

# Committee of the Whole Agenda

August 25, 2021 9:30 a.m. 4th Floor City Hall **Pages** 1. Call to Order 2. Approval of the Agenda 3. Adoption of the Minutes Adoption of Minutes - August 11, 2021 3 3.1. 4. Presentations/Delegations 5. Finance & Administration - Councillor Shawn Skinner 6. Public Works - Councillor Sandy Hickman 7. Community Services - Councillor Jamie Korab 8. Special Events - Councillor Shawn Skinner 9. Housing - Deputy Mayor Sheilagh O'Leary 10. Economic Development - Mayor Danny Breen 11. Tourism and Culture - Councillor Debbie Hanlon 12. Governance & Strategic Priorities - Mayor Danny Breen 13. Planning & Development - Councillor Maggie Burton 9 13.1. 23 Fourth Pond Road - Interpretation of Zone Lines 14 13.2. Envision St. John's Municipal Plan and Development Regulations -Approval 472 13.3. Draft Heritage By-Law – What We Heard and Revised Draft

	13.4.	Heritage Policy Working Group	731				
14.	Transp	Transportation and Regulatory Services & Sustainability - Councillor Ian Froude					
	14.1.	Electric Vehicle Infrastructure Funding	740				
15.	Other Business						
16.	Adjour	Adjournment					

# ST. J@HN'S

# Minutes of Committee of the Whole - City Council Council Chambers, 4th Floor, City Hall

August 11, 2021, 9:30 a.m.

Present: Mayor Danny Breen

Councillor Maggie Burton Councillor Sandy Hickman Councillor Debbie Hanlon Councillor Jamie Korab Councillor Ian Froude Councillor Shawn Skinner

Regrets: Deputy Mayor Sheilagh O'Leary

Councillor Deanne Stapleton
Councillor Wally Collins

Staff: Kevin Breen, City Manager

Tanya Haywood, Deputy City Manager of Community Services

Cheryl Mullett, City Solicitor

Susan Bonnell, Manager - Communications & Office Services

Karen Chafe, City Clerk

Jennifer Squires, Legislative Assistant

Others Sarah Crocker, Program Coordinator, Food First

Cathy Pretty, Food Animator Team Member, Food First Natalie Godden, Manager of Family & Leisure Services Brian Head, Acting Deputy City Manager of Public Works

Stephen Gurr, Fieldworker II, Community Services

Jessica O'Dea, Public Health Co-Op Student, Community

Services

Scott Winsor, Director of Engineering

#### 1. Call to Order

### 2. Approval of the Agenda

Recommendation

Moved By Councillor Skinner

Seconded By Councillor Froude

That the agenda be adopted as presented.

For (7): Mayor Breen, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Korab, Councillor Froude, and Councillor Skinner

#### **MOTION CARRIED (7 to 0)**

#### 3. Adoption of the Minutes

## 3.1 Adoption of Minutes - July 14, 2021

Recommendation

Moved By Councillor Korab

Seconded By Councillor Hanlon

That the Minutes of July 14, 2021, be adopted as presented.

For (7): Mayor Breen, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Korab, Councillor Froude, and Councillor Skinner

#### **MOTION CARRIED (7 to 0)**

#### 4. <u>Presentations/Delegations</u>

## 4.1 Food First NL/St. John's Food Policy Council

Discuss Results of the St. John's Food Assessment

Sarah Crocker and Cathy Pretty of Food First NL were in attendance to present the results of the St. John's Food Assessment. In 2018, the St. John's Food Policy Council recommended conducting a Food Assessment to better understand food security issues residents and organizations in the City are facing. St. John's has one of the highest food insecurity rates in Canada, indicating that there are many areas for improvement to help to expose and eliminate gaps in the system. Food First have completed a scan of issues and assets to collect information on food security and the

food system in St. John's. They have also engaged with various community groups, and are currently in the action planning and implementation phase of the assessment. Ms. Crocker discussed the importance of the project being community led and the Project Animator Team, consisting of 10 volunteers from across the City. Ms. Pretty, a member of the team representing the Buckmaster's Circle Community Centre, spoke on challenges facing new Canadians when it comes to food security, what they were able to do to address these gaps through the program, and the relationship between food and inclusion. Ms. Crocker then provided an overview of the <a href="Food System Report">Food System Report</a>, which collected information on food production, consumption, disposal, transportation, and access. Postal codes were collected with every survey which were used for mapping purposes and allowed for information to be broken down and examined by ward.

### 4.2 Healthy City Strategy

The Manager of Family Services and Community Services Staff provided an overview of the attached final report of the Healthy Living Strategy. The Strategy has an overarching goal to improve health and wellness in the City by working with stakeholders to collect baseline data concerning Health. This data can then be used to determine the root cause of barriers at the neighbourhood level, and then make the appropriate changes to improve access. Ideally, this will result in a City with healthy citizens living in affordable, accessible, and complete neighbourhoods. Public engagement was vital in identifying gaps in the data and to validate the draft goals, implementation strategies, and priorities of the Strategy. Staff are presenting the final version of the Healthy City Strategy and are looking to gain approval from Council to begin the implementation process. Once approved, the next phase of the strategy will be the formalization of the Steering Committee, headed by the Mayor and the CEO of Eastern Health, to oversee the implementation of the Strategy.

Council discussed the discord that arises when it comes to using existing green space or open space for affordable housing. Many neighbourhoods feel a sense of ownership or view these areas as active spaces, but at the same time the City is looking at these spaces to accommodate much-needed affordable housing. It was suggested that the City may need to look closer at redeveloping existing buildings as a solution when it comes to certain neighbourhoods. Staff replied that the Healthy Cities Strategy looks at neighbourhood systems and plans which allows for specificity in evaluating how certain changes will affect quality of life and what changes

are needed in each neighbourhood. Council asked how the neighbourhoods were defined, Staff responded that the neighbourhood profiles developed by Staff in 2018 were used for the project to determine the 28 neighbourhoods. Staff will also be reaching out to community partners for additional information to ensure that the complete neighbourhood will be assessed.

#### Recommendation

Moved By Councillor Skinner Seconded By Councillor Korab

That Council approve the goals and implementation strategies as outlined in the attached report providing staff and partners with the framework for execution of the Healthy City Strategy.

For (7): Mayor Breen, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Korab, Councillor Froude, and Councillor Skinner

#### **MOTION CARRIED (7 to 0)**

- 5. Finance & Administration Councillor Shawn Skinner
- 6. Public Works Councillor Sandy Hickman
- 7. Community Services Councillor Jamie Korab
- 8. Special Events Councillor Shawn Skinner
- 9. Housing Deputy Mayor Sheilagh O'Leary
- 10. <u>Economic Development Mayor Danny Breen</u>
- 11. <u>Tourism and Culture Councillor Debbie Hanlon</u>
  - 11.1 2021 Downtown Public Art (Mural) Partnership
- 12. Governance & Strategic Priorities Mayor Danny Breen
  - 12.1 Strategic Plan 2021 Quarter 2 Report

The City Manager provided an update on the Strategic Plan, noting that the City had made good progress on all four strategic directions. Members of Council remarked that some of the projects that are behind schedule relate to economic development and may have been negatively impacted by Covid. Items that would have an economic impact, such as assisting

businesses or employment should be prioritized. Councillor Hickman noted that the City acts as a catalyst to the economy and processes that would allow businesses to increase revenue, such as permits and inspections, should be simplified. The regional economic development approach that is now underway with Mount Pearl, CBS, and Paradise, will be an additional boost to economic development post-Covid.

#### 12.2 Nomenclature Committee - Street Renaming - Sea Rose Avenue

#### Recommendation

**Moved By** Councillor Hickman **Seconded By** Councillor Hanlon

That Council approve the proposed street renaming request.

For (7): Mayor Breen, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Korab, Councillor Froude, and Councillor Skinner

#### **MOTION CARRIED (7 to 0)**

#### 12.3 Nomenclature Committee - Street Naming - Edmonds Place

#### Recommendation

Moved By Councillor Hickman Seconded By Councillor Skinner

That Council approve the requested street name.

For (7): Mayor Breen, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Korab, Councillor Froude, and Councillor Skinner

#### **MOTION CARRIED (7 to 0)**

#### 13. Planning & Development - Councillor Maggie Burton

# 14. <u>Transportation and Regulatory Services & Sustainability - Councillor lan Froude</u>

#### 14.1 Torbay Rd North Commercial Area – Right Turn Lane Additions

Councillor Froude provided background information on the project and spoke on the importance of considering measures to reduce traffic. He

asked if an update could be provided by the Transportation Commission on the Public Transit Review report by Dillon Consulting. Councillor Froude also stated that the changes to the area will align with the Bike St. John's Master Plan recommendation for a proposed shared-use pathway in the area, and sidewalk will be added in front of Best Buy to rectify the discontinuous sidewalk issue at the intersection. Council questioned if the road would require realignment, Staff replied that the road would remain as is.

#### SJMC-S-2021-08-09/

Moved By Councillor Froude Seconded By Councillor Skinner

That Council approve moving forward with the necessary property / easement acquisitions and utility pole relocations in an effort to continue with the recommended turning lane additions on Torbay Road per the Torbay Road North Commercial Area Follow-up Transportation Impact Study. As well, as ensuring these efforts include the future space requirements for the shared-use pathway on the West side of Torbay Road, between Stavanger Drive and Major's Path, as is proposed in the Bike St. John's Master Plan.

For (7): Mayor Breen, Councillor Burton, Councillor Hickman, Councillor Hanlon, Councillor Korab, Councillor Froude, and Councillor Skinner

#### **MOTION CARRIED (7 to 0)**

#### 15. Other Business

#### 16. Adjournment

There being no further business the meeting adjourned at 10:56 a.m.

			Mayo

# INFORMATION NOTE

Title: 23 Fourth Pond Road interpret zoning line

Date Prepared: August 18, 2021

**Report To:** Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: Ward 5

Issue: To interpret zone lines at the rear of the residential property at 23 Fourth Pond Road, as well as at the adjoining 25 Fourth Pond Road.

#### **Discussion – Background and Current Status:**

The residential property in question is located mostly in the Residential Low Density (R1) Zone, while a portion of the rear yard is in the Rural (R) Zone. There are houses all around the property, including houses behind it in the Rural Zone. Some other houses nearby on Fourth Pond Road also have this split in zoning. The R1 Zone line was drawn a standard depth back from the road but these properties go back deeper than that. There is also a floodplain buffer present, surrounding the nearby Fourth Pond; the buffer cuts across the two properties.

Recently, the owner of #23 applied to build an accessory building in the rear yard and was affected by the zone line. The most logical solution is to interpret the zone line to run along the rear property line, thus adding the rest of the rear yard to the R1 Zone, except for the very small corner that is within the floodplain buffer. The same will be done for the adjoining property at #27. I do not propose to interpret any other zone lines in the area at this time as I do not want to set new standards that may have unknown effects.

Under the St. John's Development Regulations section 3.4 "Boundaries of Zones", where the boundary of a zone is uncertain and substantially follows a street or lot lines, the street or the lot lines can be deemed to be the boundary of the zone. Therefore, in this case, I can interpret the boundary between the R1 Zone and the Rural Zone so that it runs along the property boundaries at the rear, excluding the floodplain buffer. Corresponding changes will be made to the Municipal Plan map for the boundaries between the Residential Low Density District and the Rural District.

# **Key Considerations/Implications:**

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: The property owners and neighbours.



- 3. Alignment with Strategic Directions/Adopted Plans: Not applicable.
- 4. Legal or Policy Implications: Legal or Policy Implications: This is in accordance with rules of interpretation in the St. John's Development Regulations, Section 3.4 "Boundaries of Zones".
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: The City will write the affected property owners.
- 7. Human Resource Implications: Not applicable.
- 8. Procurement Implications: Not applicable.
- 9. Information Technology Implications: Not applicable.
- 10. Other Implications: Not applicable.

#### **Conclusion/Next Steps:**

At 23 and 25 Fourth Pond Road, the zone boundary between the Residential Low Density (R1) Zone and the Rural (R) Zone is interpreted to run along the property boundaries at the rear, but excluding the area that fall within the floodplain buffer of Fourth Pond. Corresponding changes will be made to the Future Land Use Map of the St. John's Municipal Plan. This accords with the rules of zone interpretation in Section 3.4 of the St. John's Development Regulations.

#### Ken O'Brien, MCIP, Chief Municipal Planner

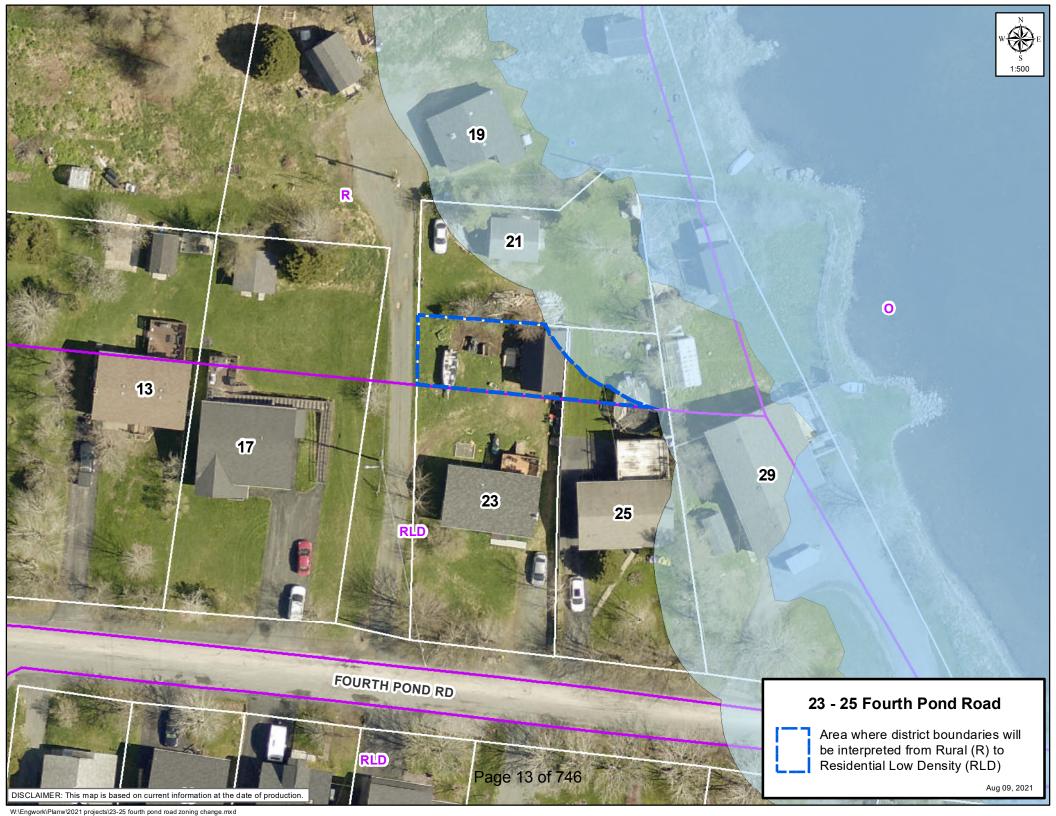
# **Report Approval Details**

Document Title:	23 Fourth Pond Road interpret zone line.docx
Attachments:	- 23-25 FOURTH POND ROAD ZONING CHANGE.pdf - 23-25 FOURTH POND ROAD DISTRICT CHANGE.pdf
Final Approval Date:	Aug 19, 2021

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

Jason Sinyard - Aug 19, 2021 - 10:15 AM





# **DECISION/DIRECTION NOTE**

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

Approval

Date Prepared: August 18, 2021

**Report To:** Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

Ward: N/A

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

#### **Discussion – Background and Current Status:**

Council adopted Envision St. John's on May 3, 2021, and referred it to a public hearing, culminating years of teamwork and effort. 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, 2000.

The commissioner's report from the public hearing of June 9, 2021 is attached. The recommendations of the commissioner have been summarized and presented here (attached). Council must consider the commissioner's recommendations but is not bound by them. Each recommendation has staff commentary plus a staff recommendation. In many cases, staff agree with the commissioner's recommendation, but in some cases, staff do not and set out the reasons why. It is Council's role to decide.

Guided by this and previous Councils, the City has devoted considerable effort to preparing these documents. The Envision Municipal Plan was first published in 2014, edited in 2017, updated to 2019 for adoption-in-principle, received a provincial release, and was adopted by Council in May 2021. The draft Envision Development Regulations followed a similar timeline.

Council will recall that the adopted versions of the documents from May 2021 had various sections highlighted in yellow or blue. The versions being reviewed today have all highlighting removed, so that these are clean versions. If Council accepts the staff recommendations, then the documents are ready to go. If Council directs staff otherwise, then the documents will be amended before being sent to the Province for registration.



Decision/Direction Note Page 2

Envision St. John's reflects 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. 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 approved by Council, registered by the Minister of Municipal and Provincial Affairs, and gazetted (that is, published in the *NL Gazette*, a provincial publication).

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 February 2021.
- 5. Adoption by Council done on May 3, 2021.
- 6. Commissioner's public hearing held on June 9, 2021.
- 7. Commissioner's report and then approval by Council We are here.
- 8. Registration and gazetting, after which the new Plan and Regulations are in legal effect.

As required by the Province, the Envision St. John's Municipal Plan and Development Regulations conform to the St. John's Urban Region Regional Plan, 1976, as amended.

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 St. John's Development Regulations are being transferred to the new St. John's Heritage By-Law, to be discussed later in this meeting. The intent is that the Heritage By-Law will take effect on the samer day as Envision St. John's, ensuring continuous 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 Envision St. John's 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; Council; and City staff.

- 3. Alignment with Strategic Directions/Adopted Plans: The 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 conform to the St. John's Urban Region Regional Plan, 1976, as amended.
- 5. Privacy Implications: Not applicable.
- Engagement and Communications Considerations: After extensive public consultation over several years, Envision St. John's was referred to a commissioner's public hearing held on June 9, 2021, chaired by commissioner Marie Ryan. Her report is attached, with recommendations.
- 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 Envision St. John's Municipal Plan and Development Regulations, dated September 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 4

# **Report Approval Details**

Document Title:	Envision St. John's Municipal Plan and Development Regulations - Approval.docx
Attachments:	<ul> <li>Commissioner recommendations August 2021.docx</li> <li>Envision Adoption and Approval Pages.pdf</li> <li>Commissioner's Report Envision St. John's - August 5.pdf</li> <li>Envision Municipal Plan September 2021.pdf</li> <li>Envision Municipal Plan appendices September 2021.pdf</li> <li>Envision Development Regulations_September 2021.pdf</li> <li>Envision Development Regulations_Appendices September 2021.pdf</li> </ul>
Final Approval Date:	Aug 19, 2021

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

Jason Sinyard - Aug 19, 2021 - 10:13 AM

COMMISSIONER'S REPORT ON THE Envision St. John's Municipal Plan, 2021 and Envision St. John's Development Regulations, 2021

#### Part 1:

The following recommendations are from Section 5 of the Commissioner's Report on the Envision St. John's Municipal Plan and Development Regulations, 2021.

- 1. Protection of Agricultural Land Your Commissioner feels that the existing provisions and stipulations for Agricultural Land within the Envision Municipal Plan and Development Regulations are sufficient for protection of such lands.
  - No recommendations are required.
- 2. Public Engagement and Consultation Your Commissioner recommends:
  - a) That section 4.9 'Land Use Report' of the Envision Development Regulations be amended to clearly identify that public consultation would be the first step in the Development process. That this section provides guidance on how and to whom a public consultation would be advertised and in what timeframe, the need for accessibility, that minutes of any meetings would be kept and provided to Council as a component of the LUR, and any other stipulations which Council and staff feel are needed to ensure the most effective public consultation process.
    - Staff recommendation: That the proposed changes are not accepted. A Land Use Report (LUR) must first have a Terms of Reference approved by Council. 'Land Use Report' Section 4.9(6) identifies (at a minimum) what items the LUR can address. These items and submission requirements are outlined in the Terms of Reference. Public consultation is one of the requirements which must be undertaken prior to the LUR being submitted to the city. Each application for development is reviewed on a case by cases basis and depending on the nature of the proposal, the Terms of Reference would outline the detailed engagement a developer must undertake prior to submitting their LUR. The Terms of Refence would include items outlined by the commissioner and is more of an operational undertaking as opposed to a regulatory item. Council has the discretion of include additional items/requirements for public consultation, which they can request to have added before approving the Terms of Reference.
- 3. Micro Units Given the importance of micro units to the affordable housing continuum, the non-profit organizations working within the housing and homelessness sector, and the populations for whom such a small unit is amenable, Your Commissioner recommends:

- a) That Council add further stipulations to the Envision Development Regulations for micro units within the RD Zone. It is recommended that there be a statement added that priority for micro units will be afforded to non-profit organizations who have a mandate to support their target populations with housing, with other applicants considered on a case-bycase basis.
  - Staff recommendation: That the proposed changes are not accepted. It is understood that micro units are an important component of the affordable housing continuum, however there should be no preference between non-profit organizations and other applicants and the need for affordable forms of housing. Micro units are considered as a Discretionary Use in the zones where they are enabled, therefore consideration for each application will be based on the individual context, merit and need for this use at a specific location.
- b) That the number of micro units be expanded to allow for a maximum number of units which can be afforded within the requirements of the RD Zone.
  - Staff recommendation: That the change be accepted and the number of micro units in the RD Zone be increased to a maximum of 6 per Building.
- 4. Protecting the Cultural, Heritage and Historical Nature of the Battery Your Commissioner is reassured that these regulatory stipulations and changes will help ensure that future development in the Battery neighbourhood respects the existing smaller scale nature of the dwellings.
  - No recommendations are required.
- Inclusion of Walsh's Square and Signal Hill Road within Heritage Area 4 Your Commissioner is satisfied that Signal Hill Road and Walsh's Square should remain within the Heritage Area 3 designation.
  - No recommendations are required.
- Heritage Your Commissioner has provided commentary and analysis on many
  of the issues raised given that the vision and regulatory framework for the City's
  Heritage Areas and designated buildings are articulated within the Envision
  Municipal Plan and Development Regulations, respectively.
  - No recommendations are required.
- 7. The Vision and Regulatory Framework for Heritage Your Commissioner believes it is Council's intent to ensure that the Heritage By-Law, Envision Plan and Envision Development Regulations are complementary to facilitate the utmost protection for the city's Heritage Areas and assets. To ensure intent becomes reality, Your Commissioner believes that some of the issues raised in the submissions and/or presentations for the public hearing have merit and need

to be further analyzed herein. The relevant issues are discussed in the following sections.

- No recommendations are required.
- 8. Building Height In and of itself, Your Commissioner does not feel this is a concern, if the other regulatory processes which are in place are enforced to support the preservation of the built environment of heritage, as is so articulated within the Envision Municipal Plan. In particular, and of note, an LUR and/or a staff report is required for buildings with a height greater than 18m in the Institutional Downtown Zone and the CDM2 Zone.
  - No recommendations are required.
- 9. Heritage Reports and Public Consultation Your Commissioner recommends:
  - a) That Section 8(2) of the Heritage By-Law be amended to include the requirement for a Heritage Report for new buildings or development in the Heritage Areas, at a minimum for Heritage Areas 1 and 2.
  - b) That Section 8(5) in the Heritage By-Law more specifically detail the minimum requirements for the Heritage Report, beyond what is already stated.
  - c) That Section 11(1) 'Public Consultation' of the Heritage By-Law equally be amended to require public consultation for applications for new buildings and developments in the Heritage Areas, at a minimum in Heritage Areas 1 and 2.
    - Staff recommendation: These recommendations pertain directly to Heritage; therefore, they have been passed along to relevant staff and will be brought to Council for consideration with the Heritage By-Law.
- 10. Heritage Design Standards To further align the Heritage By-Law to the intent of the Envision Municipal Plan, Your Commissioner recommends:
  - a) Removal of Section 10(3) from the Heritage By-Law.
    - Staff recommendation: This recommendation pertains directly to Heritage; therefore, it has been passed along to relevant staff and will be brought to Council for consideration with the Heritage By-Law.
- 11. Stepbacks Your Commissioner recommends:
  - a) That Schedule D 'Additions to Existing Buildings and New Developments (Residential And Non-Residential) – Subsection 'New Buildings in a Heritage Area' #8 be amended to provide more specific direction to Developers as to building materials and design for the portion of the buildings that are above 18m.
    - Staff recommendation: This recommendation pertains directly to Heritage; therefore, it has been passed along to relevant staff and will be brought to Council for consideration with the Heritage By-Law.
  - b) Your Commissioner recommends that a definition of "stepback" be included in Section 2 of the Envision Development Regulations.

- Staff recommendation: The following definition for 'stepback' be added to Section 2: Definitions: "Stepback means the portion of a building that is horizontally recessed from the façade that that faces the street".
- 12. Connectivity and Open Spaces In an effort to ensure that Council's vision for open space and connectivity is strengthened and enabled, the following amendments are recommended for the Envision Development Regulations:
  - a) Section 5.1.2(d) be amended to state: the relation and <u>interconnectedness</u> of the Subdivision to existing development, Streets, transit and trailways, in particular in relation to pedestrians and cyclists.
    - Staff recommendation: Accept the text change to included "interconnectedness" and "pedestrians and cyclists" to Section 5.1.2(d).
  - Section 5.4.1 be reviewed to identify if additional wording or stipulations are required to ensure preservation of the rights-of-way designed for walkability and connectedness
  - c) Section 5.4.2 (1) be amended to reference that the said land to be developed for public amenity would enable connectivity to the neighbourhoods around it.
  - d) Section 5.4.2 (2) be amended as follows:
    - remove the issue of "agreement" as a reason for not being able to identify lands to be conveyed within a new development for public amenity;
    - state that, as a second option, if there is sufficient land to be conveyed that cannot be developed, it would be conveyed to the City and would remain as open space and, depending on its location and topography, contribute to connectivity within the neighbourhood in which it is located and adjoining neighbourhoods as possible;
    - state that in the event the previous two provisions are not met, and there is a combination of money and land provided to the City, that it would be retained as open space and, depending on the topography, provide for the network of connectivity within the neighbourhoods.
    - Staff recommendation: That the proposed changes recommended in b, c, and d not be included. Wording for Section 5.4 Conveyance of Land for Public Purpose comes from the Urban and Rural Planning Act, 2000. The changes suggested are more in line with policy on how the city should deal with new open space and connectivity for the public, than through the regulatory requirements of the Development Regulations. The protection/preservation of rights-of-way for walkability of interconnected pathways are outlined in the Envision Municipal Plan under Section 4.6 Parks, Recreation and Open Space and Section 7.2 (1) and (2) Transportation Networks and 7.2 (8) Active Transportation.

- e) The Envision Development Regulations identify the regulatory provisions which would apply to cul-de-sacs in the event they would be needed and include a provision that any such cul-de-sacs would enable connectivity to/from adjacent neighbourhoods/streets
  - Staff recommendation: No recommendation. For additional information there is policy in the Envision Municipal Plan Section 7.2 (4) Transportation Network, to "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". Specific design requirements for streets, including cul-de-sacs, will be address in the Development Design Manual.
- 13. Facilitating bicycle transportation Your Commissioner recommends:
  - a) That Section 8.14 'Bicycle Parking' of the Envision Development Regulations be amended to include provisions for shared agreement for bicycle parking and a provision for a combination of cash-in-lieu and shared parking as following:
    - 8.14 Bicycle Parking:
    - (3) When requested by the applicant, Council may accept the following:
      - (a) Shared (bicycling) parking agreement where the shared Parking Lot or Parking Garage is located within 400 metres of the Development;
      - (b) A combination of shared parking and 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; (c) or, as a final option, cash-in-lieu.
      - Staff Recommendation: To not to accept the proposed changes. It is recommended that bicycle parking be located on the same Lot as the Development and located near the building entrance and equipped with a device to allow the bicycle to be secured (Development Regulations Section 8.14(1) and (2). It is felt that if the bicycle parking is not close to the intended destination that it will not be used. Option B and C are currently reflected in the existing wording of 8.14(3), which allows cash-in-lieu for some or all of the parking pending Council's direction.
- 14. Grammatical Errors and Edits Your Commissioner offers the following edits/suggestions based on errors or lack of clarity in specific sections of the Envision Municipal Plan and Development Regulations identified during her review of the documents:

**Envision Development Regulations:** 

- a) 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: Your Commissioner finds this wording confusing and wonders if the word "use" is required before "Zone tables"
  - Staff recommendation: Not to accept the proposed wording change. The definition of "Discretionary Use" comes from the Minister's Development Regulations under the Urban and Rural Planning Act, 2000.
- b) Section 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 Agriculture.
  - Staff recommendation: Accept the proposed wording change.
- c) Section 8.14 Bicycle Parking:
  - (2) Bicycle Parking spaces shall be located near the building entrance and be equipped with a device to allow allow the bicycle to be secured.
    - Staff recommendation: Accept the proposed wording change.
- d) Commercial Downtown (CD) Zone
  - (3) Zone Standards Except Park, Public Use, Public Utility and Parking Lot (c) 0 meter metre stepback
    - Staff recommendation: Accept the proposed wording change.
- e) Commercial Downtown Mixed 2 (CDM2) Zone
  - (4) Zone Standards Except Place Of Worship, Park, Public Use, Public Utility and Parking Lot
  - (d) [...] such streets being determined determined by the Chief Municipal Planner
    - Staff recommendation: Accept the proposed wording change.
- f) Planned Mixed Development Zone 2 (PMD2)
  - (10) Landscaping Requirements
  - (b) Landscaping and Screening shall be provided as identified on the attached schedules (Appendix PDM2) and in accordance with Section 8.5 Section 7.6 Landscaping and Screening.
    - Staff recommendation: Accept the proposed wording change.

#### **Envision Municipal Plan:**

- g) Section 1.2 Plan Review Process:
  - A City- wide city-wide brochure...
    - Staff recommendation: Accept the proposed wording change.
- h) Section 1.2 Plan Review Process:

Public Forums and Meetings: 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 neighbourhoods.

- Staff recommendation: Accept the proposed wording change.
- Section 1.2 Plan Review Process
   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. This was updated in 2017, updated for adoption-in-principle in March 2019, and further updated for formal adoption in April 2021.
  - Staff recommendation: Accept the proposed wording change.
- j) Section 6.4 Building Height
  - 1(a) Low-Density Residential Neighbourhoods The term 'setback' appears in this section and should be replaced with 'stepback'.
    - Staff recommendation: Not to accept the proposed change. The term 'setback' is correct as in this case it refers to the Building Line being in conformity not the 'stepback' at higher storeys due to the overall low building height.
- k) Section 6.4 Building Height
  - 1(d) The Downtown The term 'setback' appears in this section and should be replaced with 'stepback'.
    - Staff recommendation: Accept the proposed wording change. The word 'stepback' will replace 'setback' in two locations where it's used in this subsection.
- I) Section 6.4 Building Height
  - 1(f) Battery Area Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the St. John's Envision Development Regulations.
    - Staff recommendation: Accept the proposed wording change.
- m) Section 8.4 Residential Neighbourhoods
  - 7. The term 'setback' appears in this section and should be replaced with 'stepback'.
    - Staff recommendation: Accept the proposed wording change.
- n) Section 10.1 Objectives
  - "Preserve Residential Neighbourhoods" should be in bold to differentiate it as a heading from the text underneath.
    - Staff recommendation: Accept the proposed wording change.
- o) Section 10.1 Objectives

Promote Religious, Public Assembly, Tourism and Recreation Uses 2. The preservation of an environment that will enable Downtown place places of worship to carry on their religious and social functions

Staff recommendation: Accept the proposed wording change.

#### Part 2:

The following items have been identified by staff since adoption of the Envision Municipal Plan and Development Regulations. These changes come as either Gazetted amendments and need to be updated in the current documents or are items which need to be fixed due to grammatical/typing errors:

#### **Envision Development Regulations**

- a. Updated Zoning map to reflect recent amendments.
- b. Section 2 "Permitted Use" definition was updated to reflect the Minister's Development Regulations "means a use that is listed within the permitted use classes set out in the use zone tables of an authority's Development Regulations".
- c. Section 2 update the definition of "Lot Line Front" as used in the current Development Regulations which "means the Street Line on which a Lot has its civic address, except where a lot has two or more Street Lines, in which case the Development Officer shall determine the Front Lot Line, considering the most appropriate setting of the Building on the Lot".
- d. Section 4.8 (3) Public Consultation Remove Subsection (3)(d)

  Variances: the notification for Variances is covered under Section 7.4.
- e. Section 4.10 (4) and (5) update the introductory wording of these two Sections so they reflect wording from a recent amendment:
  - a. (4) Notwithstanding Subsection (3), Council may permit the following Development in a Buffer for those bodies of water enumerated in Subsection (1):
  - b. (5) Notwithstanding Subsection (3), Council may permit the following Development in a bodies of water as enumerate in Subsection (1):
- f. Add Section 4.10 Waterways, Wetlands, Ponds or Lakes (8) "Council may permit residential development in the Floodplain and Buffer of Rennie's River at 6 and 8 Winter Avenue".

- g. Section 6.18.2 Home Occupations in an Accessory Building: A new subsection (a) should be added that limits the location of a Home Occupation in an Accessory Building as under the current Development Regulations: (a) is located within the Rural (R) Zone, the Rural Residential (RR) Zone, and Rural Residential Infill (RRI) Zone, the Agricultural (A) Zone or the Forestry (F) Zone.
- h. Add a new Section 6.25 Provincial Archaeology to state: Any application for development within the areas identified on Map 1 are to be referred to the Provincial Archeology, Department of Tourism, Culture, Arts and Recreation.
- Add Section 7.1.5 Side Yard Calculations: Where the calculation of a Side Yard Requirements results in a fractional number, that number shall be rounded to the nearest who number with 0.5 rounded up to the next whole number.
- j. Add Section 7.7 Temporary Buildings and Structures: This is in the current Development Regulations and needs to be added to Envision as follows:

# 7.7 TEMPORARY BUILDING AND STRUCTURES Notwithstanding the zoning of a site:

- 1. Except as provided for in subsection (2), Council or an Officer of Council may allow the use of land or a Building or structure for the following, provided the proposed Building or structure is of a temporary nature and subject to such conditions deemed necessary by Council or an Officer of Council:
  - (a) A scaffold or other temporary Building or structure incidental to construction or work in progress, on premises for which a building permit under the St. John's Building By-Law has been granted, until such time as the work has been finished or abandoned; and
- 2. Council may allow a temporary Building or structure at or near the St. John's Harbour, or other navigable waters within the City intended for Harbour or marine-related Uses, subject to such conditions deemed necessary by Council.
- k. Section 8.3 Parking Standards for Personal Care Home instead of referring to a "Dwelling Unit" it should just reference "Unit" for both the minimum and maximum range of parking spaces.
- I. Residential (2) Zone: add Apartment Building, maximum of 6 Dwelling Units as a Discretionary Use; in the current Development Regulations and should be carried over.

- m. Residential (2) Zone: add Four-plex as a Discretionary Use; the Zone Requirements are already included but the Use was missing.
- n. Residential 2 Zone add Personal Care Home as a Discretionary Use and the following Zone Standards:

(11) Personal Care Home

(a) Lot Area (minimum) 750 metres square

(b) Lot Frontage (minimum)(c) Building Line (minimum)(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) 30%

o. Residential 3 Zone add Personal Care Home as a Discretionary Use and the following Zone Standards:

(10)Personal Care Home

(a) Lot Area (minimum) 650 metres square

(b) Lot Frontage (minimum)(c) Building Line (minimum)(d) Building Height (maximum)14 metres1.5 metres10 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

(g) Landscaping (minimum) 30%

- p. Residential Downtown (RD) Zone: Add Semi-Detached Dwelling and Duplex Dwelling as Permitted Uses; the Zone Requirements are already included but the Use was missing.
- q. Wording for Building Height in the downtown needs to be updated in both the Residential Downtown (RD) and Apartment Downtown (AD) Zones for clarity:
  - a. RD Zone (7) Zone Standards for Apartment Buildings

     (d) Building Height (maximum) 10 metres, as measured from all property boundaries, such that the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 10 metres as measured from the grade of the property over the site.

- b. AD Zone (3) Zone Standards for Apartment Buildings
  (c) Building Height (maximum) 16 metres, as measured from all property boundaries, such that the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 16 metres as measured from the grade of the property over the site.
- c. AD Zone (4) Zone Standards for Personal Care Home

   (d) Building Height (maximum) 16 metres, as measured from all property boundaries, such that the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 16 metres as measured from the grade of the property over the site.
- r. Commercial Downtown Mixed 2 (CDM 2) Zone the wording for the Building Façade Stepback should reference "unless otherwise approved by Council". This give Council the ability to vary the height of the stepback (where required) to ensure it is aligned with neighbouring buildings, creating a consistent streetscape. The proposed wording should be:

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

metres in Building Height <u>unless</u> 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.

- s. The following Apartment Zone will have the wording of the Side Yard requirement updated to place a maximum setback of 6 metres as a setback greater than 6 metres is not necessary:

  Side Yard (minimum) "2, each equal to 1 metre for every 4 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."
  - a. Apartment 3 (A3) Zone 3(f) and 4(e)
- t. The following commercial Zones will have the wording of the Side Yard requirement updated to place a maximum setback of 6 metres as a setback greater than 6 metres is not necessary: Side Yard (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."
  - a. Commercial Highway (CH) Zone (4)(e)
  - b. Commercial Office (CO) Zone 4(f)

c. Commercial Office Hotel (COH) Zone 3(e)

## **Envision Municipal Plan**

- u. Updated Future Land Use map to reflect recent amendments.
- v. Section 4.1 Housing: Add the word "affordable" to the Policy (1): "Support the implementation of the City of St. John's **Affordable** Housing Strategy, 2019 2028.

# **URBAN AND RURAL PLANNING ACT, 2000**

## **RESOLUTION TO ADOPT**

# CITY OF ST. JOHN'S Municipal Plan, 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 Municipal Plan, 2021.

Adopted by the City Council of St. John's on the 3rd day of	May, 2021.
Signed and sealed this day of	
Mayor:	Town Seal
Clerk:	
Canadian Institute of Planners Certification	
certify that the attached City of St. John's Municipal Plan, accordance with the requirements of the <i>Urban and Rural P</i>	
MCIP/FCIP:	
	MCIP/FCIP Stamp

#### **URBAN AND RURAL PLANNING ACT, 2000**

#### **RESOLUTION TO APPROVE**

#### CITY OF ST. JOHN'S Municipal Plan, 2021

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

- 1. Adopted the St. John's Municipal Plan, 2021 on the 3rd day of May, 2021;
- 2. Gave notice of the adoption of the St. John's Municipal Plan, 2021 by way of an advertisement inserted in the Telegram newspaper on the 8th day of May, 2021. the 15th day of May, 2021, the 22nd day of May, 2021, the 29th day of May, 2021 and on the 5th day of June, 2021; and
- 3. Set the 9th day of June, 2021 at 7:00 p.m. virtually via Zoom for the holding of a public hearing to consider objections and submissions.

Now, un	der section 2	23 of the	Urban and	l Rural Pl	anning A	lct, 20	00, the	City Co	uncil of	St.
John's	approves	the	Municipal	Plan,	2021	on	the		day	of
as amended with the changes outlined below.										

- Amend and replace "Map P-1 Future Land Use Map"
- Amend Section 1.2 Plan Review Process text as follows: "A city-wide brochure..."
- Amend Section 1.2 Plan Review Process as follows: "Public Forums and Meetings:
   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
   neighbourhoods"
- Amend Section 1.2 Plan Review Process as follows: "Staff compiled public input and prepared a Draft Plan for the consideration of Council and the public in 2014. This was updated in 2017, updated for adoption-in-principle in March 2019, and further updated for formal adoption in April 2021".
- Amend Section 4.1 Housing as follows: "Policy (1): "Support the implementation of

- the City of St. John's Affordable Housing Strategy, 2019 2028".
- Amend Section 6.4 Building Height to replace the word setback with stepback in The Downtown as follows: "1(d) The Downtown – "Additional height may be considered subject to the appropriate provision of building orientation, stepbacks, public space and parking standards" and "Height shall be subject to heritage requirements, the appropriate building orientation, stepbacks, public space and parking standards".
- Amend Section 6.4 Building Height as follows: "1(f) Battery Area Building height
  is established in accordance with the Battery Development Guidelines Study and
  will be reflected in the St. John's Envision Development Regulations".
- Amend Section 8.4 Residential Neighbourhoods as follows: "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 stepbacks".
- Amend Section 10.1 Objectives as follows: "Preserve Residential Neighbourhoods".
- Amend Section 10.1 Objectives Promote Religious, Public Assembly, Tourism and Recreation Uses as follows: "2. The preservation of an environment that will enable Downtown places of worship to carry on their religious and social functions".

Signed and sealed this day of	·
	Town Seal
Mayor:	
Clerk:	

# **Canadian Institute of Planners Certification**

r certify that the attached City of St. John	is Municipal Plan, 2021 has been prepared in
accordance with the requirements of the	Urban and Rural Planning Act, 2000.
MCIP/FCIP:	
	MCIP/FCIP Stamp

## **URBAN AND RURAL PLANNING ACT, 2000**

## **RESOLUTION TO ADOPT**

## CITY OF ST. JOHN'S Development Regulations, 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, 2021.

Adopted by the City	Council of St. John's on the 3rd day of	May, 2021.
Signed and sealed the	nis day of	·
Mayor:		Town Seal
Clerk:		
Canadian Institute	of Planners Certification	
-	nched City of St. John's Development nce with the requirements of the <i>Urban</i>	
MCIP/FCIP:		
		MCIP/FCIP Stamp

#### **URBAN AND RURAL PLANNING ACT, 2000**

#### RESOLUTION TO APPROVE

#### CITY OF ST. JOHN'S Development Regulations, 2021

Under the authority of sections 16, 17 and 18 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's:

- 4. Adopted the St. John's Development Regulations, 2021 on the 3rd day of May, 2021;
- 5. Gave notice of the adoption of the St. John's Development Regulations, 2021 by way of an advertisement inserted in the Telegram newspaper on the 8th day of May, 2021, the 15th day of May, 2021, the 22nd day of May, 2021, the 29th day of May, 2021 and on the 5th day of June, 2021; and
- 6. Set the 9th day of June, 2021 at 7:00 p.m. virtually via Zoom for the holding of a public hearing to consider objections and submissions.

Now, ur	nder section	23 o	f the <i>Urban and</i>	Rural Planning	Act, 2	000,	the Ci	ity Cou	ncil of	St.
John's	approves	the	Development	Regulations,	2021	on	the		day	of
as amended with the changes outlined below.										

- Amend and replace "Appendix B Zoning Map"
- Amend the definition of Permitted Use in Section 2 as follows: "Permitted Use means a use that is listed within the permitted use classes set out in the use zone tables of an authority's Development Regulations".
- Amend the definition of Lot Line Front in Section 2 as follows: "Lot Line Front
  means the Street Line on which a Lot has its civic address, except where a lot has
  two or more Street Lines, in which case the Development Officer shall determine
  the Front Lot Line, considering the most appropriate setting of the Building on the
  Lot".
- Add the definition of Stepback to Section 2 as follows: "Stepback means the portion
  of a building that is horizontally recessed from the façade that that faces the street".

- Remove the following from Section 4.8(3) Public Consultation as follows: "(3)(d)
   Variances".
- Amend Section 4.10 Waterways, Wetlands, Ponds or Lakes text as follows: "(4)
   Notwithstanding Subsection (3), Council may permit the following Development in
   a Buffer for those bodies of water enumerated in Subsection (1)".
- Amend Section 4.10 Waterways, Wetlands, Ponds or Lakes text as follows: "(5)
   Notwithstanding Subsection (3), Council may permit the following Development in
   bodies of water as enumerate in Subsection (1)".
- Add Section 4.10 Waterways, Wetlands, Ponds or Lakes as follows: "(8) Council
  may permit residential development in the Floodplain and Buffer of Rennie's River
  at 6 and 8 Winter Avenue".
- Amend Section 5.1.2(d) Application for Subdivision as follows: "(d) the relation and interconnectedness of the Subdivision to existing development, Streets, transit and trailways, pedestrians and cyclists".
- Amend Section 6.18.2 Home Occupations in an Accessory Building by adding the following and renumber the Sections that follow: "(a) is located within the Rural (R) Zone, the Rural Residential (RR) Zone, and Rural Residential Infill (RRI) Zone, the Agricultural (A) Zone or the Forestry (F) Zone".
- Add Section 6.25 Provincial Archaeology by adding the following text and renumber the Sections that follow: "Section 6.25 Provincial Archaeology: Any application for development within the areas identified on Map 1 are to be referred to the Provincial Archeology, Department of Tourism, Culture, Arts and Recreation".
- Amend Section 6.26 Provincial Forestry Areas Silviculture Areas as follows: "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".
- Add Section 7.1.5 Side Yard Calculations as follows: "Section 7.1.5 Side Yard Calculations - Where the calculation of a Side Yard Requirements results in a fractional number, that number shall be rounded to the nearest who number with 0.5 rounded up to the next whole number".

