed plans, is in compliance with the Act, the Municipal Plan, these Regulations, and any policy adopted thereunder, may grant approval in principle for such application and attach conditions that shall:
 - (a) be met prior to the issuance of final approval; and
 - (b) ensure the Development is carried out in a manner consistent with the Act, the Municipal Plan, these Regulations and any policy adopted thereunder.
- (2) An approval in principle shall be valid for a period of 2 years from the date of granting by Council, and may be extended by Council at the written request of the applicant, or their authorized representative, for 1 additional year, for a total of 3 years.
- (3) No Development shall be carried out pursuant to an approval in principle.

4.5.4 Final Approval

- (1) Final approval shall be given where:
 - (a) all conditions attached to the approval in principle have been met; and
 - (b) all required payments and land dedications have been made.
- (2) Final approval shall be valid for a period of 2 years from the date of granting by Council, and may be extended by Council at the written request of the applicant, or their authorized representative, for 1 additional year, for a total of 3 years.

4.5.5 Correction of Errors and Remedial Work

An approval of any plans or drawings or the issuance of any permit shall not prevent Council, or authorized City staff, from requiring the correction of errors, ordering the cessation of the Development associated with the plans, drawings, permit or Development where the plans, drawings, permit or Development are not in compliance with the Act, the Municipal Plan, these Regulations or any policy adopted thereunder.

4.5.6 Revoke Approval

An approval on any subsequent permits issued pursuant to these Regulations may be revoked where the applicant fails to comply with:

- (a) the Act, the Municipal Plan, these Regulations or any policy adopted thereunder;
- (b) any condition attached to the approval or permit; or
- (c) the approval or permit was issued contrary to the Act, the Municipal Plan, these Regulations, or any policy adopted thereunder; or
- (d) the approval or permit was issued on the basis of insufficient and/or incorrect information.

4.6 FINANCIAL GUARANTEES

- (1) Before commencing a Development, a developer may be required to make financial provisions, and/or enter into such agreements as may be required, to guarantee the payment of assessments, ensure site reinstatement and to enforce the carrying out of any other condition attached to an approval, permit or Development Agreement.
- (2) The form of financial provisions or agreement required under Subsection (1) shall be determined by Council and may be:
 - (a) a cash deposit, bank draft or certified cheque;
 - (b) an irrevocable letter of credit in a form as may be acceptable to Council; or
 - (c) such form of financial guarantee as may be acceptable to Council.
- (3) The forfeiture of financial guarantees does not relieve the developer of any conditions or obligations contained in a Development Agreement or final approval.

4.7 DEDICATION OF LAND FOR PUBLIC PURPOSES

For a Development that is not a Subdivision, Council may require the owner of the lands forming the Development to convey to the City a portion of the land being developed for a public purpose.

4.8 PUBLIC CONSULTATION

- (1) Where there is a proposed change in these Regulations or an application which requires public consultation, Council shall give notice of the proposed change or application in a newspaper circulated in the area and shall make such effort as it deems reasonable that notice of the proposed change or application is provided to those property owners within a radius of 150 metres of the application site.
- (2) The notice referred to in Subsection (1) shall:
 - (a) contain a general description of the proposed change or application and advise where and when the application may be viewed;
 - (b) specify the date for receipt of written comment on the proposed change or application by the City Clerk;
 - (c) specify the date, time, and location of a Public Meeting, if one is to be held; and
 - (d) be placed in the newspaper at least 14 calendar days prior to the date Council will consider the proposed amendment or application, or Public Meeting and be sent to the property owners referred to in Subsection (1) where possible, at least 14 calendar days prior to the date Council will consider the proposed amendment or application.
- (3) Public consultation shall be carried out for:
 - (a) Discretionary Use applications;
 - (b) change in Non-Conforming Use applications;
 - (c) applications where a Land Use Report is mandatory or has been required by Council;
 - (d) Variances;
 - (e) any other application Council may direct; or
 - (f) amendments to these Regulations,

and Council may require a Public Meeting to be held in respect of any of the above or any other matter arising under these Regulations.

(4) Council shall appoint a person to chair a Public Meeting who may be a Member of Council.

4.9 LAND USE REPORT

- (1) A Land Use Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.
- (2) Council shall require a Land Use Report as part of the Development application review process for applications related to or involving:
 - (a) all applications for an amendment to the Municipal Plan or Development Regulations;
 - (b) approval of a non-residential development in or adjoining a Residential District;
 - (c) development of new Streets;
 - (d) residential Subdivisions of five (5) or more Lots in an Unserviced Area;
 - (e) development in the Watershed Zone;
 - (f) Wind Turbine Small Scale;
 - (g) buildings with a height greater than 18 metres in the Commercial Downtown (CD)
 Zone, which Land Use Report shall address wind impact on adjacent properties and pedestrians; and
 - (h) buildings with a height greater than 18 metres in the Institutional Downtown (INST-DT) Zone and the Commercial Downtown Mixed 2 (CDM2) Zone.
- (3) Notwithstanding Subsection (2), where a Land Use Report is required, but in the opinion of Council the scale or circumstances of the proposed Development does not merit a Land Use Report, Council may accept a staff report in lieu of the Land Use Report.
- (4) Notwithstanding Subsections (2) and (3), Council may require a Land Use Report as part of any other Development application review process.
- (5) The terms of reference for a Land Use Report shall be approved by Council and shall form part of the report itself.
- (6) The Land Use Report shall address at a minimum, Development use, public consultation, elevations, materials, height, location, environmental impacts, infrastructure, transit, and compatibility with the Municipal Plan, and shall require identification of significant impacts of the proposed Development, evaluate their importance and, where appropriate, contain a Mitigation Plan and a Conservation Plan.

4.10 WATERWAYS, WETLANDS, PONDS OR LAKES

(1) The minimum Buffer adjacent to the enumerated bodies of water shall be:

Waterways	Wetlands	Ponds or Lakes
15 metres from the 100-year high	15 metres from the edge of the	15 metres from the 100-year high
water mark of waterways and	wetlands shown on Maps 4 & 5	water mark of any Pond or Lake.
tributaries shown on Maps 4 & 5	including, but not limited to:	
including, but not limited to:		
	Galway Wetlands	
Outer Cove Brook	Airport Heights Wetland	
Stick Pond Brook	Clovelly Wetlands	
Coaker's River	Lundrigan's Marsh	
Bellview Stream	Harbourview Marsh	
Virginia River	Synod Lands East Wetland	
Nagle's Hill Brook	 Synod Lands North Wetland 	
Leary's Brook	Island Pond Marsh	
Rennie's River	Yellow Marsh Wetland	
Quidi Vidi River	Kent's Pond	
Mundy Pond Brook	Marine Institute Wetland	
Kitty Gaul's Brook	Mundy Pond Wetland	
Luke's Brook	Wetland #9 (Atlantic Cool	
Kilbride Brook	Climate Crop Research Cen-	
Flynn's Brook	tre, Agriculture and Agri-Food	
Waterford River	Canada)	
Leamy's Brook		
Doyle's Brook	50 metres from the edge of the	
Cochrane Pond Brook	wetlands shown on Maps 4 & 5	
Raymond's Brook	including, but not limited to:	
Manuel's River	_	
Conway Brook	Synod Lands West Wetland	
Nut Brook	Long Pond Marsh	
Kelligrews River	George's Pond	
Lower Gullies River	_	
South Brook		

(2) Notwithstanding Subsection (1), Council may increase the size of the Buffer adjacent to a body of water.

- (3) Development shall not be permitted in a waterway, wetland, pond, lake or the Buffer adjacent to a body of water or in a Floodplain and shall be located a minimum of 1.2 metres from the edge of the Buffer.
- (4) Notwithstanding Subsection (3), Council may permit the following Development in a Floodplain Buffer for:
 - (a) residential decks, residential fences and residential Accessory Buildings;
 - (b) public works and infrastructure;
 - (c) Public Utility;
 - (d) servicing of a private Development;
 - (e) protection of areas of geological instability;
 - (f) flood control infrastructure;
 - (g) trails;
 - (h) Landscaping;
 - (i) construction of storm water detention infrastructure;
 - (j) paving of gravel Parking Lots existing as of the coming into force of these Regulations;
 - (k) Wharves and Stages or
 - (I) Driveways.
- (5) Notwithstanding Subsection (3), Council may permit the following Development in a Floodplain:
 - (a) public works and infrastructure;
 - (b) Public Utility;
 - (c) protection of areas of geological instability;
 - (d) flood control infrastructure;
 - (e) trails;
 - (f) landscaping;
 - (g) __construction of storm water detention infrastructure;

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- (h) wharves and stages; and
- (i) driveways.
- (6) Prior to approval being given for a Development outlined in Subsection (4) or (5) the Environment and Sustainability Experts Panel shall be consulted, except in the case of the construction of residential patios, residential fencing, residential accessory buildings and residential driveways.
- (7) Wharves and Stages Development of a wharf or stage shall be considered up to the high water mark. Beyond this area, applicable approvals from other levels of Government are required.

SECTION 5 – SUBDIVISION DEVELOPMENT

5.1 SUBDIVISION DESIGN

5.1.1 Subdivision Design

No permit shall be issued for the development of a Subdivision unless the design of the Subdivision conforms to the requirements of these Regulations and any policy adopted thereunder.

5.1.2 Application for Subdivision

Applications for a Subdivision shall include the following information:

- (a) the location, legal description, plot plan, and proposed Use(s) within the Subdivision;
- (b) the physical features of the site, including but not limited to, the location of mature vegetation, identification of areas of potential hazard, drainage, watercourses, wetlands, floodplains, and topography;
- (c) the layout of proposed Lots and Streets;
- (d) the relation of the Subdivision to existing development, Streets, transit, and trailways;
- (e) the provision for future access to adjacent undeveloped lands;
- (f) the compatibility between the Subdivision and surrounding Uses, both existing and potential;
- (g) the volume and type of vehicular and pedestrian traffic that will be generated by the Subdivision;
- the proposed servicing, including water and sanitary sewer, storm water management and utilities;
- (i) the landscape plan which shows the location of dedicated open space; and
- (j) such further information as required by the City.

5.1.3 Design by Professional Engineer

The design, plans, and specifications of a Subdivision shall be prepared by a person having the designation of a Professional Engineer.

5.2 SUBDIVISON FEES

5.2.1 Subdivision Application Fee

A Subdivision Application Fee shall be paid at the time of application in accordance with the schedule of fees adopted by Council from time to time. This fee shall be in addition to any other fee and be non-refundable.

5.2.2 Development Fee

A Development Fee shall be paid for each new Lot in a Subdivision. The Development Fee applicable to the entire Subdivision shall be paid prior to the final approval of the Subdivision and shall be in accordance with the schedule of fees adopted by Council from time to time. This fee shall be in addition to any other fee and be non-refundable.

5.3 SECURITIES

5.3.1 Subdivision Security

Prior to the issuance of final approval for the Subdivision, Security in an amount as stipulated by the City's Development Design Manual shall be deposited with the City. Such Security shall be in the form of a bank draft, certified cheque or irrevocable letter of credit and shall be refunded to the applicant or their designate upon completion and acceptance by the City of the Subdivision in relation to which it was paid. No interest shall be paid on refunded Subdivision Security.

5.3.2 Maintenance Security

- (1) Prior to the issuance by the City of a Letter of Acceptance certifying satisfactory completion of the Subdivision work as defined in the City's Development Design Manual, the applicant shall deposit with the City Maintenance Security. Such Maintenance Security shall be in the form of a bank draft, certified cheque or irrevocable letter of credit and shall be in an amount as stipulated by the City's Development Design Manual. Maintenance Security shall be refunded to the applicant or their designate not less than one (1) year after acceptance of the Subdivision by the City provided there are no outstanding deficiencies in the sole opinion of the Manager of Development Engineering otherwise the Maintenance Security assessed by the City shall be forfeit. No interest shall be paid on Maintenance Security.
- (2) It shall be the sole responsibility of the applicant to call for an inspection upon expiry of the maintenance period. Any deficiencies identified by the City at an inspection shall be deemed to have occurred during the maintenance period.

5.4 CONVEYANCE OF LAND FOR PUBLIC PURPOSE

5.4.1 Public Streets, Rights of Way and Easements

As a prerequisite of acceptance by the City of Phase 1 work as defined in the City's Development Design Manual, the applicant shall convey to the City for the nominal consideration of \$1.00 all lands as determined by the City to be required for public Streets, rights-of-way and easements.

5.4.2 Public Open Space and Recreation

- (1) Prior to the issuance of any Building Permits for the Subdivision, the applicant shall ensure the conveyance to the City for the nominal consideration of \$1.00 an area or areas of land equivalent to 10% of the gross area of the Subdivision for public amenity subject to the said land being acceptable to the City.
- (2) Notwithstanding Subsection (1), where the lands required to be conveyed pursuant to Subsection (1) cannot be identified or agreed upon, the City may accept from the applicant payment of a sum of money equivalent to 10% of the raw land value of the Subdivision or a combination of money and land equivalent to 10% of the raw land value of the Subdivision.

SECTION 6 – SPECIFIC DEVELOPMENTS

6.1 CONFLICTING PROVISIONS

The following are supplemental to Section 10 of these Regulations. Where the provisions of this Section conflict with Section 10, this Section shall govern.

6.2 ACCESSORY BUILDINGS

6.2.1 General

For the purposes of this section, an Accessory Building shall not include a Deck or Swimming Pool or a Carriage House.

6.2.2 Accessory Building Area

- (1) For a Residential Use, the Accessory Building(s) Area shall not exceed the lesser of 10% of the Lot Area or 75% of the Residential Building footprint.
- (2) For all other Uses, the Accessory Building(s) Area shall not exceed 35% of the Rear Yard.

6.2.3 Accessory Building Height

- (1) For a Residential Use, the Accessory Building height shall not exceed the lesser of 5 metres or the height of the other Building on the Lot.
- (2) For all other Uses, the Accessory Building height shall not exceed 5 metres.

6.2.4 Accessory Building Location

- (1) Subject to Section 7.2.3 (Corner Lots and Yards Abutting a Street), Accessory Buildings shall be:
 - (a) located in Rear and Side Yards and shall be located behind the Building Line;
 - (b) located a minimum of 1.2 metres from any Lot Line;
 - (c) located a minimum of 2.4 metres from any other Building on the Lot; and
 - (d) located a minimum of 3.0 metres from a Street.
- (2) Notwithstanding Subsection (1), where an Accessory Building is located in an area without municipal water services, it shall be located a minimum of 6 metres from any Lot Line

6.3 ADULT DAY CENTRE

- (1) An Adult Day Centre shall:
 - (a) have a minimum of 5 metres square of net floor space for each person receiving care;



- (b) be clearly delineated and separated from any other occupancies in the Building; and
- (c) comply with all applicable Provincial and Municipal legislation.
- (2) Where an Adult Day Centre is located in a Residential Use, the owner/operator of the Adult Day Centre shall maintain their primary residence at the property.

6.4 ADULT MASSAGE PARLOUR

- An Adult Massage Parlour shall not be permitted within:
- (a) 50 metres of the Newfoundland War Memorial;
- (b) 25 metres of a Residential Zone or an Apartment Zone; or
- (c) 150 metres of a School, a Place of Worship or Daycare Centre.

6.5 AGRICULTURAL USE

- (1) A Residential Use, excepting a farm residence, shall be discretionary within 600 metres of a structure designed to contain six (6) or more Animal Units.
- (2) A structure designed to contain six (6) or more Animal Units shall be discretionary with 600 metres of a Residential Use, excepting a farm residence, and shall be not less than 60 metres from the property boundary.
- (3) Buffering and/or Screening shall be required pursuant to Section 7.6.3.

6.6 AQUACULTURE, AQUAPONICS, HORTICULTURE, AND HYDROPONICS

- (1) The use of a greenhouse, which is equipped with artificial illumination, within 600 metres of a Residential Use, excepting a farm residence, shall be discretionary.
- (2) Artificial light shall not be directed towards abutting Residential Uses.
- (3) Buffering and/or Screening shall be required pursuant to Section 7.6.3.

6.7 CARRIAGE HOUSE

A Carriage House may include one Dwelling Unit. Use of a Carriage House for a Dwelling Unit is considered a Heritage Use.

6.8 COMMERCIAL GARAGE

(1) A Commercial Garage is subject to the following:

- (a) Building Height (maximum) 6 metres
- (2) All vehicle repair shall be contained within the Building.

6.9 CONVENIENCE STORE OR SERVICE SHOP IN APARTMENT BUILDING

A Convenience Store or Service Shop in an Apartment Building shall:

- (a) have a maximum floor area of 50 metres square;
- (b) be situate on the entrance floor level; and
- (c) be clearly delineated and separated from any other occupancies in the Apartment Building.

6.10 CROWN LAND RESERVES

All applications for Crown Land must be approved and meet the Zoning Requirements as determine by the City of St. John's. Subject to the Map 9 (Provincial Lands) the following Crown Land Reserves will be recognized and as directed by the Province, applications will not be entertained within the following areas:

- Directive 9.E.80 (Three Arm Pond): No Crown Land applications may be accepted or approved except for applications for utilities or Provincial Infrastructure may be accepted in consultation with the Department of Transportation and Infrastructure.
- Directive 9.E.50 (Former Mun Woodlot): No Crown Land applications may be accepted or approved except for applications for:
 - O Agriculture or Forestry Development may be accepted in the area mark as "A".
 - Quarry Development may be accepted in the area Defined as area "B".
 - O Utilities or Provincial Infrastructure may be accepted in all areas.
- Directive 9.E.65 (Cuckold's Pond Crown Land Reserve):
 - o No applications will be accepted or approved.
 - o Applications taken in error must be cancelled.
- Directive 9.E.29 (Freshwater Crown Reserve):
 - o No Crown Land Applications to be accepted
- Directive 9.E.66 (Signal Hill Road-Murphy's Right of Way Crown Reserve):
 - o No Crown Land Applications to be accepted or approved.
 - o Applications taken in error must be cancelled.

6.11 CRAFT BREWERY/DISTILLERY

A Craft Brewery/Distillery shall:

- (a) have all processing and storage contained within a Building, except in an Industrial Zone; and
- (b) the area dedicated to production and storage shall not exceed 500 metres square.

6.12 DAYCARE CENTRES

6.12.1 Daycare Centre in Residential Use

A Daycare Centre in a Residential Use shall:

- (a) not exceed the lesser of 60 metres square or 40% of the Floor Area of the Dwelling Unit in which it is situate;
- (b) be clearly delineated and separated from any other occupancies in the Building; and
- (c) comply with all applicable Provincial and Municipal legislation.

6.12.2 Daycare Centre in Non-Residential Use

A Daycare Centre in a non-Residential Use shall:

- (a) be clearly delineated and separated from any other occupancies in the Building;
- (b) comply with all applicable Provincial and Municipal legislation; and
- (c) where located in a Residential Zone, maintain the following minimum standards:

Standard	Residential Zones					
	R1	R2	R3	RD	RM	RQ
Lot Area (minimum)	600 metres	450 metres square				
Lot Frontage (minimum)	18 metres	15 metres				
Landscaping Front yard (minimum)	50%	50%	50%	N/A	50%	N/A

6.13 DRIVE THROUGH

- (1) A Drive Through shall be a Discretionary Use when located within 150 metres of:
 - (a) a Residential Zone;
 - (b) an Apartment Zone;
 - (c) a Residential Use;
 - (d) a School;
 - (e) a Daycare Centre;
 - (f) an Adult Day Centre; or
 - (g) a Place of Worship
- (2) A separation distance between the closest edge of the nearer of a Drive Through Stacking Lane or an on-site traffic lane designed to bypass a Stacking Lane shall be provided as follows:

From the boundary of a Residential or Apartment Zone	Minimum of 10 metres
From a Residential Use located in a zone which is not exclusively for residential purposes	Minimum of 3 metres
From a School, Daycare Centre, Adult Day Centre or Place of Worship	Minimum of 3 metres

- (3) (a) A noise attenuation barrier/acoustic barrier/noise wall designed and sited by a qualified acoustical consultant shall be installed at the expense of the applicant where a Drive Through will abut a Residential Zone, an Apartment Zone or any Residential Use.
 - (b) Notwithstanding Subsection 3(a), where a noise study shows noise levels will not increase beyond existing levels due to the Drive Through, a noise attenuation barrier/acoustic barrier/noise wall may not be required at Council's discretion.
- (4) All applications for a Drive Through shall be referred to the Transportation Engineer who shall establish the minimum number of stacking spaces required in the Stacking Lane.

6.14 FLOAT PLANE HANGAR LOTS

Development of a Float Plane Hangar Lot is subject to the following:

- (a) a minimum Lot Area of 1400 metres square; and
- (b) a Float Plane Hangar and a Float Plane Hangar Lot shall not be used as a Dwelling Unit.

6.15 GAS STATION

(1) A Gas Station is subject to the following:

Lot Area	Maximum of 900 metres square
Lot Frontage	Minimum of 35 metres
Lot Coverage	Maximum of 30%
Building Height	Maximum of 6 metres
Building Line for main Building	Minimum of 12 metres
Side Yard	Minimum of 6 metres
Rear Yard	Minimum of 6 metres

- (2) All fuel pumps and fuel tanks shall be not less than 6.0 metres from any Lot Line.
- (3) A canopy shall not be less than 3.0 metres from any Lot Line. A canopy shall not be considered in calculating Lot Coverage.
- (4) (a) A noise attenuation barrier/acoustic barrier/noise wall designed and sited by a qualified acoustical consultant shall be installed at the expense of the applicant where a Gas Station will abut a Residential Zone, an Apartment Zone or any Residential Use.
 - (b) Notwithstanding Subsection 4(a), where a noise study shows noise levels will not increase beyond existing levels due to the Gas Station, a noise attenuation barrier/acoustic barrier/noise wall may not be required at Council's discretion.
- (5) Buffering and/or Screening shall be required pursuant to Section 7.6.3.

6.16 HEAT PUMP, MINI-SPLIT HEAT PUMP, AIR CONDITIONER, OR EXHAUST DEVICE

- (1) A heat pump, air conditioner or exhaust device shall be located:
 - (a) in the abutting Street, Side Yard, or Rear Yard of the Lot; and
 - (b) not less than 2.4 metres from a Side Lot Line.
- (2) A mini-split heat pump shall be located in the Side Yard or Rear Yard of the Lot.
- (3) Notwithstanding Subsection (1) and (2), the Manager of Regulatory Services may permit an air conditioner or exhaust device to be located on a roof or in a window.

6.17 HEAVY EQUIPMENT STORAGE AND VEHICLE STORAGE YARD

Heavy Equipment Storage and a Vehicle Storage Yard are subject to the following:

- (a) heavy equipment or vehicles shall not be stored or parked within 20 metres of a Residential Zone or a Zone that permits Residential Use;
- (b) where there is a Building, open storage shall be in the Rear Yard; and
- (c) open storage shall be Screened and Landscaped in accordance with Section 7.6.3.

6.18 HOME OCCUPATION

6.18.1 Home Occupation in a Dwelling Unit

A Home Occupation in a Dwelling Unit shall:

- (a) not exceed the lesser of 45 metres square or 25% of the Gross Floor Area of the Dwelling Unit;
- (b) have no open storage or display of goods, materials, or equipment;
- (c) have no wholesale sales. Retail sales may be permitted provided they are incidental to the Home Occupation;
- (d) be operated by a resident of the Dwelling Unit and not employ more than 2 non-residents;
- (e) have activities associated with the Home Occupation which are not hazardous and which do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to residents of nearby properties;
- (f) have sufficient parking to accommodate the Home Occupation and the Dwelling Unit; and
- (g) have no change in type, nature or intensity without the approval of Council.



6.18.2 Home Occupation in an Accessory Building

A Home Occupation in an Accessory Building is subject to the following:

- (a) the Accessory Building shall comply with Section 6.2;
- (b) the Home Occupation shall not exceed the lesser of 80 metres square or the Gross Floor Area of the Accessory Building;
- (c) have no wholesale sales. Retail sales may be permitted provided they are incidental to the Home Occupation;
- (d) be operated by a resident of the dwelling to which the Accessory Building is associated and not employ more than 2 non-residents;
- (e) have activities associated with the Home Occupation which are not hazardous and which do not cause a significant increase in traffic, noise, odour, dust, fumes, lighting or other nuisance or inconvenience to residents of nearby properties;
- (f) have sufficient parking to accommodate the Home Occupation and the Dwelling Unit; and
- (g) have no change in type, nature, or intensity without the approval of Council.

6.19 HOME OFFICE

A Home Office shall:

- (a) be located in a Dwelling Unit;
- (b) not exceed 20 metres square;
- (c) be restricted to Office Uses;
- (d) have no exterior open storage or display of goods, materials, or equipment;
- (e) have no wholesale or retail sales;
- (f) be operated by a resident of the Dwelling Unit and not employ any non-residents;
- (g) have sufficient parking to accommodate the Home Office and the Dwelling Unit; and
- (h) have no change in type, nature, or intensity without the approval of Council.

6.20 INDOOR RIDING ARENA

An Indoor Riding Arena is subject to the following:

- (a) exterior lighting shall not be directed towards abutting Residential Uses; and
- (b) off street parking shall be provided for a minimum of 5 vehicles.

6.21 KENNEL

No Kennel Building or exterior exercise area shall be permitted within 50 metres of a Residential Use on an abutting property.

6.22 LOUNGE

- (1) A Lounge shall not be permitted within 50 metres of the Newfoundland War Memorial
- (2) A Lounge shall be a Discretionary Use when located:
 - (a) within 150 metres of:
 - (i) a Residential Zone;
 - (ii) an Apartment Zone;
 - (iii) a School; or
 - (iv) a Place of Worship; or
 - (b) within the Downtown Business Improvement Area, excepting those properties abutting George Street between Queen Street and Beck's Cove (see Map 6).

6.23 MINERAL WORKING

(1) The minimum Buffer adjacent to a Mineral Working shall be:

From an Residential, Apartment, Rural Residential or Rural Residential Infill Zone	300 metres 1000 metres where blasting occurs
From a Commercial, Mixed or Public Use	50 metres
From any Street	30 metres
From any body of water, water course or wetland	50 metres

(2) A Mineral Working shall comply with all applicable Provincial and Municipal legislation.



6.24 PARKING GARAGE

Within the Downtown Business Improvement Area, the Street level abutting on Water Street or Duckworth Street shall have a commercial use or uses other than the provision of parking, excepting access to the Parking Garage.

6.25 PROVINCIAL FORESTRY AREAS

Silviculture Areas as outlined on Map 9 (Provincial Lands) will be recognized and protected as directed by the Province, unless otherwise notified by the Forestry Division, Department of Fisheries, Forestry and Agriculture.