- Add Section 7.7 Temporary Buildings and Structures as follows: "7.7 Temporary Building and Structures: Notwithstanding the zoning of a site: 1. Except as provided for in subsection (2), Council or an Officer of Council may allow the use of land or a Building or structure for the following, provided the proposed Building or structure is of a temporary nature and subject to such conditions deemed necessary by Council or an Officer of Council: (a) A scaffold or other temporary Building or structure incidental to construction or work in progress, on premises for which a building permit under the St. John's Building By-Law has been granted, until such time as the work has been finished or abandoned; and 2. Council may allow a temporary Building or structure at or near the St. John's Harbour, or other navigable waters within the City intended for Harbour or marine-related Uses, subject to such conditions deemed necessary by Council".
- Amend Section 8.14 Bicycle Parking as follows: "(2) Bicycle Parking spaces shall be located near the building entrance and be equipped with a device to allow the bicycle to be secured".
- Amend Section 8.3 Parking Standards for Personal Care Home as follows: "Personal Care Home: (minimum) 1 space for every 5 Units and (maximum) 1 space for every 2 Units".
- Amend Residential 2 (R2) Zone to add Apartment Building as a Discretionary Use as follows: "(2) Discretionary Use: Apartment Building, maximum of 6 Dwelling Units".
- Amend Residential 2 (R2) Zone to add Four-Plex as a Discretionary Use as follows: "(2) Discretionary Use: Four-plex".
- Amend Residential 2 (R2) Zone to add Personal Care Home as a Discretionary Use as follows: "(2) Discretionary Use: Personal Care Home".
- Amend Residential 2 Zone to add Zone Standard for a Personal Care Home and renumber the Sections that follow:
  - (11) Personal Care Home

(a) Lot Area (minimum) 750 metres square

(b) Lot Frontage (minimum)(c) Building Line (minimum)(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 6 metres

(f) Rear Yard (minimum)

(g) Landscaping (minimum) 30%

 Amend Residential 3 (R3) Zone to add Personal Care Home as a Discretionary Use as follows: "(2) Discretionary Use: Personal Care Home".

Amend Residential 3 (R3) Zone to add Zone Standards for a Personal Care Home and renumber the Section that follow:

(10) Personal Care Home

(a) Lot Area (minimum) 650 metres square

(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

(g) Landscaping (minimum) 30%

 Amend Residential Downtown (RD) Zone to allow the following number of Micro Units per Building: "Micro Units (maximum 6 per Building)"

- Amend Residential Downtown (RD) Zone to add Duplex Dwelling as a Permitted Uses as follows: "(1) Permitted Use: Duplex Dwelling".
- Amend Residential Downtown (RD) Zone to add Semi-Detached Dwelling as a Permitted Uses as follows: "(1) Permitted Use: Semi-Detached Dwelling".
- Amend Residential Downtown (RD) Zone for Apartment Building Zone Standards for Building Height as follows: "(7)(d) Building Height (maximum) – 10 metres, as measured from all property boundaries, such that the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 10 metres as measured from the grade of the property over the site".
- Amend Apartment Downtown (AD) Zone for Apartment Building Zone Standards for Building Height as follows: "(3)(c) Building Height (maximum) – 16 metres, as measured from all property boundaries, such that the heigh is adjusted to follow

- the grade of Streets or property boundaries provided Height does not exceed 16 metres as measured from the grade of the property over the site".
- Amend Apartment Downtown (AD) Zone for Personal Care Home Zone Standards for Building Height as follows: "(4)(d) Building Height (maximum) 16 metres, as measured from all property boundaries, such that the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 16 metres as measured from the grade of the property over the site".
- Amend Apartment 3 (A3) Zone for Apartment Building Zone Standards for Side Yards as follows: "(f) Side Yards (minimum) 2, each equal to 1 metre for every 4 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".
- Amend Apartment 3 (A3) Zone for Personal Care Home Zone Standards for Side Yards as follows: "(e) Side Yards (minimum) 2, each equal to 1 metre for every 4 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".
- Amend Commercial Downtown (CD) Zone as follows: "(3)(c) 0 metre stepback"
- Amend Commercial Downtown Mixed 2 (CDM2) Zone as follows: "(4)(d) Building Façade Stepback on Street (minimum): 0 metre 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".
- Amend Commercial Highway (CH) Zone Side Yard Zone Standards as follows:
   "(4)(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".
- Amend Commercial Office (CO) Zone Side Yard Zone Standards as follows: "(4)(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".
- Amend Commercial Office Hotel (COH) Zone Side Yard Zone Standards as follows: "(3)(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".

Screening.	
Signed and sealed this day of	·
Mayor:	Town Seal
Clerk:	

Amend Planned Mixed Development Zone 2 (PMD2) Zone as follows: "(10)(b)

Landscaping and Screening shall be provided as identified on the attached

schedules (Appendix PDM2) and in accordance with Section 7.6 Landscaping and

# **Canadian Institute of Planners Certification**

I certify that the attached City of St. John's prepared in accordance with the requirement	, ,
MCIP/FCIP:	<b>,</b>
	MCIP/FCIP Stamp

# **COMMISSIONER'S REPORT ON THE**

Envision St. John's Municipal Plan, 2021 and Envision St. John's Development Regulations, 2021

Prepared by:

Marie E. Ryan Commissioner

July 2021

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# 1.0 Introduction

At the Regular Meeting of the St. John's Municipal Council ("Council") held on May 3, 2021, I was appointed as the Commissioner to conduct a public hearing and prepare a report with recommendations with respect to Envision St. John's - the Municipal Plan and Development Regulations (April 2021).

It is important to state that the Envision St. John's Municipal Plan ('Envision Municipal Plan') and Envision St. John's Development Regulations (Envision Development Regulations) must conform to the St. John's Urban Region Regional Plan (SJURRP), which was adopted by the Province in 1976. This Plan applies to all land in the St. John's Urban Region, which is essentially the Northeast Avalon Peninsula. The SJURRP is the Province's principal document for determining land use and development in the Urban Region. It distinguishes between urban and rural areas, and provides protection for the Urban Region's agricultural area, resource areas and designated scenic roads. It is the framework within which municipal plans are prepared by municipalities on the Northeast Avalon.<sup>1</sup>

My appointment as Commissioner was made by Council under the authority of Section 19 of the *Urban and Rural Planning Act*, 2000, with the accompanying duties established in Section 21(2) and 22(1) which note that the Commissioner is to "[...] hear objections and representations orally or in writing [...]" and, subsequently, to submit a written report on the public hearing including recommendations arising from the hearing.

The public hearing on Envision St. John's was scheduled for 7 p.m. on Wednesday, June 9, 2021. Within the context of the ongoing pandemic restrictions, this was an online session, held via Zoom. Prior to this date, and as required by legislation, the hearing was advertised in the May 8, 15, 22, 29 and June 5 editions of The Telegram. Additionally, the amendments were publicized on the City of St. John's website (<a href="http://www.stjohns.ca/public-notice/public-hearing-envision-st-johns-municipal-plan-and-development-regulations">http://www.stjohns.ca/public-notice/public-hearing-envision-st-johns-municipal-plan-and-development-regulations</a>) and via social media, and an email was sent to the Engage! St. John's subscribers. Given this hearing was in relation to an issue of relevance to the entire city, notices were not sent out to a specific area or neighbourhood, as is the usual practice in relation to a hearing for a specific Municipal Plan amendment.

The public hearing was convened online on Wednesday, June 9, 2021, at 7 p.m. There were about 23 interested persons in attendance, as well as Councillor Maggie Burton, in her role as lead Council member for planning and development, four City staff, and Your Commissioner. Assistance at the meeting was provided to Your Commissioner by the following City staff:

Commissioner's Report on Envision St. John's - Municipal Plan and Development Regulations

<sup>&</sup>lt;sup>1</sup> City of St. John's. St. John's Municipal Plan (June 2007). Section I -1.4 Relation to Other Levels of Planning. Pg. 1-4.

- Department of Planning, Engineering and Regulatory Services
   Ken O'Brien, MCIP Chief Municipal Planner
   Lindsay Lyghtle Brushett, MCIP Supervisor, Planning and Development
   Ann-Marie Cashin, MCIP Planner III, Urban Design & Heritage
- Legal Department
   Linda Bishop Senior Legal Counsel

Prior to this hearing, eight written submissions were received. These submissions are referenced in this report under the section "Written Submissions Received in Advance of the Hearing" (see Section 3.0) and the full text of each submission is found in Appendix "A".

### 1.1 The Issue

The issue for Your Commissioner and the topic for the hearing was Envision St. John's (April 2021) – the Municipal Plan and Development Regulations. The intent of the hearing was to receive any comments from the hearing as to concerns about the Envision Plan and Development Regulations and/or changes that members of the general public feel are still required to the Envision Plan and/or Development Regulations at this end stage of the lengthy review process leading to the adoption of Envision St. John's.

The Envision Municipal Plan is Council's policy document for existing and future land use and development. As detailed in Chapter 1: 'Introduction' of the Envision 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).

The Envision Development Regulations provide the framework of development standards under which the Plan's land use policies are implemented.

# 2.0 Background

# 2.1 Public Engagement for the Review of the Municipal Plan and Development Regulations

The process leading to the hearing began in 2012 when the City of St. John's initiated the review process of the St. John's Municipal Plan (2003) and simultaneous review of the St. John's Development Regulations (1994) as the Plan evolved. As detailed in the Envision Municipal Plan, there were multiple opportunities for the continuum of stakeholders to input into the review process:

#### **Section 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.
- A 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 neighbourhoods.
- 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 was updated in 2017.

Additionally, as detailed in correspondence cited in Section 2.2. herein, the Envision Plan was updated for adoption-in-principle in March 2019 and further updated for formal adoption in April 2021.

# 2.2 Recent, Relevant Correspondence and Activity

The following provides an overview of the most recent relevant correspondence and activity relating to the review of the St. John's Municipal Plan and St. John's Development Regulations and leading to the Envision St. John's - Municipal Plan and Development Regulations.

Correspondence to Ken O'Brien, MCIP, Chief Municipal Planner, Planning, Engineering and Regulatory Services, City of St. John's from Kim Blanchard, MCIP, Senior Planner, Local Governance and Land Use Planning Division, Government of Newfoundland and Labrador – February 26, 2021

This correspondence was in reply to a request from the Chief Municipal Planner seeking provincial review and release of Envision St. John's - Municipal Plan and Development Regulations, which had been adopted-in-principle by Council. It was stated that, in keeping with

the requirements of Section 15 of the Urban and Rural Planning Act, 2000, the above-noted documents had been reviewed against provincial and other government agency interests. The aforementioned documents were noted to be released, subject to four general points highlighted in the correspondence and detailed comments provided in a separate document. This correspondence specifically stated that while these detailed comments were provided by the Department, some changes identified would be considered mandatory for compliance, while others were provided as recommendations but not mandatory.

Decision/Direction Note prepared for the Regular Meeting of Council by Ken O'Brien, MCIP, Chief Municipal Planner, in relation to adoption of Envision St. John's Municipal Plan and Development Regulations – dated April 2021

This correspondence overviewed the background for and current status on the evolving Envision Municipal Plan and Regulations to the date of the correspondence. It explained that the Draft Envision Municipal Plan was first published for public review in 2014, edited in 2017 and updated for adoption-in-principle on March 4, 2019; it further stated that the Envision Development Regulations followed a similar timeline.

It was noted that following adoption-in-principle, additional changes were made to the Envision Municipal Plan and Regulations and these are now shown in yellow in the documents.

In terms of the review by the provincial government, it was noted in a December 9, 2020, update (attached to the April 28, 2021, correspondence) that:

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. Further, it was highlighted that any changes in line with provincial requirements since the provincial release are shown highlighted in blue.

It was explained that, for some provincial recommendations, City staff had set out why changes were not made, and a lengthy attachment provided this information. It was highlighted that the differences in approach were made with due consideration and would not impact the progress of Envision St. John's.

The April 28<sup>th</sup> correspondence also included a note on the new Heritage By-Law:

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.

# 3.0 Written Submissions Received In Advance Of The Hearing

As highlighted earlier, eight written submissions (emails/letters) were received in advance of the hearing. The following provides an overview of a number of key issues raised in these submissions. As previously referenced, the full text of these submissions is provided in Appendix "A".

#### 3.1 The East Coast Trail

One of the submissions was from the East Coast Trail Association (ECTA). This correspondence congratulated Council on completion of the new Envision Municipal Plan and Development Regulations, 2021, in particular for the commitment to the East Coast Trail. This correspondence highlighted that, "for the East Coast Trail the plan signals a very positive step forward in our efforts to work with the City toward sustainability of this valuable recreational and tourism asset." In terms of issues they consider unresolved to date, the correspondence states:

→ The ECTA is disappointed that the Plan does not specify a minimum buffer size for the Trail corridor; however, they will continue to advocate for adequate protective buffers and work with the City to develop appropriate standards and guidelines for buffers along the various sections of the Trail within the City's boundaries, especially where the Trail passes over Crown land.

- → They are wondering about the status of the plans to rezone Planning Area 13 (Freshwater Bay Industrial Lands), which encompasses a large piece of property donated to the Nature Conservancy of Canada.
- → The ECTA Deadman's Bay Path (Fort Amherst to Blackhead) runs though Crown Lands on the top of Southside Hills. The ECTA is very interested in being part of discussions on potential future development plans for this area.
- → The ECTA is interested to pursue an MOU with the City to further support protection of the Trail once Envision St. John's takes effect.

# 3.2 Protection of Agricultural Areas

One of the submissions referenced that there should be 'urban containment barriers' for farmland to facilitate farm to table food and protect agricultural land from residential encroachment.

#### 3.3 Micro Units

A submission was received from a community-based organization concerned about the limitation on the number of micro units which could be built on any one lot. As detailed in their submission, they have a reputable history of providing supportive and affordable housing in St. John's, having about 80 current units, and looking to expand to about 100 in the coming few years. Their issue, as presented in their submission is:

[We] purchased a property on [name of street] with the intention of redeveloping it into 5-6 micro units. Each unit is approximately 29 sq. meters with shared laundry on each floor. Our understanding is that the new Envision Regulations will not permit more than 2 micro units in a property. We feel this is short-sighted. Our history and work shows that tenants like the size of the units as they find it is less for them to maintain. The micro units can be one part of a solution to the housing situation in the City.

# 3.4 The Battery Area

Several concerns were raised in relation to protection of the Battery and its current array of small-scale housing, given its importance to its residents, heritage and tourism. It was stated that there should be more restrictions on what can be built in this area in relation to height and scale, small lots should be maintained, and there should be a moratorium on land amalgamation to facilitate larger homes. The intention should be to protect the Battery's cultural, heritage and historic nature.

It also was stated that the proposed Heritage Area 4 should include Walsh's Square and Signal Hill Road, as these were part of the Footprint and Height Control Overlay for the

Battery Development Area. It was felt that the size and scale of houses in the area and the shape of lots (with steep slopes/grades and irregular lot sizes) fit with the other Battery area houses.

# 3.5 Easements and Walkways

One of the submissions spoke to the importance of retaining easements for public walkways in areas where these have been planned, especially as clearly depicted on subdivision plans. It was noted that these walkways are important for neighborhoods.

# 3.6 Heritage

Two of the submissions supported the development of the Heritage By-Law. One of these submissions further noted that having the By-Law under the authority of the City of St. John's Act is beneficial and supports heritage protection and, also, referenced that there are strong statements in the Envision Municipal Plan regarding protection of the unique cultural landscapes, heritage districts and built heritage of the city.

However, these two submissions, and many of the other submissions, primarily provided comments and raised concerns about the removal of the heritage-related standards from the previous St. John's Development Regulations and incorporation into the new Heritage By-Law. The following presents a summary of the most prevalent comments and concerns.

Many of those who submitted comments disagreed with the following actions:

- Council will have the right to exempt the owner of a newly constructed building from the Heritage Design Standards (Reference: Section 10(3) in the Heritage By-Law).
- There will be flexibility to relax heritage standards above 18m where the building is required to step back (Reference: Decision Note to Committee of the Whole, March 22, 2021).
- Public consultation should be required when there are applications for new buildings and extensions to existing buildings in the Heritage Areas (Reference: Section 11(1) in the Heritage By-Law).
- A Heritage Report should be required when there are applications for new buildings and extensions to existing buildings (Reference: Section 8(2) in the Heritage By-Law).
- Council should retain the existing 18m height limit for new buildings in the Heritage Areas (Reference Commercial Downtown Mixed 2 (CDM2) Zone in the Envision Development Regulations).

Other comments included that there should be a focus on predetermining in which Heritage Planning Areas intensification may occur and under what circumstances, and the language in the Heritage By-Law should be less discretionary, e.g., the word "may" should be replaced by the word "shall".

Additionally, it was felt that there is a lack of recognition in the By-Law and design guidelines of the importance of the cultural landscape of the designated heritage areas.

# 4.0 THE HEARING

Your Commissioner explained the intent of the hearing to those participating and spoke to the process to be undertaken during the course of same, i.e. presentation of the application by City staff and presentation by/questions from anyone in attendance who desired to discuss the Envision Municipal Plan and Development Regulations and any amendments/changes which they felt might still be needed.

Your Commissioner explained to those in attendance what was within her purview to consider and requested that they be respectful in their comments during the hearing.

# 4.1 Overview of the Application

Ken O'Brien, MCIP, Chief Municipal Planner, provided a comprehensive PowerPoint presentation overviewing key milestones in the Municipal Plan review and development process and then highlighted key aspects of the Envision Municipal Plan and Development Regulations The introductory slides overviewed the five key theme areas around which the Plan is designed: environmental systems, a strong economy, transportation and infrastructure, healthy neighbourhoods and urban design. Each theme area has a set of goals, objectives and policies that support the City's overall vision and guided the creation of the Envision Development Regulations.

Further, during the presentation, the framework for the Plan development was outlined:

- A balanced growth strategy
- Open space integration into development
- Intensification areas mixed use, higher density, additional height, urban renewal
- Infrastructure investment 'complete streets'
- Neighbourhood planning Local Area Plans
- Urban design human scale, neighbourhood fit, buffering, building height and stepback
- Downtown development, height, heritage
- Healthy Community Development universal design, connectivity, walkability

The overview of the Envision Development Regulations was in-depth, identifying the many and varied key changes from the previous Regulations. Those referenced included stepbacks for buildings above 12m and higher where these abut a Residential Zone; the scope of opportunities for affordable residences across Zones including, as an example, micro units in the Residential Downtown (RD) and Apartment Downtown (AD) Zones; and efforts to support food security via increasing access to local food through addition of the use of community gardens across a range of Zones. Of particular interest, were changes in some of the Downtown Zones and the institution of the Heritage By-Law.

The Power-Point presentation is found in Appendix "B".

#### 4.2 Overview of the Submissions

Your Commissioner referenced that a few submissions had been received from city residents in relation to Envision St. John's – Municipal Plan and Development Regulations.

# 4.3 Presentations by those in Attendance

Of note, the evening of the online hearing there were a few participants who had more detailed comments, which they did not feel they could present in-depth during the hearing. Your Commissioner indicated to all of the participants that she would receive follow-up comments from anyone wishing to so submit by end of day on June 10. Arising from this opportunity, four of the online participants submitted additional comments. The information from these submissions built on comments made during the online hearing and, so, are incorporated into this section.

#### Speaker #1

• Rear yard additions to residential dwellings in the R3 Zones

This speaker wondered if consideration were given to the issue of expansion of houses into rear yards in attached properties in R3 Zones, with particular comments regarding the Signal Hill/Battery area. They noted that given the configuration of many of these houses with elongated backyards, the additions can block views and light. They felt that allowing this type of expansion in these denser residential Zones is providing a suburban overlay to a downtown area.

Response from the Chief Municipal Planner:

The challenge is understood, and this is an issue which impacts many of the older areas – e.g., Tessier's Park, Patrick Street. However, homeowners have the legal right under the Zoning to build back.

#### Proliferation of Airbnbs / "Ghost" Hotels

This speaker also raised concerns regarding the proliferation of Airbnb properties in existing neighbourhoods. They noted that, in contrast to the standard Bed and Breakfast, Airbnbs do not have on-site residents. The speaker felt that residential dwellings, including row houses, are being purchased by individuals and companies and converted into Airbnbs, which they considered a degradation of a neighbourhood. They wondered if these dwellings could be regulated and enforced under the Envision Development Regulations, as Bed and Breakfasts are.

#### Response from the Senior Legal Counsel:

Airbnbs are definitely a fiscal concern for the City since, if they are effectively tourist accommodations, then we would like to have them taxed as such. This would be a commercial vs a residential tax. The City does not regulate Bed and Breakfasts – they register with Canada Select. However, the City does have zoning for traditional Bed and Breakfasts and hotels, but not for Airbnbs. Airbnbs do not fit within existing definitions and, currently, there is no clarity for a proper definition, as these properties are not registered with a specific association, they do not fit within the Provincial definition of a Tourist Establishment, and while the issue of Airbnbs overlaps with the Residential Tenancies Act, it was not addressed within the recent updated legislation.

Where some municipalities have had success is in working with the mother organization, but this still does not address all of the concerns – e.g., this is not statutory in nature. The City continues its efforts to address the many and varied issues associated with Airbnbs.

#### Increased Public Consultation and Engagement

This speaker also referenced the new requirement for a Developer to do public consultation as a step in the Land Use Report (LUR) process. They cited early notification of Zoning changes as welcome, given they felt this currently is a missing step in the notification, assessment and engagement process, with citizens often unaware of potential rezonings and plans for several weeks or months, while the City and Developers are engaged in discussions.

While this speaker welcomes this early requirement for public engagement, they felt that the City should take the first step of early notification and engagement with the community. They thought there were inherent weaknesses with the proposed approach in which the Developer takes the lead on engagement, including that it is going to be impossible for the City to police the approach that each Developer takes, without laying down very specific requirements and timeframes for consultation. Further, it runs the risk of setting up neighbourhood confrontations or early acceptance of what is being proposed without a comprehensive LUR being available at the time of the public engagement.

This speaker noted that, currently, citizens are given very little time to mount a counter case to complex issues and when a Zoning change is considered detrimental to a neighbourhood.

Response from the Chief Municipal Planner:

Certain types of applications require a Land Use Report. While under the previous regulatory framework, it was recommended to Developers that they speak to residents, most do not, and they wait until the City's public meeting. Within the context of the current Envision Development Regulations, they will have to engage early on with the residents. If the City is not satisfied with the level of engagement, additional engagement will be required.

#### Speaker #2

#### Parking

In addition to bicycle parking, this speaker suggested that Council consider parking regulations and areas for motorcycle parking, which many European cities allow.

# Heritage

This speaker was in agreement with the concerns raised by others in relation to a lack of vision for the Heritage Areas. Following a review of the Envision Municipal Plan, they expressed concern about the protection of buildings in the Heritage Areas and of the entire historic cultural landscape that is "the Downtown".

The speaker raised a few main points drawn from specific sections of the Envision Municipal Plan:

- → Balancing retention of built heritage with new development is a challenge (Reference: Section 4.7, pg. 4-7).
- → Establishing urban design guidelines to help facilitate new developments through the City's Heritage By-Law review process (Reference: Section 4.7, pg. 4-8).
- → Facilitate redevelopment of vacant sites and building renovation in the downtown to support it as the City's central business [district] (Reference: Section 5 Strategic Objectives, pg. 5-2).
- → Urban design to preserve heritage assets while accommodating new development; develop urban design guideline for intensification areas and the downtown (Reference: Section 6 Urban Design, pgs. 6-1 and 6-2).

→ Ensure appropriate streetscapes and that tall buildings contribute positively to the city skyline (Reference: Section 6.1 – Built Form, Pg. 6-2).

The speaker felt that these statements identify the degree of development pressure in the Heritage Areas, while the protection to be offered through the new Heritage By-Law is "weak in a number of areas" including wording.

Further, the speaker felt that if powers are being given to Council to allow circumvention of the By-Law, the breadth of Council's authority in the matters should be better defined. The speaker noted that exemptions as set out in the By-Law, together with the practice of considering changes requested in the Heritage Areas, are of concern and could have the potential to substantially alter the downtown Heritage Areas.

# Speaker #3

## Heritage

This speaker highlighted that while the Envision Municipal Plan has many well-meaning principles in relation to preserving heritage, this is offset by the Heritage By-Law which provides for an avenue for exceptions to and circumvention of the regulations. They felt that the language regarding enforcement is weak with prevalence of the word "may" and that changes to the By-Law are needed to support the goal of preserving the downtown.

# Response from the Chief Municipal Planner:

Exemptions within the current Heritage By-Law address the exterior of buildings and developments, not scale and density, which are addressed within the Development Regulations. Additionally, any changes of height within a Zone would have to be addressed via a public process.

# Response from the Senior Legal Counsel:

Heritage is not referenced in the Province's Urban and Rural Planning Act; rather, this issue comes under the City of St. John's Act. The section in the Act which refers to heritage is older. The Act is under review, and the section speaking to heritage is one which has been identified to be strengthened. Further, the use of the word 'may' is from provincial legislation and standard in this type of document.

The speaker further commented that the concept of setbacks ['stepbacks'] on buildings would be amenable for street views but does not consider those living behind the buildings.

#### Speaker #4

# Renderings for developments

This speaker highlighted that when a proposed development is presented for viewing, we are provided a two-dimensional vertical rendering. They wondered if it were possible to consider Developers providing three-dimensional renderings, as this would better inform how it impacts site lines, in particular in relation to built and natural heritage. As well, it would be easier to assess the impact of building setbacks ['stepbacks'] in three dimensions.

# Response from the Chief Municipal Planner:

When we receive a proposal for a larger building, we set out specific requirements for the site and consider which views need to be presented. The idea of presenting three-dimensional views via virtual reality would provide an opportunity to better view the building from different angles and understand its situation on a site. This option is something we want to explore. Having said that, caution has to be exercised in ensuring that any scale models are accurate in terms of size and that such renderings accurately present, for example, the proposed landscaping, as opposed to including landscaping for the sake of a better presentation.

# Heritage

This speaker highlighted that the city is about our history; yet it is concerning to see how development is diminishing the views of the harbour. They stated that it is for these reasons they are concerned when historic considerations are no longer going to be included in the Regulations.

Further to this point, the speaker felt there needs to be more discussion in the Plan on the vision for heritage – both in respect to the built environment and history. They felt that leaving an aesthetic to the discretion of a Developer would diminish the work that has been done over the years by those who are living in and maintaining their residential heritage properties within heritage districts.

#### Response from the Senior Legal Counsel:

As previously referenced, we are beholden to statutes, and heritage is not given any weight in the Urban and Rural Planning Act. Within the City Act, we work within the limited powers that the province has given and we are trying to work as effectively as possible within the framework we have.

#### Speaker #5

## Heritage

This speaker provided an overall commentary on Envision St. John's and related concerns about heritage protection and preservation. They felt that while the Envision Municipal Plan sets the right tone for heritage, there should be individual strategies for both culture and heritage – not only a Heritage By-Law. As well, they stated that while the Envision Municipal Plan identifies there will be continued protection of the Heritage Areas under the new By-Law, the current version of the Envision Development Regulations is an ineffective tool for implementation of heritage policy as now embedded in the Envision Municipal Plan.

The speaker stated that the Development Regulations must be more restrictive in relation to the Heritage Areas, including the Ecclesiastical District, and should require more consultation with the heritage community. They said the Plan cannot protect heritage if the Development Regulations are unrestrained in what is allowed within these areas. The speaker referenced two recent examples of rezoning, which they felt were contrary to the approved principles in the Envision Plan regarding protecting heritage properties.

This speaker also felt there should be a specific set of requirements for an LUR, including who should be engaged - both citizens and key stakeholders such as heritage groups, who have knowledge on best practices around development in Heritage Areas and in what time frames.

#### **Ecclesiastical District**

Finally, this speaker noted that the proposed Institutional Downtown Zone for the churches of the Ecclesiastical District includes an unnecessary 23-meter height capability, which is completely out of proportion to the existing architectural masterpieces. They felt the churches should be in a lower density and perhaps site-specific Zone for the entire District to recognize its unique historic value. There should be a maximum allowable height of 32ft or less to ensure any new development does not overwhelm the aesthetic, historical and architectural value of the existing buildings, to protect six historic cemeteries and to facilitate the District's function as a living historic center of spirituality and state ceremony, as well as its social and educational functions.

# Speaker #6

#### Charging stations

The speaker wondered about the provisions being made for charging electric cars, noting this is an issue for the downtown area.

Response from the Chief Municipal Planner:

The City is looking at this issue. There has been an application for a charging station around the centre city. Questions still to be answered include – would there be an overhead line to the station or would it be on the ground; would there need to be reserved parking for these stations?

# Heritage

This speaker stated that heritage reflects our culture, our people and where we are. In their view, the overall approach to heritage planning should be more stratified and policy-based. There should be recognition in the Plan of the other provincial and federal designations.

If there were appropriate standards and guidelines, then there would not be an increased height allowance or setbacks ['stepbacks'] in the Heritage Areas. Within the current By-Law, new buildings could overwhelm existing buildings.

This speaker also felt that the option for three-dimensional presentation of developments, including the proposed façade, would be helpful.

## Speaker #7

This speaker noted that the legal enforcement around heritage does not lie in the Envision Municipal Plan, although it can set out a vision. They, too, highlighted the critical nature of heritage to the city – both now and into the future, indicating heritage preservation should be a source of concern for everyone, not only those living in the Heritage Areas. This speaker specifically referenced concerns with setbacks ['stepbacks'], which they felt should be considered within a cultural context.

#### Speaker #8

This speaker welcomed the development of secondary plans at the neighbourhood level but felt this would be a challenge and ambitious within the existing resources at City Hall. Two issues were raised by this speaker.

# Complete streets

This speaker felt the Envision Municipal Plan is very solid in endorsing the concept of 'complete streets' but wondered how this process will happen – what is the mechanism beyond what is expressed in the Development Regulations?

Response from the Chief Municipal Planner and the Supervisor, Planning and Development:

The Development Regulations are not yet fully set up to enable complete streets. There are other considerations for such an approach including incorporating the key aspects of healthy communities and a healthy city. Additionally, some aspects of the complete streets concept are covered within the regulatory framework of engineering design and construction.

# Pedestrian Rights-of-Way

This speaker said there should be stronger protections for pedestrian "rights-of-way" in the Plan. While the speaker acknowledged that Council understands this need, it was felt that sometimes these rights-of-way are sold to homeowners adjacent to the rights-of-way. It would be helpful if this process were to require an amendment as a built-in protection and to institutionalize the process, so these pedestrian accesses would have a higher level of protection.

## Speaker #9

This speaker referenced some specific issues related to the Envision Municipal Plan and Development Regulations – which are presented below:

## Envision Development Regulations

Reference: Section 5.1.2 'Application for Subdivision' - Please add a requirement that bicycling (or multi-use) traffic must be considered in addition to car and pedestrian traffic.

Reference: Section 5.4.2 'Public Open Space and Recreation' - This addresses open space to be provided to the City in new Subdivisions. Open spaces are critical in any neighborhood. Please consider adding a requirement that the open space provide connectivity within the Subdivision (not merely an isolated tot lot or series of unconnected tot lots), and only if that cannot be agreed upon, then other open space land could be provided, and as a final option, the cash-in-lieu. The default requirement in the first instance should be open space land that provides opportunity for community connectivity.

Reference: Section 8.14(3) 'Bicycle Parking' – Amend this section to mirror Section 8.13. Currently, 8.13 (3) provides Council with greater flexibility in that a combination of cash-in-lieu and shared parking (for vehicles) may be allowed, but this option is not provided for bicycle parking.

#### Envision Municipal Plan

Reference: Section 7.2 'Transportation Network' - The concept of complete streets is mentioned in this section. However, the speaker felt this could be set out more clearly to indicate that street

planning will involve consideration of pedestrian, cycling, and multi-use needs. The speaker felt this was better delineated in the Bike St John's Master Plan.

Reference: Section 7.2(4) - Please add a requirement that if cul-de-sacs are permitted, there should be a multi-use path between building lots to provide connection for active transport.

## Speaker #10

This speaker felt that there have been many public consultations in recent times wherein good information has been presented in relation to the Heritage By-Law. They wondered whether any of the information would result in amendments. They expressed concern that the information is not being received by Council to inform their decision making. They wondered whether they should go beyond Council and seek amendments from the province for the By-Law.

Response from the Senior Legal Counsel:

The Province cannot amend a municipal by-law; however, the Province can amend the City of St. John's Act which, as previously referenced, is currently a subject of discussion between the two parties.

# Speaker #11

This speaker was wondering about the regulatory environment for keeping farm animals on their property.

Response from the Senior Legal Counsel:

As previously cited, the City Act is quite old and, as such, the existing provisions include those for horses and dogs - which were more usual back 100 years ago. There is a level of allowance within the new Regulations in relation to an animal unit with smaller farm animals allowed. There is no strict prohibition on having smaller animals.

# 5.0 Considerations and Recommendations

In reflecting on the issues raised in the submissions and at the hearing, it is important to highlight the degree of engagement the current and previous City Councils and staff have facilitated through the course of the Municipal Plan Review. The feedback received from the ongoing consultations has been reviewed and, where appropriate, incorporated into the draft Envision St. John's documents.

For further context, and as detailed in Section 1.4 of the Envision Municipal Plan ('Conformity with Provincial, Regional and City Policy'), and as previously referenced, the Envision Municipal Plan must be consistent with relevant provincial policy and law and with the St.

John's Urban Region Regional Plan. Further, and equally importantly, at the municipal level, the Municipal Plan does not exist in a vacuum. It incorporates policies of, and is designed to support, other key documents including, for example, the Open Space Master Plan and the City's Strategic and Economic plans.

Additionally, the Envision Municipal Plan is building on many years of key decisions and recommendations made by Councils over the years – all of which provide important direction for the Plan.

Having said that, it is equally important to note that revisions are still possible should issues be identified which would warrant further consideration by Council. To that end, Your Commissioner has provided analysis on the main issues presented to her during the hearing and in related submissions and, in some cases, has presented recommendations for Council's consideration. Of note, in so doing, Your Commissioner recognizes that she has not had the benefit of being privy to the extensive internal review and discussions undertaken by Councils and staff over the preceding years.

# 5.1 Protection of Agricultural Land

As stated previously, one of the Envision Municipal Plan's key themes is Valuing Environmental Systems. Within the description of this theme in Section 2.4 of the Plan are the following comments on the critical nature of preserving agricultural land:

#### **Section 2.4 Valuing Environmental Systems**

[...]

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.

[...]

Chapter 5 in the Envision Municipal Plan further speaks to the protection of agricultural land as being under the authority of provincial regulatory bodies:

#### **Chapter 5 A Strong Economy**

 $[\ldots]$ 

#### Section 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.

1. 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).

[...]

Chapter 8 in the Envision Municipal Plan reinforces the focus on protection of agricultural lands as per Section 8.12:

#### **Chapter 8 Land Use Districts**

[...]

# **Section 8.12 Agriculture Land Use District**

[...]

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.

[...]

In terms of the specific issue raised in the hearing submission regarding buffering, and as referenced in the December 2020 attachment to the April 28, 2021, Decision Note to Council:

# Part 1: Proposed Envision changes arising from the Province's Interdepartmental Land Use Committee Report – ILUC Project #1736

[...]

## **Land Management (Agriculture):**

 $[\ldots]$ 

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.

Your Commissioner feels that the existing provisions and stipulations for Agricultural Land within the Envision Municipal Plan and Development Regulations are sufficient for protection of such lands. No recommendations are required.

# 5.2 Public Engagement and Consultation

As can be seen in Chapter 9 of the Envision Municipal Plan, Council has articulated, within the context of a goal and strategic objectives, that citizens and community partners must be involved during planning periods and processes.

# **Chapter 9 Implementation**

<u>Goal</u>: 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.

[...]

## **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.

 $[\ldots]$ 

Further, as detailed in Section 9.3 of the Envision Municipal Plan:

#### **Section 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.

To support achieving the above stated commitment, the Envision Development Regulations have a specific and detailed section describing how the public will be engaged. Of note, while some of these provisions were enshrined in Section 5.5 in the previous Development Regulations, these were not as detailed or specific as those presented in the Envision Development Regulations. In particular, the previous Regulations did not identify for what circumstances public consultation would be undertaken; the Envision Development Regulations provide such a directive.

#### **Section 4 General Development Procedures**

[...]

#### **Section 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.

#### **Land Use Reports and Public Consultation**

Chapter 9 of the Envision Municipal Plan discusses Land Use Reports:

#### **Chapter 9 Implementation**

 $[\ldots]$ 

## **Section 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 use or development may have on the environment and/or surrounding lands or

neighbourhood [and to include] recommendations on measures to control and mitigate the identified impacts where appropriate.

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.

LURs are also discussed in detail in Section 4 of the Envision Development Regulations. One change of note from the previous Development Regulations is the detailing in Section 4.9 (6) of what the LURs will have to include, most notably public consultation.

### **Section 4 General Development Procedures**

 $[\ldots]$ 

#### **Section 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.

#### **CONSIDERATIONS**

Council's commitment to public engagement and consultation cannot be disputed. This is evidenced by the numerous ways and means Council keeps citizens apprised of key activities, events, upcoming consultations and the many public meetings which are held to discuss, for example, rezonings, LUR reports and other issues which Council feels could impact residents and require input and discussion.

Your Commissioner feels that requiring a Developer to hold public consultation as a component of the LUR is a vital step. However, she does feel that there should be more structure and guidelines around how and when this consultation should be undertaken. For example:

- →who would need to be advised of the meeting (e.g., notification within 150m; a broader sweep if the development is one of broader interest);
- →how and when it should be advertised (which could be the usual channels which Council employs);
- →the need to keep minutes of the meetings which would be provided to Council as a component of the report on the consultation;
- →and where it would be held in relation to access provisions.

Further, Your Commissioner feels that, to ensure the timely notification to those who would be invited to such a consultation, clarity should be provided as to what "early on in the development application process" actually means.

While such information could be outlined by potential Developers in a development application form, it is important that direction be provided in the regulatory framework of the Development Regulations.

### **RECOMMENDATIONS:**

Based on the foregoing information, Your Commissioner recommends:

- That section 4.9 'Land Use Report' of the Envision Development Regulations be amended to clearly identify that public consultation would be the first step in the Development process
- That this section provide guidance on how and to whom a public consultation would be
  advertised and in what timeframe, the need for accessibility, that minutes of any meetings
  would be kept and provided to Council as a component of the LUR, and any other
  stipulations which Council and staff feel are needed to ensure the most effective public
  consultation process.

#### 5.3 Micro Units

One of the key themes in the Envision Municipal Plan is Healthy Neighbourhoods as discussed below, with relevant excerpts from the Plan.

#### **Chapter 2 Framework for Growth**

[...]

#### **Section 2.4 Key Themes**

 $[\ldots]$ 

#### **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.

[...]

The City will re-invest in planning at the neighbourhood level to identify ways to improve the built environment [...] and opportunities to increase the assortment of housing form.

[...]

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.

[...]

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.

[...]

## **Chapter 4 Healthy Neighbourhoods**

<u>Goal</u>: To design complete and interconnected, walkable neighbourhoods [which would] include 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.

[...]

#### Section 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.

 $[\ldots]$ 

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 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.

- 1. Support the implementation of the City of St. John's Housing Strategy, 2019 2028, and its strategies.
- 2. 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.

[...]

In relation to objective number 1 above, the following are relevant excerpts from the City of St. John's Housing Strategy 2019-2028:

Pgs. 1 to 2

**Vision:** St. John's will be a vibrant, inclusive and thriving city with a wide range of affordable housing options that contribute directly to community health, sustainable growth and economic security.

Building on our strengths in this area and past successes, the City will continue to provide leadership around affordable housing, with a commitment to actions:

Act as champions for issues across the affordable-housing continuum;

Reach out to partners for consultation and collaboration and apply a range of best practices and approaches;

 $[\ldots]$ 

#### **Strategic Directions**

[...]

Building Homes: Increase the stock and sustainability of affordable rental and home ownership opportunities.

Leading Innovation: Inspire and facilitate creativity in affordable housing projects.

Revitalizing Policy: Create municipal policy and plans that strive to meet affordable housing needs of residents.

#### **CONSIDERATIONS**

Your Commissioner knows that the City of St. John's has had a longstanding commitment to enabling access to acceptable and affordable housing for a range of populations who are challenged in their access by virtue of a number of factors including, but not limited to, income, disability and lack of accessible housing, mental health and addiction issues, racism, ageism and NIMBY. The importance of affordable housing was further evidenced by the fact the City held a forum on affordable housing as a component of the Municipal Plan review.

The City is continuing and strengthening its commitment to affordable housing within the context of the Envision Municipal Plan, as detailed above, and by increasing the range of affordable housing types which the Plan and Development Regulations will facilitate. This includes micro units, which are known to be more amenable to individuals who have struggled to maintain their housing both in terms of affordability and day-to-day upkeep.

As provided in Section 2 – 'Definitions' of the Envision Development Regulations, a 'micro unit' means a Dwelling Unit which shall not exceed 42 metres square (450 square feet). Of note, there is no minimum size set out for a micro unit in the definition.

Under the Development Regulations, a micro unit is a discretionary use in the Residential Downtown (RD) Zone, the Apartment Downtown (AD) Zone, the Commercial Downtown Mixed (CDM) Zone and the Commercial Downtown Mixed Zone 2 (CDM2). In the RD Zone, a maximum of two micro units is currently allowed within a building, as this would assume a certain square footage below the maximum allowed.

Your Commissioner congratulates Council on its efforts to enable this housing option within the Downtown Zones given this is often the area in which those who are most in need of affordable housing are located, in particular to access services and supports provided by a range of non-profit groups and organizations. However, limiting the number of micro units to two within a dwelling unit in the RD Zone is counter-intuitive to enabling maximum access to affordable housing for the population just referenced.

Your Commissioner understands that this perhaps is an effort to ensure that there is not a ghettoizing of people or perception of same for neighbourhoods. Further, she recognizes that there are some landlords who would see this type of micro unit as maximizing their profit, with little regard for the quality of life of those who would find these units amenable to their finances

and capacities. However, to make a blanket provision impacts the very important work of the many and varied non-profit affordable housing providers with whom the City is familiar, has worked and has been successful in relation to affordable housing developments.

#### **RECOMMENDATIONS:**

Given the importance of micro units to the affordable housing continuum, the non-profit organizations working within the housing and homelessness sector, and the populations for whom such a small unit is amenable, Your Commissioner recommends:

- That Council add further stipulations to the Envision Development Regulations for micro units within the RD Zone. It is recommended that there be a statement added that priority for micro units will be afforded to non-profit organizations who have a mandate to support their target populations with housing, with other applicants considered on a case-by-case basis.
- That the number of micro units be expanded to allow for a maximum number of units which can be afforded within the requirements of the RD Zone.

# 5.4 Protecting the Cultural, Heritage and Historical Nature of the Battery

Some concerns were raised in the submissions and during the hearing about the need to prevent future housing developments in the Battery, which are not in keeping with the scale and height of existing dwellings in the area, in particular in relation to large lot size.

Background information provided for the May 27, 2021, public hearing on the proposed planning and heritage policies and regulations for the Battery neighbourhood, responds to the concerns raised in the hearing/submissions and notes action which will protect the cultural, heritage and historic nature of the Battery.

As detailed in this information for the May 27, 2021, hearing,<sup>2</sup> currently, the Battery is part of Heritage Area 3, which covers much of the old city. Under the new Heritage By-Law, a Heritage Area 4 is proposed solely for the Battery, to better reflect its uniqueness and differences from other neighbourhoods. It was highlighted that houses in the Battery, typically, are on smaller lots

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<sup>&</sup>lt;sup>2</sup> Information on the Battery public hearing and related documentation is found at <a href="https://www.engagestjohns.ca/heritage-bylaw/news\_feed/public-meeting-battery-neighbourhood">https://www.engagestjohns.ca/heritage-bylaw/news\_feed/public-meeting-battery-neighbourhood</a> and <a href="https://www.stjohns.ca/sites/default/files/CSJ\_FileUpload/Planning/BATTERY%20NEIGHBOURHOOD%20CHANGES\_0.pdf">https://www.stjohns.ca/sites/default/files/CSJ\_FileUpload/Planning/BATTERY%20NEIGHBOURHOOD%20CHANGES\_0.pdf</a>.

(some houses have little land surrounding them), are often simple in style, and have a prominent position along the flanks of Signal Hill overlooking the harbour.

It was further explained that, while, in the existing three Heritage Areas, the City is more concerned about the parts of houses and other buildings that are visible from the street, in the Battery, the backs of many houses are visible from the harbour and downtown. This has more of a bearing on heritage than other neighbourhoods where the backs of houses are not seen from the street. Hence, the proposal for Heritage Area 4.

It was also noted in this backgrounder that only in the Battery and Fort Amherst neighbourhoods are private views given some measure of protection. In the Fort Amherst neighbourhood, there have never been any applications that caused concern over someone's private view. In the Battery neighbourhood, several applications over time have caused concern. The Battery is perched above the harbour and offers fine views of it, downtown, and the Southside Hills, plus views through the Narrows and out to sea. The challenge is that private views are not protected under the City of St. John's Act and are not protected in common law. In fact, a court case from the 1980s specifically removed the "right to light" from the City of St. John's Act, and the Act was amended as a result of the court ruling. The City's Legal Department has examined this matter several times over the years. They have advised Council that the explicit protection of private views is not defensible in court. However, using typical zone standards for building height, yard sizes, and maximum lot size, the City can strive to keep the Battery neighbourhood in traditional scale and style.

To that end, the Envision St. John's Municipal Plan and Development Regulations, 2021, propose maximum lot area and height limits in the Zoning to address the concern that several properties could be assembled so as to build large houses that may be out of character with their surroundings:

#### **Envision Municipal Plan**

[...]

#### **Section 6.4 Building Height**

 $[\ldots]$ 

1(f) Battery Area – Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the [Envision] Development Regulations.

[...]

#### **Chapter 10 Secondary Plans**

 $[\ldots]$ 

# Section 10.2 Planning Area 2 – East End, Battery and Quidi Vidi Village [...]

#### **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.

Further to this approach, and as per the Residential Battery (RB) Zone described in the Envision Development Regulations (Pg.10-17), the maximum lot size is 400 square metres (approximately 4,305 square feet). By comparison, the typical lot size in the Residential Low Density (R1) Zone that is found in much of St. John's is 450 square metres (which translates to approximately 50 feet wide by 100 feet deep). This maximum lot size in the RB Zone will not affect anyone whose property is already larger than 400 square metres, but it would restrict new lots to that size.

Your Commissioner is reassured that these regulatory stipulations and changes will help ensure that future development in the Battery neighbourhood respects the existing smaller scale nature of the dwellings.

#### 5.4.1 Inclusion of Walsh's Square and Signal Hill Road within Heritage Area 4

In terms of inclusion of Walsh's Square and the lower portion of Signal Hill Road within the proposed Heritage Area 4, Your Commissioner considered several factors.

Chapter 3 of the Battery Development Guideline Study, 2004, <sup>3</sup> references these two areas:

# **Chapter 3.0 Visual Characteristics of the Battery** [...]

#### Section 3.8 The Battery from a Distance

When we think of The Battery, we generally visualize the Middle and Outer Battery, but it also includes at least for the purpose of this Study, the areas around Signal Hill Road and The Battery Hotel. Within this definition of The Battery, there are several spatially distinct areas:

<sup>&</sup>lt;sup>3</sup> This study is available from <a href="http://www.stjohns.ca/sites/default/files/files/publication/Battery%20Development%20Guideline%20Study.pdf">http://www.stjohns.ca/sites/default/files/files/publication/Battery%20Development%20Guideline%20Study.pdf</a>.

- Signal Hill Road and Walsh's Square are similar in character to Downtown St. John's.
- [...]
- The most distinctive Battery character starts at the intersection of Battery Road and Middle Battery Road. There are then a series of "neighbourhoods" at least in terms of building groupings including the area around Top Battery Road and the Middle Battery and Hipditch Hill, the Fort Waldegrave area and Inner, Middle and Outer Battery.

 $[\ldots]$ 

# **Chapter 6 Specific Recommendation**

[...]

Section 6.3 Designate Zone Boundaries Based On Similar Characteristics

Sub Area	Designation
Signal Hill, Walsh's Square and Cabot Avenue	R3 and Heritage Area 3
[]	[]
3.	Residential Battery and Heritage
(A) Middle Battery and Top Battery	Area Battery
(B) Middle Battery/Hipditch Hill and	
Fort	
Waldegrave	
(C) Outer Battery	

This study identified that Signal Hill and Walsh's Square more appropriately fit within the R3 Zone and as well within Heritage Area 3. While these two areas were included within the Footprint and Height Control Overlay in the Battery Study, this has now been removed. Development controls remain in place through the regulations for the R3 Zone, in which these areas fall, and by virtue of their assignment to Heritage Area 3. Of note, on a review of the Heritage Area Standards for Heritage Areas 3 and 4, there are very few differences.

Your Commissioner is satisfied that Signal Hill Road and Walsh's Square should remain within the Heritage Area 3 designation.

# 5.5 Heritage

The issue of heritage, specifically the development of a new Heritage By-Law, is one which was of interest to many who made submissions and/or presented to Your Commissioner. Of note,

there has been an engagement and public meeting process in relation to the City's new Heritage By-Law, and concerns emanating from these discussions were reiterated to Your Commissioner.

Your Commissioner has provided commentary and analysis on many of the issues raised given that the vision and regulatory framework for the City's Heritage Areas and designated buildings are articulated within the Envision Municipal Plan and Development Regulations, respectively.

### 5.5.1 The Vision and Regulatory Framework for Heritage

#### **Envision Municipal Plan**

[...]

#### **Chapter 2 Framework for Growth**

[...]

#### Section 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, [...and] recognition of heritage.
[...]

#### **Section 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.

 $[\ldots]$ 

#### **Section 2.4 Key Themes**

[...]

#### **Urban Design**

[...]

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.

 $[\ldots]$ 

### **Chapter 4 Healthy Neighbourhoods**

[...]

A city that is recognized for the quality of life that its citizens enjoy is a city of well-designed neighbourhoods, in which [...] older, established neighbourhoods have distinct histories, character and form that contribute to the city's overall culture and heritage.
[...]

Policies of this Plan support the strengthening of neighbourhoods by encouraging [...] the protection of our heritage and archaeological resources.

#### **Section 4.1 Housing**

#### **Strategic Objectives**

[...]

- 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.

[...]

#### **Section 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 [...].
- 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 [...].
- 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. [...]

- 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.

[...]

### **Chapter 5 A Strong Economy**

 $[\ldots]$ 

#### Section 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).

 $[\ldots]$ 

#### Chapter 6 Urban Design

 $[\ldots]$ 

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.

 $[\ldots]$ 

#### Section 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 [...]
- An unforgettable commercial core featuring authentic, traditional buildings, well conserved and rehabilitated, which create a highly competitive retail sector along Water and Duckworth Streets.

 $[\ldots]$ 

[...]

Over two decades later, this vision is still valid, and the downtown is recognized as a significant defining feature of the city in regard to built heritage, unique residential neighbourhoods, culture, the arts, tourism, and a centre for employment and commerce. [...]

### **Section 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(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 ['stepbacks'], 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.

[...]

#### **Chapter 8 Land Use Districts**

 $[\ldots]$ 

#### **Section 8.3 General Policies**

[...]

#### **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 is 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.

 $[\ldots]$ 

#### **Chapter 9 Implementation**

 $[\ldots]$ 

#### **Section 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.

 $[\ldots]$ 

#### **Section 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:

 $[\ldots]$ 

- 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 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;

[...]

#### **Section 9.7 The Land Use Report**

As previously described, the LUR is a valuable tool in the review of proposals for a development or use that cannot be adequately evaluated by City staff. The City may require an LUR to be prepared to determine the significance of the impacts and include recommendations on measures to control and mitigate the identified impacts where appropriate.

#### **Chapter 10 Secondary Plans**

[...]

#### **Section 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.
[...]

#### **Objectives**

[...]

#### 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;

[...]

#### **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.

#### **Envision Development Regulations**

 $[\ldots]$ 

#### **Section 4.9 – Land Use Report**

The requirements for an LUR and Council's discretion to opt for a staff report and/or to require an LUR for uses other than those detailed in Section 4.9 in the Development Regulations were previously presented herein.

 $[\ldots]$ 

## COMMERCIAL DOWNTOWN MIXED (CDM) ZONE (Pg. 10-46)

 $[\ldots]$ 

# 3. Zone standards except place of worship, park, public use, public utility and Parking lot

(a) Building Height (maximum): 18 metres [...]

# COMMERCIAL DOWNTOWN MIXED 2 (CDM2) ZONE (Pgs. 10-47 and 10-48) [...]

# 4. Zone standards except place of worship, park, public use, public utility and Parking lot

- (a) Building Height (maximum): 27 metres [...]
- (d) Building Façade Stepback on Street (minimum): 0 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 determined by the Chief Municipal Planner [...]

# St. John's Heritage Areas, Heritage Buildings and Public Views (2003)<sup>4</sup>

[...]

# Chapter 2 Heritage Areas of St. John's

 $[\ldots]$ 

#### Section 2.3.4 Commentary on the Proposed Heritage Areas and Special Areas

#### Heritage Area 1

Areas under this designation contain the city's most valuable heritage buildings and streetscapes. The boundaries are expanded slightly to include significant streetscapes that face into the areas identified as exceptional in the evaluation. Although many of the institutional and commercial buildings in these areas need repair, heritage character is generally intact. The objective of this designation is to protect and preserve these characteristics as close to the original as possible. There is not a lot of potential for new construction within this area but where it can occur it must conform to existing scale, style and detail.

#### Heritage Area 2

This designation corresponds closely with the original heritage area objectives. Buildings and streetscapes in these areas represent the best of the overall character of the Downtown. In conjunction with Area 1, they include most of the main tourism areas. While most of the residential structures are well preserved, many commercial buildings are not, and there are some examples of bad renovations in both groups. Several areas are under potential pressure for new development. The objectives of this designation are to protect heritage buildings and streetscapes and to renovate in heritage character, within fairly strict limits. There is more flexibility in terms of add-ons and adaptive reuse. New construction must be in scale, and respect surrounding styles of heritage structures.

#### Heritage Area 3

These areas represent the average condition of the Downtown. They expand slightly from the evaluation to include some main thoroughfares and to consolidate around natural boundaries. The objectives are similar to the other heritage designations but there is more flexibility in terms of use of materials and building additions. One of the objectives of the slightly more relaxed requirements is to encourage more in character renovation of

 $\frac{http://www.stjohns.ca/sites/default/files/files/publication/Heritage\%20Areas\%2C\%20Heritage\%20Buildings\%20and\%20Public\%20Views\%20Report.pdf.$ 

<sup>&</sup>lt;sup>4</sup> This report is available from

buildings that have previously been inappropriately altered. New construction must be in scale and reflect surrounding styles.

#### **CONSIDERATIONS**

The rationale for the development of the Heritage By-Law as a separate document, as opposed to inclusion of the associated regulations and standards in the Envision Development Regulations, has been clearly outlined in correspondence and background information to Council and from City staff. The City's first Heritage By-Law was repealed in the 1990s as most of the heritage provisions were incorporated into the City's previous Development Regulations. However, during the Envision St. John's review of the Municipal Plan and Development Regulations, staff recognized that a Heritage By-Law would provide better protection of built heritage; a by-law derives its authority from the City of St. John's Act, which has specific provisions for built heritage, whereas the Urban and Rural Planning Act is silent on built heritage. The intent is to give heritage regulations and standards a firmer legislative foundation.

The relevant section from the current City of St. John's Act is:

## City of St. John's Act 6

[...]

- **355.** (1) The council may, by by-law, designate buildings, structures, lands or areas in whole or in part, as heritage buildings, structures, lands or areas for the purpose of preserving evidences of the city's history, culture and heritage for the education and enjoyment of present and future generations.
- (2) A building, structure, land or area designated by the council shall not be demolished or built upon nor shall the exteriors of the building or structure be altered, except with the approval of the council.
- (3) In exercising the power under this section, the council shall have regard to the following considerations:
  - (a) the need of preserving heritage buildings, structures, lands or areas that collectively represent a cross-section of all periods and styles in the city's historic and cultural evolution;
  - (b) the costs and benefits of the preservation; and

-

<sup>&</sup>lt;sup>5</sup> This information was garnered from http://www.stjohns.ca/media-release/public-invited-engage-heritage-law.

This information was garnered from https://www.assembly.nl.ca/legislation/sr/statutes/c17.htm.

(c) the compatibility of preservation with other lawful uses of the buildings, structures or lands.

As indicated by the Senior Legal Counsel, the City Act is under review, and efforts will be made to further strengthen the protections afforded to heritage under the City Act.

It is important to reflect that the City Vision, as per Section 2.3 in the Envision Municipal Plan, was informed through public consultation, arising from the depth and scope of engagement undertaken for the Municipal Plan review. A clear component of this vision is heritage – and one which is emphasized throughout the Envision Municipal Plan and in particular, in Section 4.7. Further, and to underscore the depth of reference to heritage within the context of the Plan, the term 'heritage' appears 89 times.

Your Commissioner believes it is Council's intent to ensure that the Heritage By-Law, Envision Plan and Envision Development Regulations are complementary to facilitate the utmost protection for the city's Heritage Areas and assets. To ensure intent becomes reality, Your Commissioner believes that some of the issues raised in the submissions and/or presentations for the public hearing have merit and need to be further analyzed herein. The relevant issues are discussed in the following sections.

# 5.5.2 Building Height

The Envision Development Regulations introduce two new Zones in the downtown, as previously referenced – the Commercial Downtown Mixed (CDM) Zone and the Commercial Downtown Mixed 2 (CDM2) Zone. Both of these Zones are east of Adelaide and they include some of Heritage Areas 1, 2 and 3. As previously stated, the objective for the east end of Downtown (east of Adelaide Street), as per Section 6.4 of the Envision Municipal Plan, 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 ['stepbacks'], public space and parking standards.

Concern was expressed that the CDM 2 Zone now allows a maximum height of up to 27m, as opposed to the CDM Zone which allows a maximum height of 18 m. If one reviews the buildings within the CDM2 Zone, it is evident that there are a limited number which are at the maximum height of 27m. Your Commissioner understands that to ensure this Zone does not create non-conforming use, the maximum height is set at 27m.

In and of itself, Your Commissioner does not feel this is a concern, if the other regulatory processes which are in place are enforced to support the preservation of the built environment of heritage, as is so articulated within the Envision Municipal Plan. In particular, and of note, an

LUR and/or a staff report is required for buildings with a height greater than 18m in the Institutional Downtown Zone and the CDM2 Zone.

### 5.5.3 Heritage Reports and Public Consultation

Currently, the Heritage By-Law requires a Heritage Report in three specific instances:

[...]

### **Heritage Reports**

- 8(1). A Heritage Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.
- (2). Council shall require a Heritage Report for:
- (a) an application to demolish a Heritage Building;
- (b) an application to amend or revoke the designation of a Heritage Building; or
- (c) any other application in respect of which the Inspector has recommended that a Heritage Report be prepared.
- (3). Notwithstanding subsection (2), where in the opinion of Council it is appropriate to do so, Council may accept a staff report in lieu of the Heritage Report.
- (4). The terms of reference for a Heritage Report shall be approved by Council and shall form part of the Report itself.
- (5). A Heritage Report shall address at a minimum the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape.

While preparation of a Heritage Report is an important and welcomed process in relation to protection of heritage in the city, it would seem prudent that, in addition to the instances discussed above, the application for a new building or development would be another situation for which a Report should be required.

Council recognizes the potential concerns that new developments can create for residents across the City, as evidenced by its strong focus on public engagement and a more specific articulation of the public consultation process, as per Section 4.8 in the Envision Development Regulations. Additionally, Section 9 in the Envision Municipal Plan highlights that City planning staff will use tools and processes to inform citizens and facilitate their input into planning processes, and will have regard for the following in its considerations for rezoning, as cited earlier:

Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties;

- [...]
- 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;

It would seem likely that for new developments or buildings, the above considerations would be in play. As highlighted during the public hearing process, new buildings and/or developments could have significant impact on the heritage and cultural landscape of a neighbourhood/area, and impact the overall authenticity of such areas, which would be contrary to the intent of the Envision Municipal Plan. Further, as described in one of the submissions, "exempting new buildings [from a Heritage Report] can undermine the whole purpose of the Heritage By-Law, which is to effectively manage and balance heritage interests and the scale and shape of new development so that the physical and cultural significance of a Heritage Area is given due consideration before developments are allowed to proceed. It allows for upfront assessment of impact so that mitigations can be sought/proposed and neighbourhoods impacted are aware of new building proposals before development is approved." The latter is very much in line with the rationale for requiring an LUR.

Having a Heritage Report for new buildings and development in the Heritage Areas would not appear to be a burden on an applicant or Developer, nor unreasonable. As well, it would seem that having such a Report would be one of the key tools which City's planning staff would use to facilitate informed input into these developments. In particular, it must be considered in light of the incredible historical significance assigned to the Heritage Areas as described in Section 2.3.4 herein.

Your Commissioner recognizes that some level of information could be garnered should an LUR be required and/or requested, and additional levels of protection could be afforded should Council wish to impose further conditions for a site that is subject to heritage standards, as per Sections 4.9 of the Envision Municipal Plan ('sensitive sites'). However, it would seem that the most prudent action would be to include the requirement for a Heritage Report for a new building or development within the context of the Heritage By-Law, particularly given that the rationale for developing the By-Law was to provide better protection.

While some of the submissions/presentations were concerned that having a provision in the Heritage By-Law which indicates that Council may accept a staff report would be contrary to the intent of the By Law, Your Commissioner notes that the same practice has been in play for years within the context of the requirement for an LUR.

As previously detailed, Council has provided more specific guidelines regarding what an LUR should include. In previous Development Regulations, it was stated that a terms of reference would be provided, with no further details as to the topics for same. This has been addressed in the Envision Development Regulations as previously discussed.

The rationale for including a list of issue/topics for an LUR would appear to hold true for the Heritage By-Law's Heritage Report – to ensure that there is consistency in how these are drafted and in the topics covered. Additionally, and as needed, such direction could support informing an LUR or a staff report should these also be required. Such a directive would support staff and Council in their deliberations and provide a solid framework to guide the development of the Heritage Reports. Without such stipulations, Council runs the risk of receiving Heritage Reports which may not effectively and comprehensively address the critical components.

#### **RECOMMENDATIONS:**

Based on the foregoing information, Your Commissioner recommends:

- That Section 8(2) of the Heritage By-Law be amended to include the requirement for a Heritage Report for new buildings or development in the Heritage Areas, at a minimum for Heritage Areas 1 and 2.
- That Section 8(5) in the Heritage By-Law more specifically detail the minimum requirements for the Heritage Report, beyond what is already stated.
- That Section 11(1) 'Public Consultation' of the Heritage By-Law equally be amended to require public consultation for applications for new buildings and developments in the Heritage Areas, at a minimum in Heritage Areas 1 and 2.

# 5.5.4 Heritage Design Standards

#### **Streetscapes**

A number of sections in the Envision Municipal Plan reference "streetscapes". In particular, as previously referenced, is Section 4.2 Key Themes – Urban Design wherein it is stated that:

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.

Other relevant sections of the Envision Municipal Plan include:

### **Chapter 4 – Healthy Neighbourhoods**

#### **Section 4.7(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.

 $[\ldots]$ 

#### Chapter 6 Urban Design

 $[\ldots]$ 

# **Section 6.1(4)**

 $[\ldots]$ 

4. Ensure that ground and lower levels of buildings contribute positively to the public realm and streetscape and are designed at a pedestrian scale.

[...]

#### **Section 6.4(1)(d)**

[...]

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.

 $[\ldots]$ 

Given these statements and commitments within the Envision Municipal Plan, it would seem contradictory for the Heritage By-Law to enable an exemption for newly constructed buildings from the Heritage Design Standards, as per Section 10(3) of the By-Law:

#### **RECOMMENDATIONS**:

To further align the Heritage By-Law to the intent of the Envision Municipal Plan, Your Commissioner recommends removal of Section 10(3) from the Heritage By-Law.

#### **Stepbacks**

Currently, in the Commercial Downtown Mixed 2 (CDM2) Zone, the Envision Development Regulations allow for Building Façade Stepbacks above 18m in Building Height (Section 4(d), pg. 10-48).

In Schedule "D" of the Heritage Design Standards, 'Additions to Existing Buildings and New Developments (Residential and Non-residential)', it is stated for all four Heritage Areas that:

For buildings that exceed 18metres in height, portions of the building above 18metres shall have greater freedom of material choice and design expression.

Your Commissioner is familiar with the provision of stepbacks to allow for more freedom for design above the delineated streetscape, while maintaining the required heritage design along the streetscape. Having said that, Your Commissioner is concerned that the Design Standards do not provide sufficient guidance to ensure that the chosen design for the stepback is, at a minimum, complementary to the lower 18m of the building, as well as the surrounding buildings in a Heritage Area.

#### **RECOMMENDATIONS:**

Your Commissioner recommends that Schedule D 'Additions to Existing Buildings and New Developments (Residential And Non-Residential) – Subsection 'New Buildings in a Heritage Area' #8 be amended to provide more specific direction to Developers as to building materials and design for the portion of the buildings that are above 18m.

Your Commissioner recommends that a definition of "stepback" be included in Section 2 of the Envision Development Regulations.

# 5.6 Connectivity and Open Spaces

As detailed above, some of the hearing submissions and presentations focused on the need to ensure that there is sufficient walkability and protected connectivity between and among the city's neighbourhoods, including protections of easements/rights-of-way for pedestrian movement, better planning for future bicycle movement and prioritization of open space in new developments.

In considering the concerns, Your Commissioner reviewed the following documents and provides some key points.

#### **Envision Municipal Plan**

#### **Chapter 2 Framework for Growth**

# 2.1 Managing Growth – Our Vision to 2031 [...]

#### **Section 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:

[...]

• 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.

[...]

#### **Section 2.4 Key Themes**

#### **Valuing Environmental Systems**

 $[\ldots]$ 

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.

[...]

#### **Healthy Neighbourhoods**

Input from public consultations on the Plan indicate a desire for a city of healthy, walkable neighbourhoods with access to local services.

 $[\ldots]$ 

#### **Urban Design**

 $[\ldots]$ 

In new neighbourhoods, development will be planned around the parks and open space network, with an emphasis on compact, walkable residential neighbourhoods [...]

# **Investment in Transportation and Services**

[...]

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.

 $[\ldots]$ 

#### **Chapter 3 Environmental Systems**

[...]

Public consultations for the Municipal Plan review show that citizens recognize the importance of the natural environment [...]. 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.

 $[\ldots]$ 

#### **Chapter 4 Healthy Neighbourhoods**

Goal: To design complete and interconnected, walkable neighbourhoods [...].

[...] There are opportunities to [...] improve the overall health and vibrancy of neighbourhoods. Such changes can be accomplished by providing [...] better pedestrian connectivity. When considering new areas for development, it is important to plan and design neighbourhoods that are less reliant on the automobile.

 $[\ldots]$ 

#### 4.6 Parks, Recreation and Open Spaces

[...]

#### **Parks System**

[...]

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).

[...]

#### **Chapter 6 Urban Design**

 $[\ldots]$ 

Citizens and organizations consulted as part of the review of this Plan called for measures that will result in greater comfort and walkability [...].

Good urban design is about making connections between people and places, movement and urban form, nature and the built environment. [...]

#### 6.1 General

[...]

#### **Public Realm**

7. Encourage new developments and redevelopment that contribute to the public realm through architectural design [...] and provide connections designed to encourage pedestrian and cycling activity.
[...]

#### **Chapter 7 Transportation and Infrastructure**

<u>Goal</u>: Support growth and development in the City through an efficient and effective transportation network and investment in municipal infrastructure [...]

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 [...]

and ensuring that neighbourhoods are connected to these areas by the network of local streets, sidewalks, pathways, trails and transit service.

[...]

#### **Strategic Objectives**

 $[\ldots]$ 

• Facilitate the creation of transportation networks that support and connect neighbourhoods, provide quality options for active transportation, integrate transit, and prioritize user safety.

 $[\ldots]$ 

#### 7.2 Transportation Network

[...]

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.

[...]

### **Active Transportation**

[...]

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:

[...]

• Permit reduced levels of parking in new mixed-use development projects where shared parking among compatible uses is possible and desirable;

[...]

• Include provisions for bicycle parking areas and facilities.

#### **Chapter 8 Land Use Districts**

<u>Goal</u>: 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.

[...]

#### Open Space Master Plan, 2014

 $[\ldots]$ 

#### 3.2 Guiding Principles

[...]

Principle Two - Integrated and Interactive Neighbourhoods

*Preamble*. The strongest component of St. John's City form is the neighbourhood. [...] Quality walking, conversation, basic recreation, and essential daily services are part of all neighbourhoods. The basic tools are streets with good tree canopies and sidewalks, a community park with associated land uses that provide safety and service to residents (to form a neighbourhood center), trails with associated open space and inter-neighbourhood activity to encourage resident meeting and greeting. Assets outside of these can connect neighbourhoods to neighbourhoods, or civic arterial streets to neighbourhoods (etc.).

#### **Envision Development Regulations**

[...]

#### **Section 5 – Subdivision Development**

#### 5.1 Subdivision Design

[...]

#### **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;
- [...]
- (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) [...]
- (g) the volume and type of vehicular and pedestrian traffic that will be generated by the Subdivision;
- (h) [...]
- (i) the landscape plan which shows the location of dedicated open space; and
- (j) such further information as required by the City.

[...]

### **5.4 Conveyance of Land for Public Purpose**

#### Section 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.

#### Section 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.

#### **CONSIDERATIONS**

It is clear that key areas of focus for the City of St. John's, as articulated in the aforementioned plans and regulations are walkability, open space and interconnectivity. The Envision Municipal Plan is very reflective of this desire and vision. To strengthen this in the Envision Development Regulations, it would seem there are additional considerations.

#### **Open space and connectivity**

As detailed in the sections above, the basic tools for strong, healthy neighbourhoods include trailways with associated open space which encourage movement and connectivity between and among neighbourhoods. More specifically, as previously referenced, the goal for Healthy Neighbourhoods as presented in Chapter 4 of the Envision Plan is "to design complete and interconnected, walkable neighbourhoods [...]." As per Chapter 3 of the Plan, it was identified that the public 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."

The City's Open Space Master Plan (2014) speaks to the creation of a natural open space system throughout the city, as it identifies and defines an integrated system of linked natural corridors,

which encompasses a network of parks, trails, greenspace [...] that will be incorporated and expanded through future developments throughout the city.

However, Section 5.4 of the Envision Development Regulations, as currently stated, may not be sufficiently strong to ensure that the City's focus on enabling connectivity is more than good intention, in some instances.

- →Section 5.4.1 of the Envision Development Regulations identifies that the City has a focus on acquiring lands for rights-of-way. This is critical to enable the interconnectedness and walkability of neighbourhoods and in subdivisions. It will be imperative that easements for these purposes be protected.
- →Section 5.4.2 often has been applied in relation to the development of a tot lot in the requisite Subdivision or development. Yet, to enable connectivity, there should be some requirement for this open space/tot lot to be connected to the neighbourhood in which it is located and not just by a single access/egress point. Similarly, Section 5.1.2 'Application for Subdivision' should speak to the relation and interconnectedness of the Subdivision to adjacent areas, in particular for pedestrians and cyclists.
- →Further, Section 5.4.2 (2) indicates that if lands 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." Your Commissioner questions whether there are additional provisions to be included therein which would further support the City's interest in interconnectedness and Open Space i.e., why the issue of "agreement" should be a consideration and whether the City can include some commentary that, where land is provided as per section 5.4.2, it will facilitate its retention as open space. Further, in the event land cannot be provided for public amenity, the next option should be combination of money and land, with the final option only being payment in cash.

Section 7.2 of the Envision Municipal Plan references that, 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. There are no provisions in the Envision Development Regulations which speak to the requirements for said cul-de-sacs except for landscape and screening. It would appear to be prudent to reference the development requirements for cul-de-sacs in the Envision Regulations, given there are exceptions when these would be allowed. Further, this reference should include a requirement for connectivity between any cul-de-sacs and adjacent streets/neighbourhoods

#### **RECOMMENDATIONS:**

In an effort to ensure that Council's vision for open space and connectivity is strengthened and enabled, the following amendments are recommended for the Envision Development Regulations:

Section 5.1.2(d) be amended to state: the relation and interconnectedness of the Subdivision to existing development, Streets, transit and trailways, in particular in relation to pedestrians and cyclists.

Section 5.4.1 be reviewed to identify if additional wording or stipulations are required to ensure preservation of the rights-of-way designed for walkability and connectedness.

Section 5.4.2 (1) be amended to reference that the said land to be developed for public amenity would enable connectivity to the neighbourhoods around it.

Section 5.4.2 (2) be amended as follows:

- remove the issue of "agreement" as a reason for not being able to identify lands to be conveyed within a new development for public amenity;
- state that, as a second option, if there is sufficient land to be conveyed that cannot be
  developed, it would be conveyed to the City and would remain as open space and,
  depending on its location and topography, contribute to connectivity within the
  neighbourhood in which it is located and adjoining neighbourhoods as possible;
- state that in the event the previous two provisions are not met, and there is a combination of money and land provided to the City, that it would be retained as open space and, depending on the topography, provide for the network of connectivity within the neighbourhoods.

The Envision Development Regulations identify the regulatory provisions which would apply to cul-de-sacs in the event they would be needed and include a provision that any such cul-de-sacs would enable connectivity to/from adjacent neighbourhoods/streets.

#### **Facilitating bicycle transportation**

In addressing vehicular parking for developments, Developers have options for shared parking agreement and/or cash-in-lieu as set out in the Envision Development Regulations

# **Revised Section 8 – Parking Requirements (New)** [...]

#### Section 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.

In contrast, for provisions of bicycle parking and as per Section 8.14 of the Envision Development Regulations, there is only an option for cash-in-lieu payment:

#### 8.14 Bicycle Parking

[...]

(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.

If the City is intending to facilitate cycling as an alternative to vehicular traffic, it will be important to ensure there is sufficient parking for bicycles around the city. This could be further enabled by amending the Development Envision Regulations to allow for an additional stipulation for bike parking similar to what is provided for vehicle parking – a shared parking agreement. This provides additional flexibility for a Developer to provide said parking without immediately and only having the option for cash-in-lieu.

#### **RECOMMENDATIONS:**

Your Commissioner recommends that Section 8.14 'Bicycle Parking' of the Envision Development Regulations be amended to include provisions for shared agreement for bicycle parking and a provision for a combination of cash-in-lieu and shared parking as following:

# 8.14 Bicycle Parking

[....

- (3) When requested by the applicant, Council may accept the following:
  - (a) Shared parking agreement where the shared Parking Lot or Parking Garage is located within 400 metres of the Development;
  - (b) A combination of shared parking and 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;

(c) Or, as a final option, cash-in-lieu.

# 6.0 Grammatical Errors and Edits

Your Commissioner offers the following edits/suggestions based on errors or lack of clarity in specific sections of the Envision Municipal Plan and Development Regulations identified during her review of the documents.

# **6.1 Envision Development Regulations**

#### **♦**Section 2 – Definitions

[...]

**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.

Note: Your Commissioner finds this wording confusing and wonders if the word "use" is required before "Zone tables"?

#### **♦**Section 6 Specific Developments

 $[\ldots]$ 

#### **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 Agriculture.

#### **♦** Revised Section 8 – Parking Requirements (New)

[...]

#### 8.14 Bicycle Parking

 $[\ldots]$ 

(2) Bicycle Parking spaces shall be located near the building entrance and be equipped with a device to allow allow the bicycle to be secured.

#### **◆** Commercial Downtown (CD) Zone

[...]

(3) Zone Standards Except Park, Public Use, Public Utility, and Parking Lot
[...]

(c)[...] 0 meter metre stepback

# **◆**Commercial Downtown Mixed 2 (CDM2) Zone [...]

(4) Zone Standards Except Place Of Worship, Park, Public Use, Public Utility and Parking Lot

[...]

(d) [...] such streets being deter-mined determined by the Chief Municipal Planner

# ◆Planned Mixed Development Zone 2 (PMD2) (p.g.10-97)

[...]

# (10) Landscaping Requirements

[...]

(b) Landscaping and Screening shall be provided as identified on the attached schedules (Appendix PDM2) and in accordance with Section 8.5 Section 7.6 Landscaping and Screening.

# **6.2 Envision Municipal Plan**

#### **♦**Section 1.2 Plan Review Process

[...]

• A city-wide City-wide brochure...

 $[\ldots]$ 

• Public Forums and Meetings

[...]

- 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 neighbourhoods. neighbourhood.

[...]

• 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. This was updated in 2017, updated for adoption-in-principle in March 2019, and further updated for formal adoption in April 2021.

#### ♦Section 6.4

 $[\ldots]$ 

1(a). Low-Density Residential Neighbourhoods – The term 'setback' appears in this section and should be replaced with 'stepback'.

 $[\ldots]$ 

1(d). The Downtown – The term 'setback' appears in this section and should be replaced with 'stepback'.

[...]

1(f) Battery Area – Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the St. John's Envision Development Regulations.

#### ♦Section 8.4

[...]

#### **Residential Neighbourhoods**

[...]

7. The term 'setback' appears in this section and should be replaced with 'stepback'.

#### ♦Section 10.1

[...]

#### **Objectives:**

[...]

"Preserve Residential Neighbourhoods" should be in bold to differentiate it from the text underneath.

#### Promote Religious, Public Assembly, Tourism and Recreation Uses

[...]

2. The preservation of an environment that will enable Downtown places place of worship to carry on their religious and social functions

## 7.0 Final Comments

A plan by its very nature is a living document; for it to be otherwise would render it ineffective and unresponsive. A Municipal Plan will change as issues arise, trends occur and residents require. While the previous Municipal Plan was in place for many years, there were numerous and varied amendments. Even Envision St. John's has been evolving. To that end, it is beneficial that the Envision Municipal Plan is forward thinking, focusing on issues which will have paramount importance to the city in the coming years, while being reflective of our history, heritage and past – key components to contribute to our culture, tourism, and economy going forward.

Respectfully submitted this  $5^{TH}$  day of August 2021

Marie. E Ryan, Commissioner

Marie & Ryan

# **APPENDIX "A" – WRITTEN SUBMISSIONS**



# Presentation on the Proposed Heritage By-Law for the City of St. John's

May 10, 2021

I am pleased with the reinstatement of the Heritage by -law under the authority of the City Act and the intent to provide a more secure foundation for heritage protection. It will also provide easier access to heritage regulation for citizens, owners of heritage property and potential developers. I am also pleased that the Battery and other important areas outside of the downtown is being recognized as unique heritage districts.

Throughout the new Municipal Plan Document, "Envision St. Johns", there are strong statements regarding the importance of protecting the unique cultural landscapes, heritage districts and built heritage of our City.

Unfortunately, the draft heritage By-law has serious weaknesses which undermine the vision and commitments embodied in the Envision St. John's Municipal Plan document.

#### Comments on the Heritage By-law

The by- law as written has serious loopholes that weaken the clarity of intent and the consistent application of the regulations.

The By-law would be strengthened in its intent to provide a more secure foundation for heritage protection by:

The adoption of the National Standards and Guidelines for Heritage Conservation.

Reducing the discretionary application of the by-law and by amending the following sections by substituting the word may for shall.

Section 3(1). Shall establish a Heritage Advisory Committee

Section 6. Applications Made Under other by-Laws and Regulations.

• 6(B) "where the application does not meet the guidelines for development in heritage areas the inspector <u>shall</u> refer the application to the Heritage Advisory Committee.

• Section 7: the inspector <u>shall</u> impose such conditions as may be necessary to fulfill the requirements of this By-law.

### Applications identified under Section 8 (2) HERITAGE REPORTS.

- Add New buildings and extension's to existing buildings as section 8(c)
- Renumber current Section 8 (c) as Section 8 (d)

Heritage reports are required under the by-law for applications deemed to have an impact on a heritage building, neighbourhood or district.

Construction of new buildings in heritage areas has a major impact on the integrity and the special ambiance and attraction of designated heritage areas. Therefore it is important that applications for new building not be exempted for the requirements for a heritage impact report.

#### Comments on the Discussion Direction Notes. P3

RE the proposed new design standards for existing and new developments.

The following is a statement from the document

"With the proposed new standards, new developments will be required to "blend in with the existing neighbourhood and surrounding buildings."

This encourages the protection of the cultural landscape and sense of time and place that create the special ambiance of designated heritage areas.

An accepted best practice for heritage area conservation is the control of height and density. This is why a 18m or 4 story height with a FAR of 3 was established as a guideline when the heritage areas in St. John's were first established . Other aeras in the West of the downtown core town core were designated for higher density developments. The Municipal Plan identifies the area West of Adelaide Street as most appropriate for High Rise Development but allows for increased height an bulk in areas to the East where high rise developments have the greatest impact on the heritage character of the area. This is a serious loophole

which could have a very damaging impact on this important designated historic district.

The current by-law is silent on control of new development. The design standards which are detailed and strict for existing heritage buildings, allow for virtually blanket exemptions new development. I was given to understand that only the "appearance" of a building is controlled by the heritage by-law and the height and density is controlled by development regulations. That appears to me to be a serious disconnect between the municipal plan and the regulations. Restrictions need to be put in place to control high rise development in the area East of Adelaide given the major impact of tall, high density development heritage districts, particularly given the unique topography of the area.

I have 2 major overall concerns. With the by-law and design guidelines for new developments.

There is a lack of recognition in the by-law and design guidelines of the importance of the cultural landscape of the designated heritage areas. This landscape provides the essential context for the buildings and the visual evidence of the history of the settlement story of St. John's. Each of the City's designated Heritage Districts has its unique character and relevance.

It is essential that a statement of significance for each of the heritage district and the identification of the character for each heritage area be prepared and adopted by Council. This will provide clarity on the rationale for heritage protection and hopefully reduce conflict over the introduction of new building in heritage areas.

The exemptions for new buildings and extensions to existing buildings in the bylaw proposed new design standards as outlined in the Decision Direction Notes is not in keeping with the statement concerning heritage protection in the municipal plan.

Exemption #1 "For taller buildings, the area from the ground to 18 m (approximately 4 stories), the base or podium of the building is most visible at street level. There will be flexibility to relax the standards above 18 m where the building is required to step back. This keeps a traditional street scape while allowing modern designs above the 4<sup>th</sup> story."

The example of a top hat development from Charlottetown rivals Atlantic Place ugliness and is on a level area totally different from St. John's.

#### # 2. Exemption for owners of a new buildings

"Council will maintain the ability to exempt the owner of a new building from the Heritage design standards."

#### #3. Exemption from Public consultation.

Staff are recommending mandatory public consultation for certain applications involving heritage building and heritage areas. The listed applications requiring mandatory public consultation do not include new buildings or extension to existing buildings in heritage areas.

#### Recommendations:

Retain the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighbourhood.

Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultation and heritage reports.

Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of planning area 1 intensification may occur and under what circumstance.

#### Rational for Recommendations

The topography of historic St. John's steep. As the historic old City rises from the Harbour to the upper boundaries of heritage Area 1, the grade differentials are considerable. This makes the profile of new taller buildings a much more intrusive element on the traditional cultural landscape and seriously alters the historic

views both from the harbor to the North and from the higher level of Heritage Area 1 to the Harbour.

St. John's is a windy City and subject to freeze thaw cycles. The impact of taller buildings on wind and icing conditions should be taken into consideration in a heritage report for all new buildings and extensions to existing buildings. This is a public safety consideration.

The exemption for new buildings will undermine the investment in the conservation or adaptive reuse of existing buildings. It can also encourage demolition by neglect of historic properties as we have seen in the past.

The exemptions provide an incentive for redevelopment in designated heritage areas because increasing the height and density to accommodate taller new buildings will require an up zoning of the site which will give the owner /developer a significant benefit in increasing the value of the land.

The proposed new Heritage by- law and design guidelines require very detailed compliance with heritage design standards for existing buildings. The exemption for new taller buildings is therefore unfair to owners and investors who comply with the heritage design guidelines. It will undermine confidence that there will be fair and consistent application of the heritage regulations to protect their investment.

The designated heritage areas are a are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

#### THOUGHTS ON INTENSIFICATION.

Intensification is often used as a rationale for increasing urban density in heritage areas. The density argument is not without merit taken in the larger context of the City as a whole.

However, I would like to point out that the historic downtown is already the most densely populated area in the City by far. It also has narrow streets and sidewalks, limited open spaces, difficulty with snow storage and snow clearing, and parking. On the positive side It is already a wonderful mixed use area with an

eclectic population. Its streets and laneways are among the most walkable and interesting areas in the City. Of all the areas in the city, historic St. John's comes closest in definition to what a livable vibrant city should be.

Intensification requires very careful long- range planning and doesn't always work well in established older areas. The insertion of high- density development in established areas will cause disruption to the neighbourhood and possible damage to adjacent properties.

In closing, I would ask the City Council to eliminate the exemptions and incentives for redevelopment inherent in the proposed Heritage by-law and the design standards for new development in heritage areas. There will be new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. New developments should follow established guidelines and process. The exemptions outlined encourage new development over heritage conservation and adaptive reuse of buildings. These exemptions will undermine and gradually erode the cultural landscape and sense of time and place which are the essence of a well-protected and maintained heritage district.





From:

Sent:

Wednesday, May 26, 2021 12:30 PM

To:

Planning

Subject:

(EXT) Comment on Draft Municipal Development Regulations

#### Good afternoon,

I would like to offer the following comments for consideration regarding the draft municipal regulations.

Urban containment barriers for farmland.

While there is reference to agriculture in the document I'm not sure there are defined containment barriers. The farm on blackmarsh road (sorry I can't remember the name) was completely replaced by housing and it seems that housing is recroaching on the Lesters farm area. Given the importance of farm to table food and limited the farmland available in the city it seems reasonable that it should be protected so that it can remain farmland for future generations. I'm not sure if this is within the power of the City or requires legislation but I think it is an important consideration.

Protection of shared land spaces and adherance to subdivision development plans.

Based upon my experience in building in the Clovelly subdivision there was an elimiation of easement and walkways public spaces shown in the original building plan. The easement proposed behind my property does not exist. In other areas propsed walkways between streets have been blocked by property fences. I'm not sure why there was deviation from the plan but it does make neighbourhood access more difficult for walkers. I don't know if this is an issue of noncompliance of developers or residents or both. I'm not sure that there is anything in these regulations this type of thing from happening in the future but I think it would make for better neighborhood if there were.

Thank you for considering my feedback.

Regards,





#### **Peg Burton**

From:

Sent:

Thursday, June 3, 2021 9:10 AM

To:

Planning; CouncilGroup; Janet Adams; CityClerk

Subject:

(EXT) Municipal Plan and Development Regulations, 2021

please **reword** the following- it will inevitably cause issues - furthermore it raises the question; why are there standards if it is publicly worded that they can be relaxed?

Exemption #1 "There will be flexibility to relax the standards above 18 m."

please **delete** the following - no exemptions should be allowed - regulations that allow for exemptions are simply guidelines and therefore why bother having the standards if they are going to be able to be exempted at any time?

# 2. Exemption for owners of a new buildings "Council will maintain the ability to exempt the owner of a new building from the Heritage design standards." (which includes HEIGHT)

and this last one is **offensive** and means that the city is trying to step away from public consultation - this should be reworded to say that all new buildings and extensions to existing buildings that impact any street-level view or height, scale or mass, will be subjected to public consultation as per city policy

# 3. Exemption from Public consultations: new buildings or extension to existing buildings in heritage areas.

also generally in the development regulations document

having the **appeals chapter** prior to any other development regulation chapter just sends the sign that the entire process is flawed perhaps move that chapter further back in the document.

#### please consider

Retaining the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighborhood.

Adding the requirement that existing buildings and new buildings in heritage areas have mandatory public consultation and heritage reports.

Eliminating the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Providing clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance



From: CityClerk

Sent: Monday, June 7, 2021 2:43 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) New City "Envision St. Johns" and Heritage By-Laws:

#### Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From: Sent: Saturday, June 5, 2021 3:40 PM

To: CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) New City "Envision St. Johns" and Heritage By-Laws:

These new proposed by-laws are going to destroy the "Old City of St. John's". The oldest city will lose all of it's beautiful distinctive flavour. Nothing like this should be rushed through the Commission's Hearing ON June 9th. We should:

Retain the existing 4 story height limit for new building in heritage areas u Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultationand heritage reports.

Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.



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#### Karen Chafe

From:

CityClerk

Sent:

Tuesday, June 8, 2021 9:40 AM

To:

Randy Murphy; 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: St. John's Envision Municipal Plan Public Hearings, June 9th, 2021 . . . ECT Submission

Attachments:

St. John's Envision Hearings, June 9th, 2021 - ECTA Submission .pdf

#### Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From: Randy Murphy

Sent: Monday, June 7, 2021 2:30 PM To: CityClerk <cityClerk@stjohns.ca>

Cc:

Subject: (EXT) Re: St. John's Envision Municipal Plan Public Hearings, June 9th, 2021 . . . ECT Submission

#### Dear Miss Henley;

We write in support of the new Envision St. John's Municipal Plan and Development Regulations, 2021. We wish to congratulate Council, staff and residents on the completion of a new Plan that will serve to guide the City's development for the next ten years. Please consider this our submission to the public hearing taking place virtually on June 9, 2021.

#

We thank the City of St. John's for its commitment to the Trail and look forward to continuing to work cooperatively with the City to strengthen our partnership and to work together for the overall ongoing success of the Trail. #

#

--#

Randy Murphy

President, East Coast Trail Association

\_\_\_\_\_\_

709-725-9811

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East Coast Trail Association 50 Pippy Place, P.O. Box 8034 St. John's, NL A1B 3M7 Tel 709-738-4453 www.eastcoasttrail.com

June 7<sup>th</sup>, 2021 Office of the City Clerk City of St. John's P.O. Box 908, St. John's, NL A1C 5M2

Attention:

**Town Clerk** 

Dear Ms. Henley:

#### Re: Envision St. John's Municipal Plan & Development Regulations, 2021

We write in support of the new Envision St. John's Municipal Plan and Development Regulations, 2021. We wish to congratulate Council, staff and residents on the completion of a new Plan that will serve to guide the City's development for the next ten years. Please consider this our submission to the public hearing taking place virtually on June 9, 2021.