6.26 PROVINCIAL ROADS

The following requirements apply to various provincial roads with the City:

- (a) Protected Roads: all development located within the established building control line (measured perpendicular 100 metres from the centreline of the roadway) must in accordance with the Protected Road Zoning Requirements and requires approval from the Government Services Centre (Department of Digital Government and Service NL). (refer to Map P-4 Road Classifications Envision Municipal Plan)
- (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) Highway Signs: Any sign placed with the building control lines requires a permit from the Government Services Centre (Department of Digital Government and Service NL) and must be constructed in accordance with the Highway Sign Regulations and with the City of St. John's Sign Bylaw.

6.27 RESIDENTIAL RETAIL STORE

A Residential Retail Store shall:

- (a) be located in a Building containing a Dwelling Unit;
- (b) not exceed the greater of 50 metres square or 50% of the Gross Floor Area of the Building; and
- (c) be clearly delineated and separated from any other occupancies in the Building.

6.28 RESTAURANTS

An outdoor eating area associated with a Restaurant shall be a Discretionary Use when located within 150 metres of:

(a) a Residential Zone;

- (b) an Apartment Zone;
- (c) a School; or
- (d) a Place of Worship.

6.29 SALVAGE YARD

(1) The minimum Buffer adjacent to a Salvage Yard shall be:

From any Residential, Apartment, Rural Residential, or Rural Residential Infill Zone	150 metres
From any Commercial, Mixed or Public Use	5 metres

6.30 WAREHOUSE

A Warehouse is subject to the following:

- (a) open storage shall be located in the Rear Yard and be enclosed by a wall, Screen, or Fence not less than 1.8 metres high; and
- (b) exterior lighting shall not be directed towards abutting Residential Uses.

6.31 WATER UTILITY ENCLOSURE

- (1) The Building Line for a Water Utility Enclosure may be the Front Lot Line;
- (2) A Water Utility Enclosure shall be not less than 0.3 metres from any Side or Rear Lot Line;
- (3) Sightlines shall be determined by the Transportation Engineer where a Water Utility Enclosure is to be sited on a property situate at an intersection;
- (4) The electrical service for a Water Utility Enclosure shall be provided through the service for the Building to which the Water Utility Enclosure is associated; and
- (5) A Water Utility Enclosure shall comply with all applicable Provincial and Municipal legislation.

6.32 WIND TURBINE - SMALL SCALE

- (1) A Wind Turbine Small Scale shall be located a distance equivalent to 1.5 times its height from any Lot Line;
- (2) For the purpose of this Section, the height of a Wind Turbine Small Scale shall be measured

from grade to the highest point of the turbine rotor blade when in rotation.

6.33 WIRELESS COMMUNICATIONS FACILITY

A Wireless Communications Facility shall comply with all applicable Provincial and Federal legislation.

SECTION 7 – GENERAL SITE REQUIREMENTS

7.1 LOT REQUIREMENTS

7.1.1 Development on Lot

No Development shall be permitted except on a Lot in accordance with these Regulations or policy adopted thereunder.

7.1.2 Minimum Lot Area

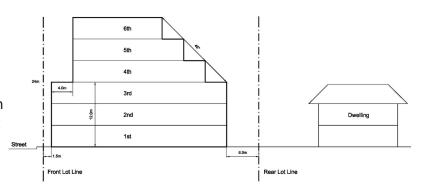
No new Lot shall be created for the purpose of Development which does not meet the minimum Lot standards under these Regulations, nor can any Lot be varied or reduced in area so that it or any Building thereon will not meet the minimum Lot and siting standards of these Regulations; provided that any Lot can be varied in accordance with Section 7.4.

7.1.3 Frontage on a Street

No Development shall be permitted unless the Lot has frontage on a Street and the Lot is accessible by emergency vehicle via the Street.

7.1.4 Building Stepback

All Buildings on a Lot which is in or abuts a Residential Zone and being 12 metres or greater in Building Height shall not project above a 45 degree angle as measured from the Rear Yard Lot Line and/or Side Yard Lot Line at a height of 12 metres.



7.2 BUILDING LINES AND SIGHT LINES

7.2.1 Building Line - Yards

Notwithstanding Section 10 and except as provided in Subsection 7.2.2, Council shall have the power to:

- (a) establish or re-establish the Building Line for any Street, or for any Lot situate thereon, at any point or place that Council deems appropriate; and
- (b) require that any new Building constructed on a Street be built on, or at any specific point behind, the Building Line established or re-established pursuant to this Section.



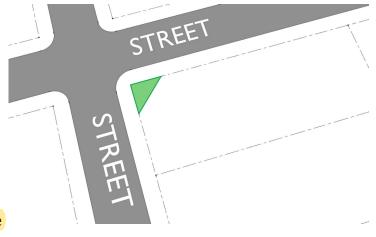
7.2.2 Building Line – Streets

The following Streets shall have the Building Line stipulated:

Kenmount Road	35 metres from the center line of the Street
Logy Bay Road	25 metres from the center line of the Street for that portion of the Street north of Harding Road
Portugal Cove Road	25 metres from the center line of the Street for that portion of the Street north of McDonald Drive
Topsail Road	30 metres from the center line of the Street for that portion of the Street west of Forbes Street
Torbay Road	25 metres from the center line of the Street

7.2.3 Corner Lot and Yard Abutting a Street

- (1) For the purposes of this Subsection, a sight triangle shall be formed by two Street Lines and a line connecting two points on the two Street Lines located:
 - (a) 15 metres distance from the point of intersection of the two Street Lines along each Street Line for streets that serve a higher-order function within the immediate area, or



- (b) 8 metres distance from the point of intersection of the two Street Lines along each Street Line for streets that serve a lower-order function within the immediate area.
- (2) Except for corner Lots in the Downtown (Planning Area 1), and except as provided in Subsection 7.2.3(3), no Building, Fence, Sign, Water Utility Enclosure, or other obstruction shall be erected, nor shall any Development, including a Driveway or a Parking Lot, be permitted, within the sight triangle at an intersection.
- (3) No Fence, Accessory Building, Water Utility Enclosure, or other obstruction may be permitted in any Yard abutting a Street, except where in the opinion of the Transportation Engineer, it does not impede sight lines along the Street. In such cases, the height and location of the Fence, Accessory Building or Water Utility Enclosure shall be as determined by the Transportation Engineer.

(4) Notwithstanding the foregoing, an authorized staff may extend or reduce the restrictions imposed by Section 7.2.3 where it is appropriate to do so in the opinion of the authorized staff.

7.2.4 Lots Having Frontage on more than one Street

Where a Lot, which is not a corner Lot, has frontage on more than one Street, the front Yard, for the purposes of Development, shall be determined by the Deputy City Manager – Planning, Engineering and Regulatory Services or his/her designate.

7.2.5 Obstruction of Yards

Subject to Subsection 7.2.3, no Building shall encroach upon a required Yard except:

- (a) an Accessory Building or Carport;
- (b) structures attached to the Building as follows:
 - (i) chimney breasts, eaves, sills or cornices not more than 0.5 metres into any required Side Yard or 1 metre into any front or Rear Yard;
 - (ii) except as provided in Subsection 7.2.5(b)(iii), Decks or steps at or above grade not more than 2 metres into any required front Yard and 0.3 metres from any side or rear Lot Line;
 - (iii) Decks or steps at or above grade not more than 2 metres into any required Side Yard where the Side Yard abuts a Street;
 - (iv) sunken or below grade entrance wells not more than 50% into any required Side Yard where the Side Yard abuts a Street; and
 - (v) sunken or below grade entrance wells not more than 1.5 metres into any required Rear Yard.
- (c) Fences, Driveways, awnings, or garden trellises
- (d) wheelchair ramps or other accessibility devices as approved by the Manager of Regulatory Services; and
- (e) Water Utility Enclosures.

7.2.6 Fence Height

Subject to Subsections 7.2.3 and 7.6.3, the following shall apply to Fence height:

	maximum 1.8 metres, except where the grade of the Lot to be fenced is such that 1.8 metres would provide ineffective screening in which case the height may be increased to a maximum of 2.4 metres at the discretion of the Manager of Regulatory Services
Non-Residential Zone	maximum 2.4 metres

7.2.7 Fence Location

Subject to Subsection 7.2.3 Fences shall be located a minimum of 2.0 metres from a Street.

7.3 SNOW STORAGE

Where a Lot or Development is proposed, a Snow Storage Plan may be required subject to the requirements of the Development Design Manual.

7.4 VARIANCES

Notwithstanding any other provision in these Regulations:

- (a) Where an approval or Building Permit cannot be issued because a proposed Development does not comply with the requirements set out in these Regulations, the Council may, in its discretion, grant a Variance from the applicable requirements to a maximum of 10% where, in Council's opinion compliance with the requirements would prejudice the proper Development of the land, Building or structure in question or would be contrary to the public interest.
- (b) A Variance shall not be allowed if the Variance, when considered together with other Variances made or to be made with respect to the same land, Building, or structure, would have a cumulative effect that is greater than a 10% Variance, even though the individual Variances are separately not more than 10%.
- (c) A Variance shall not be permitted where the proposed Development would increase the nonconformity of an existing Development.
- (d) Written notice of any proposed Variance shall be provided to all persons whose land abuts the Development that is the subject of the Variance.

7.5 NON-CONFORMITY

In addition to the provisions of Section 108 of the Urban and Rural Planning Act, 2000, and Sections 14 to 17 of the Development Regulations enacted thereunder, non-conforming Uses and Buildings shall meet the following:

- (1) Where
 - (a) a Non-Conforming Use ceases to exist for a period of more than 3 years;
 - (b) the Building associated with the Non-Conforming Use has been removed; or
 - (c) the Non-Conforming Use has been replaced with a Use which complies with these Regulations;

the Non-Conforming Use status shall cease.

- (2) Where a Building, structure or Development does not meet the requirements of these Regulations, the Building, structure or Development shall not be expanded if the expansion would increase the degree of non-conformity.
- (3) A Non-Conforming Building, structure or Development
 - (a) shall not be internally or externally varied, extended or expanded without Council approval;
 - (b) shall not be structurally modified except as required for the safety of the Building, structure or Development;
 - (c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of the Building, structure or Development, as determined by the Manager of Regulatory Services, has been destroyed;
 - (d) may have the existing Use for that Building, structure or Development varied with the approval of Council to a Use that is more compatible, in Council's opinion, with the Municipal Plan and these Regulations;
 - (e) may have the existing Building extended or expanded with the approval of Council, where the extension or expansion does not extend or expand the existing Building more than 50%;

- (f) where the non-conformity is with respect to the requirements of these Regulations, a Building or elements of a site shall not be expanded if the expansion would increase the non-conformity;
- (g) where the Building or structure is primarily zoned and used for residential purposes, it may be repaired or rebuilt where 50% of the value of the Building or structure, as determined by the Manager of Regulatory Services, has been destroyed provided it must be repaired or rebuilt in accordance with these Regulations, excepting Lot size.

7.6 LANDSCAPING AND SCREENING

7.6.1 Residential Development

- (1) The Front, Side, and Rear Yards of a residential Lot shall be covered with Landscaping.
- (2) With the exception of Lots with a zero metre Building Line, Lots on a cul-de-sac bulb, and Apartment Buildings, at least 50% of the front Yard shall be covered with Soft Landscaping and all Landscaping shall be continuous on the Lot.
- (3) At least 40% of the front Yard of a Lot on a cul-de-sac bulb shall be covered with Soft Landscaping and all Landscaping shall be continuous on the Lot.
- (4) In addition to zone requirements, Apartment Buildings shall be Landscaped in accordance with the Commercial Development Policy.
- (5) The Driveway, excepting Apartment Buildings, shall be completed with a hard surface acceptable to the Manager of Regulatory Services, shall not exceed 50% of the front Yard, and each entry to a Driveway shall not be wider than 6 metres at the front Lot Line.
- (6) There shall be a 1 metre separation between Driveways on adjacent Lots which separation shall be covered in Landscaping unless a snow storage plan is provided and approved.
- (7) Excepting Apartment Buildings, Hard Landscaping shall comply with the approved site drainage plan for the Lot.

7.6.2 Non-Residential Developments

(1) All areas designed to be traversed by motor vehicles shall be curbed and completed with a hard surface in accordance with the Commercial Development Policy and the approved Landscape plan for the Development.

7.6.3 Buffering and Screening

- (1) Where an Industrial, Commercial, Institutional, Agricultural, or Public Use abuts an existing or proposed Residential Use, a 6 metre Buffer together with a Screen, not less than 1.8 metres in height, shall be erected by the developer or owner of the Industrial, Commercial, Institutional, Agricultural, or Public Use on his/her Lot.
- (2) Notwithstanding Subsection 7.6.3(1), where a Commercial Local Zone Use abuts an existing or proposed Residential Use, a 3 metre Buffer together with a Screen, not less than 1.8 metres in height, shall be erected by the developer or owner of the Commercial Local Use on his/her Lot.
- (3) Notwithstanding Subsection 7.6.3(1), where a Commercial Local-Downtown Zone Use abuts an existing or proposed Residential Use, Buffering and Screening shall be in the discretion of Council.

REVISED SECTION 8 – PARKING REQUIREMENTS (NEW)

8.1 PLANNED MIXED DEVELOPMENT

This section shall not apply to Planned Mixed Developments.

8.2 GENERAL PARKING REQUIREMENTS

- 1) Every Development shall have off-street parking in accordance with these Regulations and provincial Designated Mobility Impaired Regulations.
- 2) Where the calculation of required parking spaces results in a fractional number, that number shall be rounded to the nearest whole number with 0.5 rounded up to the next whole number.

8.3 PARKING STANDARDS

Except in the Downtown Parking Area and Intensification Areas, and where Council amends the parking spaces required under Section 8.11, the following parking requirements apply. This section provides the number of parking spaces that must be provided (minimum) and which shall not be exceeded (maximum).

Type or Nature of Building	Range of Parking Spaces			
	Minimum		Maximum	
Adult Day Centre (Commercial)	ployees together with 1 parking space for every 100 m2 of Gross		1 parking space for every 3 employees together with 1 parking space for every 15 m2 of Gross Floor Area	
Adult Day Centre (Residential)	1 parking space for every 3 employees together with 1 parking space for every 15 m2 of Gross Floor Area		1 parking space for every 3 employees together with 1 parking space for every 15 m2 of Gross Floor Area	
Apartment Building	Dwelling Size Studio 1 Bedroom Dwelling 2 Bedroom Dwelling 3 Bedroom Dwelling or Greater Visitor parking: 0 visitor parking space first 7 Dwellings; 1 visi space per 7 Dwellings	tor parking	Dwelling Size Studio 1 Bedroom Dwelling 2 Bedroom Dwelling 3 Bedroom Dwelling or Greater Maximums are summ building and inclusive parking	
Bank	1 parking space for every 30 m ² of Net Floor Area		1 parking space for ev of Net Floor Area	ery 15 m²
Bed and Breakfast	1 parking space for every 2 guest rooms or suites used as a part of the Bed and Breakfast		1 parking space for ev room or suite used as the Bed and Breakfast	a part of

Type or Nature of Building	Range of Parking Spaces		
	Minimum	Maximum	
Car Sales Lot	1 space for every 30 m ² of Gross Floor Area for the building and 1 space for every automobile stored, kept or displayed for sale	1 space for every 30 m ² of Gross Floor Area for the building and 1 space for every automobile stored, kept or displayed for sale	
Clinic	1 parking space for every 20 m2 of Gross Floor Area	3 parking spaces for every consultation/treatment room	
Commercial Garage	1 parking space for every 50 m ² of Gross Floor Area	1 parking space for every 15 m ² of Gross Floor Area	
Daycare Centre	1 parking space for every 3 employees together with 1 parking space for every 100 m ² of Gross Floor Area	1 parking space for every 3 employees together with 1 parking space for every 15 m ² of Gross Floor Area	
Dry Cleaning Establishment	1 parking space for every 100 m ² of Net Floor Area	1 parking space for every 15 m ² of Net Floor Area	
Funeral Home	1 parking space for every 15 m ² of Gross Floor Area	1 parking space for every 5 m ² of Gross Floor Area	
Gas Station	1 parking space for every 2 gas pumps and 1 parking space for every 30 m ² of Net Floor Area used for retail	1 parking space for every gas pump and 1 parking space for every 15 m ² of Net Floor Area used for retail	
Health and Wellness Clinic	1 parking space for every 5m2 Gross Floor Area	1 parking space for every 2m2 Gross Floor Area	
Heritage Use	To be determined by Council	To be determined by Council	
Home Occupation	Zero if on-street parking is available	4 parking spaces	
Hotel	1 parking space for every 4 guest rooms or suites together with 1 parking space for every 5 m² of banquet/conference/meeting space	1 parking space for every 2 guest rooms or suites together with 1 parking space for every 4 m ² of banquet/conference/meeting space	
Light Industrial	1 parking space for every 100 m ² of manufacturing area, provided this is not less than 3 parking spaces per tenant or establishment	1 parking space for every 20 m ² of Net Floor Area	
Lodging House	1 parking space for every 2 rented rooms or suites used as a part of the Lodging House	1 parking space for every rented room or suite used as a part of the Lodging House	
Long Term Care Facility/ Hospital	1 space for every 10 beds	1 space for every 5 beds	

Type or Nature of Building	Range of Parking Spaces		
	Minimum	Maximum	
Lounge	1 parking space for every 10 m ² of Gross Floor Area	1 parking space for every 5 m ² of Gross Floor Area	
Micro Unit Dwelling	No parking required	1 parking space for every 4 units	
Office	1 parking space for every 50 m ² of Net Floor Area	1 parking space for every 20 m ² of Net Floor Area	
Personal Care Home	1 space for every 5 Dwelling Units	1 space for every 2 Dwelling Units	
Place of Amusement Place of Assembly	1 parking space for every 15 m ² of Gross Floor Area	1 parking space for every 5 m ² of Gross Floor Area	
Place of Worship	1 parking space for every 15 m ² of Gross Floor Area	1 parking space for every 5 m ² of Gross Floor Area	
Pocket Neighbourhood	0.5 parking spaces per Dwelling Unit	1.2 parking spaces per Dwelling Unit	
Recreation Use	5 parking spaces per acre	5 parking spaces per acre of passive recreation space plus number of parking spaces equivalent to 50% of the occupancy capacity of Building and Sports Fields	
Residential Use, except Tiny Home Dwelling and Micro Unit Dwelling	1 parking space for every Dwelling Unit	2 parking spaces within 6m of the Street Line	
Restaurant	Gross Floor Area is 200 m² or less, no parking space is required Gross Floor Area is above 200 m² but not greater than 500 m²: 1 parking space for every 20 m² of Gross Floor Area Gross Floor Area greater than 500 m²: 1 parking space for every 10 m² of Gross Floor Area	1 parking space for every 5 m ² of Gross Floor Area	
Retail Use	If the Gross Floor Area is 200 m ² or less, no parking space is required. 1 parking space for every 30 m ² of Net Floor Area	1 parking space for every 10 m ² of Net Floor Area	

Type or Nature of Building	Range of Parking Spaces	
	Minimum	Maximum
Service Shop	Gross Floor Area is 200 m² or less, no parking space is r equired. 1 parking space for every 30 m² of Net Floor Area or 1.5 parking spaces for every work station,	1 parking space for every 15 m ² of Net Floor Area or 4 parking spaces for every work station, whichever is greater
Shopping Centre	whichever is greater 1 parking space for every 40 m ² of gross leasable area.	1 parking space for every 20 m ² of gross leasable area.
Tiny Home Dwelling	No parking required	2 parking spaces
Townhouse Cluster	1 parking space per Dwelling Unit	Dwelling Size Minimum 2 Bedroom Dwelling 1.5 or Less 3 Bedroom Dwelling 2.0 or Greater
Training School	1 parking space for every 50 m ² of Net Floor Area	1 parking space for every 20 m ² of Net Floor Area
Veterinary Clinic	1 parking space for every consultation/treatment room	4 parking spaces for every consultation/treatment room
Warehouse	1 parking space for every 100 m ² of storage area	1 parking space for every 20 m ² of storage area
Unspecified	For every Building or structure not specified above, the requirement shall be determined by Council	

8.4 COMMERCIAL/MIXED USE BUILDINGS

Notwithstanding Section 8.3, parking requirements for Buildings having 5 or more commercial occupancies shall be set at the time of original Development Approval. Parking requirements shall not be subject to review unless the Building size or Lot Area changes.

8.5 CHURCHILL SQUARE

The parking requirement for any Commercial Development in the Churchill Square Retail Area as set out on Map 3 shall be established at one (1) parking space per 40 square metres of net Floor Area. All public parking within the Churchill Square Retail Area is reserved for public use.

8.6 DOWNTOWN PARKING AREA

The Downtown Parking Area is shown on Map 2.

8.6.1 Non-Residential Parking in the Downtown Parking Area

For non-Residential Development in the Downtown Parking Area, the minimum and maximum number of required parking spaces shall be 50 percent of those shown in Section 8.3.

8.6.2 Residential Parking in the Downtown

- (1) Residential Development on Water Street or Duckworth Street having 5 Dwelling Units or less: no parking spaces are required. Residential Development on Water Street or Duckworth Street having 6 or more Dwelling Units shall comply with the parking space requirements in Section 8.3.
- (2) All other Residential Development in the Downtown Parking Area, other than on Water Street or Duckworth Street, shall comply with the parking space requirements in Section 8.3.

8.6.3 Damage or Destruction of Development

Where a Building located in the Downtown Parking Area is destroyed, damaged or deteriorated so as to render it uninhabitable or unfit for use, it may be repaired, renovated or reconstructed on the same Lot, for the same Use, within 3 years of the date of its destruction, removal or being adjudged uninhabitable or unfit for use by the Manager of Regulatory Services subject to:

- (a) the number of parking spaces approved for the Development prior to destruction, damage or deterioration of the Building being maintained; and
- (b) additional parking spaces, or cash in lieu, or a combination of both as required to be provided in respect of any increase in Net Floor Area, number of guest rooms or suites, banquet/conference/meeting space, or number of Dwelling Units as the case may be.

8.7 INTENSIFICATION AREAS

Parking Requirements for all Developments in an Intensification Area (Map 7) shall meet, and not exceed, the Minimum Parking Requirements in Section 8.3.

8.8 PARKING LOTS OUTSIDE THE DOWNTOWN PARKING AREA

- (1) A Parking Lot outside the Downtown Parking Area shall:
 - (a) be situated on the same Lot as the Use which it serves, or is associated with, unless Council determines otherwise or the Parking Lot does not serve, or is not associated with, any other Use;

- (b) have a Buffer of 6 metres from any Street Line and a Buffer of 3 metres from any other Lot Line; and where abutting a Residential Use have a privacy fence not less than 1.8 metres in height, unless otherwise approved by Council;
- (c) have lighting which is not directed onto abutting properties; and
- (d) covered with a suitable material in accordance with the Commercial Development Policy.
- (2) A Parking Lot outside the Downtown Parking Area may have a structure for the use of attendants, provided such structure does not exceed 5 m2 and 4.5 metres in height, and is not located on the Buffer.

8.9 TEMPORARY PARKING LOT

- (1) Council may relax or waive the requirements provided for a temporary Parking Lot.
- (2) Approval for a temporary Parking Lot shall be for no more than three (3) years and may, upon written application, be extended for up to an additional two (2) years, for a total of five (5) years.
- (3) Upon expiration of the Approval provided for in Subsection 8.9(2), a temporary Parking Lot shall not be used for the parking of vehicles unless an approval for a permanent Parking Lot is issued in relation to same.

8.10 OFF-STREET LOADING AND TRUCK PARKING

Every Development for a Commercial, Industrial, or Institutional Use outside the Downtown Business Improvement Area (Map 6) shall have a loading space on the Lot which is 10 metres long and 3.5 metres wide with a vertical clearance of 4.5 metres which loading space has access to a Street.

8.11 ACCESS/EGRESS POINTS

Access/Egress points to or from a Street for a Development shall be approved by Transportation Engineering.

8.12 PARKING REPORT

- (1) Where an applicant wishes to provide a different number of parking spaces other than that required by this Section, Council shall require a Parking Report.
- (2) Notwithstanding Subsection (1), Council may require a Parking Report as part of any Development application review process.
- (3) The terms of reference for a Parking Report shall be approved by Transportation Engineering.
- (4) A Parking Report shall address at a minimum: parking generation rates for the Development including pre- and post-development; parking duration (short/long term); available parking in the area (private/

public on-street, parking lots and garages); effects on traffic and local parking; traffic to and from the Development; neighbourhood impact; other available transit options.

- (5) Where in the opinion of Council the change requested does not merit a Parking Report, Council may accept a staff report in lieu of a Parking Report.
- (6) A Parking Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.

8.13 CASH IN LIEU

Where requested by the applicant, Council may accept the following:

- (1) Provision of a cash-in-lieu payment in satisfaction of all or part of the parking requirements in an amount as may be established by Council from time to time;
- (2) Shared parking agreement where the shared Parking Lot or Parking Garage is located within 400 metres of the Development; or
- (3) A combination of cash-in-lieu and shared parking.

8.14 BICYCLE PARKING

Developments containing an Apartment Building, Office Use and/or Retail Use shall providing parking space for bicycles as follows:

Type or Nature of Building	Parking Requirements
Apartment Building	1 bicycle parking space for every 2 residential units
Office Use with 500 m² to 3200 m² of Net Floor Area	2 bicycle parking spaces
Office Use greater than 3200 m ² of Net Floor Area	4 bicycle parking spaces for every 3200 m ²
Retail Use with 500 m2 to 3200 m ² of Net Floor Area	2 bicycle parking spaces
Retail Use greater than 3200 m ² of Net Floor Area	4 bicycle parking spaces for every 3200 m ²

- (1) Bicycle parking spaces shall be provided on the same Lot as the Development.
- (2) Bicycle Parking spaces shall be located near the building entrance and be equipped with a device to al low the bicycle to be secured.
- (3) Where bicycle parking cannot be provided Council may accept the provision of a cash-in-lieu payment in satisfaction of all or part of the bicycle parking requirement in an amount as may be established by Council from time to time.

SECTION 9 – MAPPING AND ANCILLARY DOCUMENTS

These Maps form part of these Regulations and are to read as one with the Regulations.

Α	Minister's Development	Regulations
В	Zoning Map	
С	Map 1	Archaeological Areas
	Map 2	Downtown Parking Standards
	Map 3	Churchill Square Retail Area
	Map 4	Environmentally Protected Areas, Waterways and Wetlands
	Map 5	Flood Hazard Areas, Watersheds, Waterways and Wetlands
	Map 6	Downtown Business Improvement Area
	Map 7	Intensification Area Map
	Map 8	Downtown Snow Removal Map
	Map 9	Provincial Lands
D	PMD1 Zone Schedule	 (a) Schedule A: Design Plan/Concept Plan May 2015 (b) Schedule B: Galway Land Use Plan (December 2019) (c) Schedule C: Galway Road Cross Sections/Transportation Plan (December 2019) (d) Schedule D: Parkland and Pedestrian Trail Plan (December 2019)
	PMD2 Zone Schedule	Concept Plan May 2015

These documents are supplemental to and are to be read with these Regulations.