#### Submitting Organization: East Coast Trail Association

The East Coast Trail Association Inc. (the "ECTA") is a member-driven, volunteer-based registered charity formed in 1994 with the mission to develop, maintain and preserve the East Coast Trail as a pedestrian-only trail. In its 27-year history, the ECTA has built and currently maintains a spectacular 336-km long, world-class pedestrian trail linking 25+ communities and providing a valuable recreational and tourism asset to the province. The East Coast Trail is part of the Trans Canada Trail system.

#### The East Coast Trail in the City of St. John's

Over 61 kilometres of the East Coast Trail (ECT) run along the spectacular coastline within the boundaries of the City of St. John's. The trail route within the City encompasses 5 hiking paths: the Sugarloaf Path, the Deadman's Bay Path, the Cape Spear Path, the Motion Path and the Spout Path. With some of the most striking scenery on the Avalon Peninsula, the City of St. John's has one-fifth of the total length of the ECT, the largest footprint of any community along the entire East Coast Trail system.

The City of St. John's has long seen the value of having a world-class hiking trail within its municipal boundaries. The ECT has become a strategic tourism and recreational asset for the City that is generating significant economic, social and environmental value. The Association is grateful for the ongoing support provided by the City, both financial and in-kind, for the maintenance and enhancement of the Trail.

#### Consultations on Envision St. John's 2021

The most pressing challenge for the ECTA is the sustainability and long-term survival of the Trail. The Association depends on partner trail communities to recognize, protect and promote the Trail within their boundaries. One of the critical ways to ensure protection of the Trail and the Trail corridor is through its recognition in the municipal plans and development regulations of all communities along the Trail.

Since the St. John's planning review began in 2012, the ECTA has participated in public consultations and meetings about the Plan and discussed the needs of the ECTA. We have advocated for the formal recognition of the Trail in the new plan, regulations and maps. And, because the success of the Trail depends on hikers experiencing the



East Coast Trail Association 50 Pippy Place, P.O. Box 8034 St. John's, NL A1B 3M7 Tel 709-738-4453 www.eastcoasttrail.com

natural landscape and wilderness along the Trail, and in order to protect the integrity of the Trail itself, the ECTA has been requesting that the Plan include adequate protective buffers on either side of the Trail that would be reserved and kept free of development. We recommended that adequate buffers on either side of the Trail, similar to the Crown land buffers, be reserved, at least on less developed or more rural areas of the City. We have also had the opportunity to raise with the City our specific concerns regarding special protection for Southside Hills, the Spout path, and Freshwater Bay. We have also proposed the signing of a Memorandum of Understanding between the City and the Association to better define how we work together to ensure the sustainability of the Trail.

The ECTA very much appreciates the opportunities it has had to discuss those sections of the Plan that directly impact the ECT and to advocate for better protection of the Trail through Plan policies and regulations.

#### Statement of the ECTA on Envision St, John's 2021

We wish to publicly acknowledge and thank the Council, staff and the residents of the City of St. John's for the support they have shown to our association and to the Trail.

- The ECTA supports the long-awaited Envision St. John's Municipal Plan and Development Regulations 2021. For the East Coast Trail, the plan signals a very positive step forward in our efforts to work with the City toward the sustainability of this valuable recreational and tourism asset.
- We are delighted to see that the East Coast Trail is formally acknowledged and recognized in the Envision
  Plan and Regulations and on City maps as a part of the City's parks and open space system. This
  reinforces the City's commitment to the East Coast Trail Association and will increase public awareness of
  the importance of the Trail for the City and its residents.
- The Plan recognizes the need to protect the City's system of trails, including the East Coast Trail, and to
  ensure that new development supports the trail system by providing appropriate buffers and, where
  possible, connections to it.
- The new Plan spells out the specific planning areas where the Trail is located and commits the City to working cooperatively with the East Coast Trail Association to preserve, protect, and buffer portions of the East Coast Trail passing through these areas. The planning areas included are 2, 13, 16 and 17. We are disappointed that the Plan does not specify a minimum buffer size for the Trail corridor, however, we will continue to advocate for adequate protective buffers and would like to work with the City to develop appropriate standards and guidelines for buffers along the various sections of the Trail within the City's boundaries, especially where the Trail passes over Crown land.
- In general, we see the new plan as helping the ECTA to be informed early on of potential problems and development pressures on the Trail and therefore to be in a better position to address issues that could impact the trail within the City boundaries in a timely manner.
- We are glad to see Open Space zoning maintained for the area of the Spout and Southside Hills.
- Regarding Planning Area 13 (Freshwater Bay Industrial Lands), which encompasses a large piece of
  property donated to the Nature Conservancy of Canada, what is the status of the plans to rezone these
  industrial lands? We understand that rezoning requires provincial approval under the St. John's Urban
  Region Regional Plan. Does the City expect to have the rezoning process for these lands completed prior
  to the adoption of the Envision 2021 Plan.



East Coast Trail Association 50 Pippy Place, P.O. Box 8034 St. John's, NL A1B 3M7 Tel 709-738-4453 www.eastcoasttrail.com

 The ECT Deadman's Bay Path (Fort Amherst to Blackhead) runs though Crown Lands on the top of Southside Hills. The ECTA is very interested in being part of discussions on potential future development plans for this area.

The East Coast Trail is now recognized as an integral part of the City's parks and open space system. The East Coast Trail Association pledges to continue to work collaboratively with the City to maintain and protect the Trail and to address issues and plans that could impact the Trail in the future as they arise.

#### Proposed Memorandum of Understanding (MOU) with the City of St. John's

As a follow-up to this public hearing, the East Coast Trail Association would like to re-open discussions with Council about signing a Memorandum of Understanding between our two organizations. The ECTA currently has signed MOUs with 11 communities along the trail with another one pending. These MOUs help us build a mutually-beneficial relationship with each of our community partners and serves to better define how we work together to ensure the success of the Trail. A draft MOU with the City was presented to Council for discussion in April 2019.

We feel that an MOU with the City is now more important than ever. A Memorandum of Understanding will provide a framework on how to work together to implement Plan policies and to protect the Trail on an ongoing basis once Envision St. John's 2021 takes effect.

We thank the City of St. John's for its commitment to the Trail and look forward to continuing to work cooperatively with the City to strengthen our partnership and to work together for the overall ongoing success of the Trail.

Kind regards,

Randy Murphy

President, East Coast Trail Association

#### Mar Allegan

From:

CityClerk

Sent:

Tuesday, June 8, 2021 9:44 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) Comments: Heritage By Law And Envision St. John's Municipal Plan and

**Development Regulations 2021** 

#### Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

Sent: Monday, June 7, 2021 9:38 PM To: CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Comments: Heritage By Law And Envision St. John's Municipal Plan and Development Regulations 2021

#### Submission:

I am writing with comments on the Envision St. John's Municipal Plan and Development Regulations and the proposed Heritage by-law. I am registered to attend the Public Hearing on June 9th.

We have some specific comments regarding the Development Regulations and the proposed Heritage By-Law. They are as follows:

- First, we support the development and inclusion of a Heritage by-law. We however see some weaknesses/oversights that need to be addressed.
- The proposed Heritage by-law should not exempt a proposed new building from the requirement of a heritage impact report. New buildings in heritage areas can have a profound and lasting impact on the physical, social and cultural significance of a neighbourhood in a heritage area. It would be wholly reasonable to require that a proposed new building has a heritage impact report. Exempting new buildings can undermine the whole purpose of the Heritage By-Law which is to effectively manage and balance heritage interests and the scale and shape of new development so that the physical and cultural significance of a heritage area is given due consideration before developments are allowed to proceed. It allows for upfront assessment of impact so that mitigations can be sought/proposed and neighbourhoods impacted are aware of new building proposals before development is approved.
- One of the ongoing issues in the Signal Hill /Battery area (Heritage Area 3 and proposed Heritage Area 4) has been new developers seeking to re-zone land for new development that does not fit with the neighbourhood scale and the slope/grades in the area. While new development proposals are looked as development issues only they intersects with the Heritage by-law as well. We argue that restrictions need to be put in place to control new building development to protect the small scale housing that lines the streets of areas like Signal Hill/Battery area. We note that slope/grade of existing lots is a consideration applied to homeowners seeking to build or expand an existing property in the

- proposed Heritage Area 4 for the Battery area. It should therefore be a requirement for new building development in the area. Stricter measures on height and scale need to be part of Heritage Areas so that new developments do not undermine the unique physical and cultural landscapes of the designated heritage areas.
- The Proposed Heritage Area 4 does not currently include Walsh's Square and Signal Hill Road. Signal Hill Road and Walsh's Square were part of the Footprint and Height Control Overlay for the Battery Development Area Appendix A in the Development Regulations. These streets have been considered part of the Battery in studies undertaken by the City. The size and scale of houses in the area and the shape of lots (with steep slopes/grades and irregular lot sizes) fit with the other Battery area houses. Residents in the Area feel it should be part of the new Heritage Area 4 and not carved off from an area it was always considered part of. We sit on the same sloped land mass and have the same unique challenges and potential impacts to public views as do the streets above us Cabot Ave and and the street below us Battery Road.

(Signal Hill Neighbourhood Association)

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Any correspondence with employees, agents, or elected officials of the City of St. John's may be subject to disclosure under the provisions of the Access to Information and Protection of Privacy Act, 2015, S.N.L. 2015, c.A-1.2.

#1

Stella's Circle

Hope Lives Here

June 8, 2021

Engage St. John's - Envision Regulations

VIA: Email mburton@stjohns.ca; kobrien@stjohns.ca; llyghtlebrushett@stjohns.ca

I am writing regarding the new Envision Regulations and specifically regarding the addition of micro units. Stella's Circle has a reputable history of providing supportive and affordable housing in St. John's. We currently operate 79 units of housing with the intention of increasing to 100 units by 2025. In November 2020, Stella's Circle purchased a property on Cabot Street with the intention of redeveloping it in to 5-6 micro units. Each unit is approximately 29 sq. meters with shared laundry on each floor.

Our understanding is that the new Envision Regulations will not permit more than 2 micro units in a property. We feel this is short-sighted. Our history and work shows that tenants like the size of the units as they find it is less for them to maintain. The micro units can be one part of a solution to the housing situation in the City.

Stella's Circle is requesting that the City of St. John's allow community organizations such as Stella's Circle to have more capacity to build micro units as these units also allow for more affordable housing.

Stella's Circle enjoys a good working relationship with representatives from various departments of the City of St. John's We look forward to working with the City to ensure that housing needs are continued to be considered though the Envision Regulations

Sincerely,

. Haw Dansuma

f Browne

Lisa Browne

**CEO** 

c. Karen Noel, Director of Property and Development



#### Karen Chafe

From: Sent:

Wednesday, June 9, 2021 7:03 PM

To:

CityClerk

Subject:

(EXT) not sure where to send this! thx

HI,

I think today may be the last day for submissions on protecting the Battery from looking like Quidi Vidi? I know the local government is aware of much of what I outline below; however I think it is worth reiterating given how heartbreaking it would be to see the Battery developed further in a manner inconsistent with the size and style of the historic structures.

#### Introduction

I am currently a realtor (and work on a number of development issues) but have also been a lawyer for 30 years and still practice a bit (and did some work in St. John's for Transport Canada and spent 20 years working on a waterfront project in Vancouver-The Pacific Place Remediation Project and development). I am an environmental lawyer and land use and environmental issues often intersect so I have more than a passing knowledge of the ability to protect areas such as this. IF there is more time, I will do a more detailed presentation but since I just heard it was today, here are my main points.

I am from BC but my family is from NL. Placentia/Argentia. I own a home at When I decided to buy in the Battery, it was really the only place I was interested in even though I have tons of cousins in other areas of the Province. It is an unbelievably amazing place. I used to travel all over the world for work and over the 20+ years of visiting dozens of cities, I have yet to see a place as magical as the Battery.

#### Urgent need to protect the Battery

The Battery is really a gem. Not just to people who live there but also to those of us who come from away. It is a cultural, natural, historic, aesthetic AND ECONOMIC jewel that is of value to the entire province of NL and it's citizens. There are many, simple, legal ways to ensure that the character of the area is protected-similar protections are in place in other parts of the country and the world. It makes no sense to allow the ridiculous situation in QV to happen when there is so much to lose. The Battery is often the first thing people see of the province (ie. those on cruise ships) and the only historic place people may have time to visit while in St. John's. Obviously it's beauty and historic value are well recognized given the extent to which photos of the area are seen in tourism ads and media across the country and I suspect around the world. I have not had time to research it but am wondering if the Battery can be protected with some federal assistance under the Historic Places Canada program?

Protection is urgent because of course once the damage is done it cannot be undone...there is no putting the ketchup back in the bottle and the impact of failing to protect would be horrifying.

#### The "Rights" of landowners

I know some people think they have a "Right" to do what they want on their land...obviously that is not correct and there are many legal ways the local government can restrict what can be built. In some areas, the style and colour of homes are restricted-and the size and height is a lot easier to limit than colour! If it would help ensure the area is protected, I would be willing to assist to the extent I can in pulling together info on what has been done in other areas. I am also pretty sure the Federation of Canadian Municipalities and other such bodies could provide models from other parts of the country.

If people want to build big homes, or ones which do not suit the area, there are other, less culturally significant areas in the City where this can be accomplished. The Battery is NOT the place for monster houses, like those

in Quidi Vidi (yes I keep harping on QV but I almost cried when I saw that. Those big homes are SOOOO out of place there and I cannot imagine what people think when they see them. I am sure many are heartbroken, as was I). Huge homes in these historic areas completely destroy the historic, cultural, aesthetic and likely natural elements of the area. Tourism is a big thing and preservation of these areas, especially those near the City, must be made a priority.

#### The Obligations of Government

The local government has an obligation to protect the above stated values for the benefit of all citizens. The Province should also be involved in this protection.

The proposed measures outlined on the Zoom call may be a start. However, based on what I heard on the Zoom call the other night, it doesn't sound like they will go far enough.

#### What needs to be done

In order to protect the above stated values, there needs to be legal limitations to ensure:

-small lot sizes are maintained...of course there are some bigger parcels of land going up the hill, such as on Outer Battery Road, but those are not buildable. The amalgamation

of lots to great larger buildable parcels should not be allowed if the character and charm of the area is to be maintained

-small homes are part of the history and culture and they serve to protect the natural amenities and views as well

-restrictions on home sizes are very common and easy to implement; this is also true of heights. Hive in a small waterfront community which has very limiting restrictions

on home sizes, heights (to protect the "feel" of the area as well as views), etc. These things are well suited to the Battery.

An example out of the <u>City of Vancouver's Heritage By law</u> (and trust me we have NOWHERE NEAR the heritage to protect that the Battery has):

No person shall: (a) demolish, or permit, suffer or allow the demolition of a building, structure or feature that is in a heritage conservation area or a building, structure or feature that is protected heritage property; (b) construct, or permit, suffer or allow the construction of a building or structure that is in a heritage conservation area, or is in or on protected heritage property; or (c) alter, or permit, suffer or allow the alteration of a building or structure in a heritage conservation area or of a building, structure or feature that is protected heritage property, without having first obtained a heritage alteration permit for the demolition, construction or alteration, in accordance with the Heritage Procedure By-law.

The powers under the Heritage Bylaw are VERY strict, the governing body can impose very tight control over what is done and it can take people forever to get something changed on a protected property. In Vancouver's case, it can be a little bit extreme but in the Battery, that may be what's needed.

#### To address the urgency of the issue

I think one possible measure to urgently protect now while this is being dealt with would be a moratorium on the amalgamation of land to allow for larger structures. This type of moratorium is doable....and it would give the City more time to make sure it has solid legal protections in place. A moratorium was brought in in BC to deal with a somewhat similar issue and it gave the relevant government departments a lot more time to get organized and bring appropriate laws and pólicies into place.

#### Summary

People have a right to buy property where they like....but they do not have a right to do what they want once they own that property. If people choose to buy in the Battery, they need to be aware of the need to respect it's heritage for the benefit of all those who live in the city, the Province of NL, and the country of Canada....if they are not happy with

exist as soon as possible.

Sorry this is not a well written submission...under a time crunch.
Happy to discuss.
thx

restrictions to protect the area, they can buy elsewhere. Laws need to be put in place to ensure the needed protections



Municipal Plan & Development

ENVISION St. John's

Draft April 2021

Regulations

ST. J@HN'S

# ENVISION St. John's Municipal Plan Draft

## ENVISION St. John's Municipal Plan 5 Key Themes

The Municipal Plan is designed around five key themes:

- Environmental Systems
- Strong Economy
- Transportation & Infrastructure
- Healthy Neighbourhoods
- Urban Design

Each theme has a set of goals, objectives and policies that support the City's overall vision and guide the creation of the development regulations.

# ENVISION St. John's Municipal Plan The Big Ideas

- Balanced growth strategy
- Open space integration into development
- Intensification areas mixed use, higher density, additional height, urban renewal
- Infrastructure investment complete streets
- Neighbourhood planning Local Area Plans
- Urban design human scale, neighbourhood fit, buffering, building height & setback
- Downtown development, height, heritage
- Healthy Community Development universal design, connectivity, walkability

# ENVISION St. John's Development Regulations Draft



# General Development

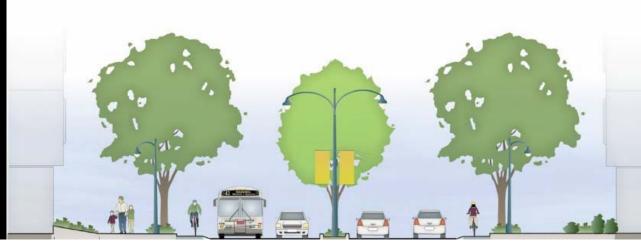
- Development Above a Specified Meter Contour
  - 130 metres Kilbride
  - 185 metres Airport Heights
  - 190 metres Everywhere else must be approved by Council
- Land Use Report (LUR) includes new requirements:
  - Public consultation for the developer
  - Transit requirements (Parking Report, pedestrian access, cycling, transit)
  - Wind impact statement
- Waterways, Wetlands, Ponds or Lakes:
  - Increased Buffer Development is not permitted within 1.2 metres from the edge of the buffer
  - Council Discretion for limited Uses within a Buffer or Floodplain
  - Added Wharves and Stages



# Subdivision Requirements

- Subdivision Design Manual
- Conveyance of Land for Public Purpose
  - 10% of gross area or
  - Monetary value (raw land) or
  - Combination of Land and Money/Infrastructure

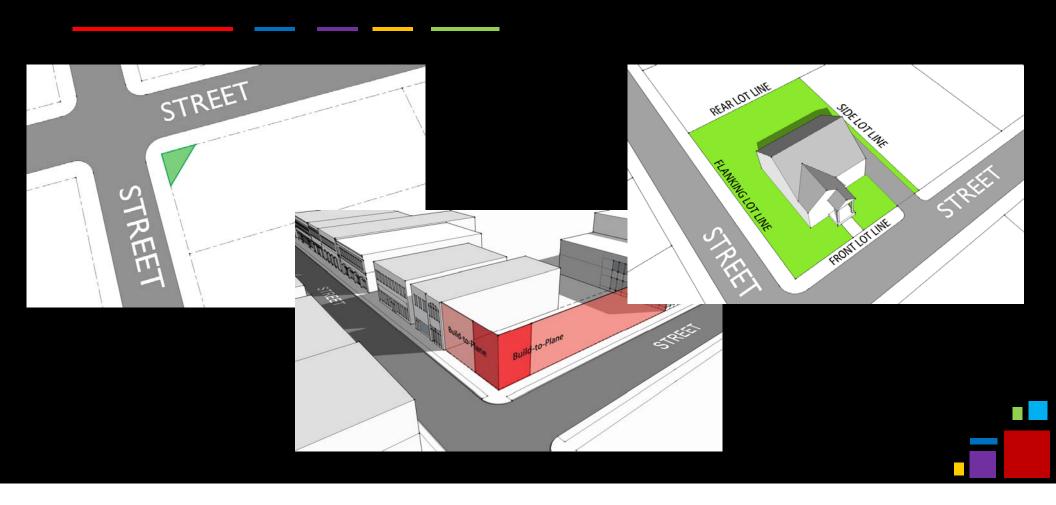




### Specific Development Requirements

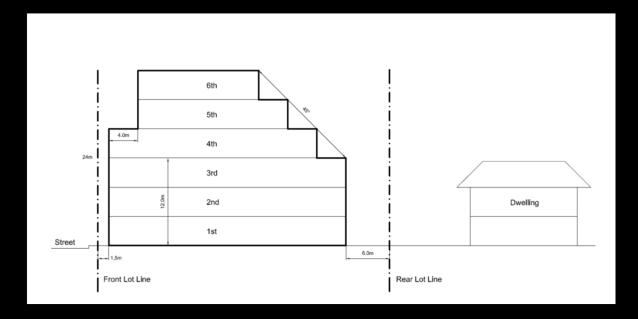
- Gas Station
  - Updated requirements, setbacks and noise attenuation requirements
- Heat Pump & Mini-Split
  - Includes setback and siting requirements
- Adult Massage Parlour
  - Includes siting requirements
- Parking Garage
  - Criteria for Street level abutting Water or Duckworth Streets
- Provincial Land
  - Crown Land Reserves
  - Forestry Areas
  - Provincial Road (Protected Roads, Scenic Roads, Highway Signs)

# General Site Requirements



## **Building Stepback**

- Human Scale and development
- Good neighbour policy: reduce landuse conflicts
- Applied to:
  - Buildings which abut a Residential Zone
  - 12 metres in height or greater
  - Shall not project above 45 degree angle from either the Side or Rear Lot Line





# Landscaping & Screening

#### Residential:

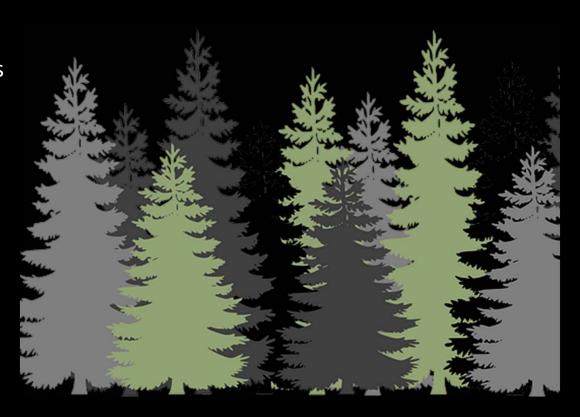
- 50% soft landscaping in the front yard (exception of Apartment Buildings and Zero Building Line)
- 40% soft landscaping for Cul-de-sac Lot
- Driveways shall not exceed 50% of the front yard and limited to 6 metres in width
- 1 metre separation between driveways on adjacent lots unless a snow storage plan is approved

#### Non-residential:

 Subject to the Commercial Development Policy & Landscape Plan

# Buffering & Screening

- Where an Industrial, Commercial, Institutional, Agricultural or Public Use abuts an existing or proposed Residential Use:
  - 6 metre Buffer and
  - Screen 1.8 metres in height
- Where a Commercial Local Use abuts an existing or proposed Residential Use:
  - 3 metre Buffer
  - Screen 1.8 metres in height



# Non-Conformity

- Identified non-conforming uses in the City
- As a way to reduce the number of nonconforming sites:
  - Some uses were added to the existing Zone as a Discretionary Use (remove non-conformity)
  - Future rezoning:
    - New uses were added to the Commercial Local (CL) Zone; and
    - New Commercial Local Downtown (CLD)
       Zone was created; same uses as the CL
       Zone with downtown lot standards.
- Timeframe 3 years



## Parking Requirements

- Revised Parking Standards for all Uses minimum to maximum range
- Intensification Area Parking Standards not to exceed the minimum parking range identified
- Parking Report
  - Required when a different number of parking spaces is proposed than identified in the standards chart (more or less)
  - Review parking generation rates pre/post development; parking duration; number of spaces in the area; neighbourhood impact; effect on traffic
- Bicycle Parking
  - All development shall provide bicycle parking spaces/stalls and storage with the exception of Residential Uses



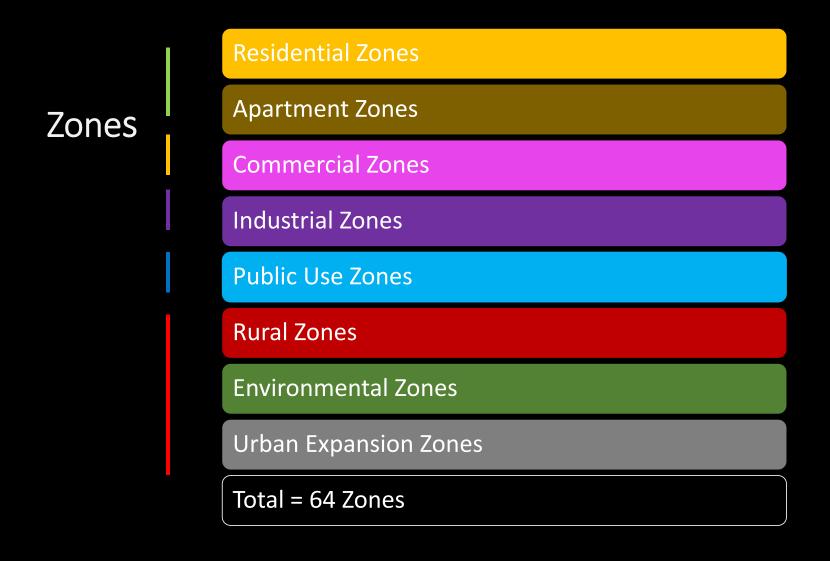




### Maps & Policies

- Zoning
- 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 8 Downtown Snow Removal
- Map 9 Provincial Lands
- Planning Mixed Development Areas

- Heritage By-Law and Designated Heritage Buildings
- Development Design Manual
- Stormwater Detention Policy
- Parks & Open Space Master Plan
- Urban Forest Plan
- Wetland Management Policy
- Watershed Management Plan







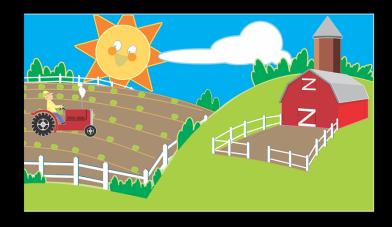


# Residential Battery Development Area

- Removed:
  - Battery Development Area Map
  - Footprint and Height Control Overlay
- Added:
  - Heritage Area 4
  - Additional uses in the Residential Battery (RB) Zone
  - Maximum Lot Area

### Access to Local Food

- Community Garden added to:
  - Residential Zones
  - Apartment Zones
  - Institutional Zones
  - Open Space Zone
  - Limited Commercial Zones
- Horticulture, Aquaculture, Aquaponics & Hydroponics added to several Commercial Zones









### Commercial Downtown Mixed (CDM) Zone

- Building Height (max): 15 metres increased to 18 metres
- FAR (max): 3.0
- Maintain heritage character, scope and scale of existing streetscape
- Allow only commercial development at the street level abutting Water Street and Duckworth Street with the exception of access points



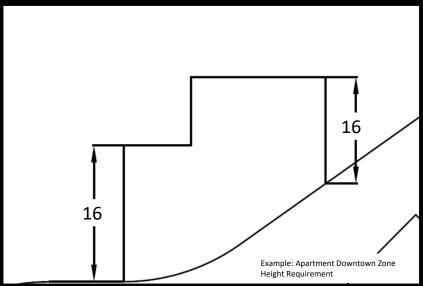
### Commercial Downtown Mixed 2 (CDM2) Zone

- Rezone to CDM-2 for additional height
- Building Height (max): 27 metres
- FAR (max): 4.0
- Building Façade Stepback
  - 0 metres for first 18 metres of Building Height
  - 4 metres 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

# Commercial Downtown (CD) Zone

- Applies to Planning Area 1 West of Adelaide Street
- Combines the current CCO, CCR, CCRWW Zones
- Building Height (max): 54 metres
- FAR (max): 5.0
- Building Façade Stepback with 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
- Building Façade Stepback with a 4 metre or greater Building Line:
  - No stepback required







# Residential Building Height

- Applies to Apartment Buildings in both the Residential Downtown and Apartment Downtown Zones
- Measured from all property boundaries
- Height is adjusted to follow grade of the Street or property boundaries
- At no point should the Building exceed the maximum Building Height in the Zone



Institutional Downtown (INST – DT) Zone

- Building Height (max): 23 metres
- FAR (max): 3.0
- Lot requirements reflect downtown building patterns: no building line, side yard or rear yard requirements

### Rural Development

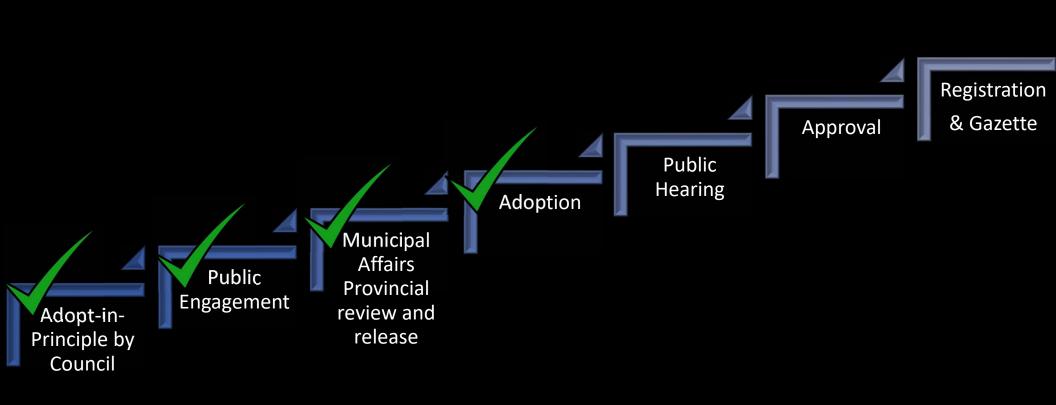
- Unserviced residential development allowed only on existing properties already zoned as Rural Residential Infill (RRI) or Rural Residential (RR)
- New minimum Lot Area in Rural Zones:
  - 1860 square metres increased to 2023 square metres





## Heritage By-Law

- The new Heritage By-Law will contain similar heritage standards as contained in the current Development Regulations
- The City's power is set out in Section 355 of the City of St. John's Act.



## Next Steps Legislatively



#### 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.

#### ×

#### 8.3 General Policies

The following policies shall apply to all Land Use Districts under the Plan.

#### **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 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.

# Envision St. John's





# Municipal Plan























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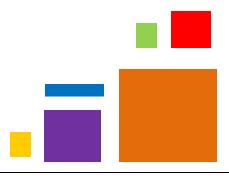
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- P-11 Southwest Expansion Area
- P-12 Freshwater Bay



#### 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.
- A 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 was updated in 2017, updated for adoption-in-principle in March 2019, and further updated for formal adoption in April 2021.



City of St. John's

Envision St. John's Municipal Plan



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.



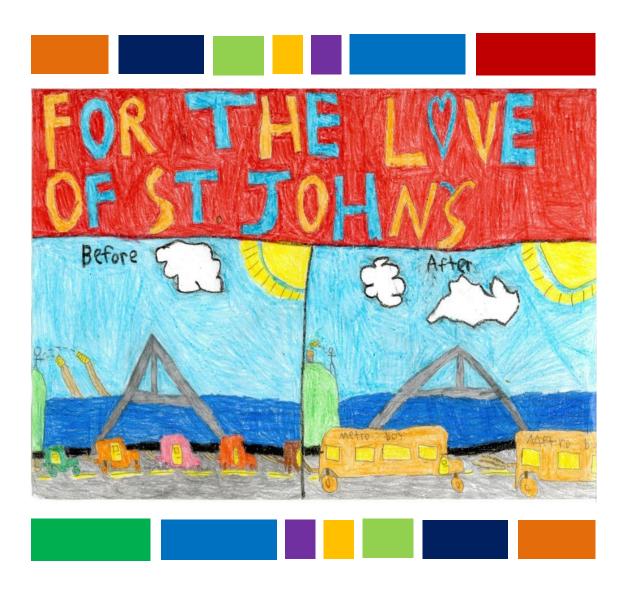
The Port of St. John's also plays an important role in the city's transportation infrastructure, particularly as a gateway for the movement of goods to and from the province. Ensuring that the Port continues to have convenient access to the regional road network is a priority.

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.



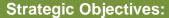
Landforms, watercourses and coastline serve important ecological functions within the city and the broader regional ecosystem. Watersheds such as the Waterford River encompass several municipal jurisdictions, while the rugged coastline provides protection from the sea as well as unique and spectacular 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.
- 3. 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.
- 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).

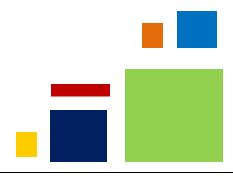
- Notwithstanding Policy 3.4.3, passive recreation uses, including pedestrian trails or other open space uses, can occur within required buffers of designated bodies of water, provided the impact and/or extent of such development on the waterbody is determined by Council to be minimal.
- 4. A Land Use 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.

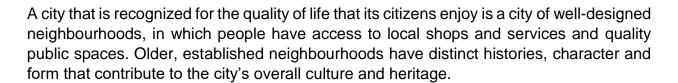
- 1. Facilitate discussion with community groups, property owners and other levels of government and the development industry to identify opportunities for redevelopment of brownfield sites in a manner that is consistent with this Plan and any applicable Secondary Plan.
- 2. Actively promote and facilitate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

- 1. Support the implementation of the City of St. John's Affordable Housing Strategy, 2019 2028, and its strategies.
- 2. 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.

- 1. 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.

- Aroas identify sites
- 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).

- tore plan of pouls
- 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.

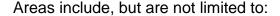
Balancing the desire to retain our built heritage with opportunities for new development in heritage areas has been, and will continue to be, a challenge. Ultimately, heritage resources are a fragile gift from past generations, and are not a renewable resource, therefore we must preserve them for their 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.

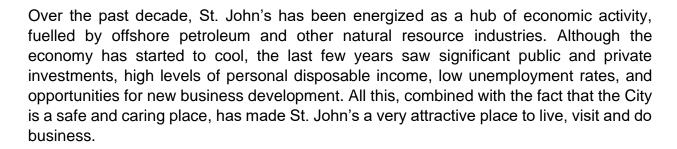


2. Work with the Department of Tourism, Culture, Arts and Recreation to ensure that historic resources within the City are managed in accordance with the *Provincial Historic Resources Act.* Update the City's Archaeological Master Plan (2006) to ensure that archaeological investigation be undertaken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

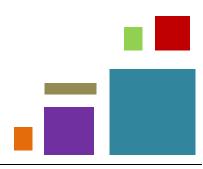
Tourism makes a significant contribution to the city's economy, providing various business opportunities and employment. St. John's is a major tourist destination, and is promoted as providing "authentic" visitor experiences. A key piece of this experience is the vibrant cultural heritage of the city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



# 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, stepbacks, 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, stepbacks, 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.
- f. Battery Area Building height is established in accordance with the Battery Development Guidelines Study, and will be reflected in the St. John's Envision 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.

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.



- 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.
- 6. 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

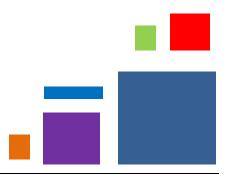
The provision of utilities and telecommunications infrastructure is important to the city's economy, safety and security.

- 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.





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.

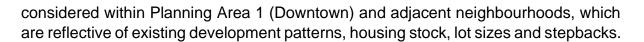
The City's goal is to ensure that residential neighbourhoods are inclusive and support people of differing ages, abilities and socio-economic groups. This requires a variety of housing options, public amenities and transportation infrastructure, capable of change as neighbourhoods mature.

## **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



- 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.
- 9. 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

- 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).

## Freshwater Bay

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.

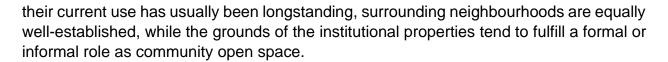
- 1. Land use within the Airport Land Use District shall be in accordance with the requirements of the St. John's International Airport Authority.
- 2. The City shall work with the St. John's International Airport Authority to ensure that Land Uses surrounding the airport are in accordance with the Noise 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



- 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.
- 3. 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.

 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.

## 8.14 Restricted Development

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.

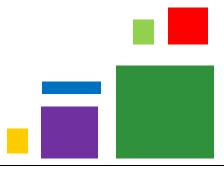
# 8.16Open Space Land Use District

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:

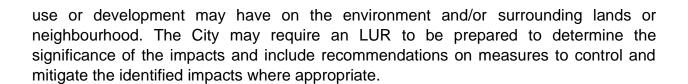
- The adequacy of municipal water and sewer services, or where on-site services are proposed, the adequacy of the physical site conditions to accommodate it;
- The adequacy and proximity of public transit, recreation and community facilities;
- The adequacy of the transportation network in, adjacent 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



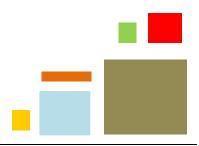
The following policies apply to the requirements for an LUR:

- 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 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

Plan amended where appropriate.

## 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 places 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**

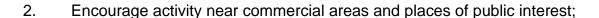
The City shall:

- 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

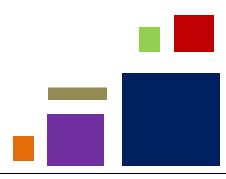
Pedestrian circulation is essential to the social and economic health of the downtown, in particular the social vitality of public and recreation spaces and the commercial viability of retail areas. It is also vital to the livability of the Residential Downtown.

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.



## 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.

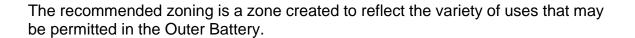
#### Sub-Area 9 - Lower Rennie's Mill Road and Rennie's Mill Road

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.
- 3. 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**

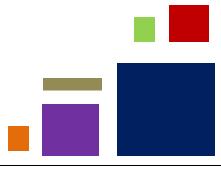
The preservation and development of some recreation space for Village use; an open space that has a regional importance as a recreation or amenity centre (the Lake surface

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**

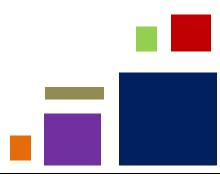
A road network shall be developed that will link Old Pennywell Road to Hamlyn Road and Topsail Road, and provide for a system of internal linkages that will facilitate the development of residential lands and facilitate access to community and commercial services within that part of Mundy Pond that lies 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

space buffers have been established between areas designated for residential and commercial uses.

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**

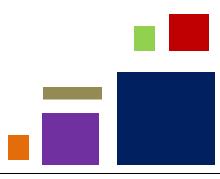
Where appropriate and feasible, walking trails will be constructed to link individual areas within the South West Expansion Area to each other and to other trail systems outside the area.

## **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.

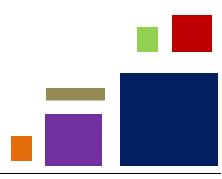
#### **Environmental Protection Plan**

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.

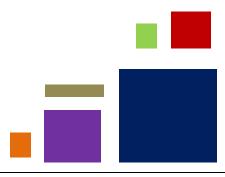
## **Commercial Development**

## **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**

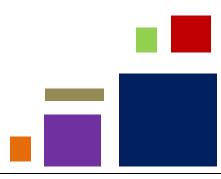
The City shall work with the East Coast Trail Association to preserve, protect and buffer the portion of the East Coast Trail through Planning Area 17.