A	Heritage Bylaw and Designated Heritage Buildings
В	Development Design Manual
C	Stormwater Detention Policy
D	Parks & Open Space Master Plan
E	Urban Forest Plan
F	Wetland Management Policy
G	Watershed Management Plan

SECTION 10 – USE ZONE SCHEDULES

10.1 IDENTIFICATION OF ZONES

For the purpose of these Regulations, the City of St. John's is divided into Use Zones which are shown on the Zoning Map which forms part of these Regulations.

10.2 USE ZONE SUMMARY

The abbreviations used in this section have been used to identify individual Zones on the Zoning Map. Provisions for Development in each Zone are set out herein including Uses which may be permitted, discretionary or prohibited together with the required standards and conditions.

Residential Zones		
Zone	Abbreviation	Colour
Mini Home Park	MHP	
Pocket Neighbourhood	PN	
Residential 1	R1	
Residential 2	R2	
Residential 2 Cluster	R2C	
Residential 3	R3	
Residential Battery	RB	
Residential Downtown	RD	
Residential Mixed	RM	
Residential Quidi Vidi	RQ	
Residential Reduced Lot	RRL	
Residential Special	RA	
Residential Special 1	RA1	

Apartment Zones		
Zone	Abbreviation	Colour
Apartment 1	A1	
Apartment 2	A2	
Apartment 3	A3	
Apartment Downtown	AD	
Apartment Special	AA	

Commercial Zones		
Zone	Abbreviation	Colour
Atlantic Place Parking Garage	APG	
Commercial Atlantic Place	AP	
Commercial Downtown	CD	
Commercial Downtown Mixed	CDM	
Commercial Downtown Mixed 2	CDM2	
Commercial Highway	CH	
Commercial Kenmount	CK	
Commercial Local	CL	
Commercial Local-Downtown	CLD	
Commercial Mixed	CM	
Commercial Neighbourhood	CN	
Commercial Office	CO	
Commercial Office Hotel	СОН	
Commercial Regional	CR	

Industrial Zones		
Zone	Abbreviation	Colour
Airport	AIR	
Industrial Commercial	IC	
Industrial General	IG	
Industrial Quidi Vidi	IQV	
Industrial Special	IS	

Public Use		
Zone	Abbreviation	Colour
C.A. Pippy Park	CAPP	
Cemetery	CEM	
Institutional	INST	
Institutional Downtown	INST-DT	
Open Space	О	

Rural Use		
Zone	Abbreviation	Colour
Agriculture	AG	
Forestry	F	
Mineral Working	MW	
Rural	R	
Rural Residential	RR	
Rural Residential Infill	RRI	
Rural Village	RV	

Environmental Zones		
Zone	Abbreviation	Colour
Open Space Reserve	OR	
Watershed	W	

Urban Expansion Zones		
Zone	Abbreviation	Colour
Comprehensive Development Area	CDA	
Comprehensive Development Area 1	CDA1	
Comprehensive Development Area 2	CDA2	
Comprehensive Development Area 3	CDA3	
Comprehensive Development Area 4	CDA4	
Comprehensive Development Area 5	CDA5	
Comprehensive Development Area 6	CDA6	
Comprehensive Development Area 7	CDA7	
Comprehensive Development Area 8	CDA8	
Comprehensive Development Area 9	CDA9	
Planned Mixed Development	PMD	
Planned Mixed Development 1	PMD1	
Planned Mixed Development 2	PMD2	

10.3 INTERPRETATION OF ZONE BOUNDARIES

Where the boundary of a Zone

- is shown on the Zoning Map as following a Street, lane, right of way, utility easement or watercourse, the center line of the Street, lane, right of way, utility easement or watercourse shall be deemed to be the boundary;
- (b) is shown on the Zoning Map as substantially following Lot Lines of an approved Subdivision or other acceptable base map, the Lot Lines shall be deemed to be the boundary;
- (c) is shown on the Zoning Map as running substantially parallel to a Street Line and the distance from the Street Line is not indicated, the boundary shall be deemed to be parallel to the Street Line; or
- (d) is shown on the Zoning Map as abutting the shoreline of a river or ocean, such Zone shall be deemed to extend into the river or ocean so as to include any land reclaimed by changing water levels or infilling of the river or ocean.

10.4 PERMITTED USES

Subject to compliance with these Regulations, the Uses that are identified as Permitted Uses shall be permitted.

10.5 DISCRETIONARY USES

Subject to compliance with these Regulations, the Uses that are Discretionary Uses may be permitted if Council is satisfied that the Development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any scheme, plan, or regulation referenced herein and to the public interest; provided public notice of the application has been given in accordance with Section 4 and Council has considered any representations which may have been received in respect of the application. Further, in exercising its discretion to approve a Discretionary Use, Council may, in the absence of specific Zone standards for the particular Discretionary Use establish such Zone Standards as may be appropriate.

10.6 PROHIBITED USES

Uses that are neither a Permitted Use or a Discretionary Use in a Use Zone or are specifically identified as a Prohibited Use shall not be permitted in that Use Zone.

10.7 CONFLICTING PROVISIONS

Where the provisions of Section 10 conflict with the provisions of Section 6, Section 6 shall govern.

ZONES

MINI HOME PARK (MHP) ZONE



(1) PERMITTED USES

Accessory Building Mini Home
Community Garden Mini Home Park

Home Office Park

(2) DISCRETIONARY USES

(3) ZONE STANDARDS FOR MINI HOME PARK

- (a) Lot Area (minimum) 2 hectares
- (b) All other Zone standards shall be in the discretion of Council

(4) ZONE STANDARDS FOR INDIVIDUAL MINI HOME SITES WITHIN MINI HOME PARK

- (a) Site Area (minimum) 300 metres square
- (b) Site Frontage (minimum) 10 metres
- (c) Building Line (minimum) 4 metres
- (d) Site Side Yards (minimum) One of 1.2 metres and one of 3.5 metres, except on a corner

Site where the Side Yard abutting the private access shall be 6

metres

(e) Site Rear Yard (minimum) 4 metres

(5) ZONE STANDARDS FOR ALL OTHER USES ARE IN THE DISCRETION OF COUNCIL.

POCKET NEIGHBOURHOOD (PN) ZONE



(1) PERMITTED USES

Accessory Building	Community Garden
Community Amenity Building	Tiny Home Dwelling

2) DISCRETIONARY USES

Public Utility

(3) ZONE STANDARDS

(a)	Lot Area (minimum)	246 metres square per Dwelling Unit
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- (b) Lot Frontage (minimum) 20 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) 3 metres
- (f) Rear Yard (minimum) 3 metres
- (g) Landscaping (minimum) 70%
- (h) Walkway Width (minimum) 1 metre

RESIDENTIAL 1 (R1) ZONE

R1

(1) PERMITTED USES

Accessory Building Park

Community Garden Single Detached Dwelling
Home Office Subsidiary Dwelling Unit

2) DISCRETIONARY USES

Adult Day Centre Home Occupation

Bed and Breakfast Parking Lot
Daycare Centre Public Utility

Heritage Use

(3) ZONE STANDARDS FOR SINGLE DETACHED DWELLINGS

(a)	Lot Area	(minimum) 450 metres square
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(b) Lot Frontage (minimum) 15 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL 2 (R2) ZONE

R2

(1) PERMITTED USES, except Shea Heights (Planning Area 14) and 591-609 Southside Road (PID #s 44135, 47622, 44136, 15246)

Accessory Building Park

Bed and Breakfast

Community Garden

Single Detached Dwelling Unit

Duplex Dwelling

Subsidiary Dwelling Unit

Home Office Townhouse

Lodging House

(2) DISCRETIONARY USES, except Shea Heights (Planning Area 14) and 591-609 Southside Road (PID #s 44135, 47622, 44136, 15246)

Adult Day Centre Home Occupation

Bed and Breakfast Parking Lot
Daycare Centre Public Utility

Heritage Use

(3) PERMITTED USES SHEA HEIGHTS (PLANNING AREA 14)

Townhouses are not permitted

(4) PERMITTED USES 591-609 SOUTHSIDE ROAD (PID #S 44135, 47622, 44136, 15246)

Accessory Building Single Detached Dwelling

(5) ZONE STANDARDS FOR SINGLE DETACHED DWELLINGS

(a) Lot Area (minimum) 350 metres square

(b) Lot Frontage (minimum) 12 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres



(6) ZONE STANDARDS FOR SEMI-DETACHED DWELLING

(a)) Lot Area (minimum)) 270 metres square
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- (b) Lot Frontage (minimum) 9 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(7) ZONE STANDARDS FOR DUPLEX DWELLING

- (a) Lot Area (minimum) 510 metres square
- (b) Lot Frontage (minimum) 17 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(8) ZONE STANDARDS FOR TOWNHOUSE

- (a) Lot Area (minimum) 180 metres square
- (b) Lot Frontage (minimum) 6 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 10 metres

(e)	Side Yards (minimum)	0 metres or 1.2 metres for an end unit, except on a Cor-

ner Lot where the Side Yard abutting the Street shall be 6 metres and except for end units where the Side Yard on the

unattached side shall be 1.2 metres

(f) Rear Yard (minimum) 6 metres

(9) ZONE STANDARDS FOR APARTMENT BUILDING

(a) Lot Area (minimum) 90 metres square Lot Area per Dwelling

- (b) Lot Frontage (minimum) 18 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 10 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

- (f) Rear Yard (minimum) 6 metres
- (g) Landscaping (minimum) 40%

(10) ZONE STANDARDS FOR FOUR-PLEX

- (a) Lot Area (minimum) 360 metres square
- (b) Lot Frontage (minimum) 20 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

- (f) Rear Yard (minimum) 6 metres
- (g) Landscaping (minimum) 40% of Lot, 30% of Front Yard

(11) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.



RESIDENTIAL 2 CLUSTER (R2C) ZONE

R2C

(1) PERMITTED USES

Accessory Building	Townhouse Cluster	
Home Office		

(2) DISCRETIONARY USES

Home Occupation	Public Utility	
Home Occupation	r abile office,	

(3) ZONE STANDARDS FOR TOWNHOUSE CLUSTER

(a)	Lot Area (minimum)	180 metres square per Dwelling Unit
(b)	Lot Frontage (minimum)	20 metres
(c)	Building Line (minimum)	6 metres
(d)	Minimum Distance Between Townhouse Clusters	1.2 metres
(e)	Side Yard (minimum)	6 metres
(f)	Rear Yard (minimum)	1.2 metres
(g)	Building Height (maximum)	10 metres
(h)	Landscaping (minimum)	30%

(4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL 3 (R3) ZONE

R3

(1) PERMITTED USES

Accessory Building Park

Bed and Breakfast

Community Garden

Duplex Dwelling

Four-Plex

Semi-Detached Dwelling

Single Detached Dwelling

Subsidiary Dwelling Unit

Tiny Home Dwelling

Home Office Townhouse

Lodging House

(2) DISCRETIONARY USES

Adult Day Centre Office

Apartment Building, maximum of 6 dwelling units Parking Lot

Daycare Centre Public Utility

Heritage Use Residential Retail Store

Home Occupation Service Shop

(3) ZONE STANDARDS FOR SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 300 metres square

(b) Lot Frontage (minimum) 10 metres

(c) Building Line (minimum) 4.5 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 4.5 metres

(4) ZONE STANDARDS FOR DUPLEX DWELLING

(a)	Lot Area (minimum)	350 metres square
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- (b) Lot Frontage (minimum) 14 metres
- (c) Building Line (minimum) 4.5 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 4.5 metres

(5) ZONE STANDARDS FOR SEMI-DETACHED DWELLING

- (a) Lot Area (minimum) 188 metres square
- (b) Lot Frontage (minimum) 7.5 metres
- (c) Building Line (minimum) 4.5 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) One of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 4.5 metres

(6) ZONE STANDARDS FOR TOWNHOUSE

- (a) Lot Area (minimum) 90 metres square
- (b) Lot Frontage (minimum) 5.5 metres
- (c) Building Line (minimum) 0 metres when located within the Downtown Snow

Removal Area (Map 8); 4.5 metres all other locations

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) 0 metres, except on a Corner Lot where the Side Yard abut-

ting the Street shall be 6 metres and except for end unit where the Side Yard on the unattached side shall be 1.2

metres

(f) Rear Yard (minimum) 4.5 metres

(7) ZONE STANDARDS FOR APARTMENT BUILDING

(a) Lot Area (minimum) 90 metres square per Dwelling Unit

(b) Lot Frontage (minimum) 14 metres

(c) Building Line (minimum) 1.5 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 4.5 metres

(8) ZONE STANDARDS FOR TINY HOME DWELLING

(a) Lot Area (minimum) 91 metres square

(b) Lot Frontage (minimum) 5.5 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres

(f) Rear Yard (minimum) 4.5 metres

(9) ZONE STANDARDS FOR FOUR-PLEX

(a)	Lot Area (minimum)	320 metres square
(b)	Lot Frontage (minimum)	20 metres
(c)	Building Line (minimum)	6 metres
(d)	Building Height (maximum)	8 metres
(e)	Side Yards (minimum)	Two of 1.2 metres, except on a Corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Landscaping (minimum)	40% of Lot, 30% of Front Yard

(10) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL BATTERY (RB) ZONE

RB

(1) PERMITTED USES

Accessory Building Lodging House

Bed and Breakfast Park

Community Garden Single Detached Dwelling
Home Office Subsidiary Dwelling Unit

(2) DISCRETIONARY USES

Adult Day Centre Public Utility

Heritage Use Residential Retail Store

Home Occupation Service Shop

Parking Lot Wharves and Stages

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 150 metres square

(b) Lot Area (maximum) 400 metres square

(c) Lot Frontage (minimum) 10 metres

(d) Building Line (minimum) 4.5 metres

(e) Building Height (maximum) 9 metres from lowest point on Lot or 6 metres from highest

point on Lot, whichever is lesser

(f) Side Yards (minimum) Two of 1.2 metres

(g) Rear Yard (minimum) 4.5 metres

(4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL DOWNTOWN (RD) ZONE



(1) PERMITTED USES

Accessory Building Park
Bed and Breakfast Single Detached Dwelling
Community Garden Subsidiary Dwelling Unit
Home Office Tiny Home Dwelling
Lodging House Townhouse

Loughig House

(2) DISCRETIONARY USES

Adult Day Centre Micro Unit (maximum 2 per Building)

Apartment Building, maximum of 6 dwelling units Office

Convenience Store Parking Lot
Daycare Centre Public Utility

Heritage Use Residential Retail Store

Home Occupation Service Shop

(3) ZONE STANDARDS FOR SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 200 metres square

(b) Lot Frontage (minimum) 8 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 1.8 metres

(f) Rear Yard (minimum) 3.5 metres



(4) ZONE STANDARDS DUPLEX DWELLING

(a) Lot Area	(minimum)	240 metres square
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- (b) Lot Frontage (minimum) 12 metres
- (c) Building Line (minimum) 0 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 1.8 metres

(f) Rear Yard (minimum) 3.5 metres

(5) ZONE STANDARDS SEMI-DETACHED DWELLING

(a) Lot Area (minimum) 140 metres square

- (b) Lot Frontage (minimum) 7 metres
- (c) Building Line (minimum) 0 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) One of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 1.8 metres

(f) Rear Yard (minimum) 3.5 metres

(6) ZONE STANDARDS TOWNHOUSE

(a) Lot Area (minimum) 50 metres square

(b) Lot Frontage (minimum) 4.5 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 10 metres

(e)	Side Yards (minimum)	0 metres, except for an end unit where the Side Yard on the

unattached side shall be 1.2 metres

(f) Rear Yard (minimum) 3.5 metres

(7) ZONE STANDARDS APARTMENT BUILDING

(a)	Lot Area (minimum)	80 metres square per Dwelling Unit or 80 metres square per
		2 Micro Units

(b) Lot Frontage (minimum) 12 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 10 metres, as measured from all property boundaries, such

that the height is adjusted to follow the grade of Streets or property boundaries provided height does not exceed 10

metres from established grade

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 1.8 metres

(f) Rear Yard (minimum) 3.5 metres

(8) ZONE STANDARDS FOR TINY HOME DWELLING

(a) Lot Area (minimum) 83 metres square

(b) Lot Frontage (minimum) 5.5 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres

(f) Rear Yard (minimum) 3.5 metres

(9) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.



RESIDENTIAL MIXED (RM) ZONE



(1) **PERMITTED USES**

Office **Accessory Building** Bed and Breakfast Park

Clinic Semi-Detached Dwelling Community Garden Single Detached Dwelling **Duplex Dwelling Subsidiary Dwelling Unit**

Home Office Townhouse **Lodging House Training School**

(2) **DISCRETIONARY USES**

Adult Day Centre Pharmacy

Apartment Building, maximum of 6 dwelling units Place of Assembly Convenience Store Place of Worship Daycare Centre **Public Utility**

Heritage Use **Residential Care Facility**

Home Occupation Retail Use Parking Garage School Parking Lot Service Shop

Personal Care Home

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 300 metres square

(b) Lot Frontage (minimum) 10 metres

(c) Building Line (minimum) 4.5 metres

(d) Building Height (maximum) 8 metres

Side Yards (minimum) Two of 1.2 metres (e)

(f) Side Yard – Flanking Road (minimum) 4.5 metres

(g) Rear Yard (minimum) 6 metres



(4) ZONE STANDARDS DUPLEX DWELLING

(a) Lot Area	(minimum)	350 metres squ	uare
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(b) Lot Frontage (minimum) 14 metres

(c) Building Line (minimum) 4.5 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres

(f) Side Yard – Flanking Road (minimum) 4.5 metres

(g) Rear Yard (minimum) 6 metres

(5) ZONE STANDARDS SEMI-DETACHED DWELLING

(a) Lot Area (minimum)	188 metres square
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(b) Lot Frontage (minimum) 9 metres

(c) Building Line (minimum) 4.5 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) One of 1.2 metres

(f) Side Yard – Flanking Road (minimum) 4.5 metres

(g) Rear Yard (minimum) 6 metres

(6) ZONE STANDARDS TOWNHOUSE

(a) L	ot Area (minimun	n) 140 metres squa	ire
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(b) Lot Frontage (minimum) 5.5 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) 0 metres, except for an end unit where the Side Yard

on the unattached side shall be 1.2 metres

(f) Side Yard – Flanking Road (minimum) 2.4 metres

(g) Rear Yard (minimum) 6 metres

(7) ZONE STANDARDS APARTMENT BUILDING AND PERSONAL CARE HOME

((a)) Lot Area (minimum) 90 metres square	per Dwelling Unit
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(b) Lot Frontage (minimum) 14 metres

(c) Building Line (minimum) 1.5 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(8) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL QUIDI VIDI (RQV) ZONE



(1) PERMITTED USES

Accessory Building Lodging House

Accessory Dwelling Unit Park

Bed and Breakfast Retail Use

Community Garden Semi-Detached Dwelling Unit

Duplex Dwelling Service Shop

Home Office Single Detached Dwelling

(2) DISCRETIONARY USES

Adult Day Centre Home Occupation

Daycare Centre Parking Lot
Heritage Use Public Utility

(3) ZONE STANDARDS FOR SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 200 metres square

(b) Lot Frontage (minimum) 8 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a corner Lot where Side Yard

abutting the Street shall be 3 metres

(f) Rear Yard (minimum) 6 metres



(4) ZONE STANDARDS DUPLEX DWELLING

(a)	Lot Area (minimum)	200 metres square

- (b) Lot Frontage (minimum) 12 metres
- (c) Building Line (minimum) 0 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 1.8 metres

(f) Rear Yard (minimum) 6 metres

(5) ZONE STANDARDS SEMI-DETACHED DWELLING

(a) Lot Area	(minimum)) 140 metres square
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- (b) Lot Frontage (minimum) 7 metres
- (c) Building Line (minimum) 0 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) One of 1.2 metres, except on a Corner Lot where the Side

Yard abutting the Street shall be 1.8 metres

(f) Rear Yard (minimum) 6 metres

(6) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL REDUCED LOT (RRL) ZONE



(1) PERMITTED USES

Accessory Building	Single Detached Dwelling
Home Office	

(2) ZONE STANDARDS

(a)	Lot Area	250 metres square
(b)	Lot Frontage	10 metres
(c)	Building Line	7 metres
(d)	Building Height	8 metres
(e)	Side Yards	Two of 1.2 metres, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard	6 metres

(3) NOTWITHSTANDING SECTION 7, HARD LANDSCAPING OF THE FRONT YARD SHALL NOT EXCEED 3.6 METRES IN WIDTH.

RESIDENTIAL SPECIAL (RA) ZONE

RA

(1) PERMITTED USES

Accessory Building Park

Home Office Single Detached Dwelling

(2) DISCRETIONARY USES

Accessory Dwelling Unit	Public Utility
Heritage Use	

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a)) Lot Area (minimum) 740 metres square
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- (b) Lot Frontage (minimum) 21 metres
- (c) Building Line (minimum) 9 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) One of 1.5 metres and one of 3 metres, except on a Corner

Lot where the Side Yard abutting the Street shall be 6 metres and the other Side Yard shall be 1.5 metres

(f) Rear Yard (minimum) 11 metres

(4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

RESIDENTIAL SPECIAL 1 (RA1) ZONE

RA1

(1) PERMITTED USES

Accessory Building Single Detached Dwelling
Home Office Subsidiary Dwelling Unit

Park

2) DISCRETIONARY USES

11. 20 11	B. Islander	
Heritage Use	Public Utility	

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a)	Lot Area (minimum)	740 metres square
lai	LUL ALEA HIIIIIIIIIIII	740 IIIELIES SUUGIE

- (b) Lot Frontage (minimum) 21 metres
- (c) Building Line (minimum) 9 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yard (minimum) One of 1.5 metres and one of 3 metres, except on a Corner

Lot where the Side Yard abutting the Street shall be 6 metres and the other Side Yard shall be 1.5 metres

(f) Rear Yard (minimum) 11 metres

(4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

APARTMENT 1 (A1) ZONE



(1) PERMITTED USES

Accessory Building Home Office

Apartment Building Park

Community Garden Personal Care Home

Daycare Centre Townhouse

2) DISCRETIONARY USES

Adult Day Centre Parking Lot
Convenience Store Public Utility

Four-Plex Semi-Detached Dwelling

Home Occupation Service Shop

Office

(3) ZONE STANDARDS FOR APARTMENT BUILDING

(a) Lot Area (minimum) 750 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 7 metres

(d) Building Height (maximum) 12 metres

(e) Side Yards (minimum) Two, each equal to 1 metre for every 4 metres of Building

Height, except on a corner Lot where the Side Yard abutting

the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(g) Lot Coverage (maximum) 35%

(h) Landscaping (minimum) 35%

(4) ZONE STANDARDS FOR TOWNHOUSE

(a)	Lot Area (minimum)	180 metres square
lai	LOLAIRA UIIIIIIIIIIIII	TOO HIGHES SUUGIE

(b) Lot Frontage (minimum) 6 metres

(c) Building Line (minimum) 1.5 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) 1.2 metres on unattached side, except where unattached

side is on a corner Lot where the Side Yard abutting the

Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(5) ZONE STANDARDS FOR PERSONAL CARE HOME

(a) Lot Area (minimum) 750 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 7 metres

(d) Building Height (maximum) 12 metres

(e) Side Yards (minimum) 1 metre per storey, except on a corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(g) Lot Coverage (maximum) 35%

(h) Landscaping (minimum) 35%

(6) ZONE STANDARDS FOR A SEMI-DETACHED DWELLING

(a)	Lot Aroa (minimum)	270 motros squaro por Dwolling Unit
(d)	Lot Area (minimum)	270 metres square per Dwelling Unit

- (b) Lot Frontage (minimum) 18 metres; 9 metres per Dwelling Unit
- (c) Building Line (minimum) 0 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a corner Lot where the Side

Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(7) ZONE STANDARDS FOR FOUR-PLEX

(a)) Lot Area	(minimum)	750 metres square
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- (b) Lot Frontage (minimum) 20 metres
- (c) Building Line (minimum) 6 metres
- (d) Building Height (maximum) 8 metres
- (e) Side Yards (minimum) Two of 1.2 metres, except on a corner Lot where the Side

Yard abutting the Street shall be 6 metres

- (f) Rear Yard (minimum) 6 metres
- (g) Landscaping (minimum) 40% of the Lot, 30% of the Front Yard

(8) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

APARTMENT 2 (A2) ZONE



(1) PERMITTED USES

Accessory Building Home Office

Apartment Building Park

Community Garden Personal Care Home

Daycare Centre Four-Plex

2) DISCRETIONARY USES

Adult Day Centre Parking Lot
Convenience Store Public Utility
Home Occupation Service Shop
Office Townhouse

(3) ZONE STANDARDS FOR APARTMENT BUILDING

(a) Lot Area (minimum) 650 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum), 24 metres except Margaret's Place (PID #46352)

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(e) Building Height (maximum), 16 metres Margaret's Place (PID #46352)

(f) Side Yards (minimum) Two, each equal to 1 metre for every 4 metres of

Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres

(g) Rear Yard (minimum) 6 metres

(h) Lot Coverage (maximum) 40%

(i) Landscaping (minimum) 30%

(4) ZONE STANDARDS FOR TOWNHOUSE

(a) Lot Area	(minimum)	140 metres square
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(b) Lot Frontage (minimum) 5.5 metres

(c) Building Line (minimum) 1.5 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) 0 metres, 1.2 metres on unattached side, except on a

corner Lot where the Side Yard abutting the Street shall

be 6 metres

(f) Rear Yard (minimum) 6 metres

(5) ZONE STANDARDS FOR PERSONAL CARE HOME

(a) Lot Area (minimum) 650 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 24 metres

(e) Side Yard (minimum) Two, each equal to 1 metre for every 4 metres of

Building Height

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Rear Yard (minimum) 6 metres

(h) Lot Coverage (maximum) 40%

(i) Landscaping (minimum) 30%

(6) ZONE STANDARDS FOR FOUR-PLEX

(a)	Lot Area (minimum)	750 metres square
(b)	Lot Frontage (minimum)	20 metres
(c)	Building Line (minimum)	6 metres
(d)	Building Height (maximum)	8 metres
(e)	Side Yards (minimum)	Two of 1.2 metres, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Landscaping (minimum)	40% of the Lot, 30% of the Front Yard

7) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

APARTMENT 3 (A3) ZONE

(1)

A3

PERMITTED USES

Accessory Building Home Office

Apartment Building Park

Community Garden Personal Care Home

Daycare Centre

2)

DISCRETIONARY USES

Adult Day Centre Parking Lot
Convenience Store Public Utility
Home Occupation Service Shop

Office

(3) ZONE STANDARDS FOR APARTMENT BUILDING

(a) Lot Area (minimum) 900 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 40 metres

Except 346-360 Empire Avenue (PID #11915, 23995, 23994)

40-58 Shortall Street (PID #24617, 352341, 52340)

145 Stavanger Drive (PID #155330)

485 Topsail Road (PID #46960)

(e) Building Height (maximum)

> 346-360 Empire Avenue (PID #11915, 23995, 23994) 20 metres

> 40-58 Shortall Street (PID #24617, 352341, 52340) 24 metres

> 145 Stavanger Drive (PID #155330) 24 metres

485 Topsail Road (PID #46960) 24 metres on north side of Lot

and 16 metres on the south

side of Lot

(f) Side Yards (minimum) Two, each equal to 1 metre

> for every 4 metres of Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres

(g) Rear Yard (minimum) 6 metres, together with 1

> additional metre for every 4 metres in excess of 24 metres

of Building Height

(h) Lot Coverage (maximum) 50%

(i) Landscaping (minimum) 30%

(4) ZONE STANDARDS FOR PERSONAL CARE HOME

(a) Lot Area (minimum) 900 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 40 metres

(e) Side Yard (minimum) Two, each equal to 1 metre for every 4 metres of Building Height

(f)	Side Yard on Flanking Road (minimum)	6 metres
(g)	Rear Yard (minimum)	6 metres, together with 1 additional metre for every 4 metres in excess of 24 metres of Building Height
(h)	Lot Coverage (maximum)	50%
(i)	Landscaping (minimum)	30%

(5) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

APARTMENT DOWNTOWN (AD) ZONE



(1) **PERMITTED USES**

Accessory Building Park

Apartment Building, maximum 24 dwellings Community Garden **Daycare Centre** Personal Care Home

Home Office

2) **DISCRETIONARY USES**

Office Adult Day Centre Convenience Store Parking Lot **Home Occupation Public Utility** Micro Unit (maximum of 12 per building) Service Shop

(3) ZONE STANDARDS FOR APARTMENT BUILDING

- (a) Lot Frontage (minimum) 20 metres
- (b) **Building Line** Council discretion
- (c) Building Height (maximum) 16 metres as measured from all property boundaries, such

that height is adjusted to follow the grade of Streets or prop-

erty boundaries provided height does not exceed 16 metres

from established grade

- Council discretion (d) Side Yards
- Rear Yard Council discretion (e)
- (f) Landscaping Council discretion

(4) ZONE STANDARDS FOR PERSONAL CARE HOME

(a)	Lot Area	Council discretion
(b)	Lot Frontage (minimum)	20 metres
(c)	Building Line	Council discretion
(d)	Building Height (maximum)	16 metres as measured from all property boundaries, such that height is adjusted to follow the grade of Streets or property boundaries provided height does not exceed 16 metres from established grade
(e)	Side Yard	Council discretion
(f)	Side Yard on Flanking Road	Council discretion
(g)	Rear Yard	Council discretion
(h)	Landscaping	Council discretion

(5) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

APARTMENT SPECIAL (AA) ZONE



(1) PERMITTED USES

Accessory Building Home Office

Apartment Building Park

Community Garden Personal Care Home

Daycare Centre Townhouse

2) DISCRETIONARY USES

Adult Day Centre Parking Lot
Convenience Store Public Utility
Home Occupation Service Shop

Office

(3) ZONE STANDARDS FOR APARTMENT BUILDING

(a) Lot Area (minimum) 900 metres square

(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 7 metres

(d) Building Height (maximum) 12 metres

(e) Side Yards (minimum) Two, each equal to 1 metre for every 4 metres of Building

Height, except on a corner Lot where the Side Yard abutting

the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(g) Lot Coverage (maximum) 30%

(h) Landscaping (minimum) 40%



(4) ZONE STANDARDS FOR TOWNHOUSE

(a)) Lot Area	(minimum)	180 metres square
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(b) Lot Frontage (minimum) 6 metres

(c) Building Line (minimum) 0 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) 0 metres, and 1.2 metres on unattached side, except where

unattached side is on a corner Lot where the Side Yard abut-

ting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(5) ZONE STANDARDS FOR PERSONAL CARE HOME

	(a)	Lot Area (minimum)	900 metres sq	uare
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(b) Lot Frontage (minimum) 20 metres

(c) Building Line (minimum) 7 metres

(d) Building Height (maximum) 12 metres

(e) Side Yard (minimum) Two, each equal to 1 metre for every 4 metres of

Building Height

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Rear Yard (minimum) 6 metres

(h) Lot Coverage (maximum) 30%

(i) Landscaping (minimum) 40%

(6) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.



ATLANTIC PLACE PARKING GARAGE (APG) ZONE



(1) PERMITTED USES

Parking Garage

2) DISCRETIONARY USES

Dwelling Units, 9 th storey or higher	Office 9 th story or higher
Hotel, 9 th storey or higher	Retail Story 9th storey or higher

(3) ZONE STANDARDS

(a)	Building Height	12 storeys (not exceeding
		47 meters)
(b)	Parking Spaces, Permitted Uses (minimum)	670
(c)	Parking Spaces, Discretionary Uses	Section 8.5
(d)	Floor Area Ratio (maximum)	2.5

(e) All other Zone Standards shall be in the discretion of Council

ATLANTIC PLACE (AP) ZONE

AP

(1) PERMITTED USES

Adult Day Centre Office Bank Parking Garage Clinic **Public Use** Communication Use **Public Utility Daycare Centre** Restaurant Health and Wellness Centre Retail Use Hotel Service Laundromat Taxi Stand Library **Training School** Lounge

(2) ZONE STANDARDS

(a) Building Height 13 storeys as measured from Water Street

(b) Floor Area Ratio (maximum) 10.8

(c) All other Zone Standards shall be in the discretion of Council

(3) NOTWITHSTANDING SECTION 8.5, NO PARKING SHALL BE REQUIRED.



COMMERCIAL DOWNTOWN (CD) ZONE

CD

(1) PERMITTED USES

Bakery Park

Bank Parking Garage

Clinic Pharmacy

Communications Use **Public Use**

Convenience Store **Public Utility** Dwelling Unit - 2nd storey or higher

Health and Wellness Centre Retail Use

Hotel Service Shop

Laundromat Training School Lounge Transportation Terminal

Office

(2) **DISCRETIONARY USES**

Adult Day Centre Gas Station Bed and Breakfast **Lodging House** Commercial Garage Parking Lot

Craft Brewery/Distillery Place of Amusement Daycare Centre Place of Assembly

Dwelling Unit - 1st story or higher Taxi Stand

(3) ZONE STANDARDS EXCEPT PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT

(a) Building Height (maximum) 54 metres provided height over 18 metres requires a Land

Restaurant

Use Report

(b) **Building Line** 0 metres

(c) Building Façade Stepback on Street with a 0 metre Building

Line

0 meter stepback for first 18 metres in Building Height, 4 metre stepback for greater than 18 metres in

Building Height. Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being determined by the Chief

Municipal Planner.

(d) Building Façade Stepback on Street with a 4 metre or greater **Building Line**

No stepback required.

(e) Floor Area Ratio (maximum) 5.0



- (f) All other Zone Standards shall be in the discretion of Council
- (4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL DOWNTOWN MIXED (CDM) ZONE



(1) PERMITTED USES

Adult Massage Parlour

Bakery

Park

Bank Pharmacy

Clinic Place of Worship

Communications Use

Convenience Store

Public Use

Public Utility

Dwelling Unit – 2nd storey or higher

Restaurant

Health and Wellness Centre

Hotel

Service Shop

Laundromat

Training School

Library Transportation Terminal

Lounge

(2) DISCRETIONARY USES

Adult Day Centre Micro Unit (maximum number of micro units is

equal to half of the total number of residential

units)

Bed and Breakfast Parking Garage

Craft Brewery/Distillery Parking Lot

Daycare Centre Place of Amusement

Dwelling Unit - 1st storey (except Water Street & Place of Assembly

Duckworth Street)

Lodging House Taxi Stand

COMMERCIAL DOWNTOWN MIXED 2 (CDM2) ZONE



(1) PERMITTED USES, except 40 Henry Street (PID #45762)

Adult Massage Parlour

Bakery

Park

Pharm

Bank Pharmacy
Clinic Place of Worship

Communications Use

Convenience Store

Public Use

Public Utility

Public Utility

Restaurant

Health and Wellness Centre

Hotel

Service Shop

Laundromat

Training School

Library Transportation Terminal

Lounge

(2) DISCRETIONARY USES, except 40 Henry Street (PID #45672)

Adult Day Centre Micro Unit (maximum number of micro units is

equal to half of the total number of residential

units)

Bed and Breakfast Parking Garage

Craft Brewery/Distillery Parking Lot

Daycare Centre Place of Amusement

Dwelling Unit - 1st storey (except Water Street & Place of Assembly

Duckworth Street)

Lodging House Taxi Stand

(3) PERMITTED USES – 40 Henry Street (PID #45762)

Apartment Building



(4) ZONE STANDARDS EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY AND PARKING LOT

- (a) Building Height (maximum) 27 metres, except for 132 Duckworth Street (PID #12371), where the maximum height shall be 20 metres
- (b) Building Line 0 metres
- (c) Floor Area Ratio (maximum) 4
- (d) Building Façade Stepback on Street (minimum)

 O metres for first 18 metres of Building Height, 4 metres for greater than 18 metres in Building Height. Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being deter-mined by the Chief Municipal Planner
- (e) All other Zone Standards are in the discretion of Council
- (5) ZONE STANDARDS FOR PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL HIGHWAY (CH) ZONE



(1) PERMITTED USES, except 55, 59, 63, 67 & 71 Airport Road (PID #s 33874, 33872, 33871, 22585)

Accessory Building Massage Parlour

Accessory Dwelling Unit Office
Bakery Park

Bank Pharmacy

Car Sales Lot Place of Worship

Car Wash Public Use
Clinic Public Utility
Commercial Garage Recreation Use
Communications Use Recycling Depot
Convenience Store Retail Use

Drive Through Service Shop
Dry Clean Establishment Service Station
Funeral Home Taxi Stand

Gas Station Training School

Hotel Transportation Terminal

Health and Wellness Centre

Laundromat

Veterinary Clinic

Warehouse

Lounge

2) DISCRETIONARY USES, except 55, 59, 63, 67 & 71 Airport Road (PID #s 33874, 33872, 33872, 33871, 22585)

Aquaculture Parking Garage
Aquaponics Parking Lot

Craft Brewery/Distillery Place of Amusement
Daycare Centre Place of Assembly

Horticulture Wind Turbine – Small Scale

Hydroponics

(3) PERMITTED USES for properties 55, 59, 63, 67 and 71 Airport Road (Parcel ID #s 33874, 33873, 33872, 33871, 22585)

Lounge, Restaurant and Recycling Depot are not permitted



(4) ZONE STANDARDS EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT

(a)	Lot Area (minimum)	1200 metres square
(b)	Lot Frontage (minimum)	35 metres
(c)	Building Height (maximum)	27 metres
(d)	Building Line (minimum)	6 metres
(e)	Side Yards (minimum)	2, each equal to 1 metre for every 5 metres of Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Lot Coverage (except Gas Station) (maximum)	50%
(h)	Landscaping (minimum)	20%

(5) ZONE STANDARDS FOR PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL KENMOUNT (CK) ZONE



(1) PERMITTED USES, except 55, 59, 63, 67 & 71 Airport Road (PID #s 33874, 33872, 33871, 22585)

Accessory Building
Accessory Dwelling Unit
Adult Massage Parlour

Bakery

Bank
Car Sales Lot
Car Wash
Clinic

Commercial Garage
Convenience Store
Drive Through

Dry Cleaning Establishment

Funeral Home Gas Station

Hotel

Laundromat

Library Lounge

Office

Park

Pharmacy

Place of Assembly Place of Worship

Public Use
Public Utility
Recreation Use
Recycling Depot
Restaurant

Retail Use Service Shop Service Station

Shopping Centre

Taxi Stand

Training School

Transportation Terminal

Veterinary Clinic

Warehouse

(2) DISCRETIONARY USES

Daycare Centre

Parking Garage

Parking Lot

Place of Amusement

Wind Turbine - Small Scale



(3) ZONE STANDARDS EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT

(a)	Lot Area (minimum)	1800 metres square
(b)	Lot Frontage (minimum)	45 metres
(c)	Building Height (maximum)	18 metres
(d)	Building Line (minimum)	6 metres
(e)	Side Yards (minimum)	2, each equal to 1 metre for every 5 metres of Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Lot Coverage (except Gas Station) (maximum)	50%
(h)	Landscaping (minimum)	20%

(4) ZONE STANDARDS FOR PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL LOCAL – (CL)



(1) PERMITTED USES, except 24 Torbay Road (PID #21267)

Accessory Building Laundromat
Adult Day Centre Library
Clinic Office

Community Garden Public Utility

Convenience Store Residential Retail Store

Daycare Centre Retail Use

Dwelling Unit – 2nd Floor Service Shop

Health and Wellness Centre

2) PERMITTED USES – 24 Torbay Road (PID #21267)

Office

3) DISCRETIONARY USES

Restaurant Bakery

(4) ZONE STANDARDS EXCEPT PUBLIC UTILITY

(a) Lot Area (minimum) 900 metres square

(b) Lot Frontage (minimum) 30 metres

(c) Building Height (maximum) 9 metres

(d) Building Line (minimum) 7 metres

(e) Side Yards (minimum) 2, each equal to 1 metre for every 5 metres of Building

Height except on a corner Lot where the Side Yard abutting

the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(g) Landscaping (minimum) 20%

(5) ZONE STANDARDS FOR PUBLIC UTILITY SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL LOCAL – DOWNTOWN (CLD) ZONE



April 2021

(1) PERMITTED USES

Accessory Building Laundromat
Adult Day Centre Library
Clinic Office

Community Garden Public Utility

Convenience Store Residential Retail Store

 $\begin{array}{ll} \mbox{Daycare Centre} & \mbox{Retail Use} \\ \mbox{Dwelling Unit} - 2^{\mbox{\scriptsize nd}} \mbox{ Floor} & \mbox{Service Shop} \end{array}$

Health and Wellness Centre

(2) DISCRETIONARY USES

Restaurant Bakery	
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(3) ZONE STANDARDS EXCEPT PUBLIC UTILITY

(a)	Lot Area	Council discretion
(b)	Lot Frontage	Council discretion
(c)	Building Height (maximum)	10 metres
(d)	Building Line	Council discretion
(e)	Side Yards	Council discretion
(f)	Rear Yard	Council discretion
(g)	Landscaping	Council discretion

(4) ZONE STANDARDS FOR PUBLIC UTILITY SHALL BE IN THE DISCRETION OF COUNCIL.



COMMERCIAL MIXED (CM) ZONE



(1) PERMITTED USES, except 615 Empire Avenue (PID #46166)

Accessory Building Gas Station
Accessory Dwelling Unit Hotel
Adult Day Centre Library
Adult Massage Parlour Office
Bakery Park

Bank Place of Worship

Bed and Breakfast Public Use Clinic **Public Utility** Community Garden Restaurant Retail Use Convenience Store Daycare Centre Service Shop **Drive Through Service Station** Dry Cleaning Establishment Taxi Stand Dwelling Unit – 2nd storey or higher **Training School**

2) DISCRETIONARY USES, except 615 Empire Avenue (PID #46166)

Aquaculture Lounge

Aquaponics Parking Garage
Car Wash Parking Lot
Craft Brewery/Distillery Pharmacy

Dwelling Unit – 1st storey Place of Amusement (except Churchill Square (Map 3))

Horticulture Place of Assembly Hydroponics Recycling Depot

Light Industrial Use

(3) PERMITTED USE – 615 EMPIRE AVENUE (PID #46166)

Light Industrial Use



- (4) ZONE STANDARDS EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT
 - (a) Building Height (maximum), except 615
 Empire Avenue (PID#46166) and 43-53
 Rowan Street (PID#18955)
 - (b) Building Height (maximum) 615 Empire 8 metres
 Avenue (PID#46166) except 43-53 Rowan
 Street (PID#18955) 8 metres
 - (c) Building Height (maximum) 43-53 Rowan Street (PID#18955), except 615 Empire Avenue (PID#46166)
 - (d) All other zone Standards shall be in the discretion of Council
- (5) ZONE STANDARDS FOR PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL NEIGHBOURHOOD (CN) ZONE



(1) **PERMITTED USES**

Accessory Building Laundromat
Adult Day Centre Library
Bakery Office
Bank Park

Clinic Public Utility
Community Garden Retail Use
Convenience Store Service Shop
Drive Through Training School
Dwelling Unit – 2nd storey or higher Veterinary Clinic

Health and Wellness Centre

(2) **DISCRETIONARY USES**

Car Sales Lot
Pharmacy
Car Wash
Place of Worship
Daycare Centre
Recycling Depot
Dry Cleaning Establishment
Restaurant
Gas Station
Lounge
Taxi Stand
Parking Garage
Warehouse

Parking Lot Wind Turbine – Small Scale

(3) ZONE STANDARDS EXCEPT PARK, PUBLIC UTILITY, PARKING LOT AND PLACE OF WORSHIP

(a)	Lot Area (minimum)	900 metres square
(b)	Lot Frontage (minimum)	30 metres
(c)	Building Height (maximum)	14 metres
(d)	Building Line (minimum)	7 metres
(e)	Side Yards (maximum)	2, each equal to 1 metre for every 5 metres of Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Lot Coverage (maximum) (except Gas Station)	50%
(h)	Landscaping (minimum)	20%

(4) ZONE STANDARDS FOR PARK, PUBLIC UTILITY, PARKING LOT AND PLACE OF WORSHIP SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL OFFICE (CO) ZONE

CO

(1) PERMITTED USES, except 172 Logy Bay Road (PID #18723)

Accessory Building Office
Adult Day Centre Park

Convenience Store Public Utility

Daycare Centre Service Shop

Dwelling Unit – 2nd storey or higher

(2) DISCRETIONARY USES

Accessory Dwelling Unit Parking Lot
Clinic Pharmacy

Heritage Use Recycling Depot

Parking Garage Wind Turbine – Small Scale

(3) PERMITTED USE – 172 LOGY BAY ROAD (PID #18723)

Office

(4)	ZONE STANDARDS EXCEPT PARK,	PUBLIC UTILITY, PARKING LOT AND HERITAGE USE
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(a)	Lot Area (minimum)	900 metres square
(b)	Lot Frontage (minimum)	20 metres
(c)	Building Height (maximum), except 57 Margaret's Place (PID #10805)	45 metres
(d)	Building Height (maximum) - 57 Margaret's Place (PID #10805)	18 metres
(e)	Building Line (minimum)	6 metres
(f)	Side Yards (minimum)	2, each equal to 1 metre for every 5 metres of Building Height to a maximum of 6 metres, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(g)	Rear Yard (minimum)	6 metres
(h)	Lot Coverage (maximum) (except Gas Station)	50%
(i)	Landscaping (minimum)	20%

(5) ZONE STANDARDS FOR PARK, PUBLIC UTILITY, PARKING LOT AND HERITAGE USE SHALL BE IN THE DISCRETION OF COUNCIL.

COMMERCIAL OFFICE HOTEL (COH) ZONE



(1) PERMITTED USES

Laundromat **Accessory Building** Adult Day Centre Office Bakery Park Bank Pharmacy Clinic **Public Use** Convenience Store **Public Utility** Daycare Centre Retail Use Dwelling Unit – 2nd storey or higher Service Shop Hotel **Veterinary Clinic**

(2) **DISCRETIONARY USES**

Accessory Dwelling Unit Personal Care Home

Parking Garage Wind Turbine – Small Scale

Parking Lot

(3) ZONE STANDARDS EXCEPT PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT

(a)	Lot Area (minimum)	900 metres square
(b)	Lot Frontage (minimum)	20 metres
(c)	Building Height (maximum)	45 metres
(d)	Building Line (minimum)	6 metres
(e)	Side Yards (minimum)	2, each equal to 1 metre for every 5 metres of Building Height to a maximum of 6 metres, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Lot Coverage (maximum) (except Gas Station)	50%
(h)	Landscaping (minimum)	20%

(4) ZONE STANDARDS FOR PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.



COMMERCIAL REGIONAL (CR) ZONE



(1) PERMITTED USES, except former Memorial Stadium – Lake Avenue and King's Bridge Road (PID #47316)

Accessory Building

Accessory Dwelling Unit

Office

Adult Massage Parlour

Pakery

Charma

Bakery Pharmacy

Bank Place of Worship
Car Wash Public Use
Clinic Public Utility
Commercial Garage Recreational Use

Communications Use Restaurant
Convenience Store Retail Use
Daycare Centre Service Shop
Drive Through Service Station
Dry Cleaning Establishment Shopping Centre

Gas Station Taxi Stand

Health and Wellness Centre Veterinary Clinic
Hotel Warehouse

Library

2) DISCRETIONARY USES, except former Memorial Stadium – Lake Avenue and King's Bridge Road (PID #47316)

Aquaculture Hydroponics

Aquaponics Light Industrial Use
Craft Brewery/Distillery Parking Garage
Dwelling Unit – 2nd storey or higher Parking Lot

Horticulture

(3) PERMITTED USE – former Memorial Stadium – Lake Avenue and King's Bridge Road (PID #47316)

Bank Pharmacy
Clinic Restaurant
Health and Wellness Centre Retail Use
Office Service Shop

Parking Garage



(4) DISCRETIONARY USES, former Memorial Stadium – Lake Avenue and King's Bridge Road (PID #47316)

Public Use Public Utility

(5) ZONE STANDARDS EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT

(a)	Lot Area (minimum)	1800 metres square
(b)	Lot Frontage (minimum)	45 metres
(c)	Building Height (maximum)	20 metres
(d)	Building Line (minimum)	6 metres
(e)	Side Yards (minimum)	2, each equal to 1 metre for every 5 metres of Building Height except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres
(g)	Lot Coverage (maximum) (except Gas Station)	50%
(h)	Landscaping (minimum)	20%

(6) ZONE STANDARDS FOR PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY, AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.

AIRPORT (A) ZONE



(1) USES AND ZONE STANDARDS ARE DETERMINED BY HER MAJESTY THE QUEEN IN RIGHT OF CANADA OR DESIGNATE.

INDUSTRIAL COMMERCIAL (IC) ZONE

IC

(1) PERMITTED USES, except 456 Empire Avenue (PID #25041)

Accessory Building Light Industrial Use
Accessory Dwelling Unit Office
Aquaculture Park

Aquaponics Parking Garage
Bakery Pipe Storage Yard

Car Sales Lot Public Use Car Wash **Public Utility** Commercial Garage Recreational Use **Communications Use Recycling Depot** Convenience Store Service Shop Craft Brewery/Distillery **Service Station Drive Through** Taxi Stand Dry Cleaning Establishment Tourism Use **Gas Station Training School**

Health and Wellness Centre Transportation Depot
Horticulture Transportation Terminal

Hotel Veterinary Clinic
Hydroponics Warehouse

(2) DISCRETIONARY USES, except 456 Empire Avenue (PID #25041)

Clinic Parking Lot
Daycare Centre Pharmacy

Funeral Home Place of Amusement

Heavy Equipment Storage Retail Use

Lounge Wind Turbine – Small Scale

Restaurant Vehicle Storage Yard

(3) USES, 456 EMPIRE AVENUE (PID #25041)

(a) all Uses are in the discretion of Council.



(4) ZONE STANDARDS, EXCEPTING PARK, PUBLIC USE, PUBLIC UTILITY, PLACE OF WORSHIP AND 456 EMPIRE AVENUE (PID #25041)

(a)	Lot Area (minimum)	1800 metres square
(b)	Lot Frontage (minimum)	45 metres
(c)	Building Line (minimum)	18 metres
(d)	Building Height (maximum)	20 metres
(e)	Side Yards (minimum)	Two of 3 metres, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	3 metres
(g)	Lot Coverage (maximum) (except Gas Station)	50%
(h)	Landscaping (minimum)	20%

(5) ZONE STANDARDS FOR PARK, PUBLIC USE, PUBLIC UTILITY, PLACE OF WORSHIP AND 456 EMPIRE AVENUE (PID #25041) SHALL BE IN THE DISCRETION OF COUNCIL.

INDUSTRIAL GENERAL (IG) ZONE

IG

(1) PERMITTED USES, except Freshwater Bay

Accessory Building Pipe Storage Yard

Accessory Dwelling Unit Public Use

Car Wash Recycling Depot

Commercial Garage Restaurant, only at Pier 7 (PID #351587, 22880)

Craft Brewery/Distillery Transportation Depot
Food and Beverage Processing Transportation Terminal

Industrial Use Warehouse

Light Industrial Use Wharves and Stages

Lounge, only at Pier 7 (PID #351587, 22880)

(2) DISCRETIONARY USES, except in Freshwater Bay

Mineral Working Recreational Use Park Salvage Yard

Parking Lot Wind Turbine – Small Scale

Parking Garage

(3) PERMITTED USES, FRESHWATER BAY

(a) Industrial offshore oil and gas exploration and development service base, together with related docking, loading, repair, storage, maintenance, and administrative facilities and compatible Uses



(4) ZONE STANDARDS, EXCEPTING PARK, PARKING LOT, PUBLIC USE, PUBLIC UTILITY, AND FRESHWATER BAY

(a)	Lot Area	Council discretion
(b)	Lot Frontage	Council discretion
(c)	Building Line	Council discretion
(d)	Building Height (maximum), except Lots abutting the shore line or on Harbour Drive	18 metres
(e)	Building Height (maximum), Lots abutting the shore line or on Harbour Drive	14 metres
(f)	Side Yards	Council discretion
(g)	Rear Yard	Council discretion

(5) ZONE STANDARDS FOR PARK, PUBLIC USE, PUBLIC UTILITY, PARKING LOT AND FRESHWATER BAY SHALL BE IN THE DISCRETION OF COUNCIL.

INDUSTRIAL QUIDI VIDI (IQV) ZONE

IQV

(1) PERMITTED USES

Accessory Building Public Utility
Food and Beverage Processing Public Use

Park Wharves and Stages

(2) DISCRETIONARY USES

Craft Brewery/Distillery Restaurant
Daycare Centre Retail Use
Lounge Service Shop

Parking Lot

(3) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL



INDUSTRIAL SPECIAL (IS) ZONE



(1) PERMITTED USES

Bulk Storage	Public Utility
Public Use	Wind Turbine – Small Scale

(2) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL

C.A. PIPPY PARK (CAPP) ZONE

CAPP

(1) USES AND ZONE STANDARDS ARE DETERMINED BY THE C.A. PIPPY PARK COMMISSION ESTABLISHED PURSUANT TO THE PIPPY PARK COMMISSION ACT, RSNL 1990, C.P-15, AS AMENDED.

CEMETERY (CEM) ZONE

CEM

(1) PERMITTED USES

Accessory Building Cemetery

(2) DISCRETIONARY USES

Public Utility

(3) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL.