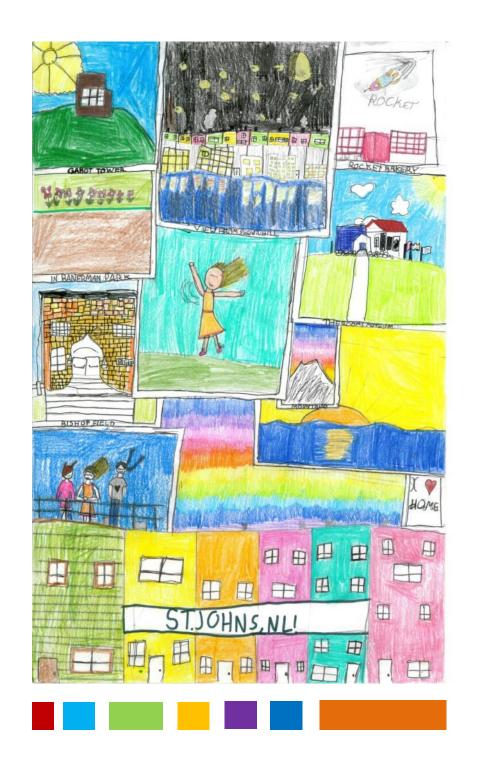
## **Public Trail System**

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**

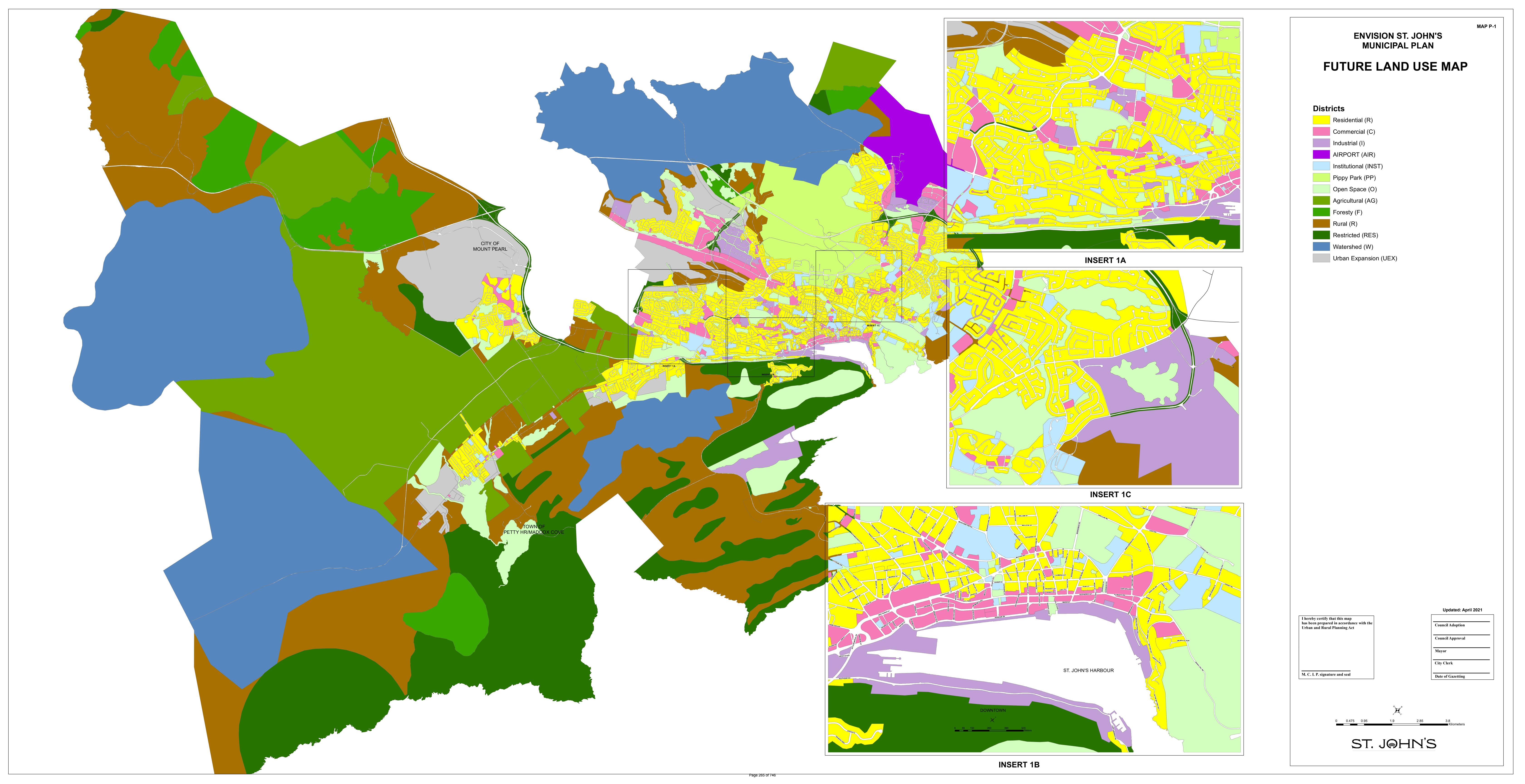
# **Draft Municipal Plan**

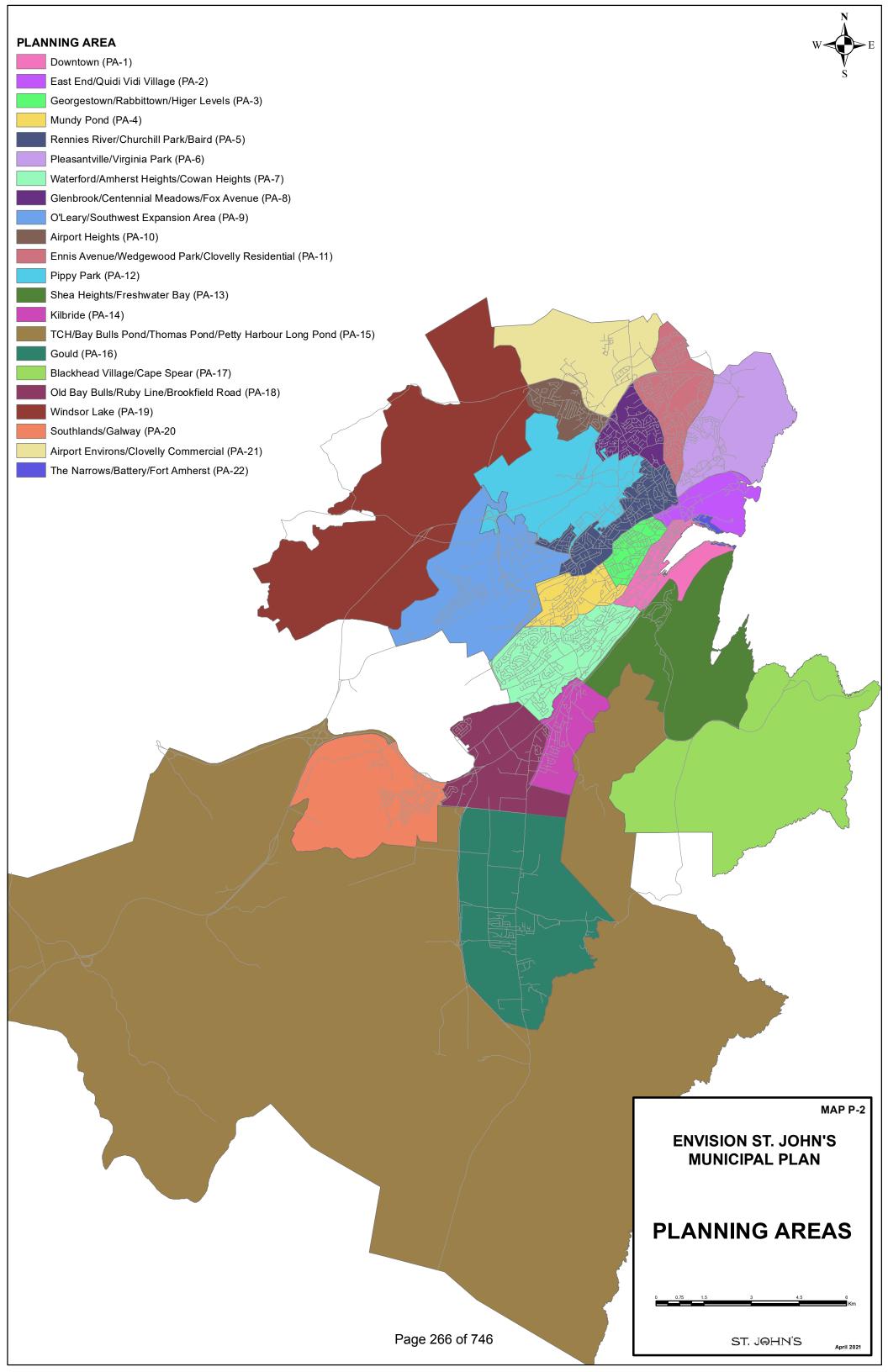
## **Appendices**

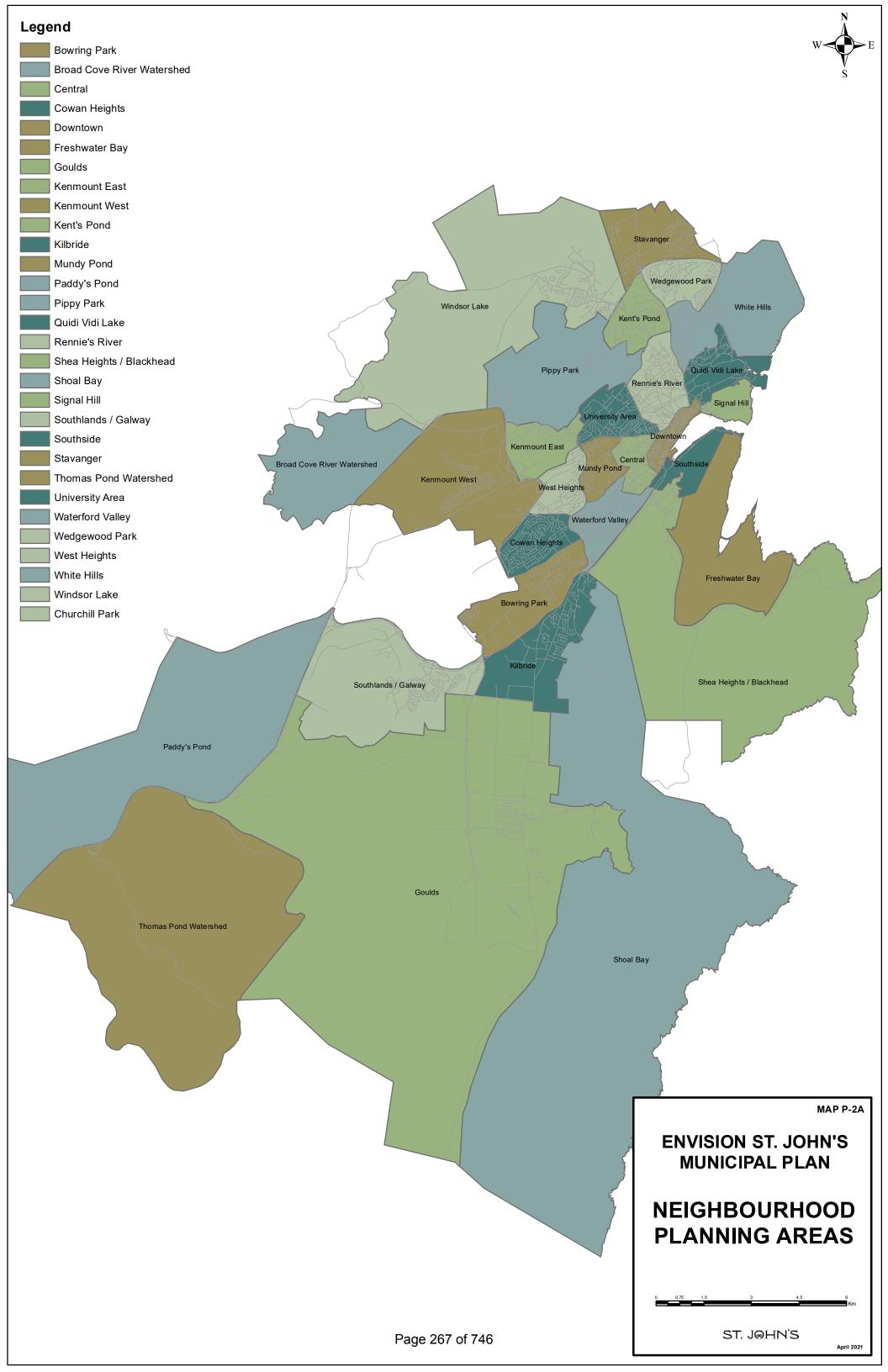
**Last Updated September 2021** 

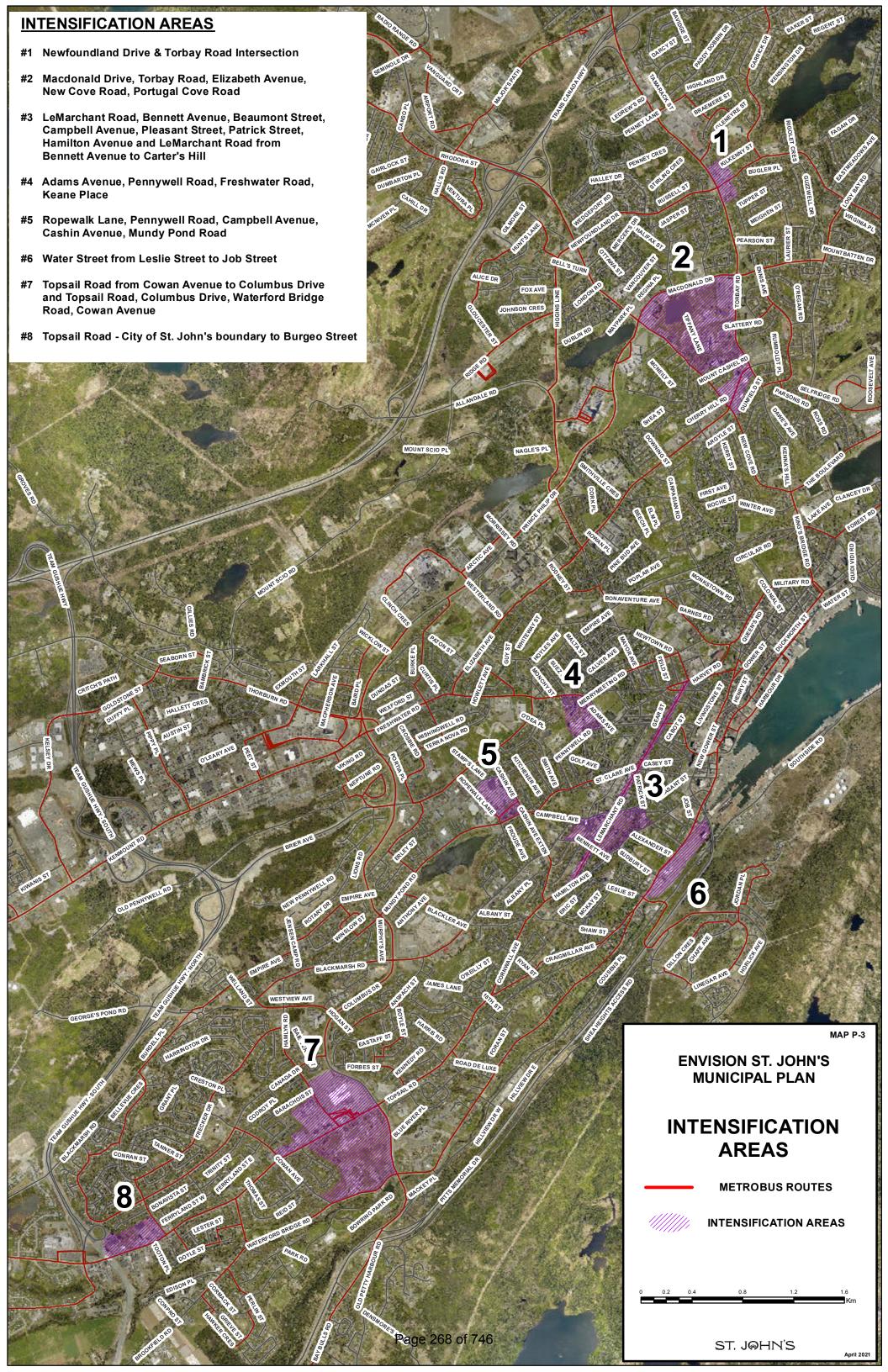


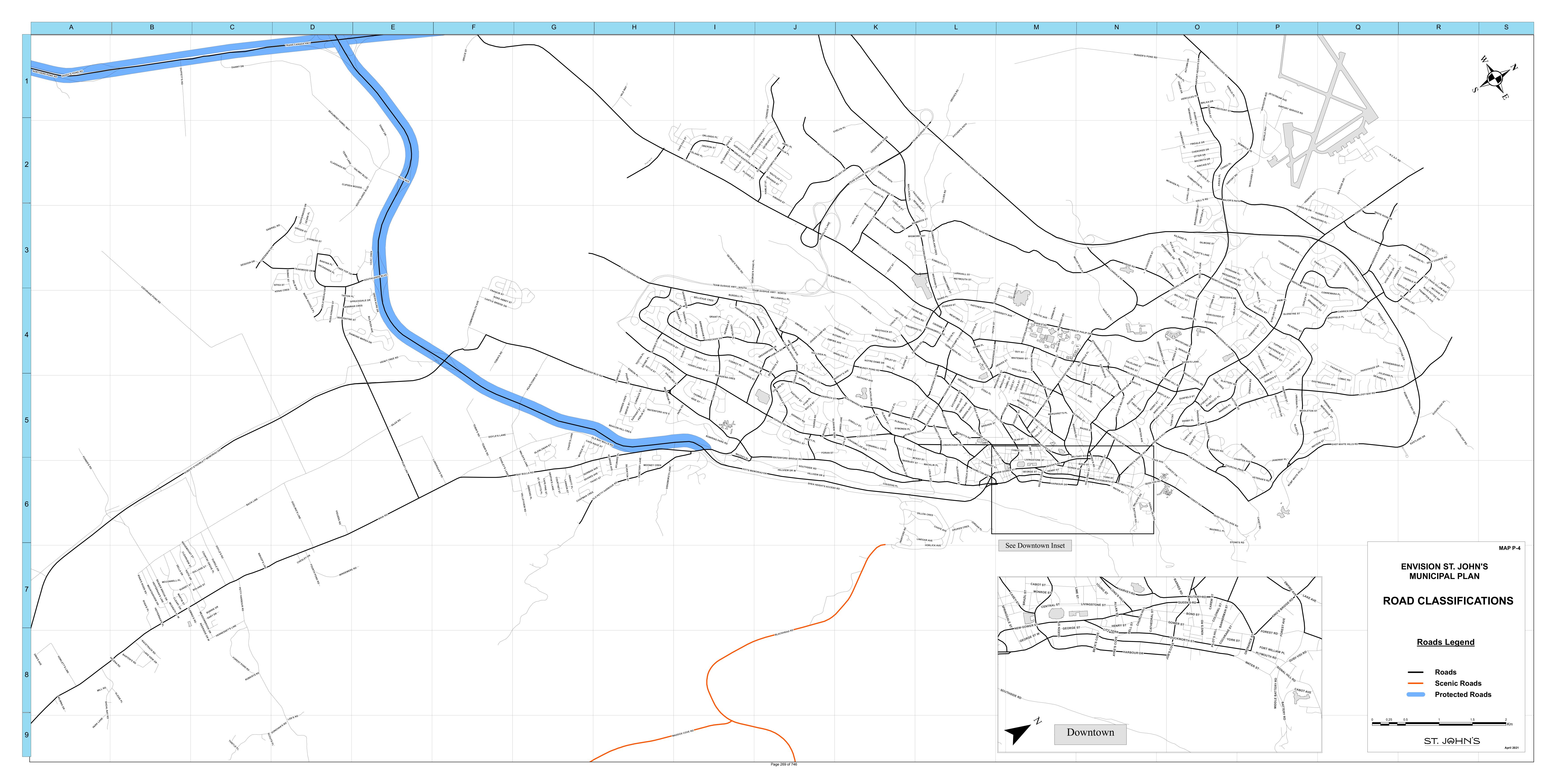


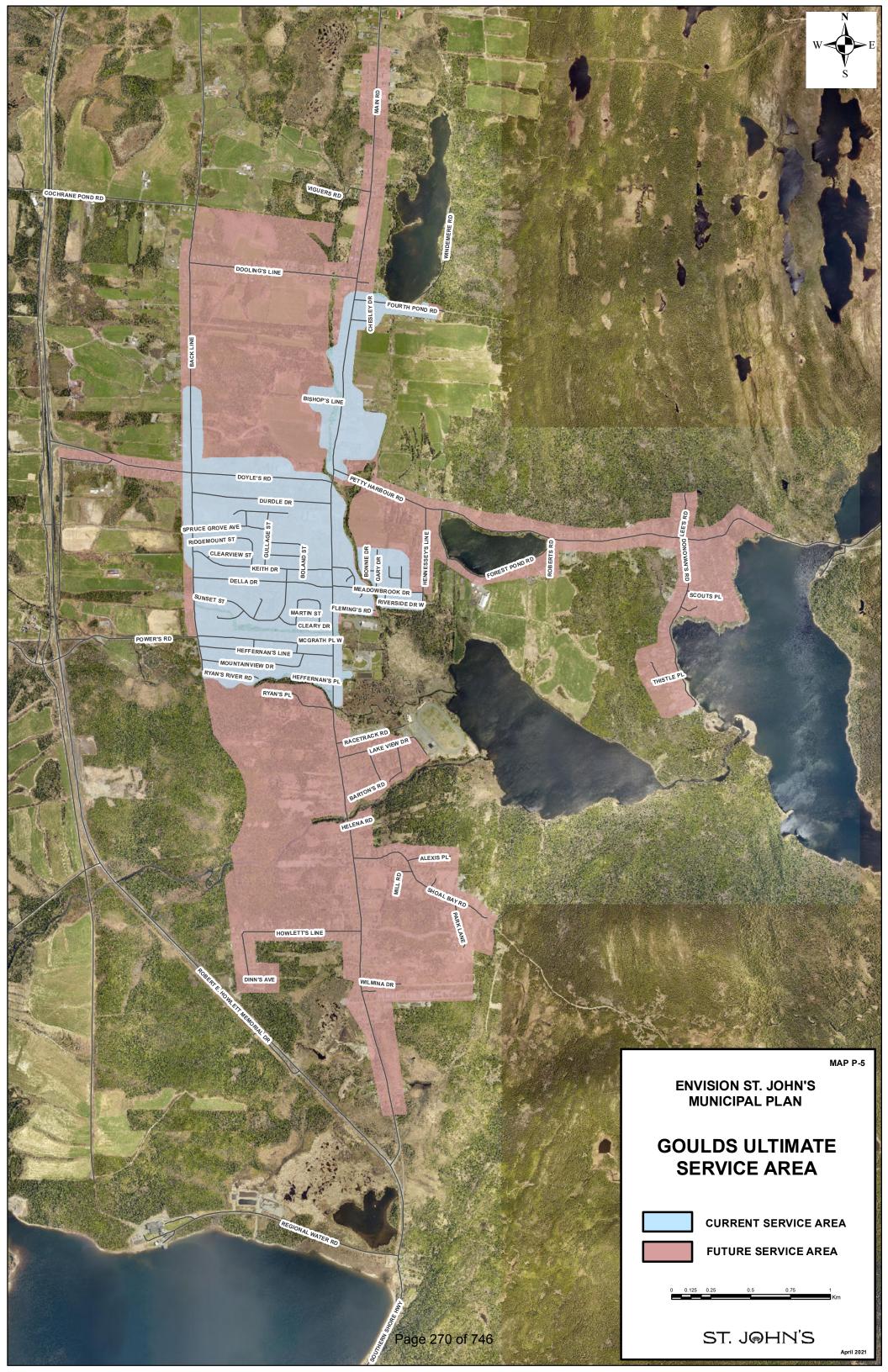




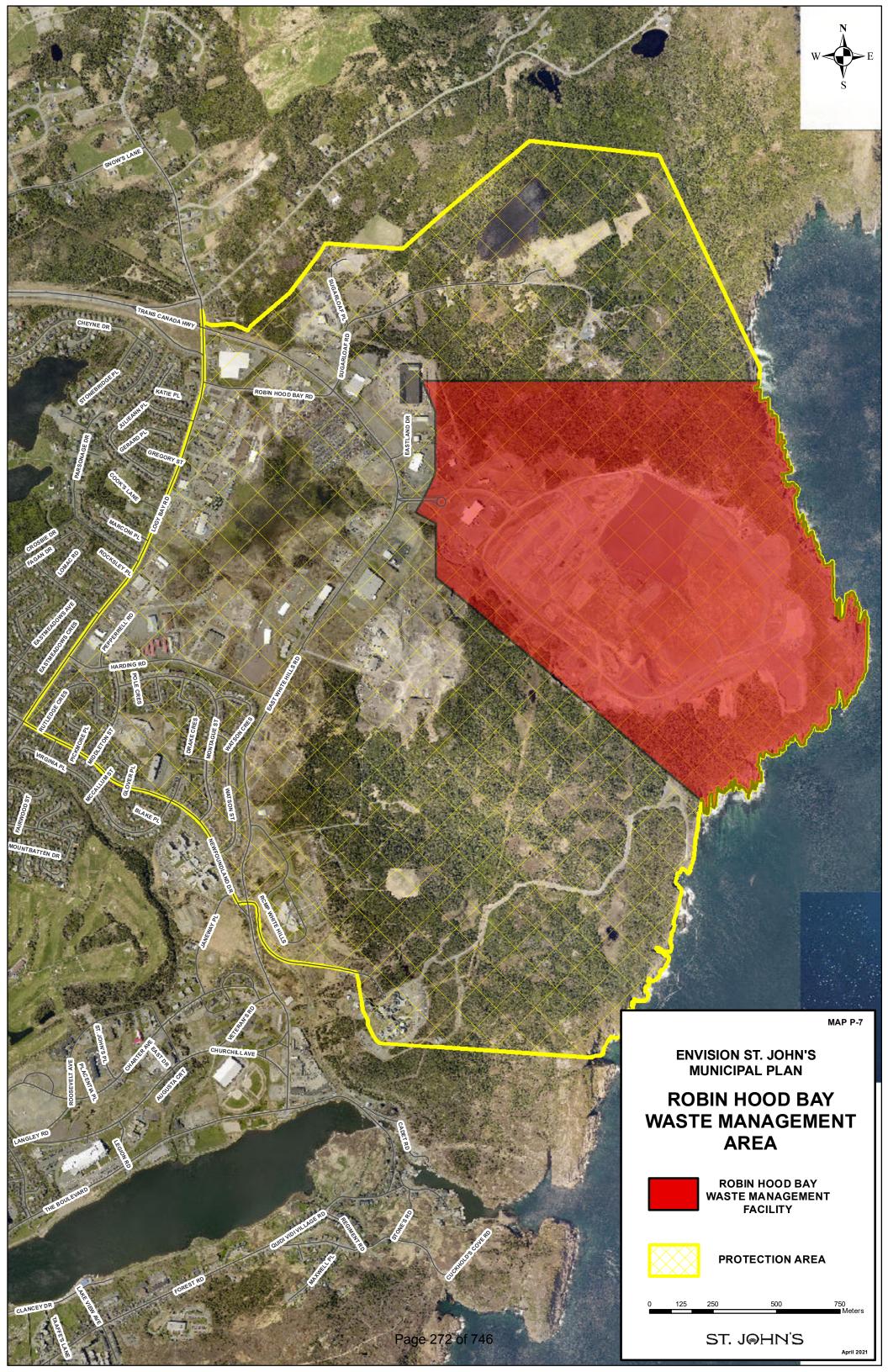


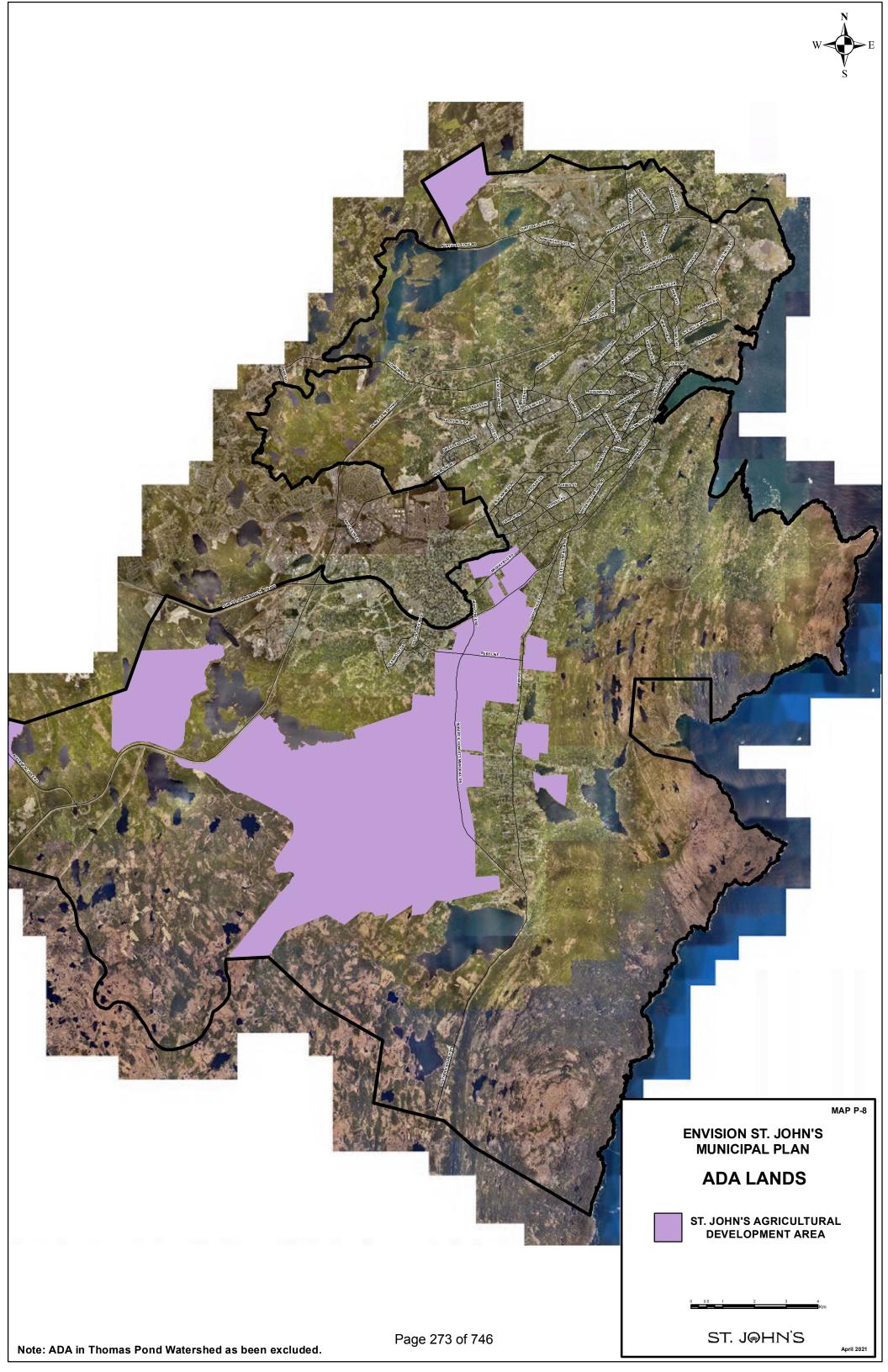


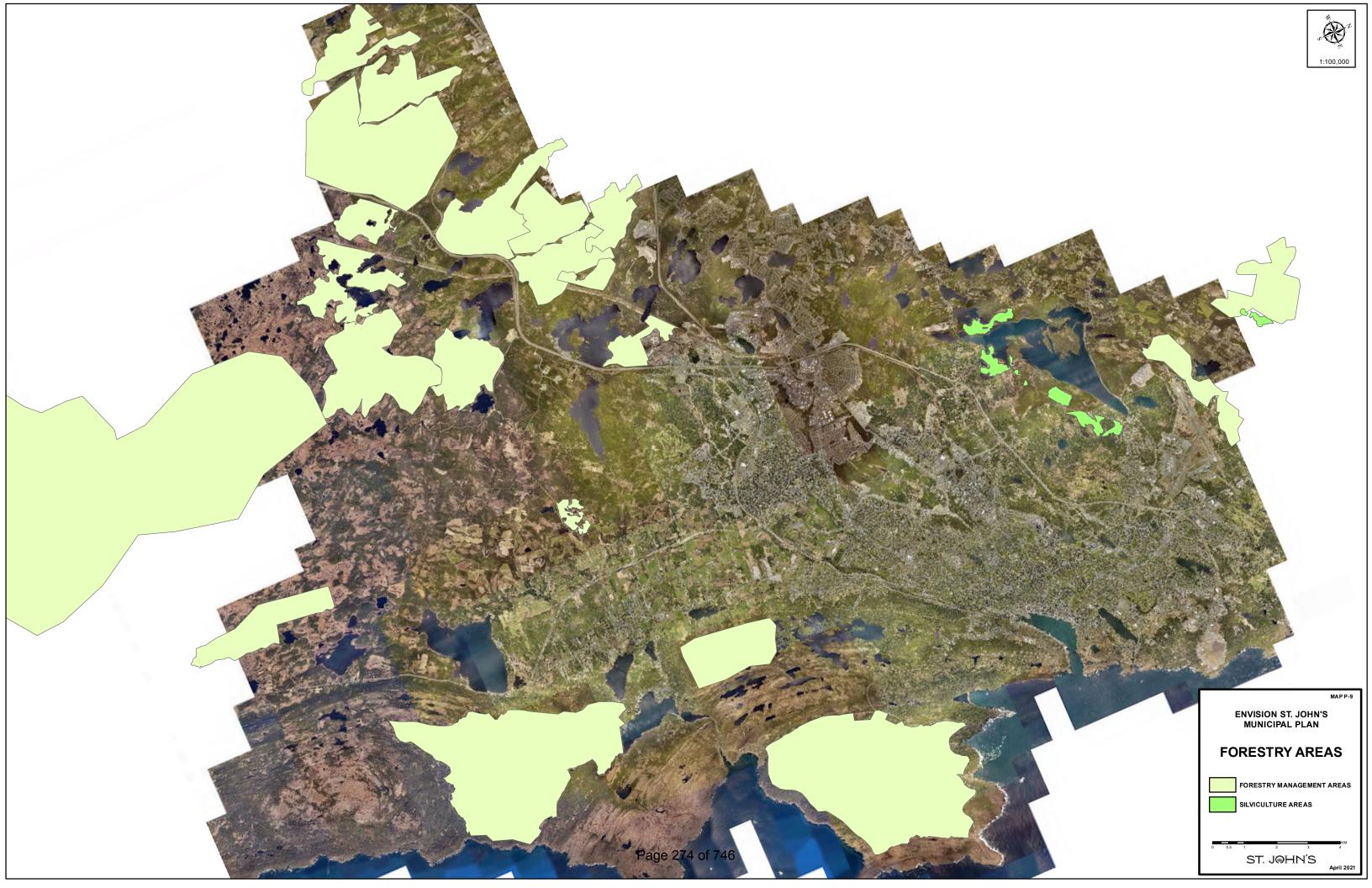












## **ENVISION ST. JOHN'S MUNICIPAL PLAN**

## **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

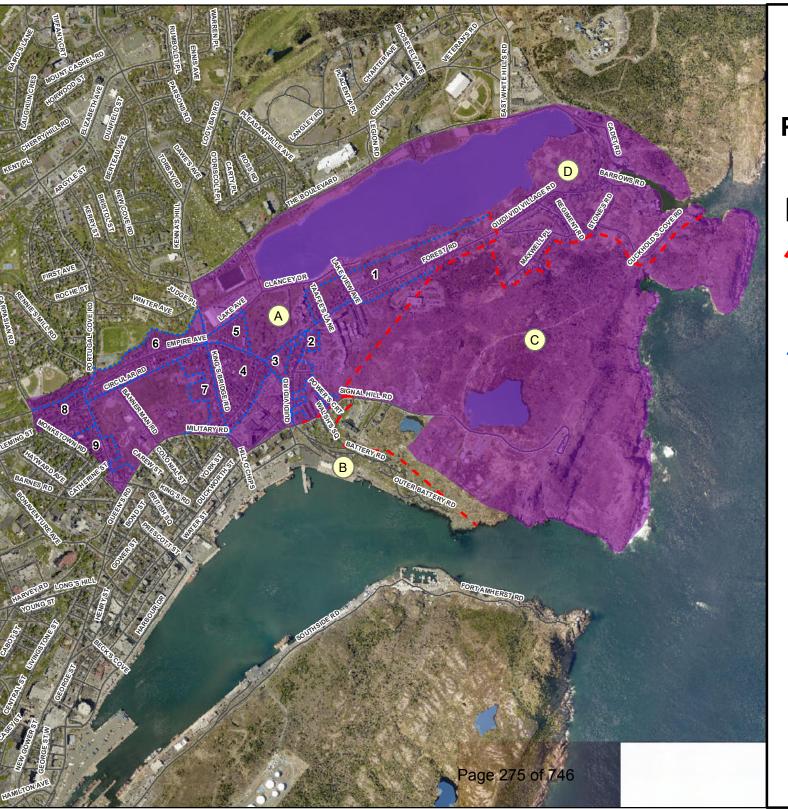


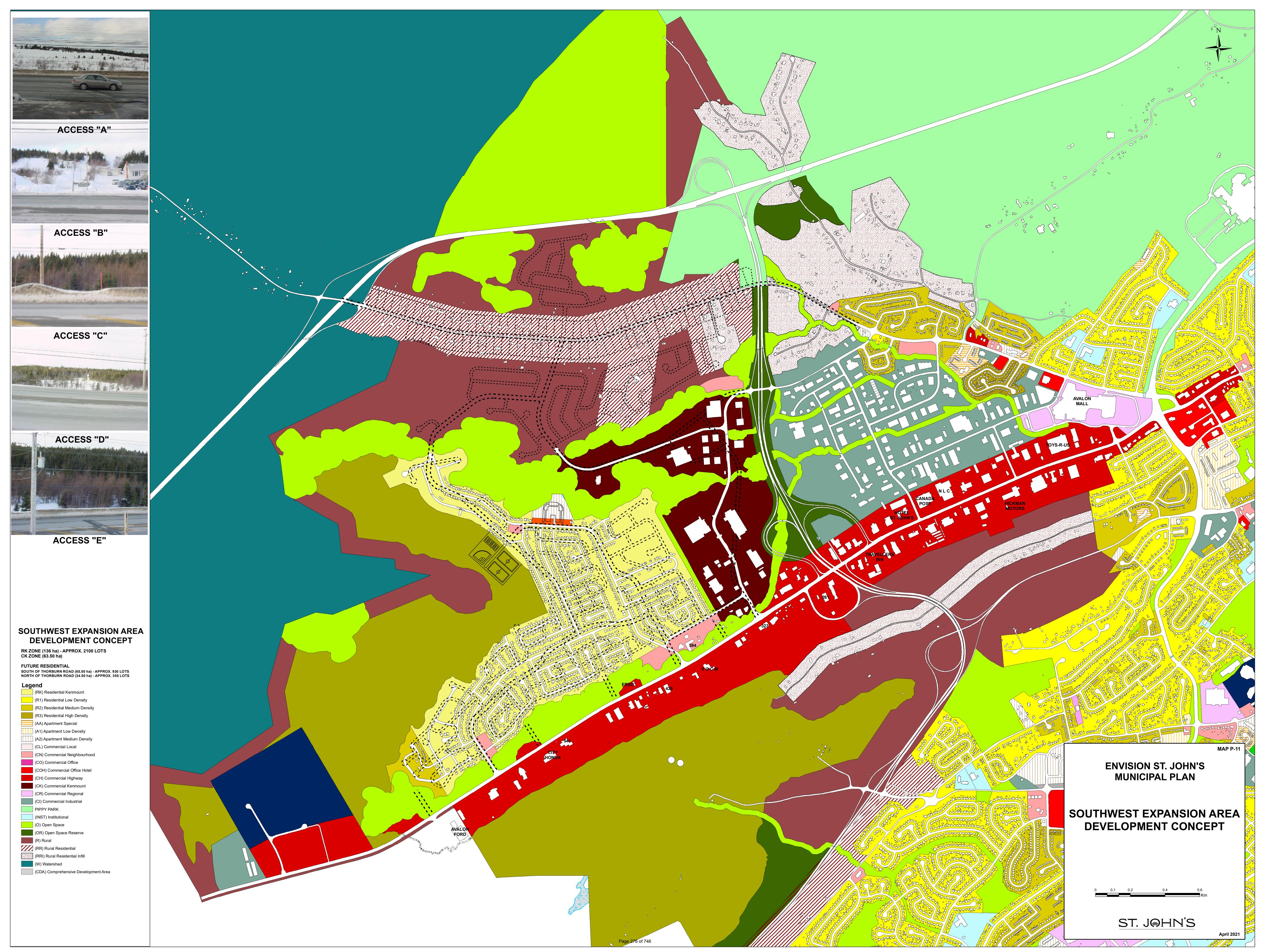
SUB - AREAS

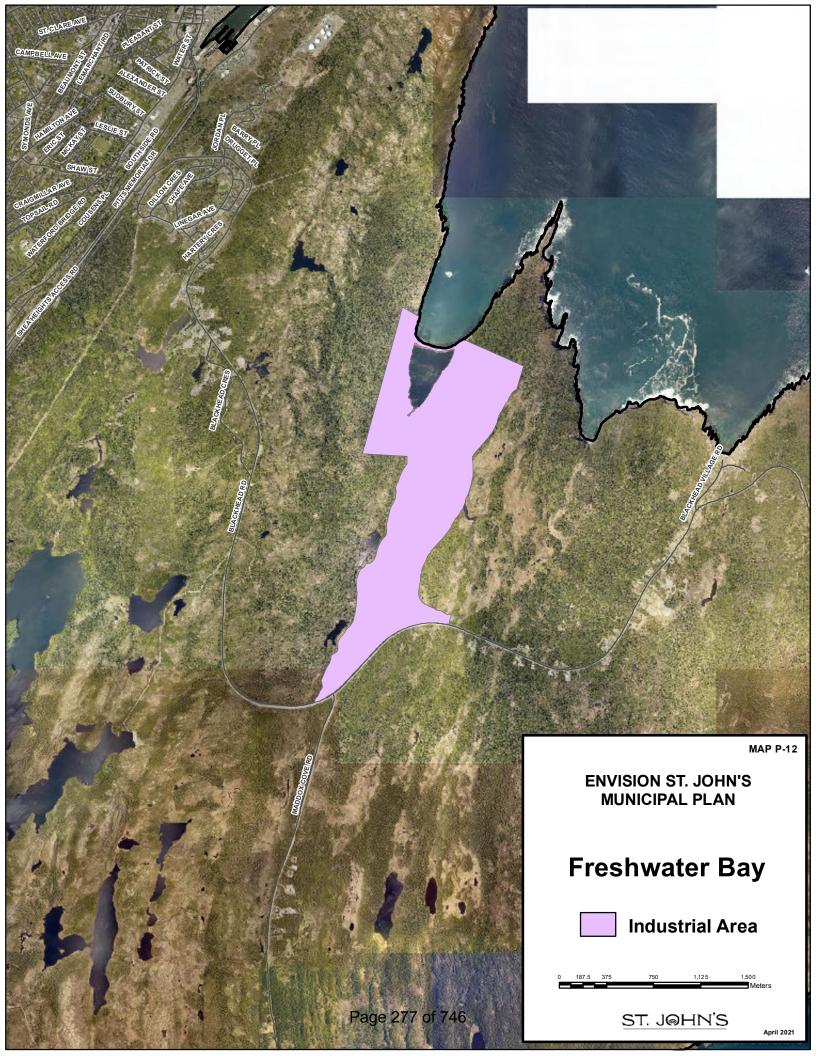
- 1. Forest Road (East of Quidi Vidi Road to Quidi Vidi Village
- 2. Quidi Vidi Road
- 3. Forest Road (Empire Avenue to Quidi Vidi Road
- 4. Forest Road Empire Avenue and King's Bridge Road
- 5. Empire Avenue King's Bridge Road - Lake Avenue and Anglican Cemetary
- 6. Circular Road Empire Avenue
- 7. 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

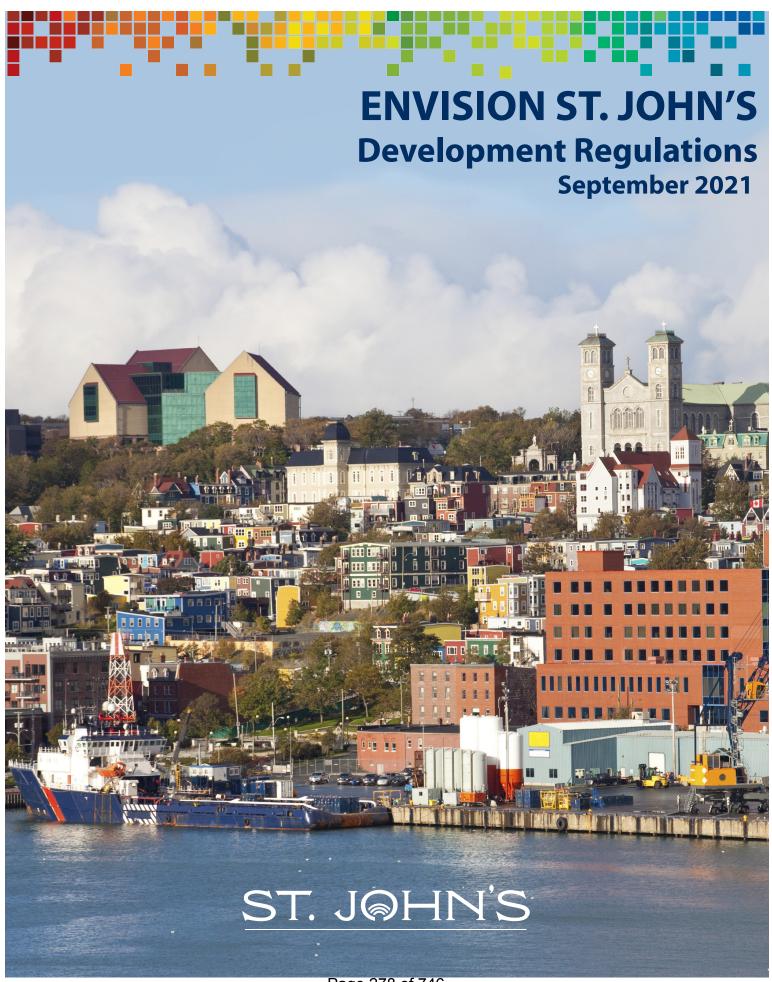
ST. J@HN'S

April 2021









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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.

e Apartment Building

**AQUAPONICS** is a food production system that combines Aquaculture **Apartment Building** with Hydroponics Operations.

**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

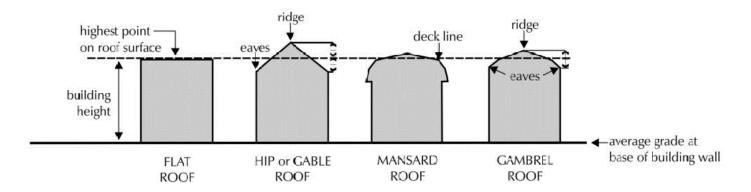
purposes of these Regulations:

- a fence
- a utility enclosure

**BUILDING HEIGHT** means the vertical distance measured in metres from the established grade to the:

- highest point of the roof surface of a flat roof; (i)
- (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 that is listed within the discretionary use classes established in the use zone tables of an authority's Development Regulations.

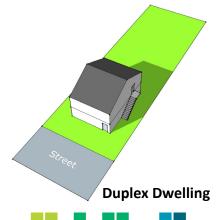
**DRIVE THROUGH** means a Building or operation that is designed to allow or require occupants to remain in their motor vehicles while goods and/or services are either provided to them or self-service is being undertaken or initiated by them.

**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.

**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, except where a lot has two or more Street Lines, in which case the Development Officer shall determine the Front Lot Line, considering the most appropriate setting of the Building on the Lot.



**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 the use zone tables of an authority's Development 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.

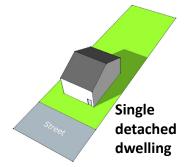
Semi-detached dwelling

**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.

**STEPBACK** means the portion of a building that is horizontally recessed from the façade that that faces the street.

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.

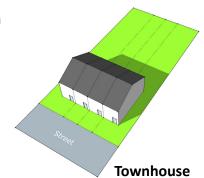
**TAXI STAND** means the location from which a taxi business and/or taxi is directed, managed, and/or dispatched.

**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.

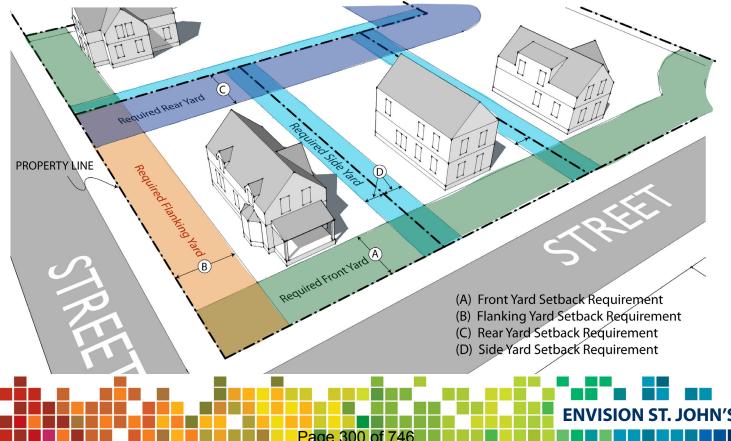
YARD means the part of a Lot unoccupied by the main Building.

**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
  - a decision permitted under the Act, or another act to be appealed to the Appeal Board. (d)
- (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 <u>road</u> access, power, drainage, <u>sanitary</u> facilities <u>or domestic</u> water <u>supply</u>

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	X	Х	Х
Survey	X	Χ	X	Х
Site Plan	X	Χ	X	Х
Description of Proposed Use	X	Χ	X	Х
Lot Area & Frontage	X	Χ	X	Х
Vehicular Access	X	Χ	X	Х
Water & Sewer	X	Χ	X	Х
Building Placement		Χ	X	Х
Yards		Χ	X	Х
Building Floor Area and Height		Х	Х	Х
Off-Street Parking		Χ	X	Х
Number of employees on site		Χ	Х	Х
Hours of Operation/Duration		Х	Х	
Storm Water Management Plan	Х	X	Х	Х
Snow Storage Plan (As requested)	Х	Х	Х	Х
Pedestrian Access, Cycling, & Transit	Х	Х	Х	Х
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.