INSTITUTIONAL (INST) ZONE

INST

(1) PERMITTED USES

Accessory Building Park

Accessory Dwelling Unit Personal Care Home
Adult Day Centre Place of Assembly
Clinic Place of Worship

Community Garden Public Use
Daycare Centre Public Utility

Funeral Home Residential Care Facility

Institutional Use School

Library Training School

Long Term Care Facility

(2) DISCRETIONARY USES

Dwelling Unit, which is ancillary to a Permitted or Service Shop

Discretionary Use

Heritage Use Wind Turbine – Small Scale

Office

(3) ZONE STANDARDS EXCEPT PARK, PUBLIC USE, PUBLIC UTILITY, AND PLACE OF WORSHIP

(a) Lot Area (minimum) 900 metres square

(b) Lot Frontage (minimum) 30 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum), except 50 23 metres

Tiffany Lane (PID #45350)

(e) Building Height (maximum) – 50 Tif- 72 metres

fany Lane (PID #45350)

(f) Side Yards (minimum) Two, each equal to 1 metre for every 5 metres of

Building Height, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres

(g) Rear Yard (minimum) 6 metres



(h) Lot Coverage (maximum) (Except Gas 50% Station)

(i) Landscaping (minimum) 20%

(4) ZONE STANDARDS FOR PARK, PUBLIC USE, PUBLIC UTILITY AND PLACE OF WORSHIP SHALL BE IN THE DISCRETION OF COUNCIL.

INSTITUTIONAL DOWNTOWN (INST-DT) ZONE

INST-DT

(1) PERMITTED USES

Accessory Building Personal Care Home
Adult Day Centre Place of Assembly
Clinic Place of Worship

Community Garden Public Use
Funeral Home Public Utility

Institutional Use Residential Care Facility

Library School

Long Term Care Facility Training School

Park

(2) DISCRETIONARY USES

Daycare Centre Office

Dwelling Unit, which is ancillary to a Permitted or Service Shop

Discretionary Use
Heritage Use

(3) ZONE STANDARDS EXCEPT PARK, PUBLIC USE, PUBLIC UTILITY, AND PLACE OF WORSHIP

(a) Building Height (maximum) 23 metres as measured from all property boundaries, such

that height is adjusted to follow grades of Streets or property boundaries provided height does not exceed 23 metres

from established grade

(b) Building Line 0 metres

(c) Floor Area Ratio (maximum) 3.0

(d) All Other Zone Standards are in the discretion of Council

(4) ZONE STANDARDS FOR PARK, PUBLIC USE, PUBLIC UTILITY AND PLACE OF WORSHIP SHALL BE IN THE DISCRETION OF COUNCIL.



OPEN SPACE (O) ZONE

0

(1) PERMITTED USES

Community Garden Recreational Use

Park

(2) DISCRETIONARY USES

Place of Assembly Public Use
Public Utility Wind Turbine – Small Scale

(3) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL.

AGRICULTURE (AG) ZONE

AG

(1) PERMITTED USES

Accessory Building Public Use
Agricultural Use Public Utility

Forestry Use Single Detached Dwelling, provided the

Agricultural Use or Forestry Use on the Lot has been in continuous operation for a minimum of 3

years

Home Office Veterinary Clinic

Horticulture

(2) DISCRETIONARY USES

Agricultural Tourism Operations Hydroponics

Aquaculture Indoor Riding Arena

Aquaponics Kennel

Bed and Breakfast Single Detached Dwelling not associated with

Forestry or Agricultural Use and only where Lot

is serviced

Farm Market Subsidiary Dwelling Unit
Heavy Equipment Storage Wind Turbine – Small Scale

Home Occupation

(3) ZONE STANDARDS, SINGLE DETACHED DWELLING ON UNSERVICED LOT NOT ASSOCIATED WITH FORESTRY OR AGRICULTURAL USE

(a) Lot Area (minimum) 2023 metres square

(b) Lot Frontage (minimum) 30 metres

(c) Building Line (minimum) 15 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 6 metres

(f) Rear Yard (minimum) 10 metres



(4) ZONE STANDARDS, SINGLE DETACHED DWELLING ON SERVICED LOT NOT ASSOCIATED WITH FORESTRY OR AGRICULTURAL USE

(a)	Lot Area (minimum)	450 metres square
(b)	Lot Frontage (minimum)	15 metres
(c)	Building Line (minimum)	6 metres
(d)	Building Height (maximum)	8 metres
(e)	Side Yards (minimum)	Two of 1.2 metres, except on a corner Lot where the Side Yard abutting the Street shall be 6 metres
(f)	Rear Yard (minimum)	6 metres

(5) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

FORESTRY (F) ZONE

F

(1) PERMITTED USES

Accessory Building	Public Use
Forestry Use	Single Detached Dwelling, provided the
	Agricultural Use or Forestry Use on the Lot has
	been in continuous operation for a minimum of 3
	years
Home Office	

(2) DISCRETIONARY USES

Agricultural Use	Indoor Riding Arena
Aquaculture	Mineral Working
Aquaponics	Public Utility
Heavy Equipment Storage	Recreational Use
Home Occupation	Subsidiary Dwelling Unit
Horticulture	Warehouse
Hydroponics	Wind Turbine – Small Scale

(3) ZONE STANDARDS, EXCEPT PUBLIC USE AND PUBLIC UTILITY

(a)	Lot Area (minimum)	8000 metres square
(b)	Lot Frontage (minimum)	90 metres
(c)	Building Line	Council discretion
(d)	Building Height, except Single Detached Dwelling	Council discretion
(e)	Building Height Single Detached Dwelling (maximum)	8 metres
(f)	Side Yards	Council discretion
(g)	Rear Yard	Council discretion

(4) ZONE STANDARDS FOR PUBLIC USE AND PUBLIC UTILITY SHALL BE IN THE DISCRETION OF COUNCIL.



MINERAL WORKING (MW) ZONE



(1) PERMITTED USES

Accessory Building Public Utility
Mineral Working

(2) DISCRETIONARY USES

Wind Turbine – Small Scale

(3) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL.

RURAL (R) ZONE

(1)



PERMITTED USES

Accessory Building Forestry Use

Agricultural Use Park

Community Garden Public Utility

Home Office Single Detached Dwelling, provided the

Horticulture Agricultural Use or Forestry Use on the Lot has

been in continuous operation for a minimum of 3

years

(2)

DISCRETIONARY USES

Agricultural Tourism Operation Kennel

Aquaculture Pipe Storage Yard Aquaponics Recreational Use

Bed and Breakfast

Farm Market

Float Plane Hangar

Heavy Equipment Storage

Residential Care Facility

Subsidiary Dwelling Unit

Vehicle Storage Yard

Veterinary Clinic

Home Occupation Warehouse

Hydroponics Wind Turbine – Small Scale

Indoor Riding Arena

(3) ZONE STANDARDS SINGLE DETACHED DWELLING, EXCEPT #'S 420-496 MADDOX COVE ROAD (PID #S 50359, 51044, 50358, 50357, 51081, 50355, 50354, 50353, 50352, 50351, 50350)

(a) Lot Area (minimum) 8000 metres square

(b) Lot Frontage (minimum) 90 metres

(c) Building Line (minimum) 15 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 6 metres

(f) Rear Yard (minimum) 6 metres

(4) ZONE STANDARDS FOR #'S 420-496 MADDOX COVE ROAD (PID #S 50359, 51044, 50358, 50357,



51081, 50355, 50354, 50353, 50352, 50351, 50350)

(a)	Lot Area (minimum)	8000 metres square
-----	--------------------	--------------------

(b) Lot Frontage (minimum) 60 metres

(c) Building Line (minimum) 15 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 6 metres

(f) Rear Yard (minimum) 6 metres

(5) ZONE STANDARDS FOR ALL OTHER USES

(a) Lot Area (minimum) 8000 metres square

(b) Lot Frontage (minimum) 90 metres

(c) Building Line Council discretion

(d) Building Height Council discretion

(e) Side Yards Council discretion

(f) Rear Yard Council discretion

(g) Coastal cliff edge (minimum for 30 metres

erosion)

6) ZONE STANDARDS FOR FLOAT PLANE HANGAR LOTS

(a) Lot Area (minimum) 1400 metres square

(b) All other Zone Standards Council discretion

RURAL RESIDENTIAL (RR) ZONE



(1) PERMITTED USES

Accessory Building Lodging House

Bed and Breakfast Park

Community Garden Single Detached Dwelling
Home Office Subsidiary Dwelling Unit

(2) DISCRETIONARY USES

Agricultural Use Kennel

Daycare Centre Parking Lot

Formative Use

Forestry Use Place of Worship
Heavy Equipment Storage Public Utility

Home Occupation Residential Retail Store

Indoor Riding Arena Warehouse

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 4000 metres square

(b) Lot Frontage (minimum) 45 metres

(c) Building Line (minimum) 20 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 6 metres

(f) Rear Yard (minimum) 6 metres

(4) ZONE STANDARDS FOR ALL OTHER USES

(a)	Lot Area (minimum)	4000 metres square
-----	--------------------	--------------------

- (b) Lot Frontage (minimum) 45 metres
- (c) Building Line (minimum) 20 metres
- (d) Building Height Council discretion
- (e) Side Yards (minimum) Two of 6 metres
- (f) Rear Yard (minimum) 6 metres

RURAL RESIDENTIAL INFILL (RRI) ZONE



(1) PERMITTED USES

Accessory Building Lodging House

Bed and Breakfast Park

Community Garden Single Detached Dwelling
Home Office Subsidiary Dwelling Unit

(2) DISCRETIONARY USES

Agricultural Use Parking Lot
Daycare Centre Public Utility
Forestry Use Retail Use
Heavy Equipment Storage Service Shop
Home Occupation Vehicle Storage
Indoor Riding Arena Warehouse

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 2023 metres square

(b) Lot Frontage (minimum) 30 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a corner Lot where

the Side Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(4) ZONE STANDARDS FOR ALL OTHER USES

(a) Lot Area (minimum)	2023 metres square
------------------------	--------------------

(b) Lot Frontage (minimum) 30 metres

(c) Building Line (minimum) 6 metres

(d) Building Height Council discretion

(e) Side Yards Council discretion

(f) Rear Yard Council discretion

RURAL VILLAGE (RV) ZONE

RV

(1) PERMITTED USES

Accessory Building Park

Bed and Breakfast Recreational Use

Community Garden Single Detached Dwelling Home Office Subsidiary Dwelling Unit

Lodging House

(2) DISCRETIONARY USES

Agricultural Use Place of Worship
Daycare Centre Public Utility
Heritage Use Retail Use
Home Occupation School
Parking Lot Service Shop

Place of Assembly

(3) ZONE STANDARDS SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 2000 metres square

(b) Lot Frontage (minimum) 30 metres

(c) Building Line (minimum) 6 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres, except on a corner Lot where

the Side Yard abutting the Street shall be 6 metres

(f) Rear Yard (minimum) 6 metres

(4) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.



OPEN SPACE RESERVE (OR) ZONE

OR

(1) DISCRETIONARY USES

Accessory Building	Public Utility
Community Garden	Recreational Use
Park	Wind Turbine – Small Scale

(2) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL.

WATERSHED - (W)



(1) USES AND ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL.

COMPREHENSIVE DEVELOPMENT AREA (CDA) ZONE



(1) COMPREHENSIVE DEVELOPMENT AREAS:

Area 1	Blackmarsh Road/Captain Whelan Drive
Area 2	Intentionally left blank
Area 3	Griffin's Lane/Valleyview Road
Area 4	Valleyview Road/Bay Bulls Road
Area 5	Old Petty Harbour Road/Densmore's Lane
Area 6	Intentionally left blank
Area 7	Signal Hill/Battery
Area 8	Southlands
Area 9	Kenmount Road

(2) No Development is permitted in a Comprehensive Development Area until Council has approved a Development Plan for the entire Comprehensive Development Area and the entire Comprehensive Development Area is available for serviced Development and rezoned.

PLANNED MIXED DEVELOPMENT (PMD) ZONE



- (1) Notwithstanding any other Section of these Regulations, Council may rezone land having an area of not less than 4 hectares to a Planned Mixed Development.
- (2) A comprehensive development plan, which shall include, but not be limited to:
 - Zone Uses
 - Zone Standards
 - Public Amenity and Parks
 - Streets and Traffic
 - Bodies of Water, Watercourses and Floodplains
 - Sidewalks
 - Landscaping
 - Parking

for the Planned Mixed Development shall be approved by Council and form part of a Development Agreement which Development Agreement shall be executed and registered in the Registry of Deeds for the Province of Newfoundland and Labrador before the rezoning is registered with the Minister and any Building Permits may be issued.

- (3) All Security provisions will apply.
- (4) Individual development in a Planned Mixed Development is subject to the Development Agreement and these Regulations and where there is a difference as to the Standards, the Development Agreement shall prevail.

PLANNED MIXED DEVELOPMENT 1 (PMD1) ZONE

(Galway Planned Community)



(1) PERMITTED USES

Accessory Building Office
Apartment Building Park

Bakery Parking Lot
Bank Public Use
Clinic Public Utility
Convenience Store Retail Use
Community Garden Restaurant
Daycare Centre School

Dry Cleaning Establishment Semi-Detached Dwelling

Dwelling Unit in the second and/or higher storeys of a Building Service Shop

Four-Plex Single Detached Dwelling

Health and Wellness Centre Townhouse Cluster

Home Occupation Townhouse

Home Office Veterinary Clinic

(2) DISCRETIONARY USES

Institutional Use Place of Amusement
Lounge

(3) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR SINGLE DETACHED DWELLING

(a) Lot Area (minimum) 335 metres square

(b) Lot Frontage (minimum) 11 metres

(c) Building Line (minimum) 7.5 metres

(d) Side Yards (minimum) 1.2 metres and 1.2 metres

(e) Rear Yard (minimum) 6 metres

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Building Height (maximum) 12.2 metres



(4) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR SEMI-DETACHED DWELLING

(a) Lot Area (minimum) 164 metres square per Dwelling Unit

(b) Lot Frontage (minimum) 6 metres per Dwelling Unit

(c) Building Line (minimum) 7.5 metres

(d) Side Yards (minimum) 1.8 metres and 0 metres on the common lot line

(e) Rear Yard (minimum) 6 metres

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Building Height (maximum) 12.2 metres

(h) Lot Coverage (maximum) 45%

(5) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR TOWNHOUSE

(a) Lot Area (minimum) 164 metres square per Dwelling Unit

(b) Lot Frontage (minimum) 6 metres per Dwelling Unit

(c) Building Line (minimum) 7.5 metres

(d) Side Yard (minimum) One of 1.8 metres

(e) Rear Yard (minimum) 6 metres

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Building Height (maximum) 12.2 metres

(6) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR TOWNHOUSE CLUSTER

(a) Lot Area (minimum) 554 metres square

(b) Lot Frontage (minimum) 18.2 metres

(c) Building Line (minimum) 7.5 metres

(d) Side Yard (minimum) 4.5 metres as oriented from the Public Street

(e) Side Yard for End Unit (minimum) 1.8 metres

(f) Rear Yard (minimum) 6 metres as oriented from the Public Street

(g) Side Yard on Flanking Road (minimum) 6 metres

(h) Building Height (maximum) 12.2 metres

(i) Lot Coverage (maximum) 45%

(7) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR FOUR-PLEX

(a) Lot Area (minimum) 182 metres square per Building

(b) Lot Frontage (minimum) 12 metres per Building

(c) Building Line (minimum) 7.5 metres

(d) Side Yard (minimum) 2.4 metres

(e) Rear Yard (minimum) 6 metres

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Building Height (maximum) 12.2 metres

(8) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR APARTMENT BUILDING

- (a) Lot Area (minimum) 554 metres square
- (b) Lot Frontage (minimum) 18.2 metres
- (c) Building Line (minimum) 4.5 metres
- (d) Side Yard (minimum) 1 metre per Storey
- (e) Rear Yard (minimum) 6 metres
- (f) Building Height (maximum) 7 Storeys
- (g) Lot Coverage (maximum) 50%
- (h) Density (maximum) 60 Dwelling Units per Building

(9) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR COMMERCIAL USE

- (a) Lot Area (minimum) 277 metres square
- (b) Lot Frontage (minimum) 9 metres
- (c) Building Line (minimum) 0 metres
- (d) Side Yard (minimum) 4.5 metres
- (e) Rear Yard (minimum) 4.5 metres
- (f) Side Yard on Flanking Road (minimum) 4.5 metres
- (g) Building Height (maximum) 2 Storeys
- (h) Lot Coverage (maximum) 45%

(10) OFF STREET PARKING REQUIREMENTS

Notwithstanding Section 8, the following off-street parking requirements shall apply:

Type/Nature of Building Minimum Required Parking

Commercial 1 space per 23 metres square of Net Floor Area

Residential – Apartment Building 1.5 spaces per Dwelling Unit

Residential – Single Detached Dwelling, 2 spaces per Dwelling Unit (attached Private Garage may

Semi-Detached Dwelling, Townhouse count as 1 space)

Residential – Single Attached Cluster 1 space per Dwelling Unit

(11) LANDSCAPING REQUIREMENTS

- (a) One tree shall be planted not less than every 18 metres (maximum) on both sides of all Streets. Exact tree location with the Street cross section shall be determined by the City prior to final development approval being issued.
- (b) Landscaping and Screening shall be provided as identified on the attached schedules (Appendix PMD1) and in accordance with Section 7.6 Landscaping and Screening.

(12) THE FOLLOWING DOCUMENTS SHALL FORM PART OF THE ZONE REQUIREMENTS AND DEVELOPMENT REGULATIONS FOR THE PLANNED MIXED DEVELOPMENT 1 ZONE (APPENDIX PMD1):

- (a) Design Plan
- (b) Galway Land Use Plan (December 2019)
- (c) Galway Road Cross Sections/Transportation Plan (December 2019)
- (d) Parkland and Pedestrian Trail Plan (December 2019)

PLANNED MIXED DEVELOPMENT ZONE 2 (PMD2)

(Galway Planned Community Phase 2)

(1) PERMITTED USES

Residential:

Accessory Building

Accessory Building (Subject to Section 8.3.6)

Apartment Building

Community Garden

Home Office (Subject to Section 7.9)

Home Occupation (Subject to Section 7.8)

Semi-Detached Dwelling

Single Detached Dwelling

Stacked Townhouse

Townhousing

Townhouse Cluster

Other:

Park

Public Use

Public Utility

(2) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR SINGLE DETACHED DWELLING

(a) Lot Area (minimum)

335 metres square

(b) Lot Frontage (minimum)

11 metres

(c) Building Line (minimum)

7.5 metres

(d) Side Yards (minimum)

1.2 metres and 1.2 metres

(e) Rear Yard (minimum)

6 metres

(f) Side Yard on Flanking Road (minimum)

6 metres

(g) Building Height (maximum)

12.2 metres

(h) Lot Coverage (maximum)

45%

(3) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR SEMI-DETACHED DWELLING

(a) Lot Area (minimum) 164 metres square per Dwelling Unit

(b) Lot Frontage (minimum) 6 metres per Dwelling Unit

(c) Building Line (minimum) 7.5 metres

(d) Side Yards (minimum) 1.8 metres and 0 metres on the common lot line

(e) Rear Yard (minimum) 6 metres

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Building Height (maximum) 12.2 metres

(h) Lot Coverage (maximum) 45%

(4) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR TOWNHOUSE

(a) Lot Area (minimum) 164 metres square per Dwelling Unit

(b) Lot Frontage (minimum) 6 metres per Dwelling Unit

(c) Building Line (minimum) 7.5 metres

(d) Side Yard (minimum) One of 1.8 metres

(e) Rear Yard (minimum) 6 metres

(f) Side Yard on Flanking Road (minimum) 6 metres

(g) Building Height (maximum) 12.2 metres

(5) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR TOWNHOUSE CLUSTER

- (a) Lot Area (minimum) 554 metres square
- (b) Lot Frontage (minimum) 18.2 metres
- (c) Building Line (minimum) 7.5 metres
- (d) Rear Yard (minimum) 6 metres as oriented from the Public Street
- (e) Side Yard (minimum) 4.5 metres as oriented from the Public Street
- (f) Side Yard for End Unit (minimum) 1.8 metres
- (g) Building Height (maximum) 12.2 metres
- (h) Lot Coverage (maximum) 45%

(6) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR STACKED TOWNHOUSE

- (a) Lot Area (minimum) 182 metres square per Building
- (b) Lot Frontage (minimum) 12 metres per Building
- (c) Building Line (minimum) 7.5 metres
- (d) Rear Yard (minimum) 6 metres
- (e) Side Yard (minimum) 2.4 metres
- (f) Side Yard on Flanking Road (minimum) 6 metres
- (g) Building Height (maximum) 12.2 metres
- (h) Lot Coverage (maximum) 45%

(7) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR APARTMENT BUILDING

(a) Lot Area (minimum) 554 metres square

(b) Lot Frontage (minimum) 18.2 metres

(c) Building Line (minimum) 4.5 metres

(d) Rear Yard (minimum) 6 metres

(e) Side Yard (minimum) 1 metre per storey

(f) Building Height (maximum) 7 Storeys

(g) Lot Coverage (maximum) 50%

(h) Density (maximum) 60 Dwelling Units per Building

(8) ZONE STANDARDS (SUBJECT TO SECTION 8.7 – SNOW STORAGE) FOR COMMERCIAL USE

(a) Lot Area (minimum) 277 metres square

(b) Lot Frontage (minimum) 9 metres

(c) Building Line (minimum) 0 metres

(d) Side Yard (minimum) 4.5 metres

(e) Rear Yard (minimum) 4.5 metres

(f) Side Yard on Flanking Road (minimum) 4.5 metres

(g) Building Height (maximum) 2 Storeys

(9) OFF STREET PARKING REQUIREMENTS

Notwithstanding Section 9, the following off-street parking requirements shall apply:

Type/Nature of Building Minimum Required Parking

Residential – Apartment Building 1.5 spaces per Dwelling Unit

Residential – Single Detached Dwelling, 2 spaces per Dwelling Unit (attached Private Garage may

Semi-Detached Dwelling, Townhouse count as 1 space)

Residential – Stacked Townhouse 1 space per Dwelling Unit

(10) LANDSCAPING REQUIREMENTS

(a) One tree shall be planted not less than every 18 metres (maximum) on both sides of all Streets. Exact tree location within the Street cross section shall be determined by the City prior to final development approval being issued.

(b) Landscaping and Screening shall be provided as identified on the attached schedules (Appendix PDM2) and in accordance with Section 8.5 Landscaping and Screening.

(11) THE FOLLOWING DOCUMENTS SHALL FORM PART OF THE ZONE REQUIREMENTS AND DEVELOPMENT REGULATIONS FOR THE PLANNED MIXED DEVELOPMENT 2 ZONE (APPENDIX PMD2):

(a) Galway Concept Plan (May 2015)

Appendix A

This is an official version.

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Important Information

(Includes details about the availability of printed and electronic versions of the Statutes.)

Table of Regulations

Main Site

How current is this regulation?

NEWFOUNDLAND AND LABRADOR REGULATION 3/01

Development Regulations under the Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

Under the authority of section 36 of the Urban and Rural Planning Act, 2000, I make the following regulations.

Dated at St. Johns, January 2, 2001.

Joan Marie Aylward Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

- 1. Short title
- 2. Definitions
- 3. Application
- 4. Interpretation
- 5. Notice of right to appeal
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- 7. Appeal registration
- 8. Development prohibited
- 9. Hearing notice and meetings
- 10. Hearing of evidence
- 11. Board decision
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- 13. Notice of variance
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- 15. Notice and hearings on change of use

- 16. Non-conformance with standards
- 17. Discontinuance of non-conforming use
- 18. Delegation of powers
- 19. Commencement

Short title

1. These regulations may be cited as the Development Regulations.

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Definitions

- 2. In these regulations,
 - (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act*, 2000;
 - (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
 - (c) "authority" means a council, authorized administrator or regional authority; and
 - (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

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Application

- **3.** (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.
- (2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.
- (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

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Interpretation

- **4.** (1) In development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section
 - (a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;
 - (b) "accessory building" includes
 - (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building 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,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and

- (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authoritys development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not .listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authoritys development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;

- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authoritys regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authoritys regulations.
- (2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authoritys regulations as discretionary, permitted or prohibited uses for that area.

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Notice of right to appeal

- **5.** Where an authority makes a decision that may be appealed under section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the
 - (a) persons right to appeal the decision to the board;
 - (b) time by which an appeal is to be made;
 - (c) right of other interested persons to appeal the decision; and
 - (d) manner of making an appeal and the address for the filing of the appeal.

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Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. Johns, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

- (2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. Johns appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.
- (3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

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Appeal registration

- 7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

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Development prohibited

- **8.** (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.
 - (2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

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Hearing notice and meetings

- **9.** (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
 - (2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

- 10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
 - (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

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Board decision

11. A decision of the board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.

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Variances

- 12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authoritys opinion, compliance with the development standards would prejudice the proper development of the land, building or structure in question or would be contrary to public interest.
- (2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
- (3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

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Notice of variance

13. Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

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Residential non conformity

14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

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Notice and hearings on change of use

15. Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicants expense, shall publish a notice in a

newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

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Non-conformance with standards

16. Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.

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Discontinuance of non-conforming use

17. An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.

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Delegation of powers

18. An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

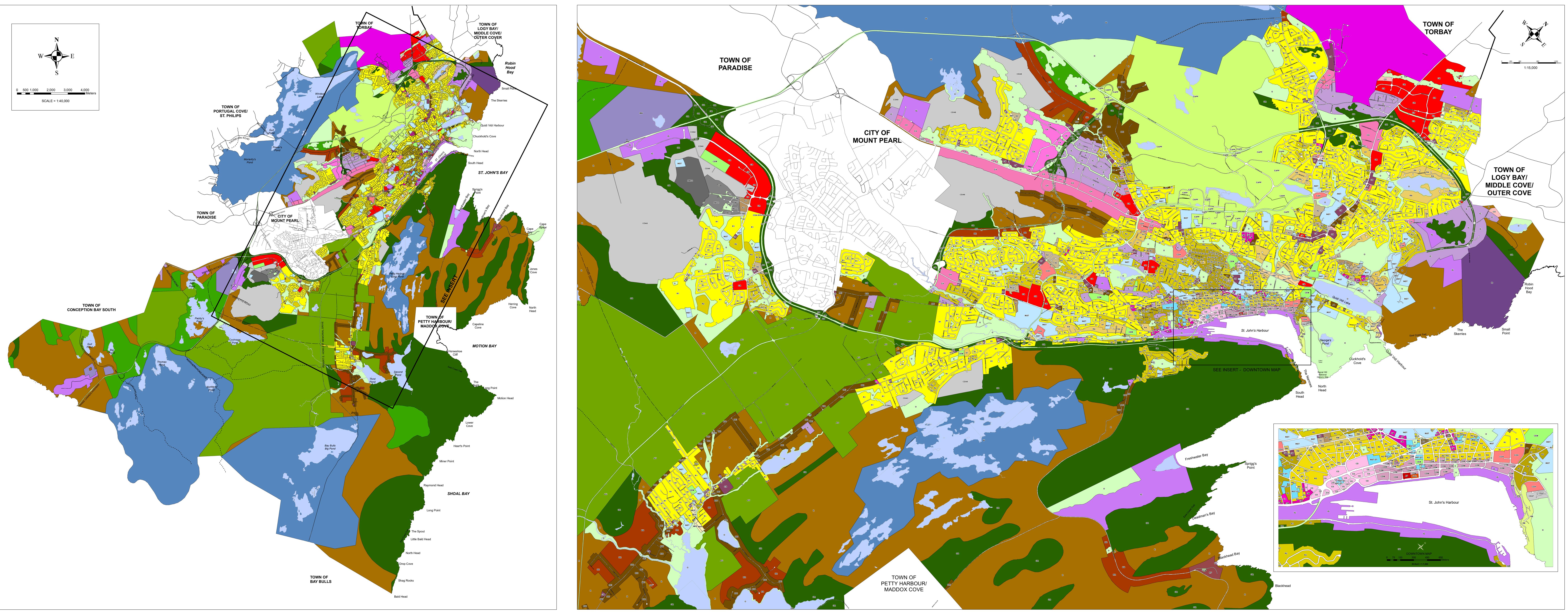
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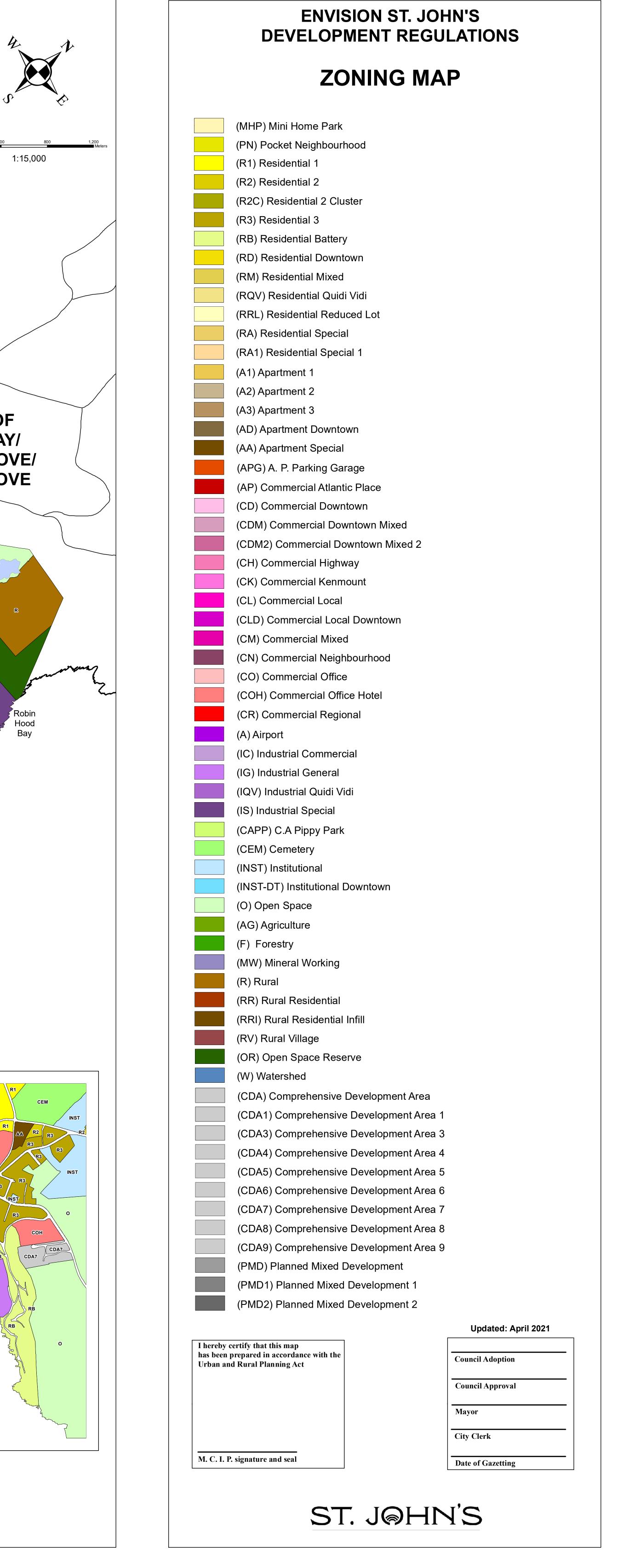
Commencement

19. These regulations shall be considered to have come into force on January 1, 2001.

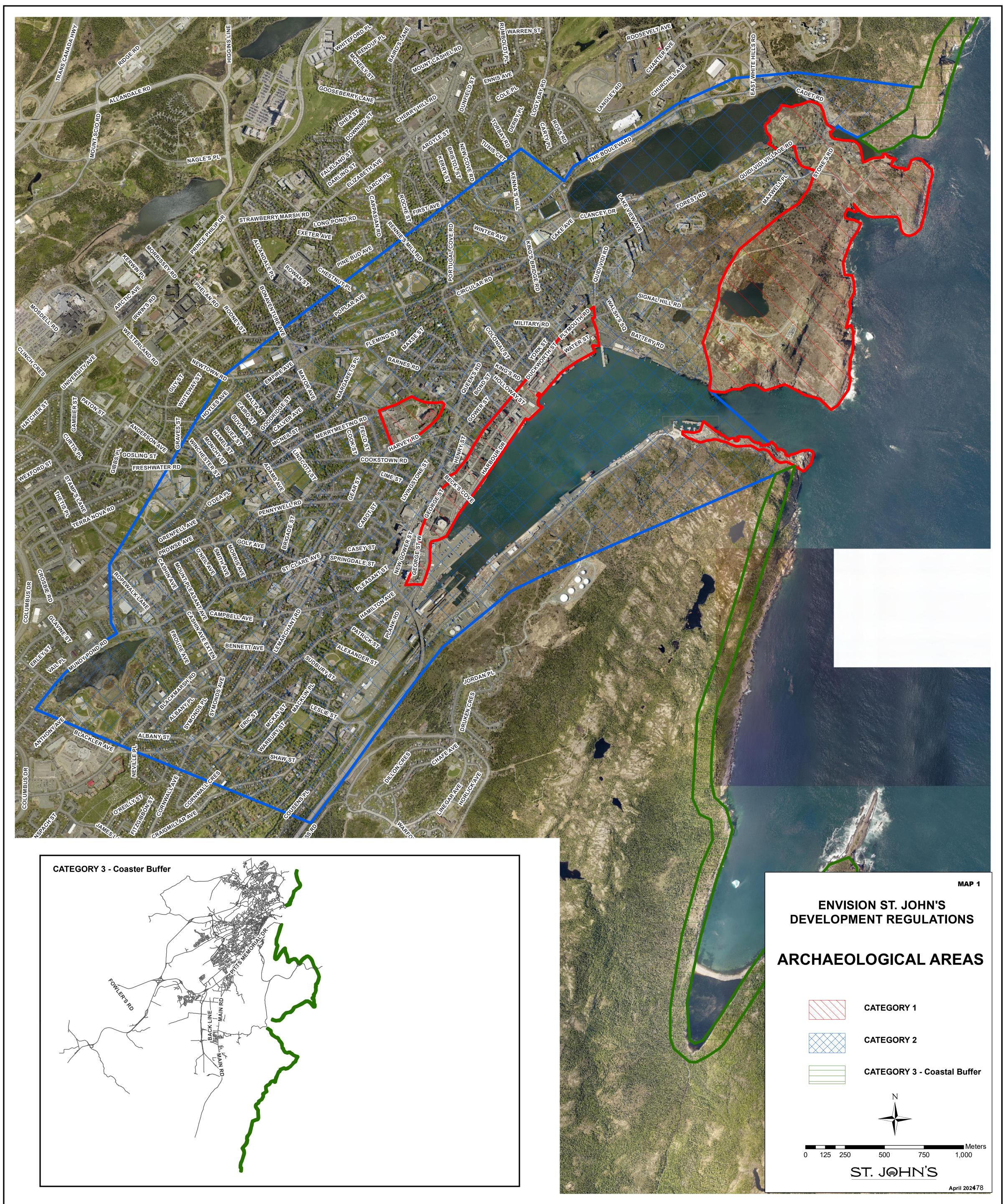
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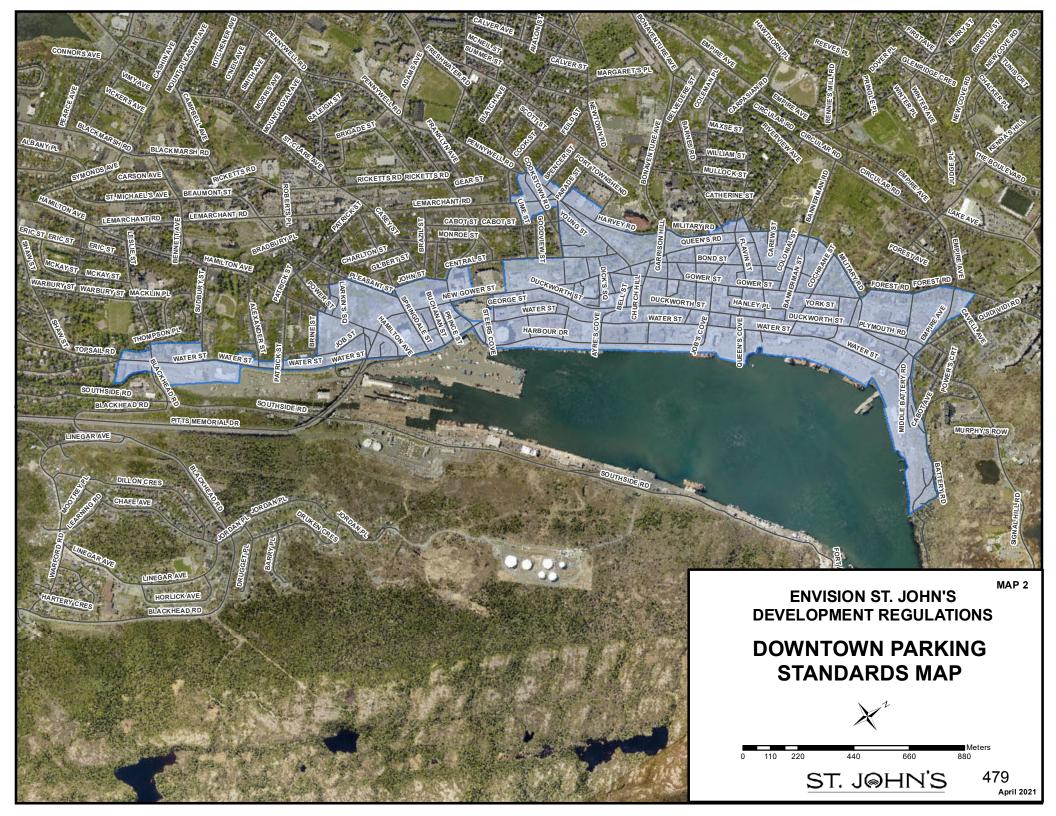
Appendix B