#### **Correction of Errors and Remedial Work** 4.5.5

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 cash deposit, bank draft or certified cheque; (a)
  - (b) an irrevocable letter of credit in a form as may be acceptable to Council; or
  - such form of financial guarantee as may be acceptable to Council. (c)
- (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) any other application Council may direct; or
  - (e) 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 Buffer for those bodies of water enumerated in Subsection (1):
  - (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 and parks;
  - (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 bodies of water as enumerate in Subsection (1):
  - (a) public works and infrastructure;
  - (b) Public Utility;
  - (c) protection of areas of geological instability;
  - (d) flood control infrastructure;
  - (e) trails and parks;
  - (f) landscaping;

- (g) construction of storm water detention infrastructure;
- (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.
- (8) Council may permit residential development in the Floodplain and Buffer of Rennie's River at 6 and 8 Winter Avenue.

## **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 and interconnectedness of the Subdivision to existing development, Streets, transit and trailways, pedestrians and cyclists.
- (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;
- (h) 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 purposes 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.

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## **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".
  - o 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	450 metres	450 metres	450 metres	450 metres
Lot Frontage (minimum)	18 metres	15 metres	15 metres	15 metres	15 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) is located within the Rural (R) Zone, the Rural Residential (RR) Zone, and Rural Residential Infill (RRI) Zone, the Agricultural (A) Zone or the Forestry (F) Zone.
- (b) the Accessory Building shall comply with Section 6.2;
- (c) the Home Occupation shall not exceed the lesser of 80 metres square or the Gross Floor Area of the Accessory Building;
- (d) have no wholesale sales. Retail sales may be permitted provided they are incidental to the Home Occupation;
- (e) be operated by a resident of the dwelling to which the Accessory Building is associated and not employ more than 2 non-residents;
- (f) 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;
- (g) have sufficient parking to accommodate the Home Occupation and the Dwelling Unit; and
- (h) 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 ARCHAEOLOGY

Any application for development within the areas identified on Map 1 are to be referred to the Provincial Archeology, Department of Tourism, Culture, Arts and Recreation.

#### 6.26 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.

#### **6.27 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.

#### **6.28 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.

#### **6.29 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.

#### 6.30 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

#### 6.31 WAREHOUSE

A Warehouse is subject to the following:

- open storage shall be located in the Rear Yard and be enclosed by a wall, Screen, or Fence not (a) less than 1.8 metres high; and
- (b) exterior lighting shall not be directed towards abutting Residential Uses.

#### **6.32 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.

#### 6.33 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.

#### **6.34 WIRELESS COMMUNICATIONS FACILITY**

A Wireless Communications Facility shall comply with all applicable Provincial and Federal legislation.

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#### **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.

#### **Building Stepback** 7.1.4

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.

# 6th 4th 1st Front Lot Line Rear Lot Line

#### 7.1.5 **Side Yard Calculations**

Where the calculation of a Side Yard Requirements results in a fractional number, that number shall be rounded to

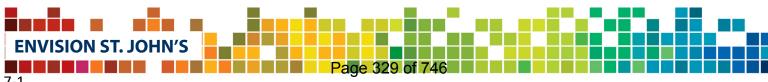
the nearest who number with 0.5 rounded up to the next whole number.

#### 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:

- establish or re-establish the Building Line for any Street, or for any Lot situate thereon, at any (a) 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.



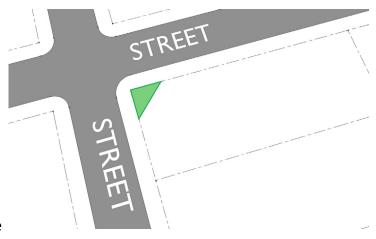
#### 7.2.2 Building Line – Streets

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 MacDonald 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-CONFORMING

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;
  - may have the existing Building extended or expanded with the approval of Council, (e) 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 their 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 their 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.

#### 7.7 TEMPORARY BUILDING AND STRUCTURES

Notwithstanding the zoning of a site:

- 1. Except as provided for in subsection (2), Council or an Officer of Council may allow the use of land or a Building or structure for the following, provided the proposed Building or structure is of a temporary nature and subject to such conditions deemed necessary by Council or an Officer of Council:
- (a) A scaffold or other temporary Building or structure incidental to construction or work in progress, on premises for which a building permit under the St. John's Building By-Law has been granted, until such time as the work has been finished or abandoned; and
- 2. Council may allow a temporary Building or structure at or near the St. John's Harbour, or other navigable waters within the City intended for Harbour or marine-related Uses, subject to such conditions deemed necessary by 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 8.12, 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)	1 parking space for every 3 employees together with 1 parking space for every 100 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	
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 visit 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 <sup>2</sup> 1 parking space for every 15 m <sup>2</sup> of Net Floor Area 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			

Type or Nature of Building	Range of Parking Spaces		
	Minimum	Maximum	
Car Sales Lot Clinic	1 space for every 30 m <sup>2</sup> of Gross Floor Area for the building and 1 space for every automobile stored, kept or displayed for sale 1 parking space for every 20 m2	1 space for every 30 m <sup>2</sup> of Gross Floor Area for the building and 1 space for every automobile stored, kept or displayed for sale 3 parking spaces for every	
	of Gross Floor Area	consultation/treatment room	
Commercial Garage	1 parking space for every 50 m <sup>2</sup> of Gross Floor Area	1 parking space for every 15 m <sup>2</sup> of Gross Floor Area	
Daycare Centre	1 parking space for every 3 employees together with 1 parking space for every 100 m <sup>2</sup> of Gross Floor Area	1 parking space for every 3 employees together with 1 parking space for every 15 m <sup>2</sup> of Gross Floor Area	
Dry Cleaning Establishment	1 parking space for every 100 m <sup>2</sup> of Net Floor Area	1 parking space for every 15 m <sup>2</sup> of Net Floor Area	
Funeral Home	1 parking space for every 15 m <sup>2</sup> of Gross Floor Area	1 parking space for every 5 m <sup>2</sup> of Gross Floor Area	
Gas Station	1 parking space for every 2 gas pumps and 1 parking space for every 30 m <sup>2</sup> of Net Floor Area used for retail	1 parking space for every gas pump and 1 parking space for every 15 m <sup>2</sup> 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 <sup>2</sup> of banquet/conference/meeting space	
Light Industrial	1 parking space for every 100 m <sup>2</sup> of manufacturing area, provided this is not less than 3 parking spaces per tenant or establishment	1 parking space for every 20 m <sup>2</sup> 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 <sup>2</sup> of Gross Floor Area	1 parking space for every 5 m <sup>2</sup> 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 <sup>2</sup> of Net Floor Area	1 parking space for every 20 m <sup>2</sup> of Net Floor Area
Personal Care Home	1 space for every 5 Units	1 space for every 2 Units
Place of Amusement Place of Assembly	1 parking space for every 15 m <sup>2</sup> of Gross Floor Area	1 parking space for every 5 m <sup>2</sup> of Gross Floor Area
Place of Worship	1 parking space for every 15 m <sup>2</sup> of Gross Floor Area	1 parking space for every 5 m <sup>2</sup> 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 <sup>2</sup> of Gross Floor Area
Retail Use	If the Gross Floor Area is 200 m <sup>2</sup> or less, no parking space is required.  1 parking space for every 30 m <sup>2</sup>	1 parking space for every 10 m <sup>2</sup> of Net Floor Area
	of Net Floor Area	

Type or Nature of Building	Range of Parking Spaces		
	Minimum	Maximum	
Service Shop	Gross Floor Area is 200 m <sup>2</sup> or less, no parking space is r equired.  1 parking space for every 30 m <sup>2</sup> of Net Floor Area or 1.5 parking spaces for every work station, whichever is greater	1 parking space for every 15 m <sup>2</sup> of Net Floor Area or 4 parking spaces for every work station, whichever is greater	
Shopping Centre	1 parking space for every 40 m <sup>2</sup> of gross leasable area.	1 parking space for every 20 m <sup>2</sup> of gross leasable area.	
Tiny Home Dwelling	No parking required	2 parking spaces	
Townhouse Cluster	1 parking space per Dwelling Unit	Dwelling Size  2 Bedroom Dwelling or Less 3 Bedroom Dwelling or Greater  Minimum  1.5  2.0	
Training School	1 parking space for every 50 m <sup>2</sup> of Net Floor Area	1 parking space for every 20 m <sup>2</sup> 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 <sup>2</sup> of storage area	1 parking space for every 20 m <sup>2</sup> 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 <sup>2</sup> of Net Floor Area	4 bicycle parking spaces for every 3200 m <sup>2</sup>
Retail Use with 500 m2 to 3200 m <sup>2</sup> of Net Floor Area	2 bicycle parking spaces
Retail Use greater than 3200 m <sup>2</sup> of Net Floor Area	4 bicycle parking spaces for every 3200 m <sup>2</sup>

- (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 documents and maps form part of these Regulations and are to read as one with the Regulations.

А	Minister's Development	t 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	<ul> <li>(a) Schedule A: Design Plan/Concept Plan May 2015</li> <li>(b) Schedule B: Galway Land Use Plan (December 2019)</li> <li>(c) Schedule C: Galway Road Cross Sections/Transportation Plan (December 2019)</li> <li>(d) Schedule D: Parkland and Pedestrian Trail Plan (December 2019)</li> </ul>
	PMD2 Zone Schedule	Concept Plan May 2015

These documents are supplemental to and are to be read with these Regulations.

А	Heritage By-Law and Designated Heritage Buildings
В	Development Design Manual
С	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	RQV	
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		

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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	0	

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

- (a) is shown on the Zoning Map as following a Street, lane, right of way, utility easement or water-course, 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 Dwell	ng 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 Semi-Detached Dwelling
Community Garden Single Detached Dwelling
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 Heritage Use

Apartment Building, maximum of 6 dwelling units Home Occupation

Bed and Breakfast Parking Lot

Daycare Centre Personal Care Home

Four-plex Public Utility

#### (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

- (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, except on a Corner Lot where the Side Yard

abutting the Street shall be 6 metres and except for the end unit 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 so	quare Lot Area per Dwelling Unit
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- (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 PERSONAL CARE HOME

(a)	Lot Area (minimum)	750 metres square
(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)	30%

#### (12) ZONE STANDARDS FOR ALL OTHER USES SHALL BE IN THE DISCRETION OF COUNCIL.

# **RESIDENTIAL 2 CLUSTER (R2C) ZONE**



### (1) PERMITTED USES

Accessory Building	Townhouse Cluster
Home Office	

### (2) DISCRETIONARY USES

Home Occupation Public Utility	
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### (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)	6 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

Bed and Breakfast

Community Garden

Duplex Dwelling

Subsidiary Dwelling Unit

Four-Plex

Park

Semi-Detached Dwelling

Single Detached Dwelling

Tiny Home Dwelling

Home Office Townhouse

**Lodging House** 

#### (2) DISCRETIONARY USES

Adult Day Centre Parking Lot

Apartment Building, maximum of 6 dwelling units Personal Care Home

Daycare Centre Public Utility

Heritage Use Residential Retail Store

Home Occupation Service Shop

Office

#### (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
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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 Lot, 30% of Front Yard

#### (10) **ZONE STANDARDS FOR PERSONAL CARE HOME**

(a)	Lot Area (minimum)	650 metres square
(a)	Lot Area (minimum)	650 metres square

- (b) Lot Frontage (minimum) 14 metres
- Building Line (minimum) (c) 1.5 metres
- Building Height (maximum) (d) 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
- (g) Landscaping (minimum) 30%

#### (11)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

Bed and Breakfast

Community Garden

Duplex Dwelling

Home Office

Park

Semi Detached Dwelling

Single Detached Dwelling

Subsidiary Dwelling Unit

Tiny Home Dwelling

Lodging House Townhouse

# (2) DISCRETIONARY USES

Adult Day Centre Micro Unit (maximum 6 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 on a Corner Lot where the Side Yard

abutting the Street shall be 6 metres and except for the 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 heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 10 metres as measured from the grade of the property over

the site.

(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

Accessory Building Office
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

Convenience Store

Daycare Centre

Place of Assembly

Place of Worship

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

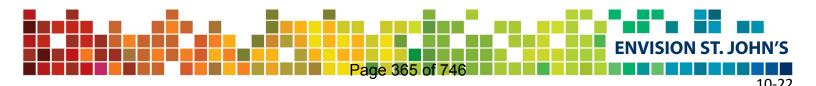
(c) Building Line (minimum) 4.5 metres

(d) Building Height (maximum) 8 metres

(e) Side Yards (minimum) Two of 1.2 metres

(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 square

(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 squ	uare
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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

(2)	Lat Araa (minimum)	110 motros sauaro
(a)	Lot Area (minimum)	140 metres square

(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 on a Corner Lot where the Side

Yard abutting the Street shall be 6 metres and except

for the end unit where the Side Yard on the unat-

tached 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

(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**

**Lodging House Accessory Building** 

Park **Accessory Dwelling Unit** 

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

Lot Frontage (minimum) (b) 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
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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) 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**



September 2021

# (1) PERMITTED USES

Acc	cessory Building	Single Detached Dwelling
Hoi	me 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**



# (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

### (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 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
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(b) Lot Frontage (minimum) 6 metres

(c) Building Line (minimum) 1.5 metres

(d) Building Height (maximum) 10 metres

(e) Side Yards (minimum) 0 metres, except on a Corner Lot where the Side Yard

abutting the Street shall be 6 metres and except for the end unit where the Side Yard on the unattached side shall be 1.2

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 Area (minimum)	270 metres square per Dwelling U	Init
(d)	LOL Area (Minimum)	270 metres square per Dweiling C	mı

- (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 (n	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**

**A2** 

# (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)

(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%

(g)

# (6) ZONE STANDARDS FOR FOUR-PLEX

Landscaping (minimum)

(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

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) Dullullig Height (illaxilliuh	(e)	Building Height	(maximum)
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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) 2, each equal to 1 metre for

every 4 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, 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)	2, each equal to 1 metre for every 4 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)	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

Adult Day Centre

Convenience Store

Home Occupation

Micro Unit (maximum of 12 per building)

Office

Parking Lot

Public Utility

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 the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 16 metres as measured from the grade of the property over the

site.

(d) Side Yards Council discretion

(e) Rear Yard Council discretion

(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 the heigh is adjusted to follow the grade of Streets or property boundaries provided Height does not exceed 16 metres as measured from the grade of the property over the site.
(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**

Home Office Accessory Building

Park **Apartment Building** 

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

Building Line (minimum) (c) 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

(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

abutting 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 square

(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



#### **PERMITTED USES** (1)

Parking Garage

#### 2) **DISCRETIONARY USES**

Dwelling Units, 9 <sup>th</sup> storey or higher	Office
Hotel, 9 <sup>th</sup> storey or higher	Retail Use

#### (3) **ZONE STANDARDS**

(a)	Building Height	12 storeys (not exceeding
		47 meters)

(b)	Parking Spaces, Permitted Uses (minimum)	670
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(e) All other Zone Standards shall be in the discretion of Council

# **ATLANTIC PLACE (AP) ZONE**



# (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 **Training School** Library

# (2) ZONE STANDARDS

Lounge

(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 - 2<sup>nd</sup> storey or higher Restaurant
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 - 1<sup>st</sup> 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 Use Report

(b) Building Line 0 metres

(c) Building Façade Stepback on Street with a 0 metre Building Line O metre 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 Office
Bakery Park

Bank Pharmacy

Clinic Place of Worship

Communications Use

Convenience Store

Dwelling Unit — 2<sup>nd</sup> storey or higher

Health and Wellness Centre

Hotel

Laundromat

Public Use

Festaurant

Retail Use

Service Shop

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

# (3) ZONE STANDARDS, EXCEPT PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY AND PARKING LOT

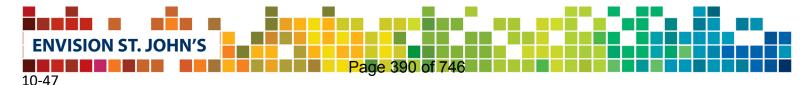
(a) Building Height (maximum) 18 metres

(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 PLACE OF WORSHIP, PARK, PUBLIC USE, PUBLIC UTILITY AND PARKING LOT SHALL BE IN THE DISCRETION OF COUNCIL.



# **COMMERCIAL DOWNTOWN MIXED 2 (CDM2) ZONE**



# (1) PERMITTED USES, except 40 Henry Street (PID #45762)

Adult Massage Parlour Office
Bakery Park

Bank Pharmacy

Clinic Place of Worship

Communications Use

Convenience Store

Dwelling Unit — 2<sup>nd</sup> storey or higher

Health and Wellness Centre

Hotel

Laundromat

Public Use

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

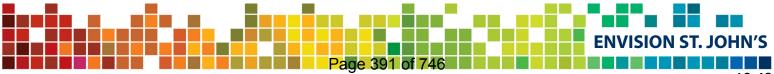
Dwelling Unit - 1st storey (except Water Street & Place of Assembly

**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 0 metre stepback for first 18 metres in Building Height,
Street (minimum) 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.

(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, 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 Veterinary Clinic

Laundromat 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 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 (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, 33872, 33871, 22585)

Accessory Building Park

Accessory Dwelling Unit Pharmacy

Adult Massage Parlour Place of Assembly Bakery Place of Worship

Bank Public Use
Car Sales Lot Public Utility
Car Wash Recreation Use
Clinic Recycling Depot
Commercial Garage Restaurant
Convenience Store Retail Use

Drive Through Service Shop
Dry Cleaning Establishment Service Station
Funeral Home Shopping Centre

Gas Station Taxi Stand
Hotel Training School

Laundromat Transportation Terminal

Library Veterinary Clinic
Lounge Warehouse

Office

## (2) DISCRETIONARY USES

Daycare Centre Place of Amusement

Parking Garage Wind Turbine – Small Scale

Parking Lot

# (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 – 2<sup>nd</sup> 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**



#### (1) **PERMITTED USES**

Laundromat **Accessory Building Adult Day Centre** Library Clinic Office

Community Garden **Public Utility** 

Convenience Store Residential Retail Store

Daycare Centre Retail Use Dwelling Unit – 2<sup>nd</sup> Floor Service Shop

Health and Wellness Centre

#### (2) **DISCRETIONARY USES**

Restaurant Bakery

#### (3) **ZONE STANDARDS EXCEPT PUBLIC UTILITY**

Council discretion (a) Lot Area

(b) Lot Frontage Council discretion

(c) Building Height (maximum) 10 metres

(d) **Building Line** Council discretion

Council discretion (e) Side Yards

(f) Rear Yard Council discretion

(g) Landscaping Council discretion

#### (4) ZONE STANDARDS FOR PUBLIC UTILITY SHALL BE IN THE DISCRETION OF COUNCIL.

#### **COMMERCIAL MIXED USE (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 **Convenience Store** Retail Use **Daycare Centre** Service Shop **Drive Through Service Station** Dry Cleaning Establishment Taxi Stand Dwelling Unit – 2<sup>nd</sup> 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 – 1<sup>st</sup> 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 PARK-ING LOT
  - (a) Building Height (maximum), except 615 18 metres 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 21.5 metres 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

Adult Day Centre

Bakery

Bank

Clinia

Cl

Clinic Public Utility
Community Garden Retail Use
Convenience Store Service Shop
Drive Through Training School
Dwelling Unit – 2<sup>nd</sup> 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 Service 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**



#### (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 – 2<sup>nd</sup> 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

(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 Park Bakery Bank Pharmacy Clinic **Public Use** Convenience Store **Public Utility** Daycare Centre Retail Use Dwelling Unit – 2<sup>nd</sup> 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 50% (g) Lot Coverage (maximum) (except Gas Station) (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 Lounge
Accessory Dwelling Unit Office
Adult Massage Parlour Park
Bakery Pharmacy

Bank Place of Worship

Car Wash **Public Use** Clinic **Public Utility** Commercial Garage Recreational Use Communications Use Restaurant Convenience Store Retail Use Service Shop **Daycare Centre** Service Station Drive Through 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)

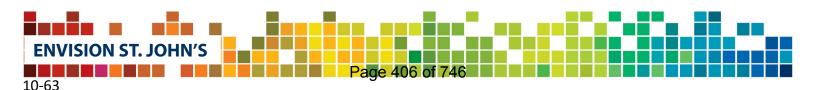
Aquaculture Hydroponics
Aquaponics Light Industrial Use
Craft Brewery/Distillery Parking Garage
Dwelling Unit – 2<sup>nd</sup> storey or higher Parking Lot

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



DISCRETIONARY USES, former Memorial Stadium – Lake Avenue and King's Bridge Road (PID (4) #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**



#### (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** Recreational Use Commercial Garage Communications Use **Recycling Depot** Convenience Store Service Shop Craft Brewery/Distillery Service Station Taxi Stand **Drive Through** 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**



#### (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**



#### (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**

IS

(1) PERMITTED USES

Bulk StoragePublic UtilityPublic UseWind 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 (1) PERMITTED USES Accessory Building Cemetery (2) DISCRETIONARY USES Public Utility

(3) ZONE STANDARDS SHALL BE IN THE DISCRETION OF COUNCIL.

#### **INSTITUTIONAL (INST) ZONE**



#### (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)

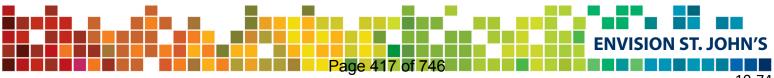
(e) Building Height (maximum) – 50 Tif- 72 metres

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**



#### (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

(	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**



#### (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	

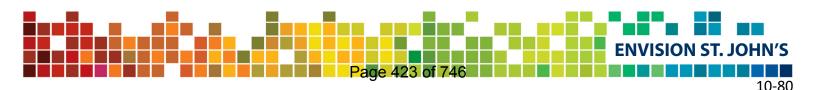
#### (2) DISCRETIONARY USES

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**

Horticulture

Accessory Building Forestry Use

Agricultural Use Park

Community Garden Public Utility

Home Office Single Detached Dwelling, provided the

Agricultural Use or Forestry Use on the Lot has

been in continuous operation for a minimum of  ${\bf 3}$ 

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
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(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
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(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
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

(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

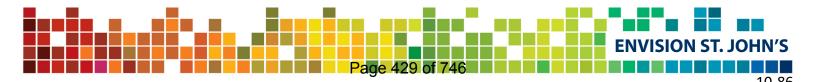
(c) Building Line (minimum) 6 metres

(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
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- (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**



#### (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

Daycare Centre

Heritage Use

Home Occupation

Public Utility

Retail Use

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**

Office **Accessory Building** Park **Apartment Building** 

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

(h) Lot Coverage (maximum) 45%



## (4) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR SEMI-DETACHED DWELLING

(a)	Lot Area (minimun	n) 164 metres square per Dwelling Ur	nit
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(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

(h) Lot Coverage (maximum) 45%

## (6) ZONE STANDARDS (SUBJECT TO SECTION 7.3 – SNOW STORAGE) FOR TOWNHOUSE CLUSTER

(a) Lot Area (minimum) 554 metres s	quare
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- (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
- (h) Lot Coverage (maximum) 45%

## (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 p	per Dwelling Unit
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- (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
- (h) Lot Coverage (maximum) 45%

## (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) Lo	Area (minimum	) 554 metres squ	uare
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- (b) Lot Frontage (minimum) 18.2 metres
- Building Line (minimum) (c) 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
- Lot Coverage (maximum) 45% (h)

## (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, Semi-Detached Dwelling, Townhouse	2 spaces per Dwelling Unit (attached Private Garage may 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 7.6 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**

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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
- 6. Appeal requirements
- 7. Appeal registration
- 8. Development prohibited
- 9. Hearing notice and meetings
- 10. Hearing of evidence
- 11. Board decision
- 12. Variances
- 13. Notice of variance
- 14. Residential non conformity
- 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 Page 448 of 746

- (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;

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- (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 Page 452 of 746

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.

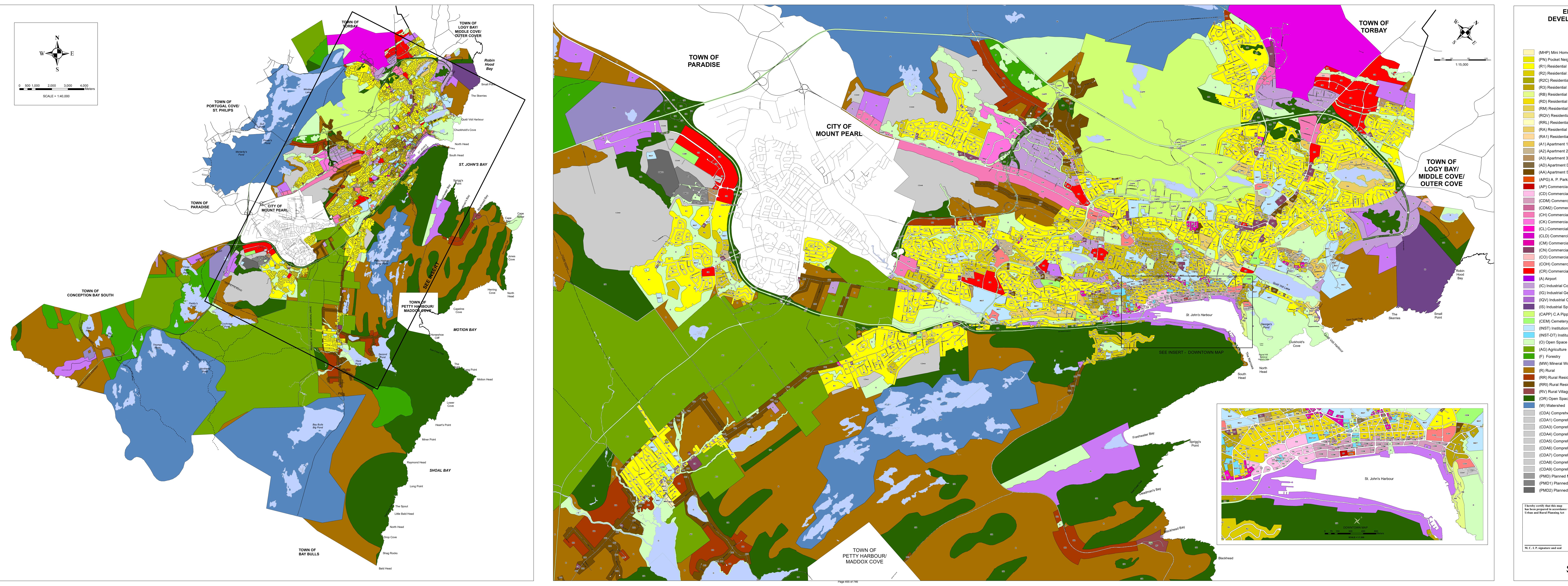
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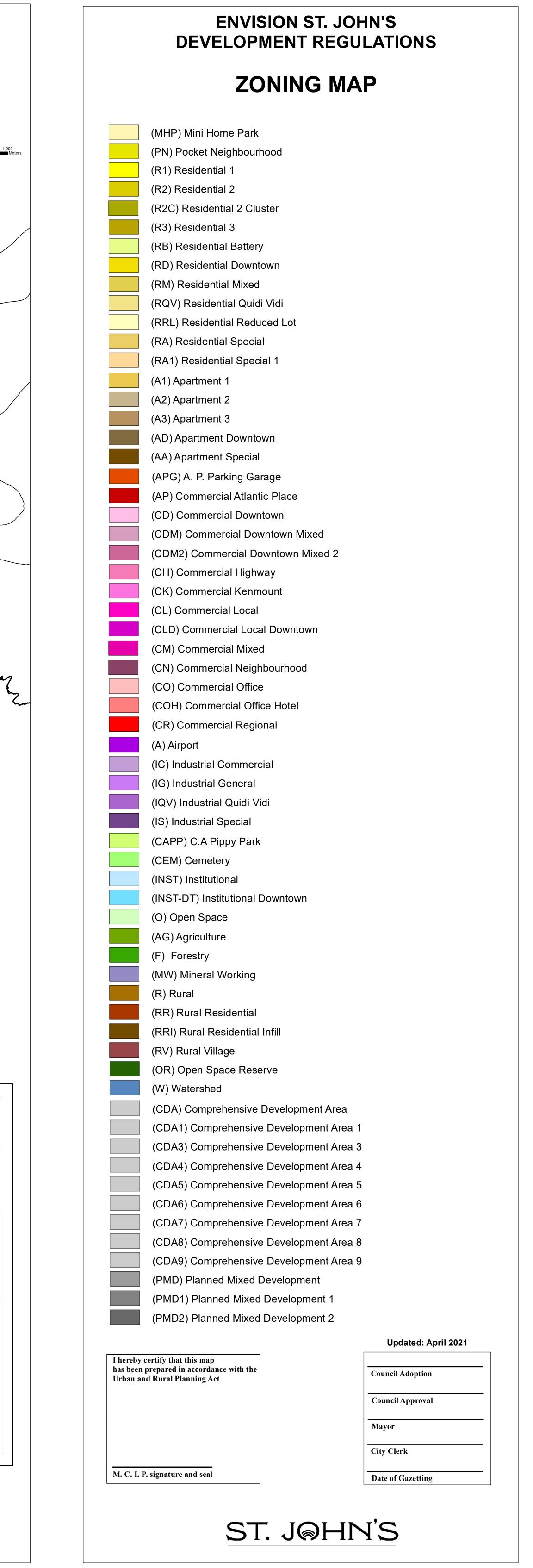
#### Commencement

19. These regulations shall be considered to have come into force on January 1, 2001.

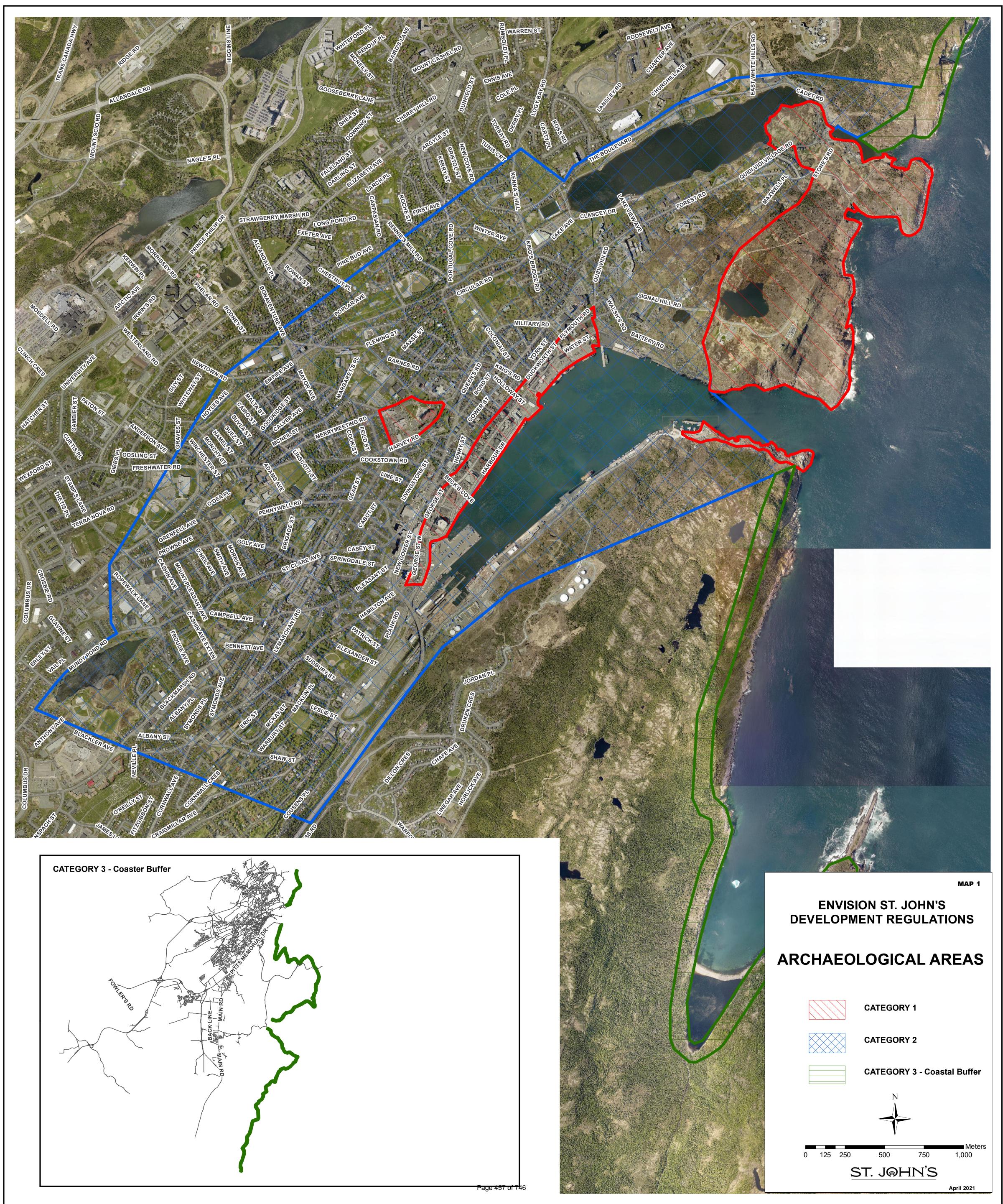
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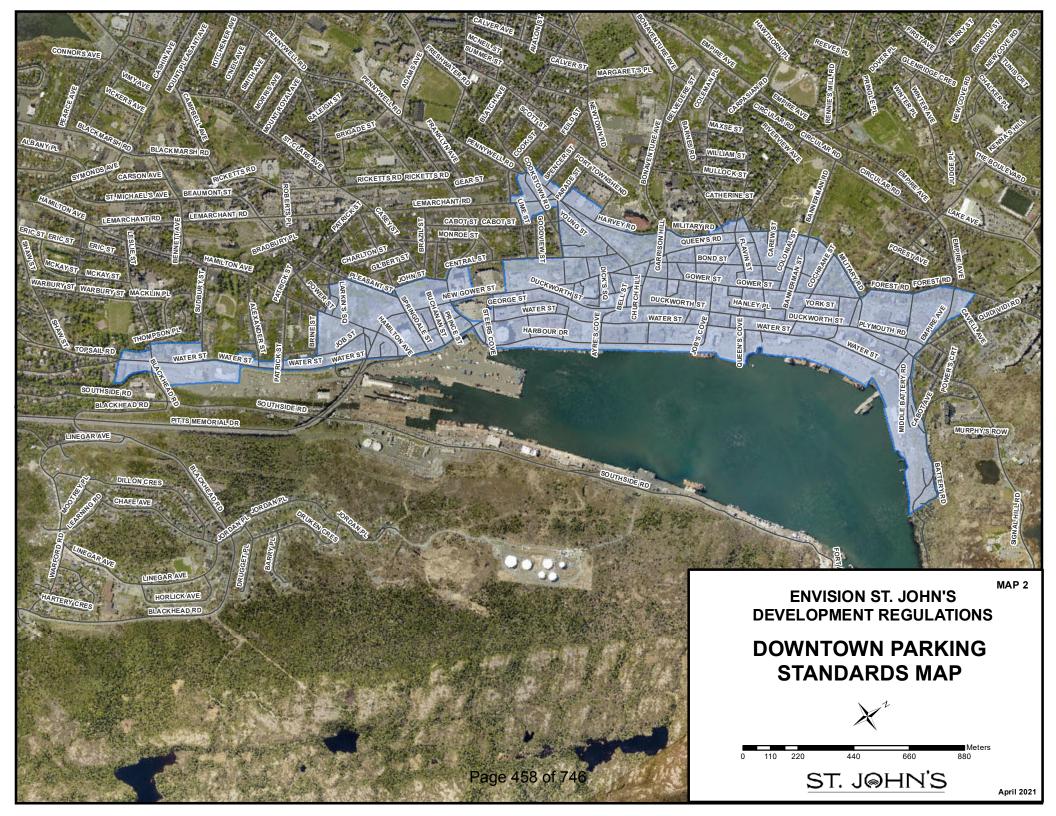
# **Appendix B**