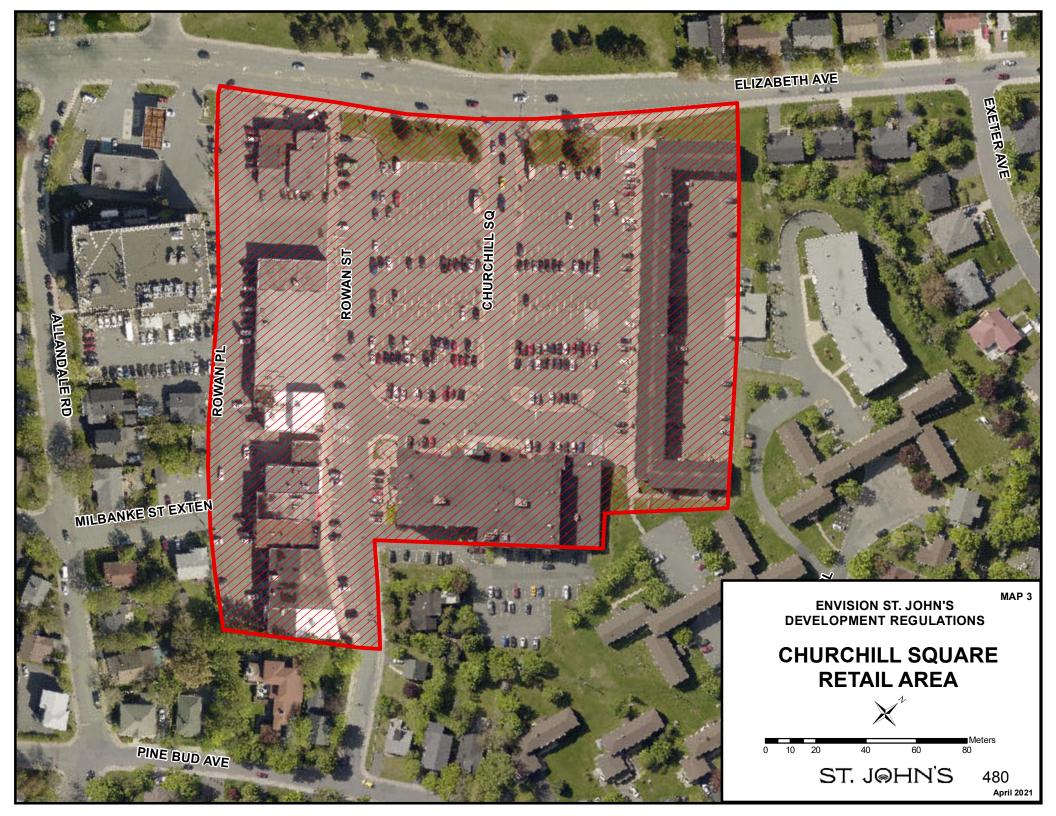


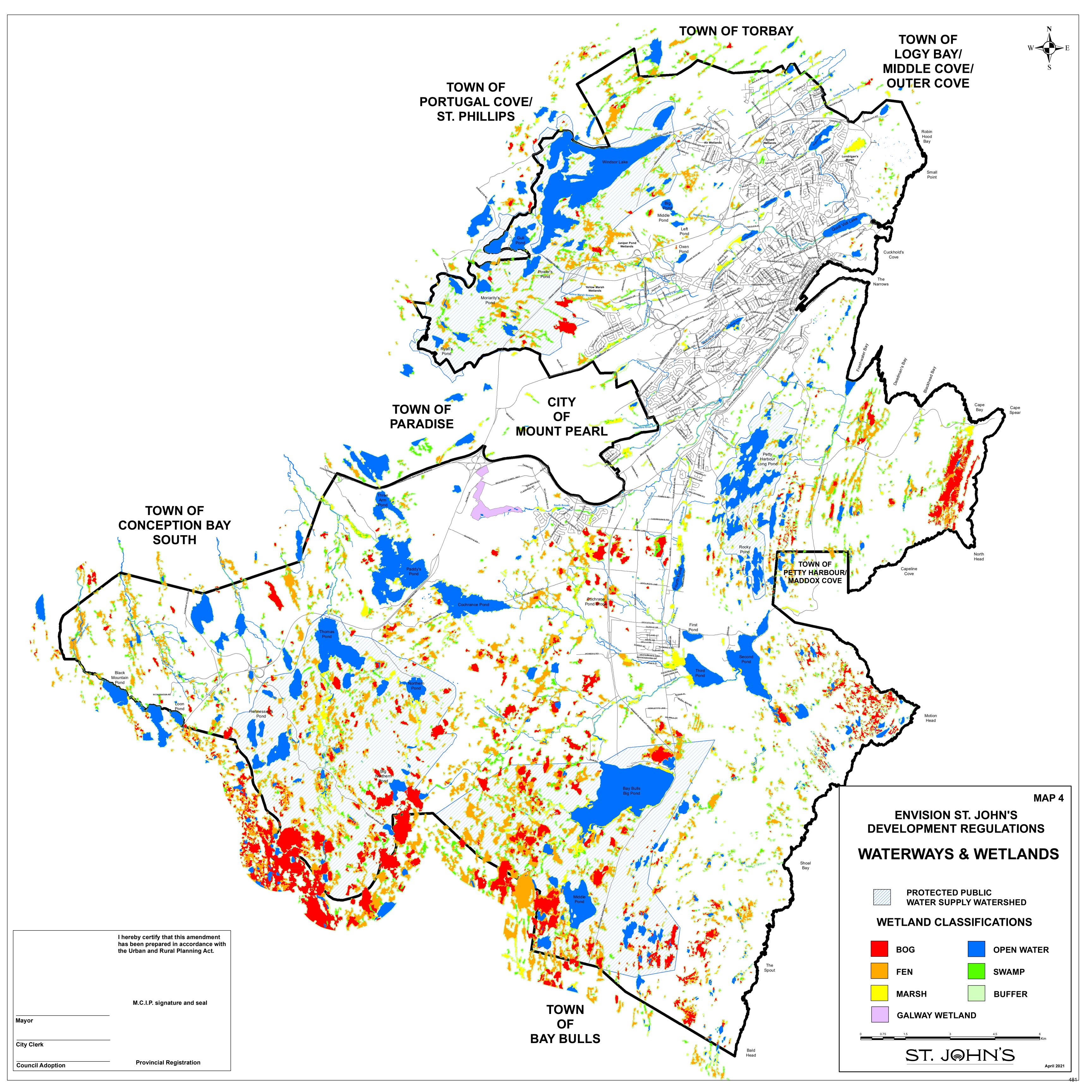


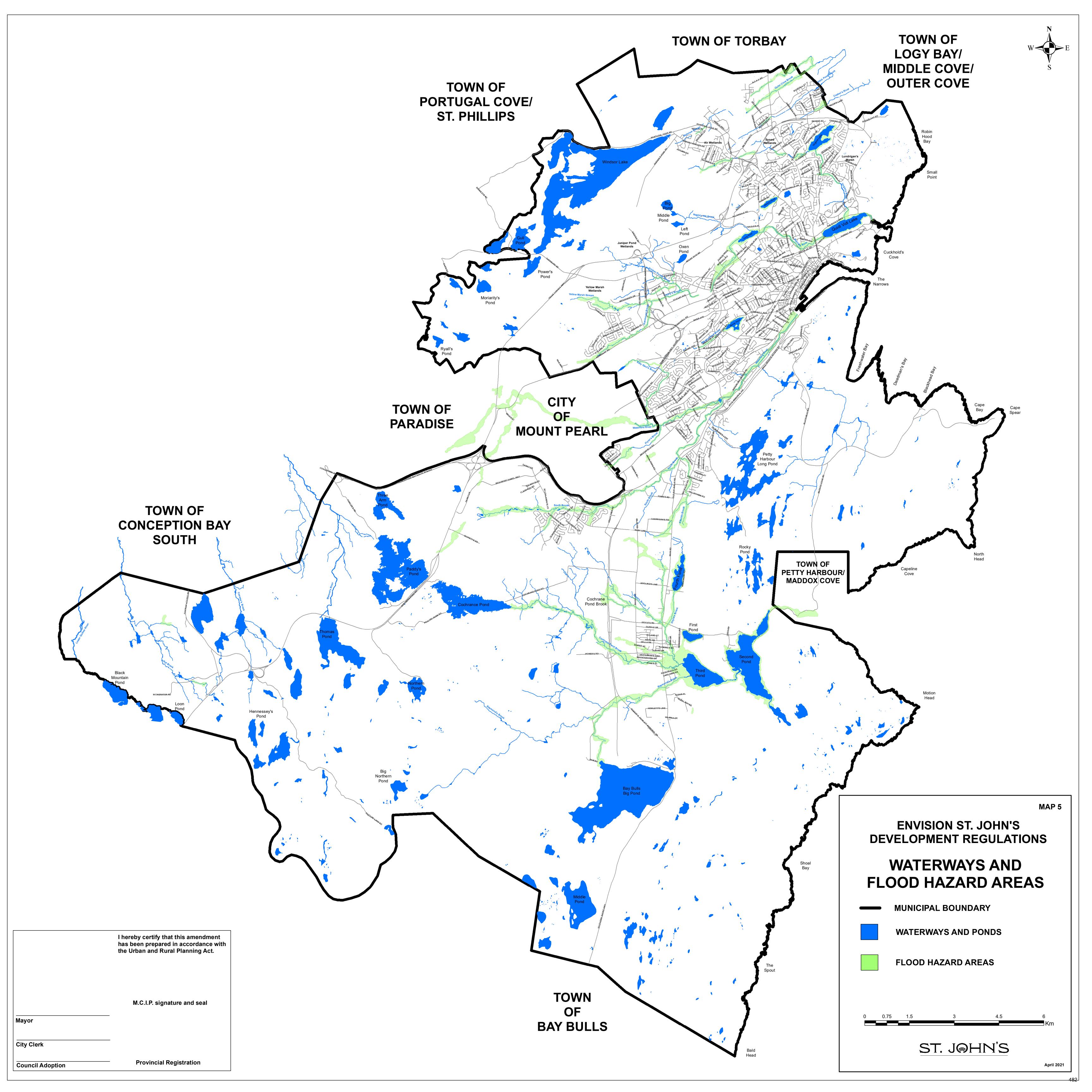
Appendix C

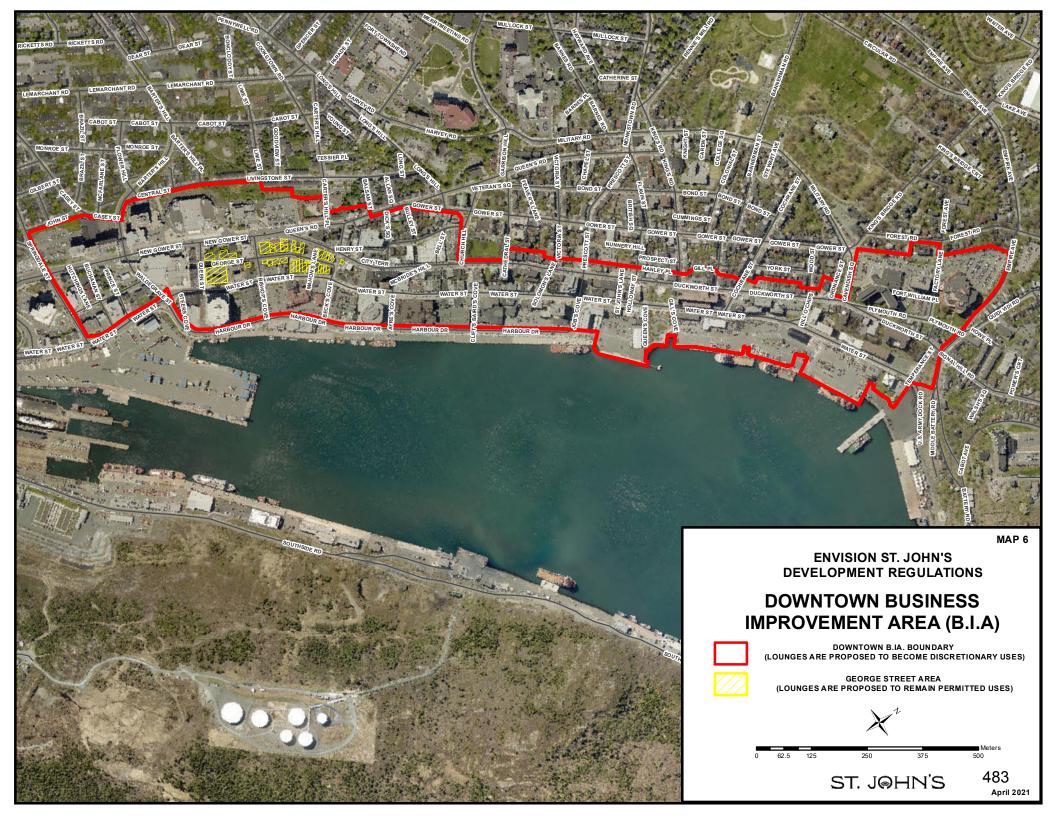


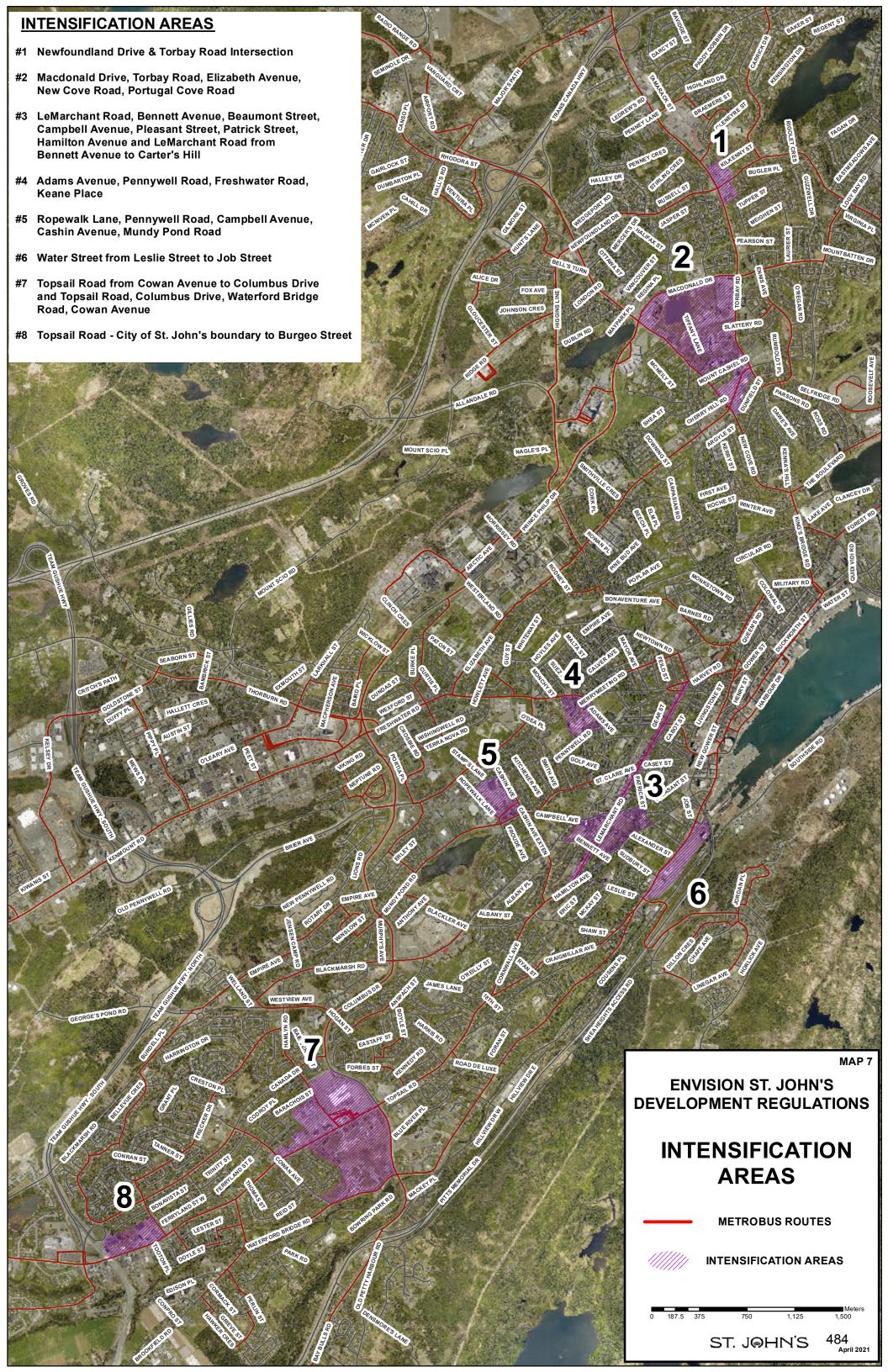


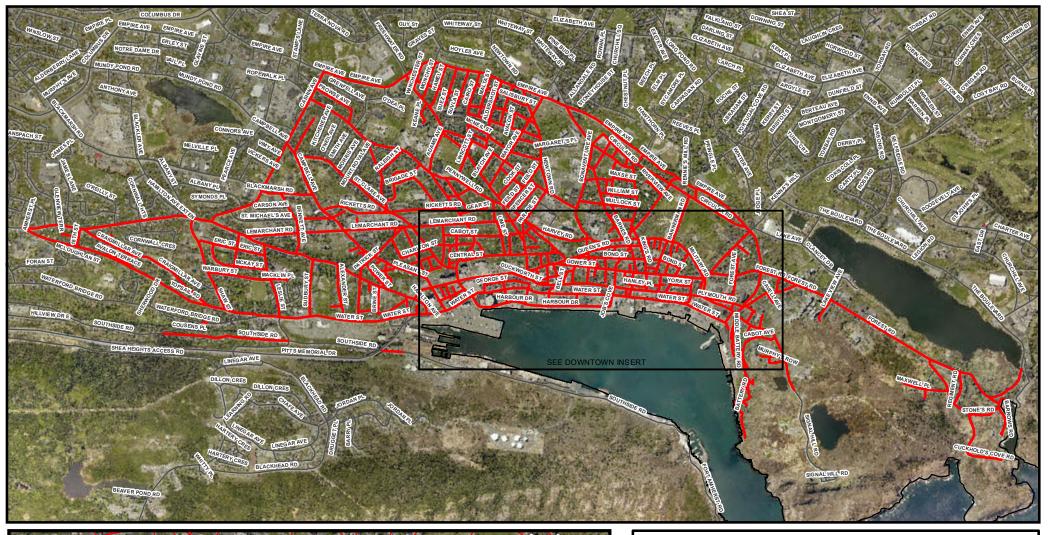


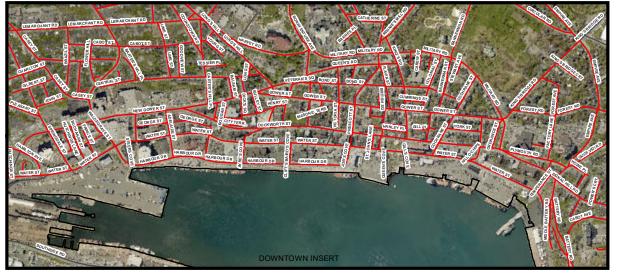




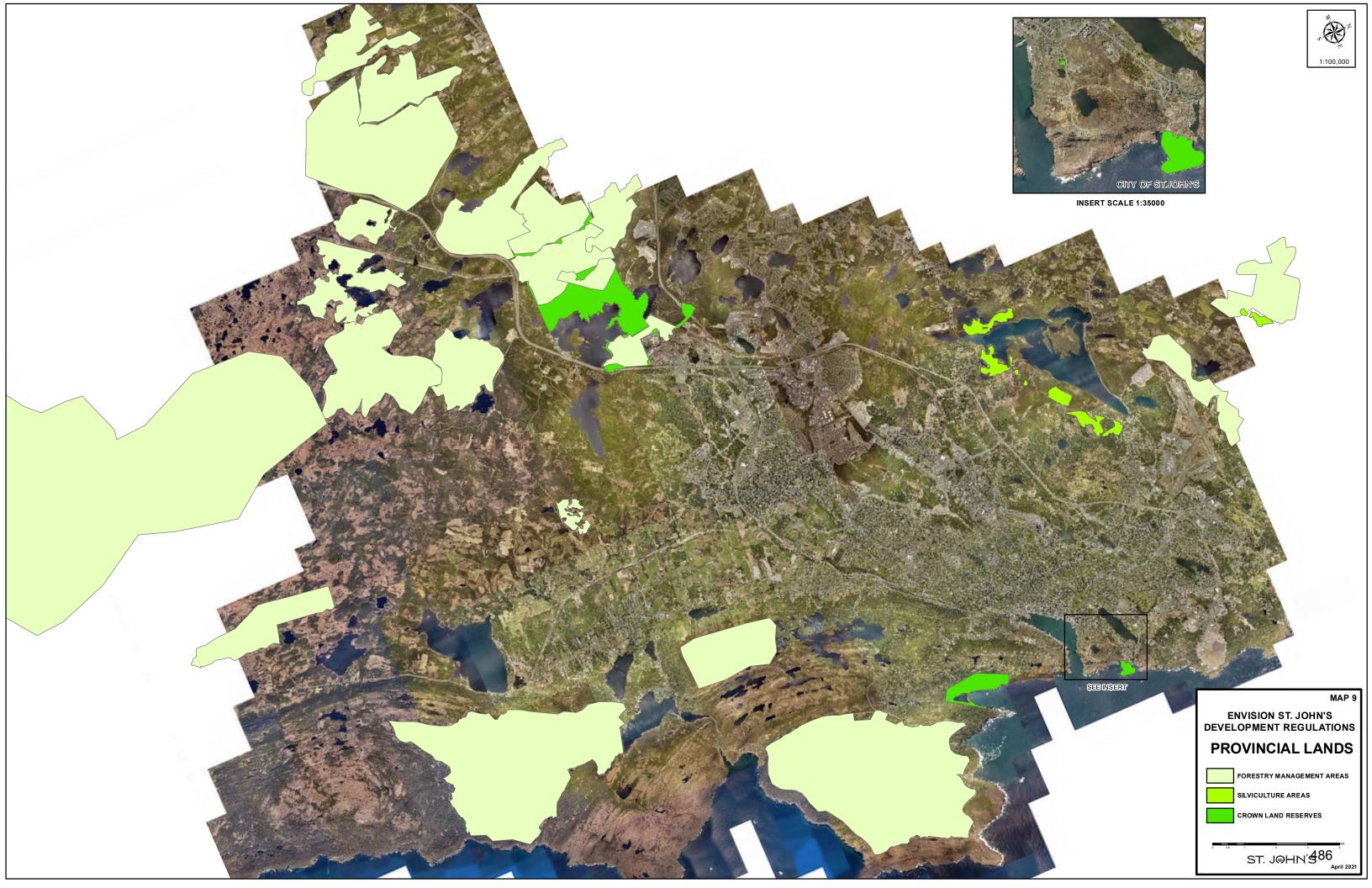








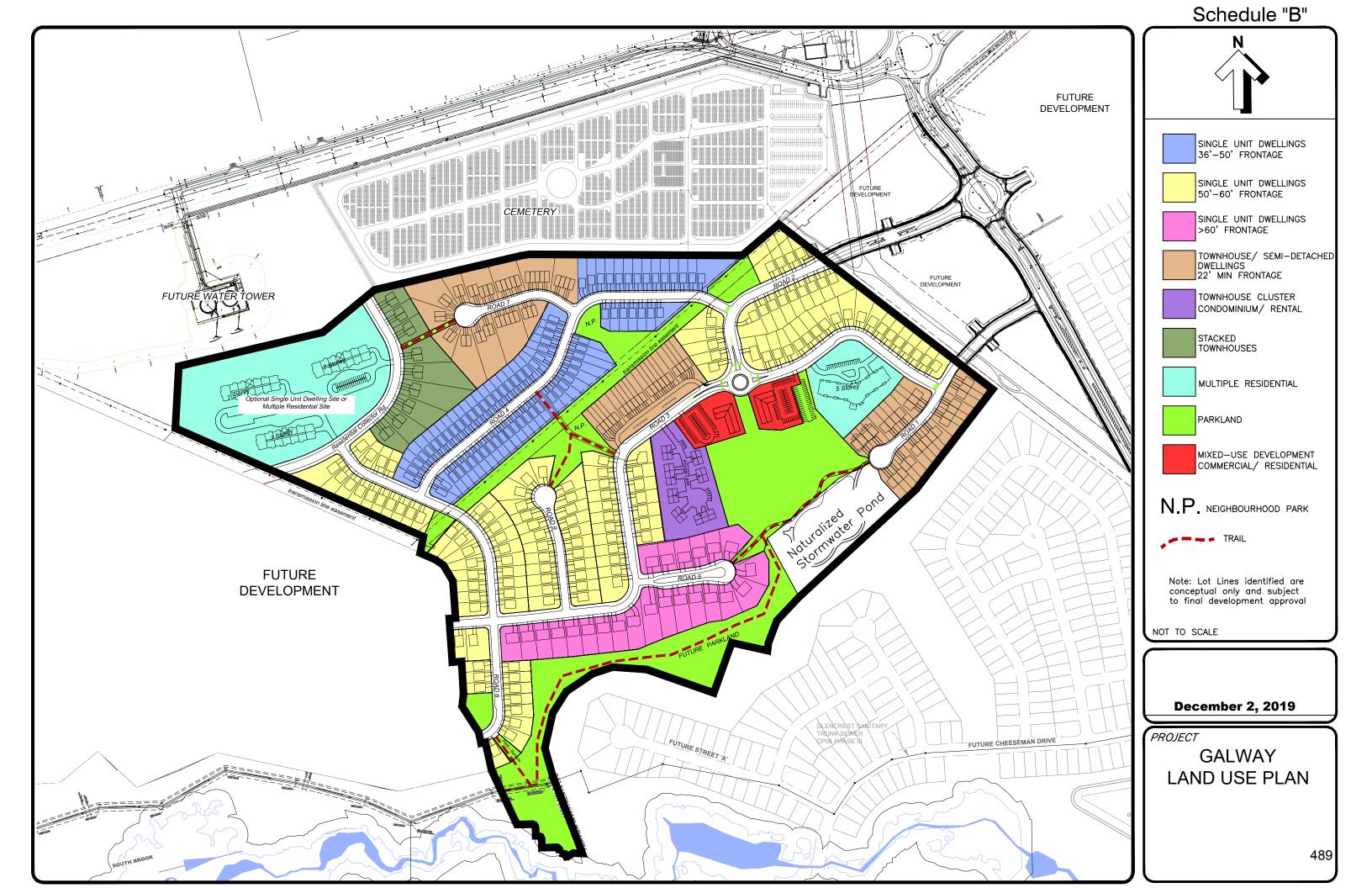


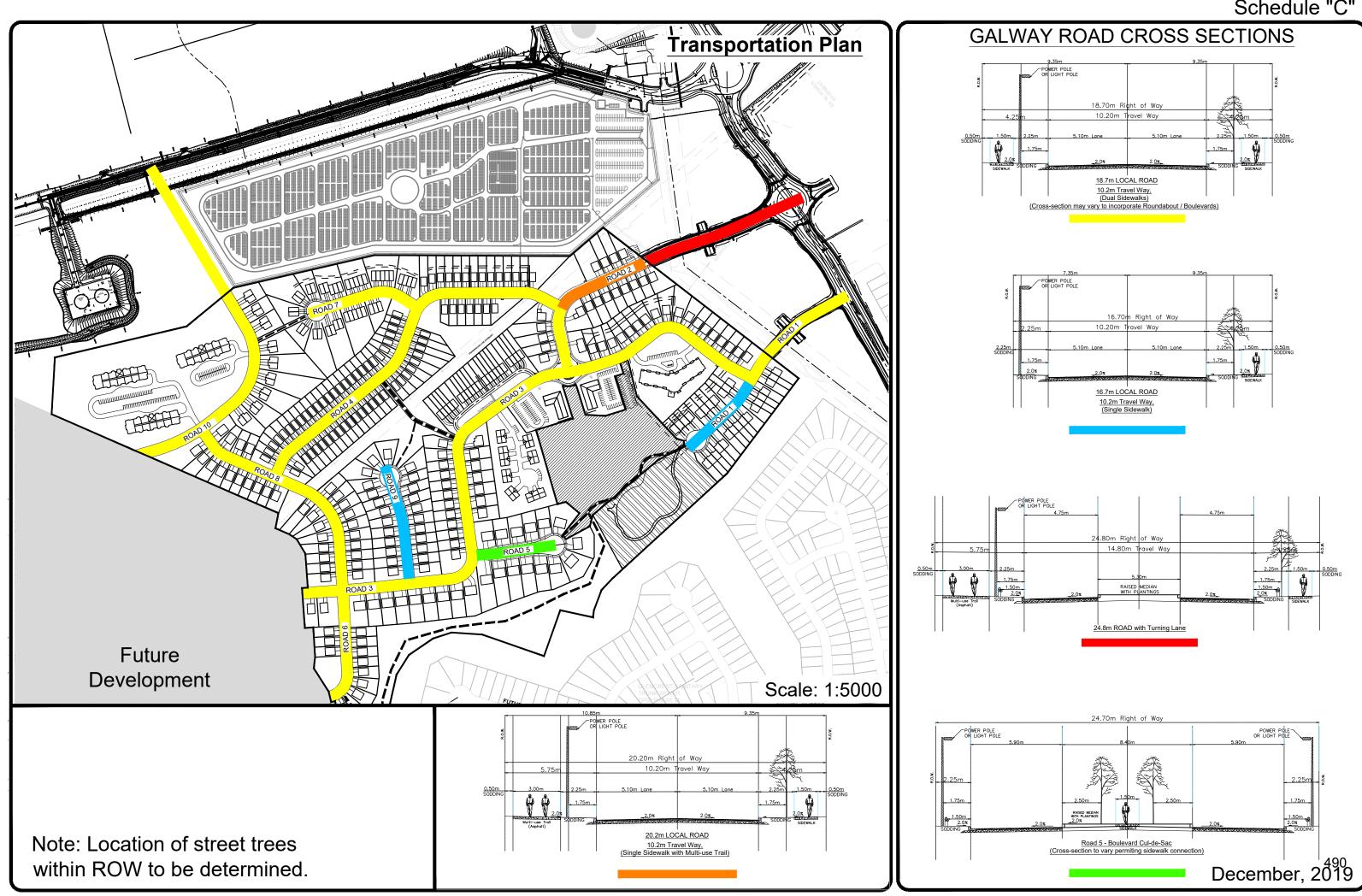


Appendix D

Schedule "A"









DECISION/DIRECTION NOTE

Title: Residential Driveways in Floodplain – Adoption – REZ2000011

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: N/A

Decision/Direction Required:

That Council adopt the attached resolution for St. John's Development Regulations Amendment 720, 2021, to allow the development of driveways in a floodplain under certain conditions where the grade of the land would not be changed.

Discussion – Background and Current Status:

The City has received an application to develop a single detached dwelling at 42-44 Fourth Pond Road. The property contains a house and would be subdivided to create a second lot for the new house. Much of the proposed new lot is in the floodplain and the floodplain buffer of Fourth Pond. While the new house would be built outside the floodplain and buffer, the driveway would have to cross the floodplain and buffer to reach the new house.

This application has prompted review of Section 11.2.4 of the St. John's Development Regulations, which sets out conditions for development within lands adjoining bodies of water and flood hazard areas. Under the current regulations, a driveway is not be permitted within a floodplain. The City will also review the draft Envision St. John's Development Regulations.

The application raised concerns about allowing a driveway in a floodplain; this could change the flow of flood waters and cause flooding on properties that might not flood otherwise. Allowing a driveway might change the floodplain. The greater the change in the landscape, the greater potential change in flooding. As well, allowing a driveway in a floodplain may pose a risk to life and safety for people using the driveway, depending on the flood conditions.

While these concerns still exist, we recognize that there are some situations where a driveway could be considered. Development Engineering staff support the attached amendment to add driveways in a floodplain at the discretion of Council. Staff would only recommend approval of a driveway in a floodplain if the grade of the property is not changed for the driveway. The final decision would rest with Council. Given the staff review that is required for such applications, staff recommend that individual driveways would not need to be reviewed by the City's Environment and Sustainability Experts Panel (ESEP). The proposed amendment also incorporates some of the wording from the draft Envision Development Regulations, adding wharves and stages and substituting "trails" instead of "recreational travel".



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At its regular meeting of April 5, 2021 Council decided to consider the amendment, advertise it for public review and refer the amendment to the ESEP. The proposed amendment was advertised three times in *The Telegram* newspaper and was posted on the City's website. The amendment would apply city-wide, but where it was prompted by the application at 42-44 Fourth Pond Road, property owners within 150 metres of that site were notified. No written submissions were received by the City Clerk.

The ESEP offer the following: "The ESEP agrees with the proposed approach as long as:

- 1. clarification provided to the ESEP is provided in a Decision Note to Council;
- 2. these applications are referred to Council for consideration before approval;
- 3. applications would be treated as per other floodplain applications and be reviewed by Council; if Council determines it necessary, they can be referred to the ESEP;
- 4. that the City ensures there are relevant regulations controlling the specifications of the driveways to minimize its footprint and runoff;
- 5. additionally, consideration could be given to permeable materials such as pavers."

Here is the clarification referred to in point 1 above:

- The Envision Development Regulations refer to a "floodplain", while the current Development Regulations use "100-year high water mark". These mean the same thing.
- The April 2019 version of Envision will be updated to reflect Council's decision on driveways in a floodplain.
- Driveways in a floodplain or a floodplain buffer would be at the discretion of Council, but the grading policy (no change in grade) would apply only to driveways in a floodplain.
- Staff procedures will accommodate reviews of driveway applications, therefore further detail is not needed in the Development Regulations.
- Wharves, stages and trails would not have the requirement for the grade to remain unchanged, but they would all require Council's approval.

With respect to 42-44 Fourth Pond Road, should Council proceed with the proposed amendment, the applicant would be required to provide information showing that the installation of a driveway and culvert would not alter the existing grade. If those conditions can be met, the application would be brought to Council at the development stage for a decision.

Should Council adopt the amendment, it will be forwarded to the NL Department of Municipal and Provincial Affairs for registration. No commissioner's public hearing is required.

Key Considerations/Implications:

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Neighbouring residents and property owners.
- 3. Alignment with Strategic Directions/Adopted Plans: St. John's Strategic Plan 2019-2029 A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.

- 4. Legal or Policy Implications: A text amendment to the St. John's Development Regulations is required.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: The application and proposed amendment has already been advertised.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

Recommendation:

That Council adopt St. John's Development Regulations Amendment Number 720, 2021, which will allow the development of driveways in a floodplain under certain conditions where the grade of the land would not be changed.

Prepared by: Ann-Marie Cashin, MCIP, Planner III – Urban Design & Heritage Approved by: Ken O'Brien, MCIP, Chief Municipal Planner

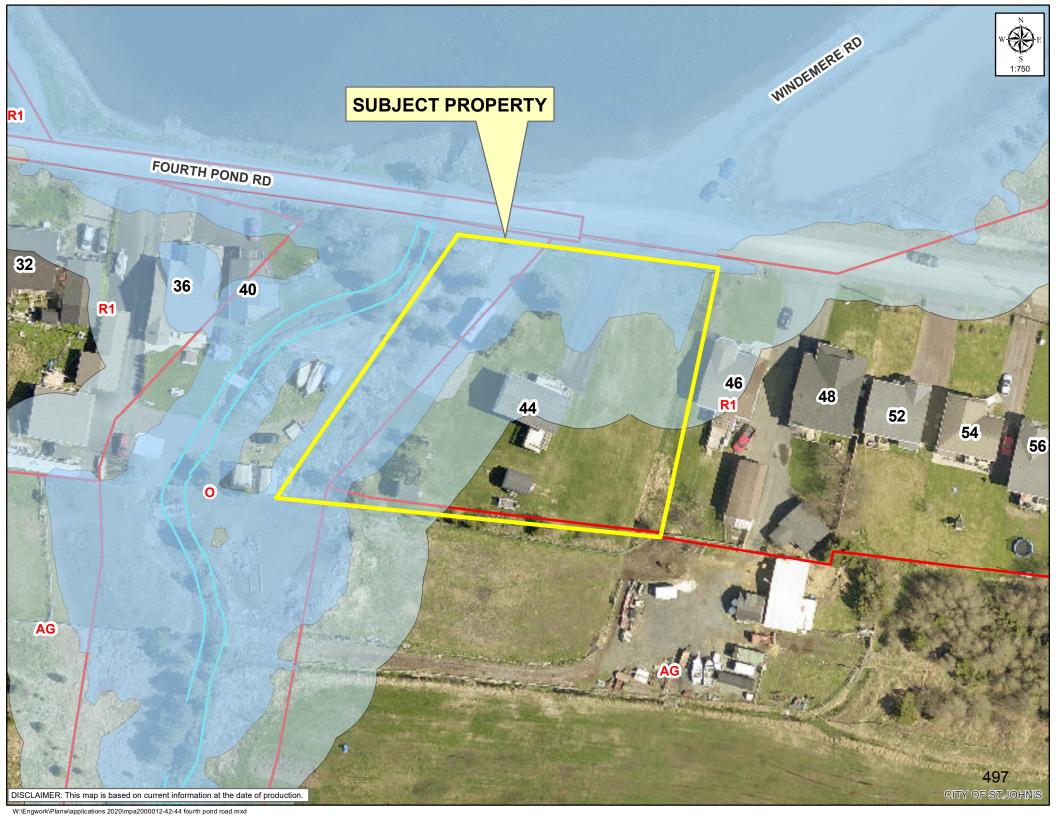
Report Approval Details

Document Title:	Residential Driveways in Floodplain - Adoption - REZ2000011.docx
Attachments:	- Residential Driveways in Floodplains - Adoption Attachment.pdf
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Ken O'Brien - Apr 28, 2021 - 4:33 PM

Jason Sinyard - Apr 29, 2021 - 11:04 AM



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF ST. JOHN'S Development Regulations, 1994

Amendment Number 720, 2021

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 720, 2021.

Adopted by the City	Council of St. John's on the 3rd day of	May, 2021.
Signed and sealed t	his day of	
		Town Seal
Mayor:		
Clerk:		
Canadian Institute	of Planners Certification	
I certify that the a	ttached City of St. John's Developme	ent Regulations Amendment
Number 720, 2021 hand Rural Planning	has been prepared in accordance with t Act. 2000.	the requirements of the <i>Urban</i>
MCIP/FCIP:		
MOIF/FOIF.		MCIP/FCIP Stamp

CITY OF ST. JOHN'S

Development Regulations Number 720, 2021

BACKGROUND

The City of St. John's wishes to allow a driveways, wharves and stages within the 100 year high water mark of designated bodies of water. See attached Council Decision Note dated April 28, 2021 for Background Information on this amendment.

PUBLIC CONSULTATION

The proposed amendment was advertised on three occasions in The Telegram newspaper on April 10, April 17 and April 24, 2021. A notice of the amendment was also mailed to property owners within 150 metres of 42-44 Fourth Pond Road and posted on the City's website and social media.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 720, 2021 The City of St. John's Development Regulations is amended by:

- 1) Repealing Section 11.2.4 Development within Lands Adjoining Bodies of Water and Flood Hazard Areas and substituting the following:
- 11.2.4 Development within Lands Adjoining Bodies of Water and Flood Hazard Areas
- (1) Except as provided in subsections (2), (2.1) and (2.2) herein, the following lands shall not be developed:
 - a. all lands adjoining ponds, wetlands, rivers, or major tributaries of rivers designated under Sections 11.2.1, 11.2.2 and 11.2.3, to a distance of not less than 15 metres beyond the 100 year high water mark of these bodies of water:
 - any lands within Flood Hazard Areas or any Flood Risk Areas as identified by the Department of Environment and Lands, and/or identified on Map J-2 of these Regulations.
- (2) In the discretion of Council, the following Development may be permitted within the 15 metre buffer of the 100 year high water mark of designated bodies of water for the following purposes:
 - public works and infrastructure;
 - Public Utility;
 - services associated with a private Development;
 - protection of areas of physical instability;
 - flood control purposes:
 - protection of ecologically valuable areas;
 - trails:

- landscaping;
- construction of residential patios, residential fencing, and residential accessory buildings;
- construction of stormwater detention facilities;
- wharves and stages; and
- driveways.
- (2.1) Council may permit a food bank building in the flood plain of the Waterford River behind the Corpus Christi Church on Waterford Bridge Road.
- (2.2) In the discretion of Council, the following Development may be permitted within the 100 year high water mark of designated bodies of water for the following purposes:
 - public works and infrastructure;
 - Public Utility;
 - protection of areas of geological instability;
 - flood control purposes;
 - trails;
 - landscaping;
 - construction of storm water detention infrastructure;
 - · wharves and stages; and
 - driveways.
- (3) Prior to approval being given for a Development enumerated in subsection (2) herein the advice of the Environmental Advisory Committee shall be obtained, except in the case of the construction of residential patios, residential fencing, residential accessory buildings and residential driveways.
- (4) Council may require a Conservation Plan to be prepared for any proposed Development within the 100 year high water mark of designated bodies of water or the 15 metre buffer of the 100 year high water mark of designated bodies of water.
- (5) Notwithstanding the foregoing, Council may permit the paving of gravel parking lots existing as of December 31, 2011 that are located within flood plains of watercourses.
- (6) Notwithstanding the foregoing, Council may permit above-ground stormwater detention facilities to be located within any floodplain and/or buffer of a watercourse or wetland. Excavation will not be permitted within a floodplain, wetland, or buffer to facilitate stormwater detention and there shall be minimal disruption to the area that will detain the stormwater.
- (7) Council may permit an expansion to the Feildian Grounds change rooms at Portugal Cove Road, located in the flood plain of the Rennie's River, provided the expansion is constructed above the 100-year flood elevation.

DECISION/DIRECTION NOTE

Title: Mobile Vendors Association of Newfoundland – Downtown

Pedestrian Mall Proposal

Date Prepared: April 28, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Debbie Hanlon, Tourism, Culture & Immigration

Ward: N/A

Decision/Direction Required: Council direction on the inclusion of mobile vendors in the Downtown Pedestrian Mall.