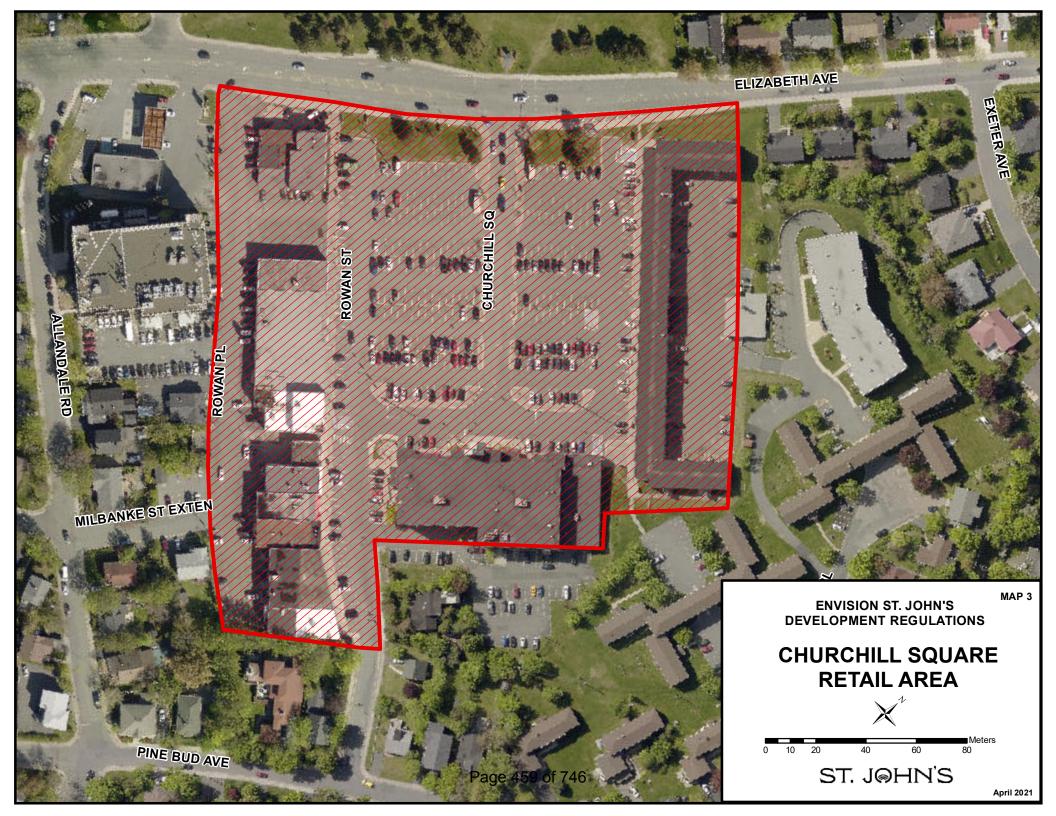


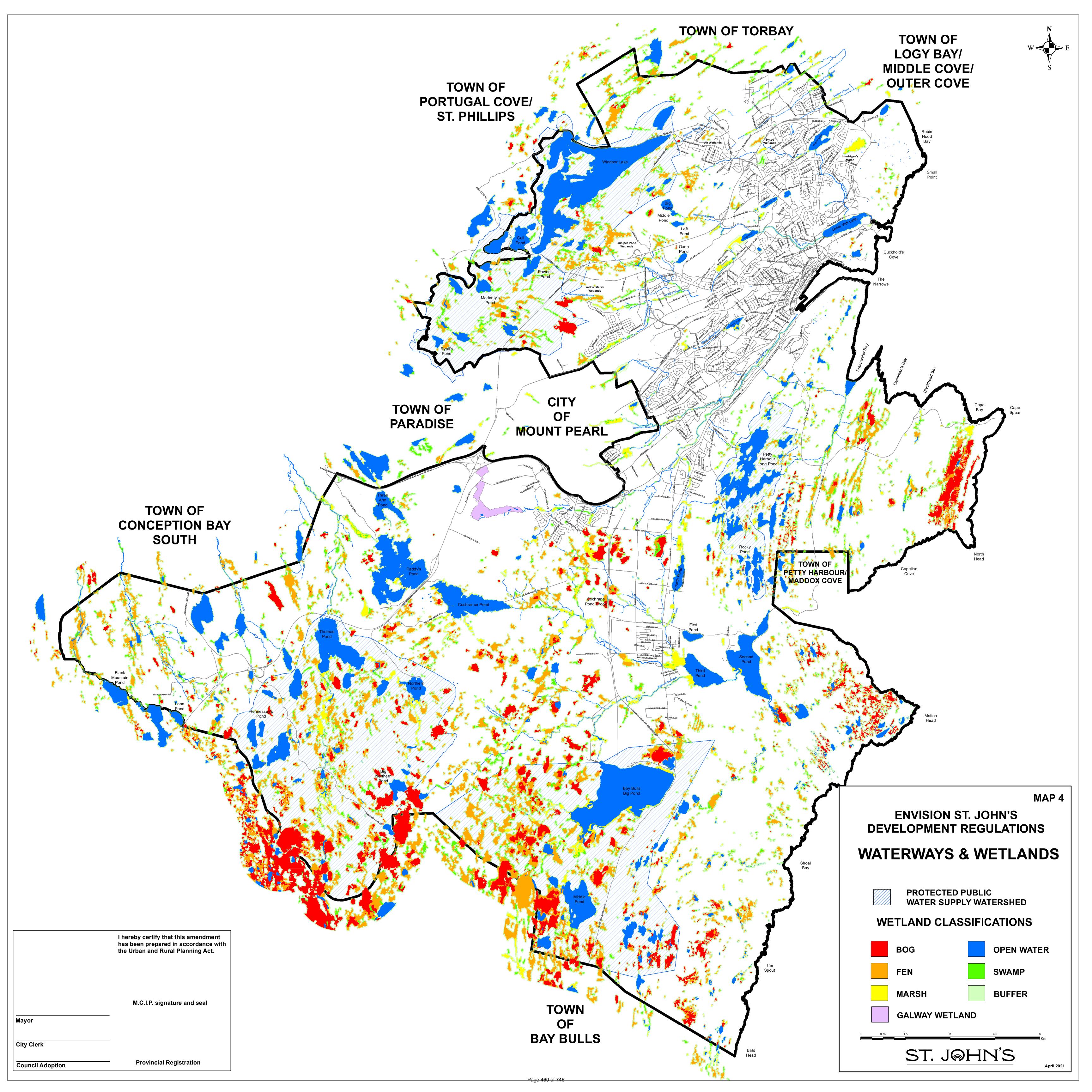


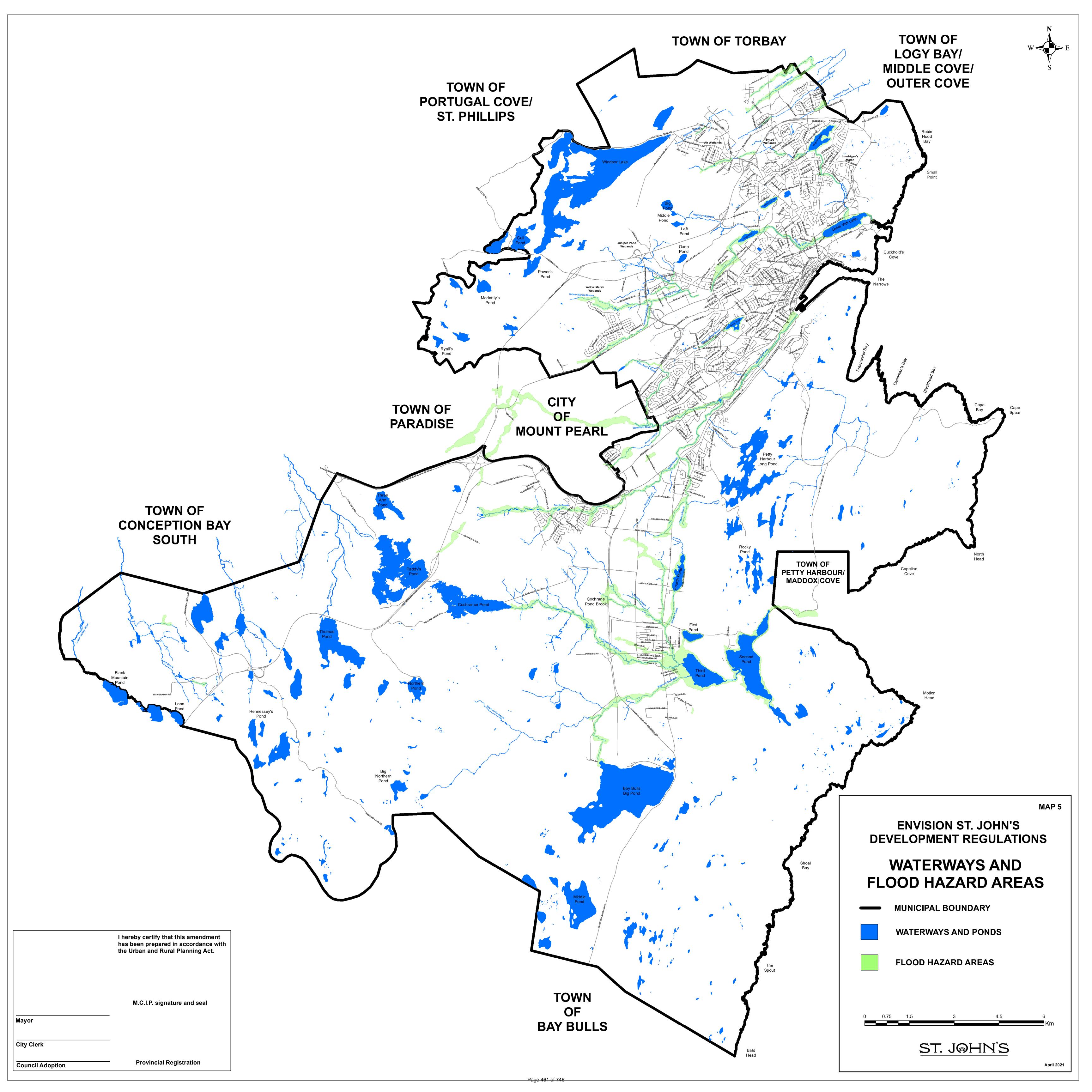
# **Appendix C**

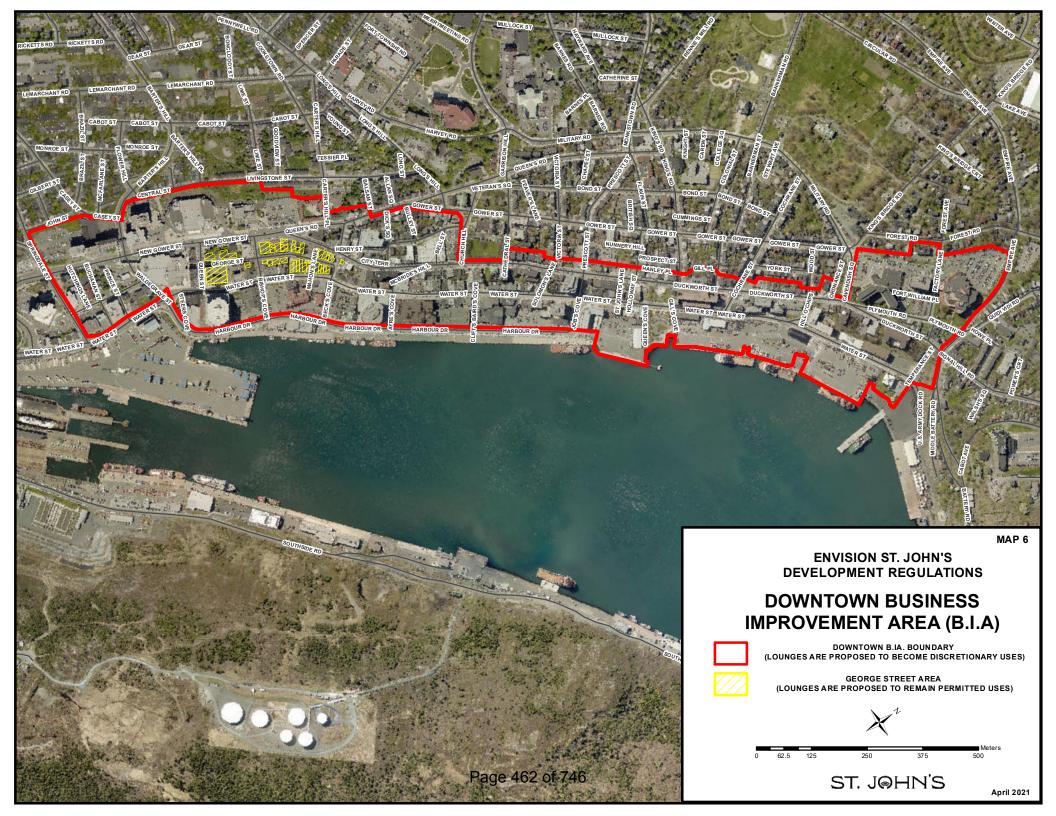


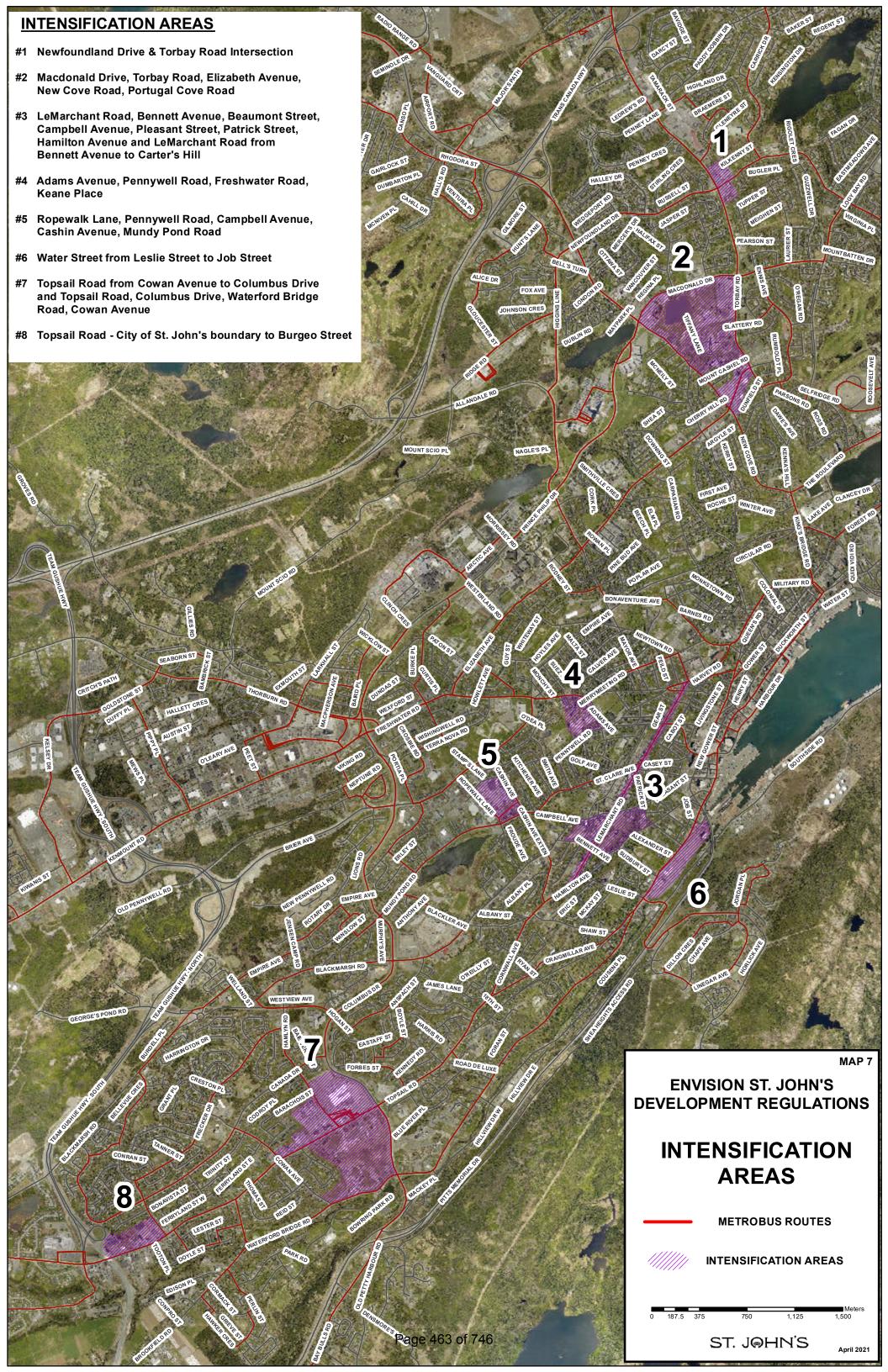


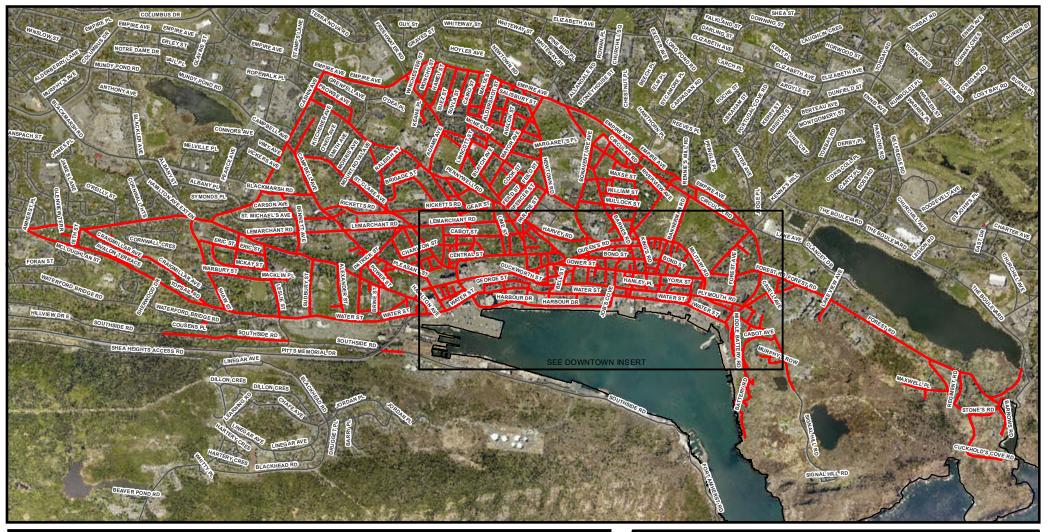


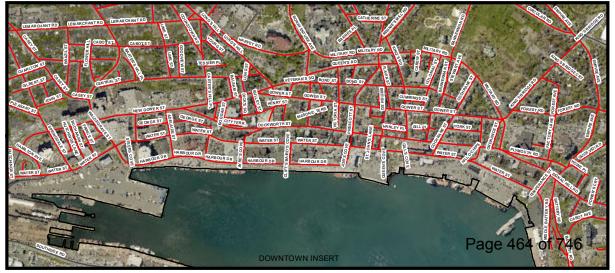




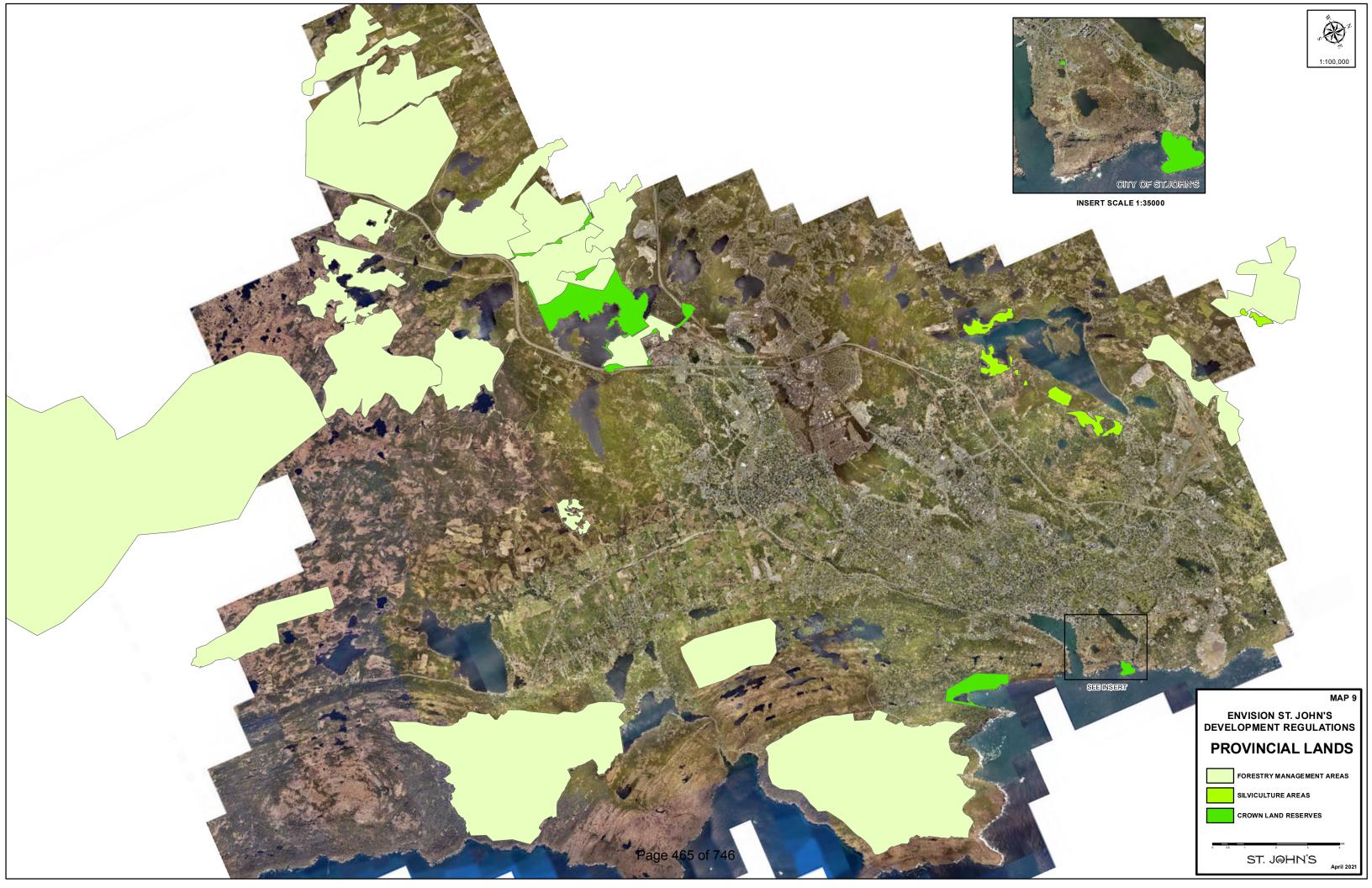








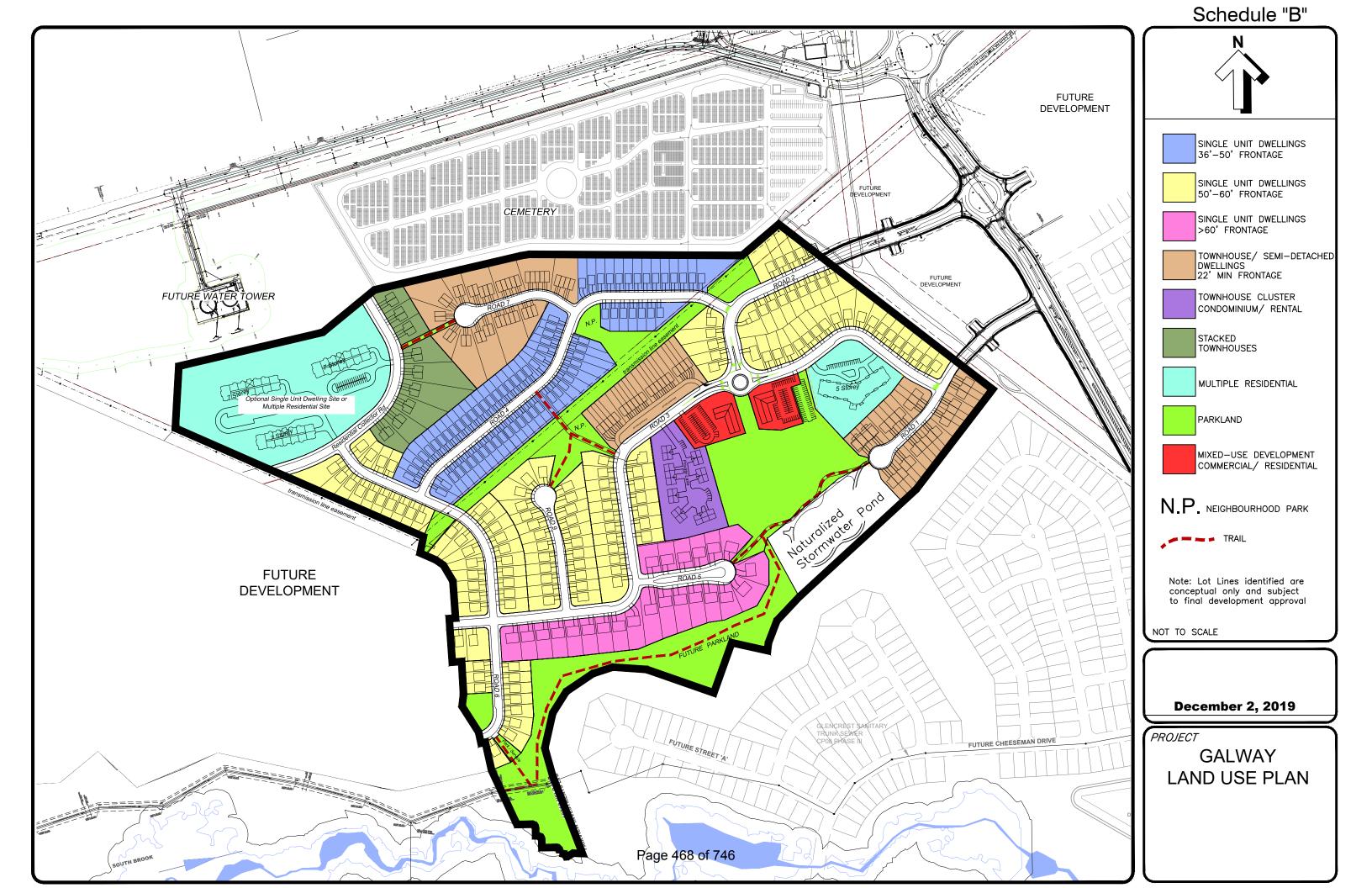


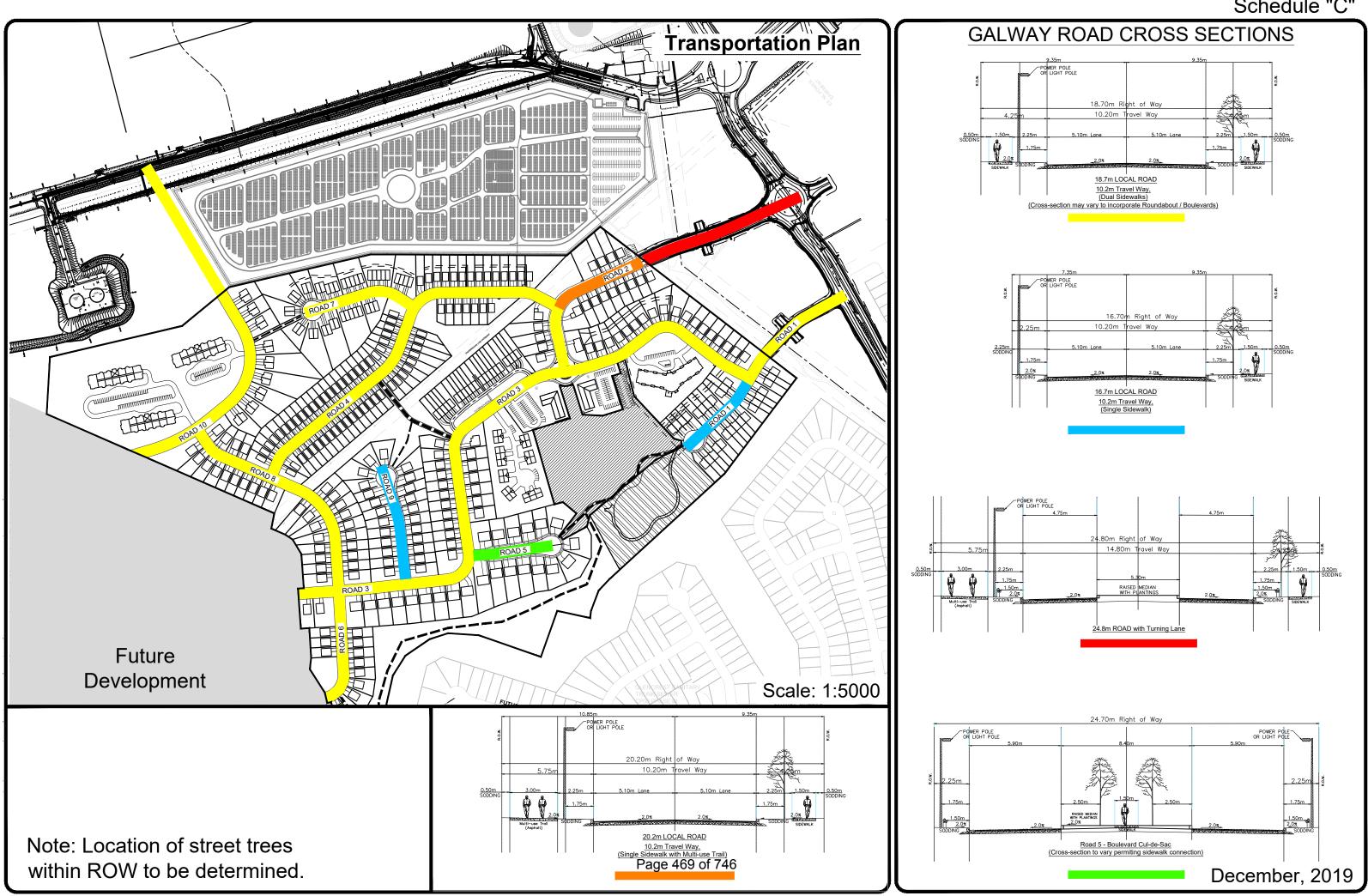


# **Appendix D**

## Schedule "A"









## **DECISION/DIRECTION NOTE**

**Title:** Draft Heritage By-Law – What We Heard and Revised Draft

**Date Prepared:** August 17, 2021

**Report To:** Committee of the Whole

Councillor and Role: Councillor Maggie Burton, Planning & Development

Ward: N/A

## **Decision/Direction Required:**

Council's direction on proposed changes to the draft St. John's Heritage By-Law.

## **Discussion – Background and Current Status:**

The draft St. John's Heritage By-Law was made public at the March 24, 2021, meeting of Council's Committee of the Whole. Since then, there has been a variety of public outreach including two virtual public meetings on the By-Law, another virtual public meeting specifically for the Battery neighbourhood, a heritage focus-group meeting, a meeting with representatives from some churches in the heritage area, and a presentation to the City's Built Heritage Experts Panel. In addition, an online Engage St. John's page was created with rationale for the By-Law and all relevant documents, and a notice was sent to owners of designated heritage buildings. The public meetings were promoted through a public service announcement, notices on the City's website and social media, and a notice in The Telegram newspaper. There were approximately 25 attendees at the first meeting, 14 at the second, and 40 at the Battery meeting. The City received approximately 60 written submissions.

Staff have prepared a "What We Heard" document for Council and the public. The response to the Heritage By-Law has been generally negative. Staff believe that some of the negative reaction stems from a misunderstanding of how the Envision St. John's Development Regulations and the Heritage By-Law will work together. There is no less protection of built heritage than what has been in place for decades. The new By-Law maintains the same level of protection while adding improvements: heritage reports, public consultation, and standards for new developments and for extensions to existing buildings. For example, the Heritage By-Law does not allow a developer to ignore height restrictions – it is silent on building height because height, as well as setbacks, floor-area ratio, stepbacks, and other standards that regulate building form are cited in the Envision Development Regulations.

Below is a summary of the main topics raised by the public. Minutes from the meetings, as well as the public submissions, are attached for Council's consideration.

## Council's Discretionary Authority

Submissions indicated that the public sees Council's discretionary authority as a loophole that will allow Council to approve developments that do not meet the heritage standards.



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 Recommendation: Council previously indicated they intend to maintain discretionary authority, therefore there have been no changes recommended to sections involving Council's discretion.

## Built Heritage Experts Panel (BHEP) Terms of Reference

There were several ideas raised with respect to the BHEP membership and their qualifications. Some suggested adding a structural engineer, historians, a resident of a heritage area, and a Council member. The City is currently reviewing all committee terms of reference; therefore it is recommended to forward submissions regarding the BHEP to appropriate staff for their consideration in updating the Heritage Panel's terms of reference.

Staff would like to clarify that BHEP members, as with all City committees, are selected through a transparent process. Membership is advertised publicly and sent to appropriate organizations such as the NL Association of Architects, the Canadian Homebuilders Association – NL and the Association of NL Archives. Applicants present their qualifications and resumes to the City and applicants who best meet the BHEP's criteria are selected in public by Council during a regular meeting.

**2. Recommendation:** Staff to forward comments regarding the BHEP to the appropriate staff for consideration during the review of committee terms of reference.

## Heritage Area 4 (Battery neighbourhood) Boundary

Many felt that Signal Hill Road and Walsh's Square should be included in Heritage Area 4. While staff agree that these areas are part of the Battery neighbourhood, they are different forms of housing with different qualities. Heritage Area 4 aligns with the Residential Battery (RB) Zone that limits development to single detached dwellings, while the townhouses and other houses on Signal Hill Road and Walsh's Square are in the Residential High Density (R3) Zone which is typical of Heritage Area 3. Heritage Area 4 design standards allow large picture windows, which are prevalent in single houses in the Battery but not typical on Battery townhouses. Staff propose to regulate the building forms and facades that already exist.

3. Recommendation: No changes are proposed to the Heritage Area 4 boundary.

## Heritage Reports and Public Consultation

The Heritage By-Law proposes a new heritage report, which would be required in certain circumstances. These would be akin to the land-use reports that are part of the Envision Development Regulations and have been used by the City since 1985. Regarding the heritage reports, some people felt that a list of minimum requirements should be written into the By-Law, that staff should not be permitted to prepare heritage reports (this is proposed for simpler applications), that heritage reports should be required for all new developments, extensions, and renovations, and that the qualifications of whoever prepares the reports should be identified in the By-Law.

Given the variety of applications that may require a heritage report, ranging from a single house to a large commercial building, staff believe a general description is best in the By-Law, and specific details, including qualifications of the person preparing the report, can be identified in the heritage report terms of reference. Sample terms are attached to demonstrate heritage reports will be thorough. Staff have updated the By-Law to include the requirement of

a heritage report for all new developments in the heritage areas plus for new developments adjacent to designated heritage buildings. Staff felt that it was not necessary to require a heritage report for building extensions or renovations that meet the heritage design standards. Should there be a situation where a heritage report is recommended, Council has the authority to require a heritage report for any application.

#### 4. Recommendation:

- (a) Add a requirement that Council shall require a heritage report for new buildings in heritage areas and for new developments adjacent to heritage buildings.
- (b) Consult with Heritage NL to obtain a list of qualified heritage professionals.

Many submissions suggested that public consultation should be required for new developments, building extensions or major renovations. Staff felt that if an application meets the heritage design standards, public consultation may not be needed. For example, if an applicant were to demolish and rebuild a townhouse and the development met all standards, public consultation would not be recommended. Given that there are about 5,000 buildings in the heritage areas, a blanket approach for consultation is not the best use of resources. Rather, staff evaluate applications and should, for example, there be an application for a significant extension to an existing building, staff can bring the application to Council for direction on consulting the public.

**5. Recommendation:** No changes proposed to Section 11 regarding public consultation.

## Heritage Design Standards

Some submissions had specific recommendations for the design standards, while other were more general. Below are proposed changes based on the public feedback received.

#### 6. Recommendations:

- (a) Designated Building changed "architectural style" to "architectural characteristics".
- (b) Corner Boards removed 6 inches as the required size, as some corner boards are traditionally larger or smaller than that size.
- (c) Garages no changes proposed, although some people felt that garages should not be permitted in some heritage areas.
- (d) Residential Roof Styles and Materials broadened the type of roofs permitted in Heritage Area 4 (the Battery). Allowed consideration of traditional metal roofs on designated heritage buildings.
- (e) Solar Panels no changes proposed at this time, however staff will continue to monitor applications and requirements for solar panels.
- (f) Heat Pumps regulations removed from the Heritage By-Law. Regulations for heat pumps and mini-splits are in the Envision Development Regulations and therefore are not needed in the Heritage By-Law.
- (g) Commercial Building Facades added consideration for façade accent materials.
- (h) Roof Decks there have been submissions for and against roof decks. The residential roof deck standards were drafted
- (i) Design Standards for New Buildings some felt that the standards for new buildings were too general. The City's BHEP agreed that a good approach is to require traditional materials, and require new developments to respond to the existing development pattern in the street. No changes are proposed at this time,

but this section can be re-evaluated once more studies, such as the planned Heritage Plan, have been completed.

(j) Other – edits throughout to add clarity.

## Design of Tall Buildings

The heritage design standards propose a relaxation of the standards for the part of the building above 18 metres building height. This would apply only to zones which allow a building height greater than 18 metres. This would <u>not</u> apply to areas zoned Commercial Downtown Mixed (CDM) where the maximum building height is 18 metres. It would apply to areas zoned Commercial Downtown (CD) west of Adelaide Street, where larger buildings such as the Fortis Building and the Delta Hotel exist. Given that the CD Zone allows a building height of 54 metres, staff did not propose requiring traditional materials for higher parts of façade, to allow flexibility in design. Staff believed that, given the location of these properties on the western end of downtown, the first 4 storeys should be traditional design that matches the streetscape, but modern materials such as glass could be considered above 18 metres. Staff seeks Council's direction on this matter.

7. Recommendation: Staff maintain that non-traditional materials may be considered on the portion of building taller than 18 metres, to create a traditional streetscape at the base while allowing flexibility in upper-storey building materials.

Standards and Guidelines for the Conservation of Historic Places in Canada Several submissions recommended that the City should adopt and use the Standards and Guidelines for the Conservation of Historic Places in Canada, published by Parks Canada. Staff are open to this but would need to explore its full implications on residents, property owners and the City's application processes.

**8. Recommendation:** After the Heritage By-Law is brought into effect, staff review the implications of adopting the Standards and Guidelines for the Conservation of Historic Places in Canada and report back to Council.

## National Historic Districts and Federal/Provincial Heritage Buildings

The City does not regulate National Historic Districts or heritage buildings that are designated by other levels of government, however we can show the Districts on the heritage areas map in the By-Law, to prompt any additional evaluation needed for applications in these districts. The Districts may have certain characteristics that could be encouraged in new development. The City can add a list of federally and provincially designated heritage buildings to the City's website, but the By-Law is not an appropriate place for that list because we do not have authority to regulate them as heritage buildings unless designated by Council. In an effort to harmonize our list in the past, many property owners declined municipal designation.

Some submissions stated that the St. John's Ecclesiastical District National Historic Site should have its own zone or development criteria. Council has agreed to prepare a management plan for the Ecclesiastical District in future. Once that is done, changes to the Heritage By-Law may be required.

## 9. Recommendation:

(a) Add the National Historic Districts to the heritage area map in the Heritage By-Law.

- (b) Add a list of federally and provincially designated heritage buildings to the City's website.
- (c) As future work of the City's Planning Division, prepare a management plan for the Ecclesiastical District National Historic Site.

Please note that the text of the Heritage By-Law is not attached to the Committee agenda at the moment. It will be edited in line with this memo and added to the agenda as soon as possible.

## **Key Considerations/Implications:**

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Residents and property owners of designated heritage buildings or properties in the heritage areas, Heritage NL, the NL Historic Trust, Parks Canada, and residents and business owners of St. John's.
- 3. Alignment with Strategic Directions/Adopted Plans:

  St. John's Strategic Plan A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.
- 4. Legal or Policy Implications: Adoption of a Heritage By-Law will derive its authority from the City of St. John's Act, which has specific provisions for built heritage in Section 355.
- 5. Privacy Implications: Not applicable.
- 6. Engagement and Communications Considerations: Draft Heritage By-Law engagement included the creation of an Engage St. John's page, public meetings, a focus-group meeting, a meeting with local churches, notices to heritage building owners and relevant organizations, and notices in *The Telegram* and on the City's website and social media.
- 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 provide direction to City staff on the 9 recommendations listed above for the St. John's Heritage By-Law.

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:	Draft Heritage By-Law - What We Heard and Revised Draft.docx
Attachments:	
Final Approval Date:	Aug 19, 2021

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

Ken O'Brien - Aug 17, 2021 - 8:15 PM

Jason Sinyard - Aug 19, 2021 - 12:02 PM

## OUR CITY. OUR FUTURE.





# Heritage By-Law

What we Heard from Public Engagement August 2021

ST. J@HN'S

## Disclaimer

- This document aims to provide a summary of what was heard from participants during the public engagement process. It is not meant to reflect the specific details of each submission or conversation word-for-word.
- The City produces a What we Heard document for every citylead project where public engagement is used to share back with the community the commentary collected and to ensure we heard you correctly.
- The full scope of commentary is used by the project team, city staff, and Council to help inform recommendations and decisions.

# Context and Background

- During the Envision St. John's review of the Municipal Plan and Development Regulations, staff recognized that a Heritage By-Law would provide better protection of built heritage.
- A by-law derives its authority from the City of St. John's Act, which has specific provisions for built heritage.
- The City Act provides a more secure foundation for heritage protection.
- Based on feedback from the Envision public consultations, meetings with the Built Heritage Experts Panel (BHEP), and public comments on various developments in Heritage Areas, a Heritage By-Law was drafted for public review.

# Purpose of Public Engagement

- To inform the public of the City's planned approach to heritage protection.
- To gain feedback on the draft Heritage By-Law.
- Use the feedback to evaluate where changes to the By-Law may be needed.

## Stakeholders

- Owners or tenants of designated Heritage Buildings
- Owners or tenants of buildings in the Heritage Areas
- Residents with an interest in St. John's heritage
- Heritage NL
- NL Historic Trust
- NL Association of Architects
- Canadian Home Builders Association NL
- Downtown St. John's Incorporated
- George Street Association

# Public Engagement Tools

- Addressed mail to owners of designated heritage buildings
- Project page on EngageStJohns.ca with a Forum, Question and Answer and Frequently Asked Questions
- Two virtual public sessions for residents and interested parties
- One focus group meeting with stakeholder organizations
- One virtual meeting with representatives from downtown church congregations
- One meeting with the Built Heritage Experts' Panel (BHEP)
- Emails to engage@stjohns.ca and cityclerk@stjohns.ca
- Phone calls via 311, Council, and staff

# Points of Engagement

- 56 emails received
- 541 unique visitors to Engage project page
- 39 people attended the Heritage By-Law public meetings and 40 attended the Battery neighbourhood meeting
- Focus group meeting included representatives from Heritage NL, Downtown St. John's Incorporated and the NL Association of Architects



# Promotion of Public Engagement

- PSA on stjohns.ca
- Four posts on Twitter 35,200 reach; 87 engagements
- Four posts on Facebook 6,503 reach; 32 engagements
- Three posts Instagram 328 reach; 17 engagements
- Newsletters through engagestjohns.ca 3000 registered users with 750 identifying as living in Ward 2
- Addressed mail to 215 addresses

# Highlights of What we Heard

## Many written submissions indicated the following:

- There is far too much discretionary language in the By-Law.
- Further engagement should be required.
- The City should adopt the Standards and Guidelines for the Conservation of Historic Places in Canada.
- The City should formally recognize designations of other levels of government.
- The minimum requirements for Heritage Reports should be enhanced.

# Highlights of what we heard

Many written submissions indicated the following:

- Heritage Reports and public consultation should be required for new developments in Heritage Areas, extensions to existing buildings in Heritage Areas/Heritage Buildings and developments adjacent to Heritage Buildings.
- The Heritage Design Standards should be applied fully to buildings taller than 18 metres.
- New developments should not be exempt from meeting the Heritage Design Standards.

# Highlights of what we heard

A few written submissions also suggested the following:

- The inspectors should receive additional training.
- The Built Heritage Experts' Panel (BHEP) should contain more historians, a council member, a resident of a Heritage Area and a structural engineer.
- There should be statements of significance for each Heritage Area.
- Heritage Area 4 should include Signal Hill Road and Walsh's Square.
- The following topics should be re-evaluated in the Heritage Design Standards: garages, window materials, roof decks, roof materials.

## Select Quotes from Submissions

Council should work proactively with existing owners in the downtown heritage area to regenerate the older commercial buildings on Water and Duckworth to use the first floor as commercial space and then the upper floors as apartments.

To protect the visual and To protect the visual and nistoric integrity of our historic integrity of our historic integrity of our also heritage areas I would also heritage areas that Heritage heritage stress that hot be like to stress should not be Reports should rany waived under any waived under circumstances.

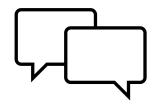
I believe the inclusion of the National Standards and Guidelines for the Conservation of Historic Places in Canada as a common reference point on heritage preservation would be very beneficial to our community as they prescribe proven approaches to heritage preservation in the Canadian context.

The future of our downtown and harbour is important to our whole and our economy, as well as to the citizens who live and those meed not be rushed.

The future of our downtown and our element important decisions

Studying, expanding or amending the heritage areas will provide a greater level of protection to the city's built heritage.

# **Next Steps**



Release What We Heard



Council to discuss edits to the Heritage By-Law at a Committee of the Whole meeting



The Heritage By-Law is passed through a notice of motion, then a vote at the following Council meeting



# Follow the project page or sign up to receive notifications at <u>engagestjohns.ca</u>



# Appendix – Summarized Comments

Note: Some comments are verbatim from submissions and others have been summarized.

Concern	What We Heard
General	1. The draft Heritage By-Law has serious weaknesses which undermine the vision and commitments embodied in the Envision St. John's Municipal Plan document. The proposed Heritage By-Law would directly contradict the well-meaning goals of the new Envision St. John's plan which clearly states, "The key is to manage growth in a sustainable manner while maintaining the character of St. John's." With many available exemptions and weak enforcement, the By-Laws would provide an easy path for developers to get around existing heritage requirements.
	2. There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL.
	3. The By-Law as written has serious loopholes that weaken the clarity of intent and the consistent application of the regulations.
	4. Our unique street and laneway patterns in St. John's provide the special context for our built heritage to remain one of a kind in Canada. I believe that the spaces between our heritage properties are as important as the buildings themselves. Strong protection for this infrastructure is critical in our overall heritage preservation strategy.
	5. There are far too many examples where developers or single residents have been allowed to take possession (either with or without permission) of a street or laneway for their own benefit and at the expense of the general public. The results typically dilute the continuity of our heritage. Street and laneway patterns themselves constitute an integral part of our heritage areas and deserve to be preserved.
	6. We are disappointed with an apparent lack of consideration for how the proposed amendments fail to examine heritage in a broader context. Cultural heritage is more than celebrating and protecting built heritage: It is all aspects of a community's past and present that it considers valuable and desires to share with future generations. We feel strongly that the City of St. John's has a responsibility to consider a broader definition of heritage before adopting a revised version of the existing bylaw. The proposed amendments present an opportunity to consider heritage under a broader lens, including but not limited to street names, monuments, parks and green spaces while ensuring that colonial values and meanings are not favoured over Indigenous Cultural Heritage.
Heritage By-Law Public	1. Many people feel that the Heritage By-Law is being rushed and that further engagement is required. They have concerns that

Heritage By-Law Public Engagement 1. Many people feel that the Heritage By-Law is being rushed and that further engagement is required. They have concerns that there have been multiple consultations for the Envision documents, but only recent ones for the Heritage By-Law.

Concern	What We Heard
Inspector	1. There seems to be no requirement for the inspector to consult with the Committee or to even review other documents.
	2. What qualifications, training and oversight will Inspectors have for making decisions about design standards. The Act should specify when the Inspector will be required to consult with the City Planning Department.
	3. These inspectors should be required to undertake the full 5-day training related to Standards and Guidelines for Historic Places in Canada.
	4. The Heritage By-Law gives a significant amount of power and control to the Inspector. The inspector has the deciding power to approve nearly every design element which may be in contravention to the Design Standards which include windows, doors, trim, roofs, cladding, dormers etc. without ever referring to the Heritage Advisory Committee. The inspector must be trained, qualified, and have experience in the heritage field to make appropriate decisions to protect the built heritage of the city.
	5. The city no longer specifically designates heritage building inspectors. We recommend ongoing, proactive heritage training for all staff responsible for enforcing the provisions of the By-Law. Heritage NL would be happy to work with the city to facilitate this training.
Built Heritage Experts Panel (BHEP)	<ol> <li>Consider requiring an engineer on the Committee to help identify potential structural or infrastructure conflicts.</li> <li>Council should not have moved away from the Heritage Advisory Committee. There should be a Council member on the committee.</li> </ol>
	3. Heritage also includes visual/cultural aspects, not just built heritage. The committee should have equal repr <mark>es</mark> entation of historians, in addition to the build heritage experts (contractors, architects, landscapers, urban planners). The less tangible portions of the City's history need equal protection under this By-Law. The historian should be an expert in NL history.
	4. It is time to add a member from general public who can represent the interests of residents who live in designated Heritage Areas.
	5. The architect should have experience in restoration/renovation of NL heritage buildings and Districts, plus knowledge of Standards and Guidelines for development of such properties.
	6. Qualifications of Experts should be of the highest caliber, chosen for merit. Wider advertising needed to attract experts.
	7. It is noted that Panel can strike sub-committees for special issues, to include members of public, or organizational representatives, to better inform their decision-making when deemed necessary. Who makes this decision and what is process for Public to communicate within the Panel?
	8. Has Staff interviewed Panel members both past and present, to see what their views may be as to how we may re-create this heritage advisory committee to be the best in Atlantic Canada and serve as a model for other jurisdictions.

Concern	What We Heard
Heritage Areas	<ol> <li>Statements of Significance should be developed for each of the city's existing and proposed heritage areas to ensure continuity in decision making and clarity on the rationale for heritage protection.</li> <li>Once the new bylaw is adopted, I would recommend that the City consider further expansion of heritage areas, there are parts of Churchill Square, that I'm sure could warrant such a designation to preserve the mid-century era, as well as part of Waterford Bridge Road, Winter Avenue, etc. The boundaries of the Heritage Areas are very sporadic and could use reevaluation for cohesiveness.</li> <li>There is a lack of recognition in the By-Law and design guidelines of the importance of the cultural landscape of the designated heritage areas. The Harbour from the waterfront up to and including the Ecclesiastical District in St. John's, is its cultural landscape. While the draft By-Law provides extensive detail on the individual buildings, it does not secure this landscape in any way and in ways is leading to its devastation.</li> <li>The Grand Concourse walking trails should be considered a Heritage Area so they're not paved over and ruined.</li> <li>Ensure the public is aware of the designated heritage areas, and the standards associated with renovations of homes and properties within those areas.</li> <li>The City of St. John's should embark upon establishing a built heritage inventory to identify buildings of architectural and cultural value.</li> </ol>
Heritage Area 4 – The Battery	<ol> <li>Residents feel that Heritage Area 4 (The Battery) should include all of Signal Hill Road, Walsh's Square and Battery Road.         These streets have been considered part of the Battery in studies undertaken by the City. They fear over time, the streetscape on one side of Signal Hill/Battery Road would evolve into something quite different than the other.</li> <li>Some felt that the Battery is as risk with the introduction of large buildings and that the traditional design should conform on all four sides. They feel huge homes in these historic areas completely destroy the historic, cultural, aesthetic and natural elements of the area. The proposed measures are a start but doesn't sound like they will go far enough.</li> <li>Abandoning the protection of private views, however, will counteract the City's vision and put the architectural heritage and beauty of the Battery at risk. If the new regulations regarding height are implemented while abandoning the protection of private views this inevitably implies that the streets of the Battery will eventually be lined with 6 metres high buildings on the harbourside and 9 metres high buildings on the hillside. In other words, one-storey buildings will largely disappear and be topped up or replaced by two-storey and three-story homes. This would of course heavily affect the special, irregular beauty of the neighbourhood and its iconic view from the harbour. Moreover, it would erode the architectural heritage of the Battery as a fishing village and counter the City's efforts to preserve that heritage as expressed by the inclusion of wharves and stages in the list of discretionary uses.</li> </ol>

Concern	What We Heard
National Historic Districts	<ol> <li>The definition of our Historic District should be defined in the Heritage By Law along with a statement of each Historic District's Historic Value.</li> <li>Recognition of the Ecclesiastical District is absent from both Envision and the By-Law. The City should work with property owners within the Ecclesiastical District to formulate both a management plan and additional protective measures going forward. Further, we recommend that consideration be given to including all National Heritage Districts in the By-Law and developing management plans and additional protective measures.</li> <li>The Ecclesiastical District should have its own stand-alone Development Zone in the City of St. John's and recognize it in the proposed new Heritage By Laws. This zone should describe the architecture, protect view planes, only allow complimentary developments, recognize the requirements of the churches and their programming and parking requirements, and require consultation with heritage experts and historians.</li> </ol>
Heritage Buildings and Designations	<ol> <li>Section 5 (1), (2) - By itself, this appears to give council authority to designate or revoke without reference to the Committee or the general public. Perhaps you need to add "subject to requirements for heritage reports and Committee input as outlined in Section 8 etc." Or words to that effect.</li> <li>The City of St. John's should formally recognize the designations of heritage places by other levels of government within its jurisdiction</li> <li>My wife and I own a designated Heritage Building and have read the draft word for word, especially the section about residential buildings. As owners, we found this to be both useful and constructive, especially for anyone considering the seemingly endless maintenance of buildings. The descriptions of what to strive for, and what will be expected, is really essential.</li> </ol>
World Heritage Site Designation	1. The Heritage By-Law should reference the fact that some districts in the City may be eligible for a World Heritage designation. UNESCO's standards and Best Practices for the conservation of these places would be administered by the City and therefore the By-Law should reference that such a designation requires the development of a management plan completed in partnership with Parks Canada, property owners, associated stakeholders and the City.