Discussion – Background and Current Status: A proposal by the Mobile Vendors Association of Newfoundland (MVAN) was submitted to Council and staff for review and consideration. It was proposed that the City of St. John's permit four mobile vending units within the road closure of the Downtown Pedestrian Mall. These units would be stationed in the financial district of Water Street and would rotate vendors throughout the summer. Although this proposal requires very little from the City of St. John's in terms of logistics/support, the Mobile Vending By-Law, section 8.2 prevents their inclusion as proposed.

 Mobile vending units which require power shall have their own power source, which power source shall be approved by the inspector. The use of generating units and electrical cords is prohibited.

Council has provided direction for staff to include one mobile vending unit within the Downtown Pedestrian Mall, in addition to the current lease holder on Water Street. This unit will be arranged through the MVAN, who will coordinate scheduling of suitable mobile vending units.

Feedback from Downtown businesses regarding the inclusion of Mobile Vending units in the Pedestrian Mall has been mixed. The proposal submitted by MVAN refers to many examples of how mobile vending can benefit the downtown economy and improve the overall atmosphere of the event.

Of the eight mobile vendors interested in participating in the Downtown Pedestrian Mall, only three do not require a generator or electrical hook up - two vendors operate using solar power, and one vendor does not require power. The other mobile vending units require 30 or 50 amps of power, for which there is no current source. After consultation with City electricians, the decorative pole lights within the downtown are not capable to handle such a load.



Since the creation of current by-law, generators have evolved significantly. Current mobile units have built-in or ultra-quiet generators that could potentially be an acceptable solution for future. Research and a potential revision to the current by-law may be considered by Planning, Engineering and Regulatory Services.

Key Considerations/Implications:

- 1. Budget/Financial Implications: N/A
- 2. Partners or Other Stakeholders: MVAN, Downtown Businesses
- 3. Alignment with Strategic Directions/Adopted Plans: N/A
- 4. Legal or Policy Implications: Current Mobile Vending By-Law, prohibits the use of generators or electrical cords.
- 5. Privacy Implications: N/A
- Engagement and Communications Considerations: N/A
- 7. Human Resource Implications: N/A
- 8. Procurement Implications: N/A
- 9. Information Technology Implications: N/A
- 10. Other Implications: N/A

Recommendation:

That Council approve two food mobile vending units and two non-food mobile vending units, which do not require generators or electrical hook ups, within the Downtown Pedestrian Mall. These units would be managed by the Mobile Vending Association of NL. This would be in addition to the current lease holder on Water Street.

Prepared by: Christa Norman, Special Projects Coordinator

Approved by: Jennifer Langmead, Supervisor – Tourism and Events

Report Approval Details

Document Title:	Mobile Vending Association - Downtown Pedestrian Mall.docx
Attachments:	- MVAN proposal Downtown Pedestrian Mall Combined.pdf - MOBILE VENDING IN ST. JOHN'S.pdf
Final Approval Date:	Apr 28, 2021

This report and all of its attachments were approved and signed as outlined below:

Jennifer Langmead - Apr 28, 2021 - 11:54 AM

Tanya Haywood - Apr 28, 2021 - 2:54 PM



The Pedestrian Pod

A proposal to the City of St. John's for the inclusion of a mobile vendor area inside the Downtown Pedestrian Mall

March 12, 2021

His Worship Mayor Danny Breen and the City of St. John's Council;

The Mobile Vendors Association of Newfoundland (MVAN) are seeking their inclusion in the Downtown Pedestrian Mall this summer. We are proposing a Pedestrian Pod of four additional mobile vending spaces in the vicinity of McBrides Hill and Ayres Cove. These sites would be a mix of retail and food businesses. We appreciate the support of Brick and Mortar businesses in the Downtown area. Please see the attached names from businesses that support the proposal.

We eagerly await a response, and we look forward to working together collaboratively in the future.

In Partnership,

Allyson Howse

Chair of MVAN, on behalf of the Mobile Vendors Association of Newfoundland

His Worship Mayor Danny Breen and the City of St. John's Council;

The Mobile Vendors Association of Newfoundland (MVAN) is proposing that the City of St. John's permit four new mobile vending sites inside the footprint of the Downtown Pedestrian Mall. Specifically, we are proposing two options for consideration on Water Street near McBrides Hill and Ayres Cove.

While we sincerely appreciate the inclusion of one space in the current Downtown Pedestrian Mall proposal, to be managed by MVAN, we feel that the project can easily support four spaces. We have received expressions of interest from a multitude of vendors who are eager to have the opportunity to participate. We feel that one space would not adequately meet the needs of our members, and would leave too many vendors out of the gainful project.

We propose a "Pedestrian Pod", one block of Water Street (see appendix 1 for two placement options) with four mobile vending units (not including the existing mobile vending site in front of Scotia Bank). These four sites would be available to MVAN for the duration of the Downtown Pedestrian Mall (July and August). We are proposing to operate in the area of Atlantic Place near McBrides Hill and Ayers Cove. Mobile venders in this area will address a number of critiques from last year's Pilot Project, without negatively affecting any business in the area. Some of these issues include; overflow when restaurants are at capacity, long wait times for customers, the demand for quick food options, and the vacant space inside the mall referred to as "dead space" in the 2021 proposal. We were inspired by food truck pods in Portland(see appendix 2).

MVAN has the capacity to organize and facilitate the Pedestrian Pod in collaboration with our members and we will require very little from the City of St. John's. We operate safe, clean and efficient self-contained mobile vending units. We will follow all applicable City of St. John's by-laws and regulations. We are happy to consult with the businesses in the proposed Pedestrian Pod area and to ensure that we address any concerns that they may have.

We know that multiple stakeholders have asked for our inclusion in the proposal. Our addition will add excitement and variety to an already incredible project. We have garnered a lot of support from brick and mortar establishments inside the footprint in a very short amount of time (see appendix 3).

It is our position that once we receive approval from the City of St. John's, we will address any concerns or potential issues with City Council before the mall opens. As an industry, and as individual businesses, we are able to quickly adapt and pivot. We are confident that we can work with the city of St. John's, our members and local brick and mortar establishments to ensure everyone's success in this project.

In Partnership,

Allyson Howse Chair of MVAN

The Pedestrian Pod

A proposal to the city of St. John's for the inclusion of a mobile vendor area inside the Downtown Pedestrian Mall

Mobile Vendors Association of Newfoundland

mobilevendorsnl@gmail.com mobilevendorsnl.org



MVAN PEDESTRIAN POD PROPOSAL

APPENDIX 1

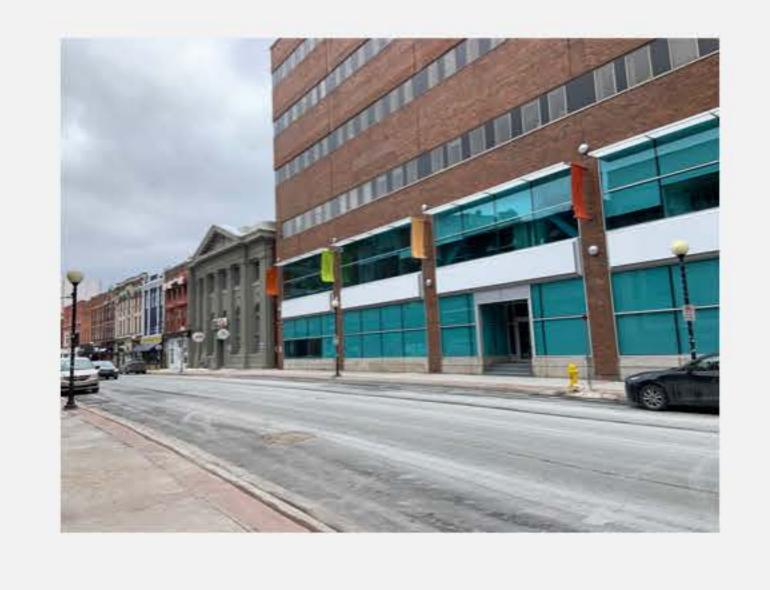








Option 1; two 30 foot vending spaces near Atlantic Place, and two 30 foot vending spaces across Water Street, near the Bank of Montreal and the Royal Bank of Canada.









Option 2; two 30 foot vending spaces near Atlantic Place, and two 30 foot vending spaces behind Ziggy Peelgood's at Scotia Bank.





*Two more spaces which would be adequate: In front of The NLCU and nearby large vacant buildings.

Portland, Oregon is an excellent example of a City with thriving restaurant and food truck industries. Portland has over 200 food trucks and a population of 645,291. In Portland, food carts assemble in pods in multiple areas throughout the City.

https://www.travelportland.com/culture/food-cart-pods/









APPENDIX 3

Establishments who have signed our letter in support of the Pedestrian Pod Proposal this week.

- 1. Blue on Water
- 2. Rocket Bakery
- 3. Bernard Stanley Gastropub
- 4. Freak Lunchbox
- 5. Cojones Restaurante Inc.
- 6. Global Eats, operated by the Association for New Canadians



Cojones Restaurante Inc.

195 Water Street | St John's | NL | A1C 1B4 Tel: 709.754.8226 Email: info@cojones.ca

March 07, 2021

To whom it may concern,

On behalf of Cojones tacos & tequila I would like to express that we are in full agreement with more than one mobile vendor being permitted within the confines of the pedestrian mall. We feel the addition of more mobile vendors would add flare to the pedestrian mall concept while catering to a different clientele than brick and mortar restaurants and help fill the void in the banking area.

Sincerely yours,

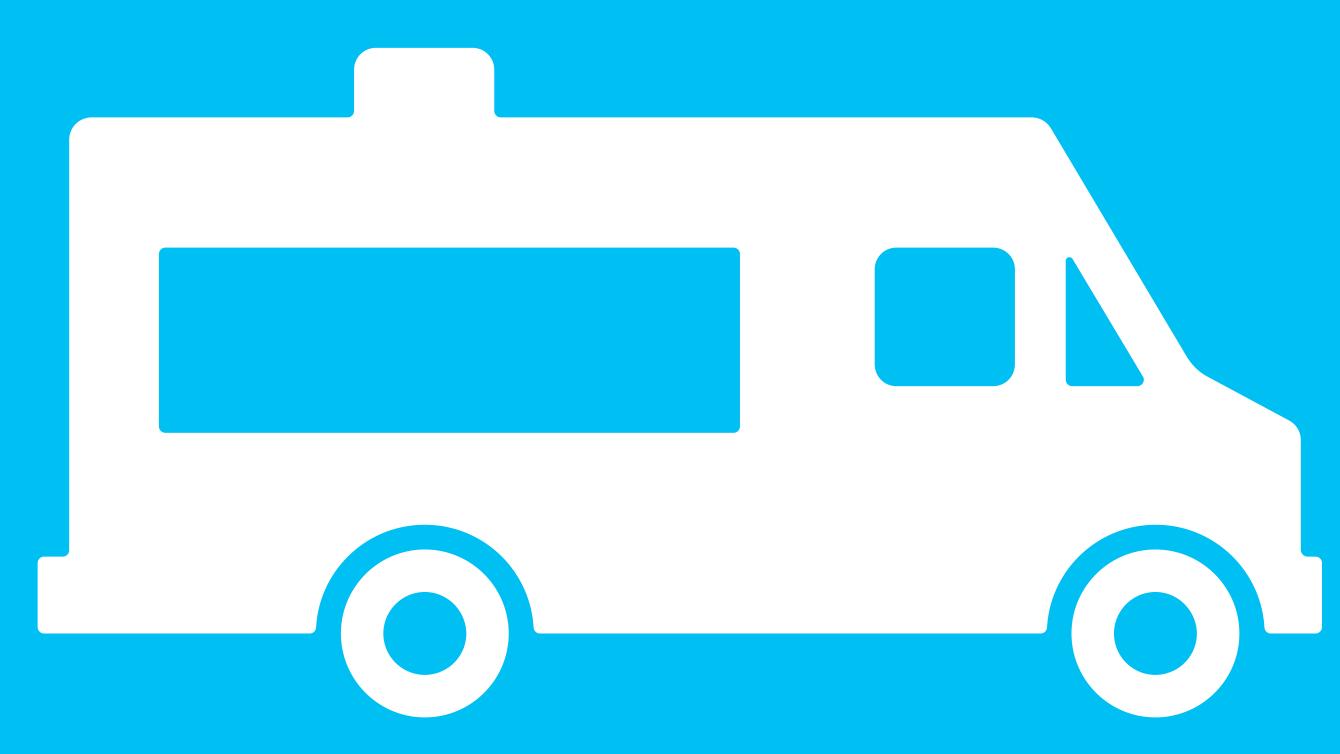
Lorne Loder
Co-owner/ Operator
Cojones Restaurante Inc.

508

MOBILE VENDORS ASSOCIATION OF NL, FEBRUARY 2021

MOBILE VENDING INST. JOHN'S





OVERVIEW

- 1. MOBILE VENDING IN ST. JOHN'S
- 2. MOBILE VENDING IN CANADA
- 3. THE FACTS
- 4. PERSPECTIVE LETTER
- 5. RECOMMENDATIONS TO CITY COUNCIL
- 6. PEDESTRIAN MALLS IN CANADA
- 7. MOBILE VENDORS IN THE PEDESTRIAN MALL
- 8. SOURCES

MOBILE VENDING IN ST. JOHN'S

- ANNUAL LICENSING FEE: bicycles \$100, table sales \$250, push cart/motorized vehicle \$500. TEMPORARY LICENSE FEE: \$250(\$200 refundable deposit) for 1-30 days maximum
- PUBLIC PARKING FEES: Downtown; five designated sites, available only if prior occupant forfeits site. \$3000 plus HST. Harbour Drive; parking meters to be paid at the hourly rate. Churchill Square; one designated site, \$1500 plus HST.
- Not permitted in public parks, public open spaces, residential zones, within 100 metres
 of Mile One, any grade school, or the War Memorial unless specifically permitted by
 Council. Permitted on private land with letter from land owner.
- \$2,000,000.00 automobile liability insurance and \$2,000,000.00 commercial general liability.
- The use of generating units is prohibited downtown.
- There must be two metres between mobile vending units.
- Council may lease additional parking spaces to vendors.

"FOOD TRUCKS ARE A HEALTHY FORM OF COMPETITION"

COMPETITION BUREAU OF CANADA

MOBILE VENDING IN CANADA

- SASKATOON, population 273,010(2017): Mobile vendors cannot be within 20 metres of any business selling a similar product, otherwise any area of the city is permitted. \$2,000,000.00 in liability insurance. The license fee is \$100. No parking fees.
- KELOWNA, population 132,084(2017): \$150 mobile business license fee. Three metres between adjacent vendors. Must be a minimum of three metres from any building. No parking fees.
- MONCTON, population 85, 198(2017): Permits effective May 1-Oct 31. \$750 plus HST, no parking fees. Selection panel considering healthy options and cultural diversity.
 \$2,000,000.00 in general liability insurance. Five different neighbourhoods listed as potential selling sites for food products and more options for vendors not selling food.
- MISSISSAUGA, population 828,854(2017): Licensing fees \$291, no parking fees.
 \$2,000,000.00 general liability insurance. Written consent from the owner of the property where the truck will operate, park permit if applicable, written consent from the Commissioner of Community Services to operate on or near City-owned property.

NOT JUST FOOD TRUCKS ST. JOHN'S HAS MOBILE RETAIL, MOBILE PET GROOMING, AND MOBILE MASSAGE BUSINESSES

THE FACTS

- Mobile vendors contribute to the creation of vibrant urban communities.
- Mobile vendors help to create pedestrian friendly environments. In light of Covid-19 restrictions, and for the safety of the community, the municipality of Fredericton created the Fredericton Al Fresco initiative to support restaurants and mobile vendors while providing safer community based activities for residents. When mobile vendors are present, there are more "eyes on the street".
- Affordable and convenient options. Unlike brick and mortar establishments, mobile vendors cannot offer alcohol, heating, seating, entertainment, full service, or washrooms. They are at the mercy of storage space restrictions, the weather and the seasons. However, they can offer quick, convenient and often affordable options for consumers especially those with small children.
- Mobile vending units are often more accessible for people with mobility aids and can be more sensory-friendly. They offer the ability to practice safer physical distancing than traditional eating establishments as well.

- Mobile vendors can fill the void in areas that are not well serviced by restaurants and retail. Mobile vendors are interested in vending in areas with as little direct competition as possible. For example, it's not in the best interest for a taco truck to operate directly in front of a Mexican restaurant. Mobile vendors are just as interested as traditional establishments are to reduce direct competition and ensure their mutual success.
- Mobile vendors provide positive impacts on other fixed businesses by bringing customers to a particular area. For example, Economist Steve Balkin and colleagues found that when Chicago's Maxwell Street Market for pushcart vendors was forced to move, nearby stationary shops lost business as the commercial vitality and number of potential customers in the area declined.
- In D.C., vendors have partnered with established businesses for the good of all. As D.C. food truck owner Justin Vitarello said, "We can activate some spaces." Another D.C. vendor partnered with a stationary business to boost sales for both, for example, offering discounted drinks at a restaurant with the purchase of a lobster roll from his food truck.

- Increase GDP and Employment. Chicago has historically had very restrictive rules on mobile vending and it can be said that this has had a negative impact on the economy. The burden of municipal ordinances restricting mobile vending in Chicago falls disproportionately on poorer individuals, a lot of whom are immigrants and some who choose to work illegally if not permitted to do so. The removal of burdensome regulations in Chicago would see 2,145 jobs legalized and an additional 6,435 jobs created. There would be an increase of from \$40 million to \$160 million in total annual sales, and a corresponding increase from \$2.1 million to \$8.5 million in new local sales tax revenues.
- Food trucks are growing the overall market of the food service industry. According to the U.S. Bureau of Labor Statistics and as reported by <u>The Economist</u>, counties in the U.S. that experienced higher growth in mobile food services have also had quicker growth in their restaurant and catering businesses.
- Contrary to a popularly held, fear based opinion, mobile vendors are not significant threats to brick and mortar establishments and research has shown that they can increase business to brick and mortar establishments and foot traffic to the area.

- Mobile vendors can increase tourism. Vancouver became a tourist destination for foodies when they loosened regulations in 2010 for mobile vendors and the food truck scene exploded. This benefited the city, mobile vendors, restaurants and a number of other types of businesses.
- Mobile vending supports a number of other related industries- ie kitchen space rental, local farms and food producers, etc.
- Mobile vending creates entrepreneurial opportunities. The mobile vending industry can lower barriers to entry and is a less risky venture than traditional brick and mortar businesses. This business model is more accessible to low-income, middle class, new Canadians, minority entrepreneurs, and aspiring chefs. Research in Portland supports this.
- The Competition Bureau of Canada found no clear evidence that shows detrimental impacts of mobile food services on restaurants. Mobile food services and restaurants largely reflect two different business models with different levels of investments and services. In fact, some evidence suggests that mobile food services may be stimulating demand in the food service market by attracting new customers that would not have purchased food at all were it not for the food trucks.
- A study in Vancouver and Victoria showed that almost 40% of food truck customers would have either eaten at home (28.7%) or skipped the meal completely (10.7%) had they not eaten at a food truck. Only 15% of customers in this study would have eaten at a full service restaurant.

"Blue was part of last year's Pedestrian Mall and I think that in most regards it was a resounding success for businesses located in the mall, elsewhere downtown, and the city as a whole. The sheer volume of people downtown each day was evidence of this. With that said, there are several areas to improve upon, specifically the lack of quick, affordable, convenient options for food service.

Often times during last season's Mall, Blue, as well as many other restaurants in the area, had significant line ups to get into our establishment. This delay to get a table, plus the normal time allotted to dine at a traditional restaurant, excluded many guests from partaking. Guests with small children out for a walk, employees with limited lunch breaks and guest not comfortable dining inside if all outside tables were full, had very limited options for substantial, and quality food service.

The City did a good job of providing plenty of additional seats and tables, but not enough options to service them.

There were many areas of the Mall with low utilization last year, either through empty store fronts or businesses whose services did not benefit from additional outside space. These areas are prime spots to locate mobile vendors.

Blue has been located at the same address on Water Street since 2004. We have seen many changes over the years, but none better for us than when more restaurants started opening on our block. Many of our best years have been during this time when competition was all around us. In my experience, the more people you attract to a specific area, all businesses within that area benefit. Adding mobile vendors to the mix in the upcoming Pedestrian Mall will result in more traffic, which will result in more business for all of us.

Overall, excluding a significant mobile vendor presence from the 2021 Pedestrian Mall is a disservice to the great initiative that was started last year, and hopefully will continue for many years to come."

SULLIVAN POWER OPERATIONS MANAGER AND PART OWNER OF BLUE ON WATER RESTAURANT.OWNER/OPERATOR OF THE MOBILE FOOD TRUCK HITCHEN THE KITCHEN"

RECOMMENDATIONS TO CITY COUNCIL

- While Canadian consumers have been quick to embrace the food truck movement, the response from municipalities and traditional food service providers has not always been so welcoming. Municipal regulations often limit where food trucks can be located, the number of continuous hours they can operate, and the number of providers permitted in a given area. While these regulations can serve legitimate urban planning or other policy goals, some restrictions may go further than necessary.
- Restricting the ability of food trucks to compete in the food service industry can reduce consumer choice and stifle innovation. Regulations that restrict competition should be removed.
- The presence of mobile vendors allows for innovation and healthy competition in the market. The notion of "unfair competition" is false. Like any other sector, customers pick the "winners" and the market decides.
- In finding the right regulatory balance, the City of St. John's Council should take an evidence-based approach, look to emerging best practices, and consider the benefits of embracing new forms of competition. In particular, they could try to level the playing field between bricks and mortar restaurants and food trucks, and avoid imposing regulations on mobile food providers that disproportionately impede their ability to succeed.

- Council can and should encourage vibrant vending cultures by drafting clear, simple and modern rules that are narrowly tailored to address health and safety issues.
- Proximity bans are the most blatantly protectionist, as they literally outlaw one business from setting up shop near an industry competitor.
- Brick and mortar businesses receive a great deal in return for their higher costs. Their larger investments enable them to offer services mobile vendors cannot. For mobile vendors, the lower costs are what make the trade attractive and affordable.
- Toronto competition and regulatory Lawyer <u>Steve Szentesi</u> commented on the mobile regulations in their city in 2014. "Why is conduct that may be subject to criminal competition law sanction (i.e., an arrangement to keep competitors apart, etc.) condoned if it's regulated? Outside the regulated sphere this would, if among competitors, generally be called an illegal market division or output restriction agreement both rather serious no-no's under the federal Competition Act".
- Considering the above, is it in fact the role of City Council to decide who gets to compete?
- Mobile vendors are the smallest of the small businesses and they are in dire need of policy change and new opportunities.

PEDESTRIAN MALLS IN CANADA WITH MOBILE VENDORS

MOBILE VENDORS IN THE DOWNTOWN PEDESTRIAN MALL

- The City of St. John's public engagement response on the Pedestrian Mall found that businesses inside the mall footprint, businesses outside the mall footprint, and the public alike all said that mobile vendors would improve the mall experience.
- The City of St. John's public engagement response on the Pedestrian Mall found multiple mentions of "dead space" and extending the mall footprint.
- The Mobile Vendors Association of Newfoundland proposes that multiple mobile vendors be permitted to operate inside the pedestrian mall footprint.
- Mobile vending units could fill the empty spaces in front of banks, vacant buildings, and offices to encourage that the walking traffic keeps flowing.
- The wait-times for restaurants inside the footprint was often over an hour and up to several hours. Many people would choose to leave, unsatisfied and hungry. Food trucks could offer a quick meal and ensure the satisfaction of the patrons.
- People with dogs would benefit from outdoor only establishments. Many of the visitors to the pedestrian mall were with their pets.

- Modern mobile vending units have built-in or ultra quiet generators and some in St. John's are even solar powered.
- The general public loves multiple mobile vendors together in one spot, for example, The Royal St. John's Regatta and the Night Market. These events create destination eating.
- You don't need a reservation or closed toed shoes to eat at a picnic table. They can accommodate strollers, hungry children and pets.
- Mobile vendors are local, tax paying, entrepreneurs who are have lost income from the cancellation of festivals, markets, concerts, corporate functions, weddings, private parties, sporting events, and office lunches due to the ongoing pandemic. This industry has been hard hit and has received little support.
- Due to the shift towards working from home, restricted gatherings, and cancelled events, there is a necessity for a shift in zoning regulations as well.
- Outdoor dining and shopping is the healthiest way to keep local businesses alive during the pandemic. This should not be a privilege exclusive to traditional businesses.

- https://www.google.com/amp/s/globalnews.ca/news/3606149/canadian-cities-food-truck/amp/
- https://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/04260.html
- https://www.iedm.org/files/lepoint0716_en.pdf
- https://www.google.com/amp/s/www.cbc.ca/amp/1.5212377
- https://www.cbc.ca/news/canada/british-columbia/vancouver-s-food-carts-getting-too-close-say-restaurateurs-1.1287220
- https://www.vancity.com/SharedContent/documents/pdfs/News/Vancity-Report-Food-Truck-Study-in-Vancouver-and-Victoria-2015.pdf
- https://www.canadianlawyermag.com/news/opinion/the-toronto-food-truck-debate-more-competition-or-legislated-cartel/269343
- https://poseidon01.ssrn.com/delivery.php?
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- https://www.ij.org/images/pdf_folder/economic_liberty/atl_vending/streetsofdreams_webfinal.pdf
- https://www.portland.gov/sites/default/files/2020-03/portlands-food-cart-study.pdf

DECISION/DIRECTION NOTE

Title: 68 Queen's Road Hearing Commissioner – MPA1900002

Date Prepared: April 27, 2021

Report To: Regular Meeting of Council

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 2

Decision/Direction Required:

To consider appointing Mr. Dan Noseworthy as the commissioner for the public hearing May 5, 2021.

Discussion – Background and Current Status:

Mr. Noseworthy has many years of municipal experience, including as a commissioner for several municipalities.

Key Considerations/Implications:

- 1. Budget/Financial Implications: Commissioners are paid for their work according to the City's fee schedule.
- 2. Partners or Other Stakeholders: Not applicable.
- 3. Alignment with Strategic Directions/Adopted Plans: In line with the City's Strategic Plan 2019-29 regarding planning for land use.
- 4. Legal or Policy Implications: A commissioner is required as part of a Municipal Plan amendment.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: The application has been referred to a public hearing for May 5, 2021.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.



Recommendation:

That Council appoint Mr. Dan Noseworthy as the commissioner for the townhouse part of the application, for a public hearing May 5, 2021.

Prepared by: Ken O'Brien, MCIP, Chief Municipal Planner Approved by: Jason Sinyard, P.Eng., MBA, Deputy City Manager – Planning, Engineering and Regulatory Services Decision/Direction Note Page 3

Report Approval Details

Document Title:	68 Queen's Road Hearing Commissioner - MPA1900002.docx
Attachments:	
Final Approval Date:	Apr 29, 2021

This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Apr 29, 2021 - 11:02 AM