Concern	What We Heard
Demolition	<ol> <li>The following steps should be required for demolition applications for places, designated of provincial, national as well as municipal historical importance in the City, and should be embedded in the new Proposed Heritage By Laws.         <ol> <li>A demonstration of how the conservation of the building could be undertaken.</li> <li>A demonstration of how the property can be sensitively repaired with sympathetic heritage materials.</li> <li>A demonstration of options for the reuse of the building without alterations or demolition.</li> <li>A demonstration of what adaptive reuse options have been explored for the historic property.</li> <li>A demonstration of how original features could be reinstated.</li> <li>A demonstration they are aware of cost share funding for the above-noted items from various government agencies.</li> </ol> </li> <li>Only if and when the following analysis and steps have been taken should the City entertain a Demolition Report</li> <li>The City of St. John's should add a requirement to document any historic building prior to demolition. When considering accepting a demolition as the last option I recommend the following:</li></ol>
	2. Documentation should be completed by a competent, trained, and qualified individual.
	3. The Heritage By-Law should require or encourage the salvage and reuse of historic material from such buildings.

Concern	What We Heard
Heritage Reports	<ol> <li>The minimum requirements listed in this section for the Report are far too "minimum" to inform a discussion on the impact a development in any heritage area.</li> <li>Add new buildings, development adjacent to a Heritage Area or Heritage Building and extension's to existing buildings as section 8(c). Heritage Reports are required under the By-Law for applications deemed to have an impact on a heritage building, neighbourhood or district. Construction of new buildings in heritage areas has a major impact on the integrity and the special ambiance and attraction of designated heritage areas. Therefore it is important that applications for new buildings not be exempted for the requirements for a heritage impact report.</li> <li>Section 8.3- If staff undertake a report they should follow same guidelines as prescribed for Heritage Report.</li> <li>I do not think that staff reports should be substituted. Staff should review the reports and provide Council on the completeness of the work. To protect the visual and historic integrity of our heritage areas I would also like to stress that Heritage Reports should not be waived under any circumstances.</li> <li>Council should maintain a list of qualified and acceptable heritage professionals that could be used to do that work. I would encourage Council rotate through the possible authors to assure that the process does not just become a pattern.</li> <li>The Heritage Reports must be received as early in the development process as possible so that developers can respond and incorporate the content into their LUAR before becoming financially committed to the project and resistant to change.</li> <li>Heritage reports should also be required when additions are made to historic buildings. The NLHT believes that the Heritage By-Law must contain information on content, qualification, and time scale so that Heritage Reports will be efficient, accurate and appropriately protect the built heritage of the City.</li> </ol>
Public Consultation	<ol> <li>Public consultation should be required for new buildings in/adjacent to the Heritage Areas, on/adjacent to properties containing Heritage Buildings and substantial alteration of existing Heritage Building. The By-Law should state that all new buildings and extensions to existing buildings that impact any street-level view or height, scale or mass, will be subjected to public consultation.</li> </ol>

## Concern

## **What We Heard**

## **Heritage Design Standards**

- 1. Roof Decks there have been mixed submissions regarding roof decks. Some believe that roof decks should not be permitted on any Heritage Area 1 building, while others feel that with properties with sometimes small backyards, roof decks should be permitted under certain conditions to allow enjoyment of the property. Businesses have indicated that roof decks should be considered in the Water Street and Duckworth Street areas, regardless of their Heritage Area.
- 2. Window materials I believe that whenever possible, original or replica wood frames should be retained, in commercial and residential buildings. Wood frames greatly improve the heritage integrity of a structure and should be retained at all reasonable cost. A category for window divisions (mullions, grilles, etc.) should be added to the Design Standards. Far too often, windows are being approved despite having divisions of an incorrect architectural style or period.
- 3. Green Roofs, Metal Roofs and Solar Panels- The installation of green roof systems and solar panels will hopefully become more prominent in the future. Innovation in our City should be encouraged, not restricted by regulation. Particularly, green roof systems are installed on a flat roof and would not be visible from the street. They are particularly effective in reducing stormwater runoff and plants are much nicer to look at than a modified bitumen roof. I believe the wording in the standards should be modified to encourage rather than discourage green roof systems. Solar panels should also be encouraged and the wording in the Standards could be similar to the wording used for heat pumps. Metal roofs should be permitted on Heritage Buildings because in some cases metal may be the traditional material.
- 4. Garage Doors I am not a big supporter of garages in the heritage areas anyway. It is good that specification say "should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space". This will be hard to achieve.
- 5. The current by-law is silent on control of new development. The design standards which are detailed and strict for existing heritage buildings, allow for virtually blanket exemptions new development. The standards should also include a clause that modern architecture be allowed which respects rather than copies heritage detailing and which can be reviewed on a case basis.
- 6. The standards do not reflect the types of architecture and the architectural details associated with the Ecclesiastical District.
- 7. The standards should not allow replication of previous heritage buildings. Replicating heritage buildings should be encouraged with the use of archival, photographic and oral history information.
- 8. Modern design must be defined for the architects. This must include statements that it must be visually compatible to the existing Heritage Architecture and subordinate to the Historic Structures it will sit amongst Modern design, as Architects will define it, is not appropriate under any circumstances for our heritage districts and especially for the Ecclesiastical District. The definition of modern architecture must also state that no overhangs or phallic looking designs will be allowed in the district or in their view planes.

Concern	What We Heard
Heritage Design Standards (continued)	<ol> <li>The By Laws should also include a statement that no renovation or new development can harm an adjacent heritage structure or its foundation and proponents will be required to have permission of adjacent owners and apply mitigating measures at the proponents expense to protect adjacent properties when such damage is possible.</li> <li>The city should revoke the ban on historic mansard and steeply pitched roofs in the battery area and instead ban modern shed roof styles which have lately been approved and constructed.</li> <li>The requirement for corner boards of 15 cm (6 inch) width should also be altered. This requirement is misleading as many existing historic buildings feature corner boards which are far wider.</li> <li>The design standards for harbour facing windows applicable for the Battery is a great improvement but it should be expanded to all heritage areas.</li> <li>Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods.</li> <li>It is recommended to define terms including "compatible," "replicate," "specialty," and "character defining elements" using</li> </ol>
	<ul> <li>14. It is recommended to define terms including "compatible," replicate, "specialty, and "character defining elements" dising language based in conservation theory and the Standards and Guidelines for the Conservation of Historic Places in Canada.</li> <li>15. The business community recommends that the City complete a study on how buildings in the Heritage Areas can become more accessible.</li> <li>16. The business community also requests that the By-Law ensure predictability in development applications.</li> </ul>
New Developments	1. There are major concerns from the public regarding some of the proposed exemptions in the Heritage By-Law. Section 9 (3) of the By-Law states that Council can exempt newly constructed building in a heritage area from the design standards. This will undermine the investment in the conservation or adaptive reuse of existing buildings. It can also encourage demolition by neglect of historic properties. This is a means for developers to contravene heritage area rules and restrictions. with no stated restrictions or limits.
	2. There have also been many concerns raised regarding the flexibility to relax the standards above 18 m where the building is required to step back. Allowing top hat tall buildings designs on the basis that the streetscape view will be protected may work in a flat landscape in Toronto and where buildings are not in a heritage district, but this approach will not work in our terraced landscaped heritage districts.
	3. The exemption for new taller buildings is unfair to owners and investors who co <mark>mp</mark> ly with the heritage de <mark>si</mark> gn guidelines. It will undermine confidence that there will be fair and consistent application of the heritage regulations to protect their investment
	4. Allowing tall building new developments in heritage areas without public input is simply undemocratic and detrimental to citizens and adjacent property owners who have legitimate needs and issues that Council also has a responsibility to address and protect. Page 500 of 746

## What We Heard Concern Many recommended adoption of The Standards and Guidelines for the Conservation of Historic Places in Canada as the **National Guidelines and** official standards and guidelines for planning, stewardship and conservation of heritage resources within the City of St. **Standards** John's. City staff, members of the Heritage Advisory Committee and interested councillors and stakeholders should be provided with training on the use of the Standards and Guidelines. Such training is available by request to Parks Canada's Historic Places Initiative. In a review of municipal heritage programs we found St. John's to be one of just two sample Canadian cities not to adopt the Standards and Guidelines in any way. We therefore see this recommendation as a starting point. It is important to note that the Standards and Guidelines are not prescriptive and would place no additional requirements on property owners. **Building Height and Density** An accepted best practice for heritage area conservation is the control of height and density. The Municipal Plan identifies the area West of Adelaide Street as most appropriate for High Rise Development but allows for increased height and bulk in areas to the East where high-rise developments have the greatest impact on the heritage character of the area. This is a serious loophole which could have a very damaging impact on this important designated historic district. Retain the existing 4 story height limit for new building in heritage areas. I understand that only the "appearance" of a building is controlled by the Heritage By-Law and the height and density is controlled by development regulations. That appears to me to be a serious disconnect between the municipal plan and the regulations. Predetermine in which area of planning area 1 intensification may occur and under what circumstance. We do not need to plan for yesterday's cities and we in St John's we do not need to increase density in the area that is already the densest; and certainly we do not need to negatively impact our heritage districts and associated industries in the process. Council should be looking to save every bit of green and open space it can. Soft intensification should be continued to be encouraged for our heritage districts where existing heritage buildings can be turned into condominiums and apartments. Stricter measures on height and scale need to be part of Heritage Areas - so that new developments do not undermine the unique physical and cultural landscapes of the designated heritage areas. Exemption for owners of a new buildings "Council will maintain the ability to exempt the owner of a new building from the Heritage design standards. "(which includes HEIGHT)

Concern	What We Heard
Zoning	<ol> <li>The Development Regulations must only allow low density development zones in heritage areas including the Ecclesiastical District. The Ecclesiastical District should not be exposed to medium or high-density zoning when applicants come forward to supersize existing zones such as open space zones. This restriction should be outlined in the new proposed by-laws.</li> <li>The Heritage By-Law should override allowing zoning changes and heritage districts should be detached from the Act that authorizes the City's Development Zones.</li> <li>Site Specific Zones to meet a developer's design should also be disallowed in heritage areas including the Ecclesiastical District.</li> <li>The proposed "(High Density)" Institutional Downtown Zone for the Churches of the Ecclesiastical District is unnecessary. None of the interiors of the church buildings are more than 4 storeys. The proposed height of 23 meters or 7 storey capability is unnecessary and completely out of proportion to these significant architectural masterpieces, built by some of the worlds great architects of their day. I therefore strongly request a lower density Zone for this District be applied or developed.</li> </ol>
Property Maintenance	1. Property owners can neglect a known heritage property until it is no longer worth saving, or able to be saved. These kinds of cases will lead to the ultimate loss of many important heritage properties in town, and something that we, as heritage professionals, should be working against. We have to ensure that the new bylaw will help to mitigate the slow destruction of heritage properties for the future.
Heritage Grants	1. The City's Heritage Incentive Program requires a contract with the City and places a lean on their property citing that it was a real deterrent to applying for a heritage grant.

## **Proposed Heritage Area 4 Boundary**



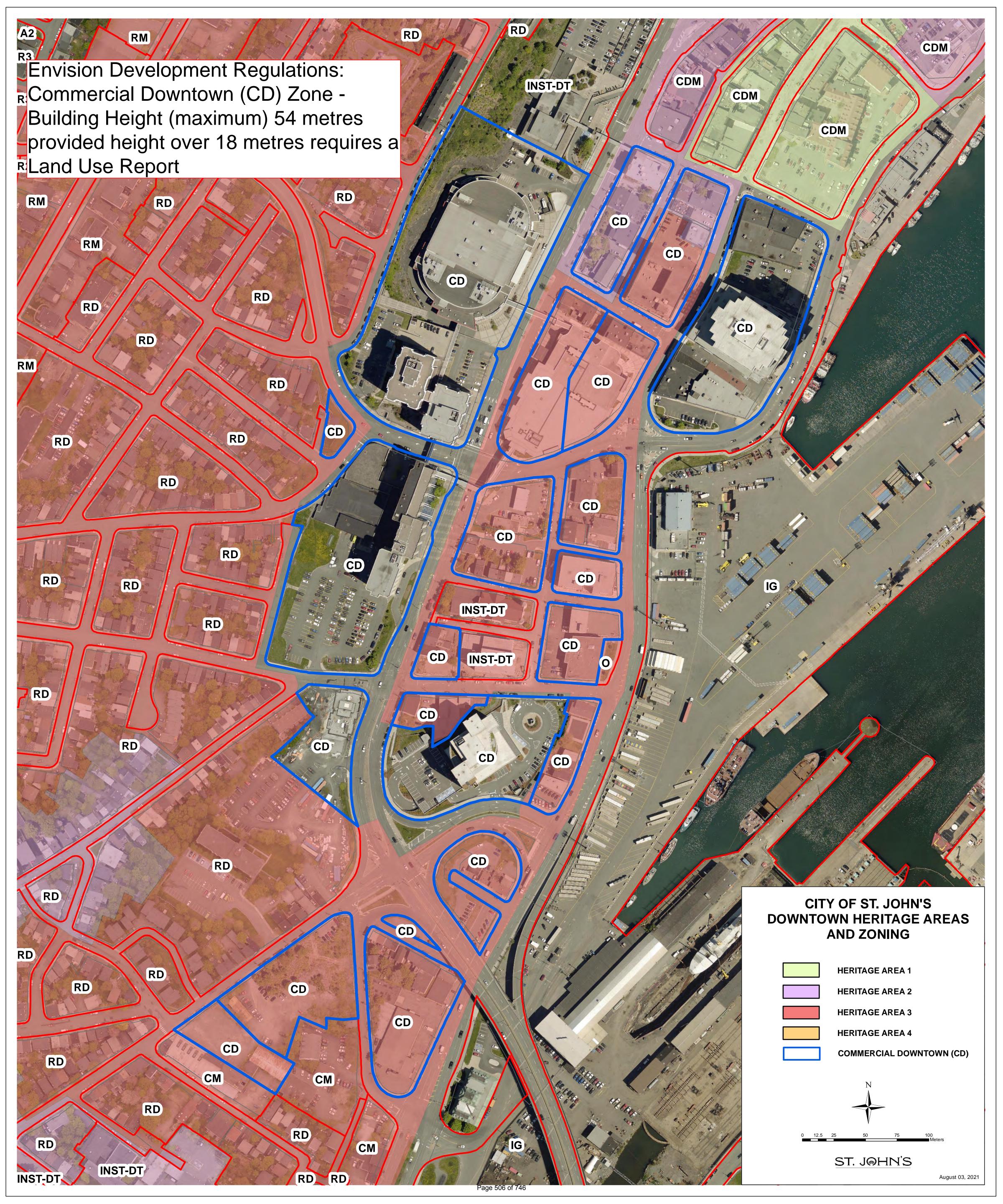
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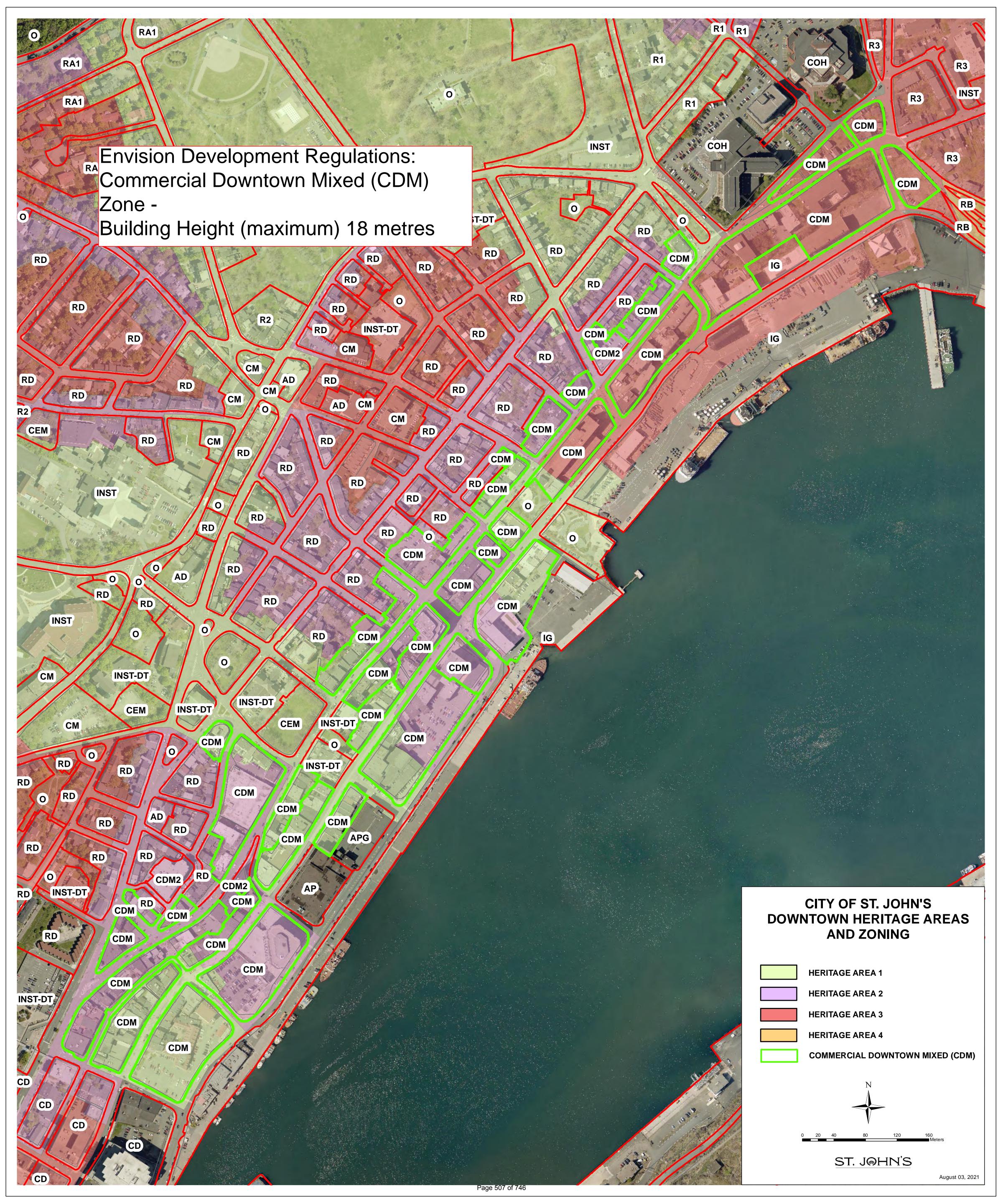
## **Streetscape along Outer Battery Road**

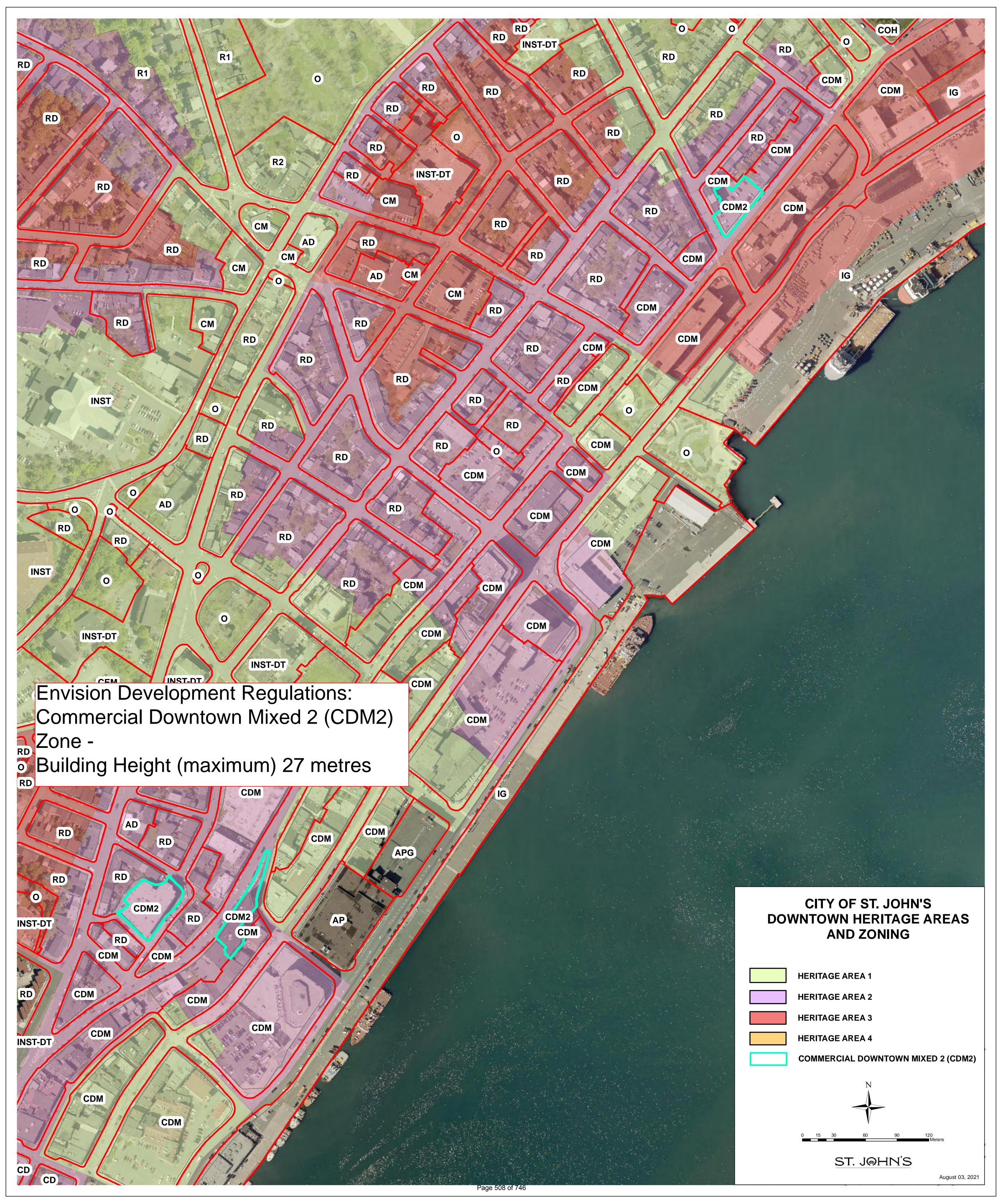


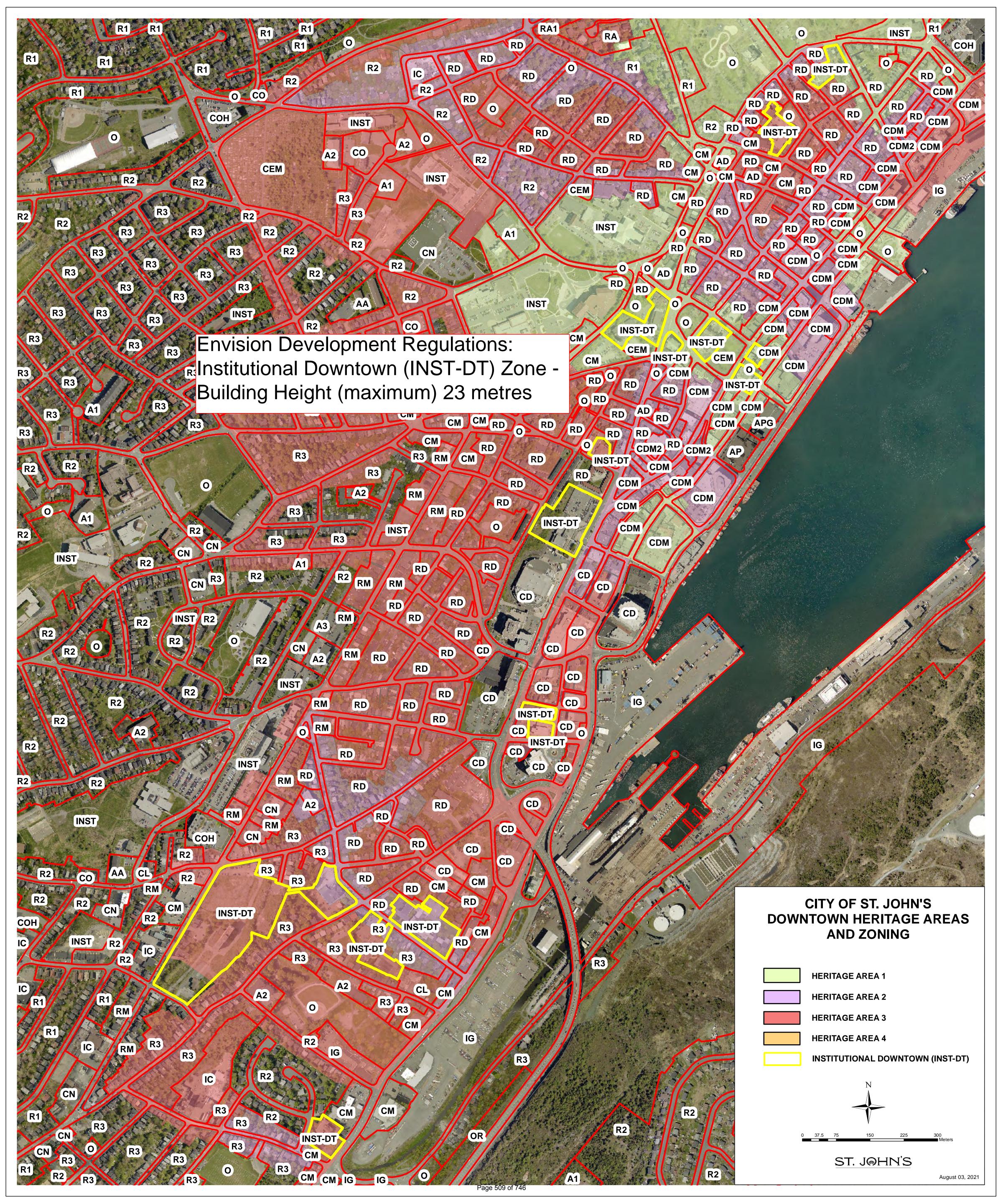
# **Streetscape along Walsh's Square**

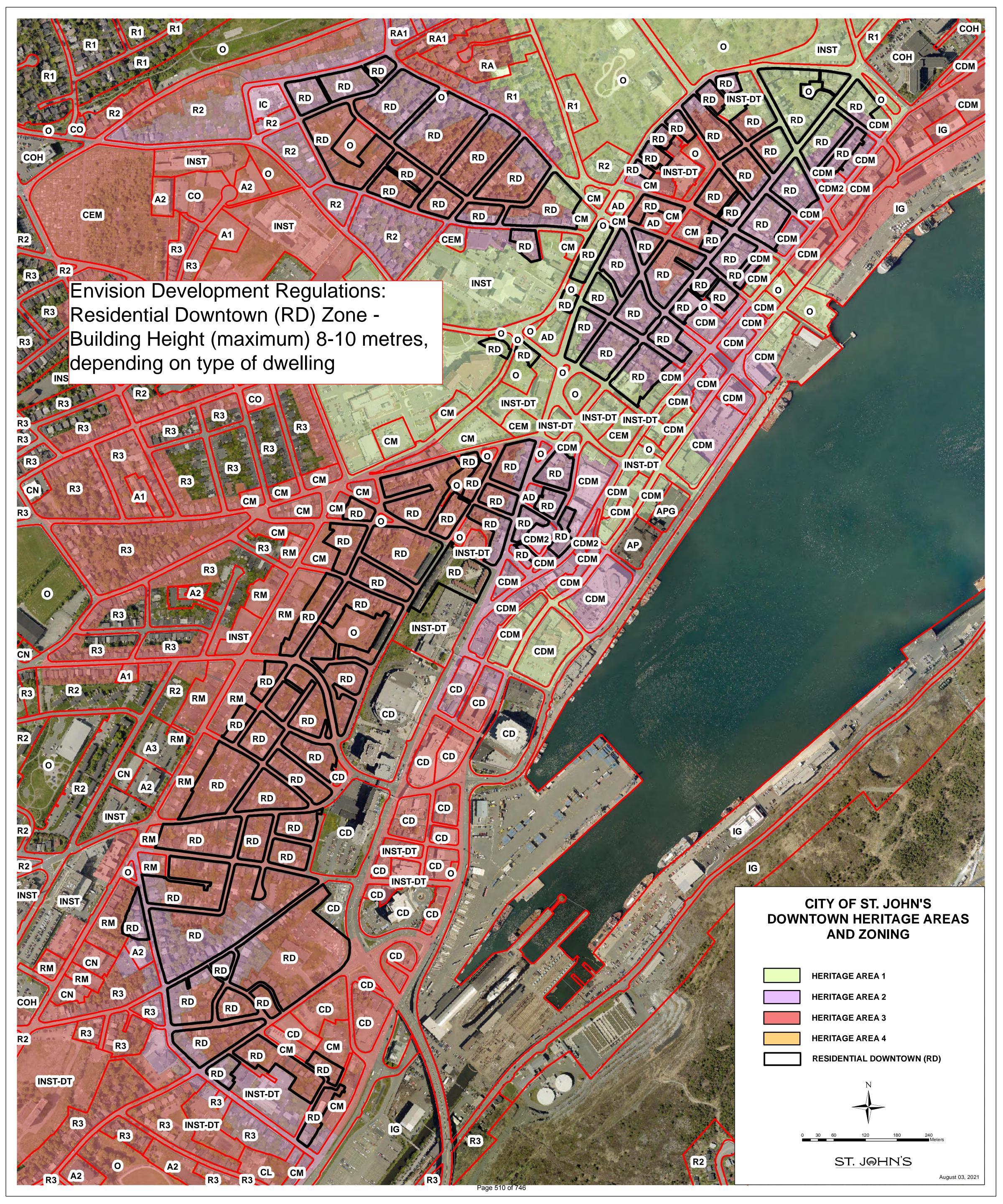












This is a sample Heritage Report Terms of Reference. Actual Terms of Reference may vary depending on the scale and scope of the application. This is provided with the intent to demonstrate that the Heritage Report will be a thorough report. Each draft Terms of Reference will be reviewed by the Built Heritage Experts Panel and will require Council's approval.

# TERMS OF REFERENCE HERITAGE REPORT APPLICATION FOR CIVIC ADDRESS: PROPONENT:

These terms of reference outline the purpose and process for undertaking a Heritage Report on sites identified as having heritage value. A Heritage Report shall address the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape. The proponent shall identify significant impacts and, where appropriate, also identify measures to mitigate impacts on land uses adjoining the subject property. A Heritage Report is designed to gain the fullest possible understanding of heritage resources which would be affected by the project.

All information is to be submitted under one report in a form that can be reproduced for public information and review. The numbering and ordering scheme used in the report shall correspond with that used in this Terms of Reference and a copy of the Terms of Reference shall be included as part of the report (include an electronic PDF version with a maximum file size of 15MB). A list of those persons/agencies who prepared the Land Use Assessment Report shall be provided as part of the report. The following items shall be addressed by the proponent at its expense:

# A. Evaluation of the Heritage Area, Heritage Building and/or built heritage/cultural resources of the area

- Provide a Legal Survey of the property.
- Civil site plan showing all lot dimensions and the location/setbacks of all existing buildings.
- Indicate if buildings on the site occupy their original location.
- A written and visual description of the site identifying significant features, buildings, and landscape.
- A chronological history of the subject property, including any development, construction dates, and identify building additions and alterations.
- Relevant historic maps, drawings, photographs, sketches/renderings, etc.

#### B. Determine Heritage Value and Significance

- Heritage values can be defined as the historic, aesthetic, social, spiritual, scientific, cultural significance or importance of a historic place for past, present or future generations. Furthermore, the public, ethnic and economic values are important in developing an understanding of the significance of a site.
- Identify the physical aspects (character-defining elements) and provide a description of all observed character-defining elements.
- Provide current digital images documenting all building elevations and identified heritage attributes.

# C. Description of the proposed development or site alteration

 A written description of the proposed development or site alteration, detailing the rationale and purpose of the development or works. (Note: If a Land Use Report is also required, more information on the proposed development would be required).

# D. Identify Impacts

- Provide an assessment of all identified impacts the development or site
  alteration will have relative to the heritage value(s) of the built heritage
  resource(s) or cultural heritage landscape(s). Impacts include the change
  between the integrity of a heritage site with and without the proposed
  development/site alteration. This change may be either beneficial or adverse
  and may be direct or indirect. (Note: applicant would be provided with a list of
  sample positive and adverse impacts).
- Once all project-related impacts are identified, determine their individual level of effect on heritage resources.

# E. Develop Conservation Strategies

 Strategies should include methods to prevent and minimize adverse impacts on a heritage resource(s). Impact mitigation recommendations are highly dependent upon results and recommendations made in the evaluation and inventory stage.

### F. Summary and Recommendations

- This section should outline a plan to integrate conservation strategies and mitigate the negative impact on heritage values. This section should take into consideration the desired outcomes to balance development and/or site alteration with conservation goals.
  - Depending on the project, this section could include an explanation of recommended conservation or mitigative measures, and alternative development/site alteration approaches or clarification as to why specific conservation or mitigative measures, or alternative development/site alteration approaches are not appropriate.
- The findings, conclusions and recommendations of the Heritage Report should be reflected in the final development concept submitted to the City.

#### G. Consultant Team Requirements

- A heritage conservation professional(s) experienced in the preparation of heritage reports, such as a heritage planner, heritage architect, heritage landscape architect, and/or historian. This person must be experienced in assessing and articulating heritage values, historical research and heritage conservations standards. A professional registered with the Canadian Association of Heritage Professionals and in good standing, is recommended. Depending on the scope of the project, other professionals such as structural engineers, may be required.
- The qualifications and background of the professional(s) completing the

Heritage Report must be included.

Once a Heritage Report has been submitted to the City, reviewed by staff and determined to be acceptable, it will be made publicly available – either through a public notice or a public meeting (depending on the scope and scale of the projects and Council's directive on the matter).

Should a Land Use Report(LUR) also be required for the application, the Heritage Report would inform the LUR in the same way that a Transportation Impact Study would inform a development. Typical requirements of LURs are below for reference. For example, Elevation & Building Materials would have to meet the Heritage Design Standards and incorporate any recommendations from the Heritage Report.

# H. Building Use

- Identify the size of the proposed building by:
  - Gross Floor Area, and
  - Floor Area Ratio (FAR).
- Identify all proposed uses/occupancies within the building by their respective floor area.

# I. Elevation & Building Materials

- Provide elevations of the proposed building.
- Identify the finish and colour of exterior building materials.

#### J. Building Height & Location

- Identify graphically the exact location with a dimensioned civil site plan:
  - Location of the proposed building in relation to neighbouring buildings;
  - Proximity of the building to property lines and identify setbacks;
  - Identify width of the access between the buildings;
  - Identify any stepbacks of higher storeys from lower storeys (if applicable);
  - Identify any encroachment over property lines (if applicable);
  - Identify the height of the buildings;
  - Information on the proposed construction of patios/balconies (if applicable);
  - Potential shadowing/loss of sunlight on adjacent public and private properties, including sidewalks;
  - Identify any rooftop structures.

#### K. Exterior Equipment and Lighting

- Identify the location and type of exterior lighting to be utilized. Identify
  possible impacts on adjoining properties and measures to be instituted to
  minimize these impacts.
- Identify the location and type of any exterior HVAC equipment to be used to service the proposed building and identify possible impacts on adjoining properties and measures to be instituted to minimize these impacts.

#### L. Landscaping & Buffering

- Identify with a landscaping plan, details of site landscaping (hard and soft).
  - Consideration should be given to tree preservation and incorporating existing trees into future site development. Indicate through a tree plan/inventory which trees will be preserved.
- Identify the location and proposed methods of screening of any electrical transformers and refuse containers to be used at the site.
- Identify any additional street-level elements, such as weather protection measures at entrances, street furniture, etc.

# M. Snow Clearing/Snow Storage

 Provide information on any snow clearing/snow removal operations. Onsite snow storage areas must be indicated.

# N. Off-street Parking and Site Access

- Identify the number and location of bicycle parking to be provided.
- Identify the number and location of accessible parking to be provided.
- Identify how vehicle circulation will be managed during move-in move-out periods.
- Identify the location of all access and egress points, including pedestrian access.
- Provide a minimum 6.0m buffer between the property boundary and any onsite curb/structure.
- Indicate how garbage will be handled onsite. The location of any exterior bins must be indicated and access to the bins must be provided.

#### O. Municipal Services

- Provide a preliminary site servicing plan.
- Identify if the building will be sprinklered or not, and location of the nearest hydrant and siamese connections.
- Identify points of connection to existing sanitary sewer, storm sewer and water system.
- Provide the proposed sanitary and storm sewer generation rates.
- The proposed development will be required to comply with the City's stormwater detention policy. Provide information on how on-site stormwater detention will be managed.

#### P. Public Transit

 Consult with St. John's Metrobus (St. John's Transportation Commission) regarding public transit infrastructure requirements.

#### Q. Construction Timeframe

- Indicate any phasing of the project and approximate timelines for beginning and completion of each phase or overall project.
- Indicate on a site plan any designated areas for equipment and materials during the construction period.

Virtual Public Meeting using Microsoft Teams Public Meeting – Heritage By-Law Thursday, April 29, 2021

Present: <u>Facilitator</u>

Marie Ryan

City of St. John's

Ann Marie Cashin, Planner III, Urban Design & Heritage

Maureen Harvey, Legislative Assistant

There were approximately 14 people in attendance.

### **CALL TO ORDER AND BACKGROUND PRESENTATIONS**

Marie Ryan, Chairperson and Facilitator, called the meeting to order at 1 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. Chairperson Ryan noted that people speaking will need to be brief with each person having three minutes.

The process for the virtual meeting was outlined with the following points highlighted:

- Raise hand feature of MS Teams
- Chat room feature of MS Teams
- Three minutes to speak and then offer a second opportunity once everyone who wishes to speak has done so

#### **PURPOSE OF MEETING**

Ann Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which was to consider the Draft Heritage By-Law. She provided the following background and current status of the matter as follows:

# **Background and Current Status**

The City Planner provided the following background and current status of the matter as outlined and conducted a powerpoint presentation designed to guide the discussion:

During the Envision St. John's review of the Municipal Plan and Development Regulations, staff recognized that a Heritage By-Law would provide better protection of built heritage. A by-law derives its authority from the City of St. John's Act, which has

specific provisions for built heritage, whereas the Urban and Rural Planning Act is silent on built heritage. The City Act provides a more secure foundation for heritage protection.

The draft Heritage By-Law is presented for public review and comment. Following public consultation, feedback will be brought back to Council for consideration. The approval of the Heritage By-Law will be coordinated with the approval of Envision St. John's to avoid any gap in heritage regulations.

The City Planner then presented the revised Standards and other changes found within the draft By-Law which included standards for designated Heritage Buildings, new standards for residential buildings, residential garages, non-residential buildings, additions to existing buildings and new developments. Ideally this would result in a blend of new developments incorporating heritage standards. They then went on to describe the new Heritage Area 4 located in the Battery. Staff recommended this new Heritage Area to regulate and maintain traditional building forms facing St. John's harbour. An additional new requirement is that applications to demolish a Heritage Building, to change or revoke the designation of a Heritage Building and any other application as recommended by staff require the submission of a Heritage Report. A Heritage Report addresses the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape. The report would inform Council and the public on heritage impacts before Council makes a decision on an application.

It was noted that this public meeting is being held to obtain feedback on the Heritage By-Law and to make Heritage more transparent. Submissions will be accepted until May 21, 2021 and these minutes, feedback and all written submissions will be brought to Council for consideration.

#### **COMMENTS FROM PARTICIPANTS**

# Speaker

1

Participant questioned the qualifications of the inspector who makes decisions on demolition noting that building inspectors have a different perspective than a heritage planner. It was questioned why heritage reports were required only for designated buildings and not for any building in a heritage area. Staff responded that there are lot of heritage demolition/rebuilds in area 3 so it was not deemed necessary.

It was also asked if Council accepts a staff report in lieu of a heritage report if the same requirements apply. Staff responded that a staff report would not be as detailed as a heritage report.

	It was also questioned what would happen if the heritage report is felt to be inaccurate/accurate by staff and public consultation dictates otherwise. The Heritage Planner responded
2	Participant suggested a simplistic solution for a heritage report – i.e. a list of heritage professionals in the City could use to lead the report for Council.
	Main concern was that overall the by-law produces a lot of detail but seems to have lost the vision of the Envision Plan. It is not all inclusive of heritage components.
	A concern was expressed regarding areas 1 and 2 noting that the Bishop's Cove development has a very large foundation.
	It was also expressed that item no. 9 in the design standard does not protect a brand-new building from being dropped in.
	It was stated there is too much latitude given to Council with respect to the non-residential stream of the design standards and more constraint should be exercised.
3.	Participant questioned the accuracy of the current list of heritage buildings and how it is updated. Staff responded that the list identified in the by-law is current and that every few years the City sends out a request to owners of other potential heritage buildings to see if there is an interest in having them designated.
4	Participant noted that the City is using only municipally designated buildings. There are other provincial and federal designations that should be included. The list should expand beyond buildings to include districts. Examples cited were Water Street, Rennie's Mill Road, and Ecclesiastical District.
5.	City should include a map to identify the location of buildings as the visual appeal and area is equally important.
6.	Participant noted that the one of the strategic objectives in the Envision document is the protection of the Ecclesiastical District. It was asked whether the city is prepared to update the by-law to achieve that provision.
	Staff noted that recently Council agreed to prepare a management plan for the Ecclesiastical District to which concern was expressed that a management plan is a different level of governance which may not create the protective measures as outlined in the Envision plan.
7.	Participant stated that Kirk is heavily impacted by the development adjacent to it and suggested there should be no consideration for site-

	specific zoning. Participant also expressed opposition to taller
9.	buildings, such as the one proposed on Queen's Road.  Participant questioned the process for demolition i.e. is it only allowed in
	Heritage Area 1. Staff responded that currently demolition only provides for designated buildings. Non-heritage buildings are processed differently. It was stressed there is a need for heritage professionals to undertake surveys before Council tolerates a request for demolition.
10.	Recognizing the history of the Shaw Street property, participant stated structures should not be permitted to get run down to a state of dereliction. It was suggested that the City consider the age of a property to be a factor in designation. i.e. maybe any structure that is over 80 years old.
	Participant also suggested the need to have more qualified individuals on the Built Heritage Experts Panel i.e. those who have a view of the cultural landscape.
11.	Participant questioned how the by-law is going to address zoning. Staff responded that the by-law is governed by the City of St. John's Act whereas zoning is governed by the Development Regulations. Building size is regulated in the zone. East of Adelaide Street can have buildings that are four storey whereas west of Adelaide they can be higher. The zoning regulates size whereas the by-law addresses design. The participant alleged that in the case of the development at ????? the developer took advantage of an open space or low density and was purportedly advised by City Staff that a LUAR may facilitate a high-density building.
	Participant suggested that such manipulation of the Development Regulations should not be permitted and as such there is a need to ensure the necessary changes are incorporated.
12.	Participant alleged that the focus of the City has shifted from heritage conservation to heritage preservation of properties and there is a disconnect or gap between the Development Regulations and the proposed by-law. She claimed there is little indication that cultural landscape is identified in the by-law (regulatory document) and is top priority to which staff responded this is not so.
	It was asked if the heritage report is prepared by inspectors or planning staff to which a response was given that it would not be included as part of the building permit process. Staff noted that the Chief Municipal Planner, the Heritage Planner and the Technical Advisor meets weekly to review heritage files.
	Participant stated that one of the best ways to protect and preserve heritage was to restrict density and height which appears to have gone by the wayside.

	It was stated that if the City permits the placement of high-density buildings it will eventually erode heritage districts which is contrary to the wholistic intent of heritage.
13.	Participant asserted that building height needs to be harmonious with the area and this should be a primary consideration. He stated the municipal plan is about building scale and type being harmonious and complimentary to each other. Such consideration should override any count of storeys in a building.
14.	Participant is concerned about the by-law permitting roof-top decks in heritage areas.
15.	Participant asserted that the BHEP currently has no, and in future will have NO (as currently envisioned) historians - professional historians, or even archivists. He stated these are absolutely necessary and critical to have on the BHEP because one of the things they bring to the table is having read all the relevant historical literature.  Cultural Landscapes are more than formal or informal laneways and
	should be written into the by-law.

# **CONCLUDING REMARKS**

Ms. Ryan thanked all participants for their feedback and the respectful manner in which they conducted themselves in the meeting.

It was reiterated that written submissions will be received up until May 21, 2021 following which time the minutes of the two public meetings and the submissions will be forwarded to Council for consideration.

# **ADJOURNMENT**

The meeting adjourned at 2:07 pm

Marie Ryan Chairperson/Facilitator Virtual Public Meeting using Microsoft Teams Public Meeting – Heritage By-Law Wednesday, April 28, 2021

Present: <u>Facilitator</u>

Marie Ryan

City of St. John's

Ann-Marie Cashin, Planner III, Urban Design & Heritage Linda Bishop, Legal Counsel Senior Karen Chafe, Supervisor, Office of the City Clerk Jennifer Squires, Legislative Assistant

There were approximately 25 people in attendance.

#### **CALL TO ORDER AND BACKGROUND PRESENTATIONS**

Marie Ryan, Chairperson and 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. Chairperson Ryan noted that people speaking will need to be brief with each person having three minutes.

The process for the virtual meeting was outlined with the following points highlighted:

- Raise hand feature of MS Teams
- Chat room feature of MS Teams
- Three minutes to speak and then offer a second opportunity once everyone who wishes to speak has had an opportunity to do so

#### PURPOSE OF MEETING

Ann-Marie Cashin, Planner III, Urban Design & Heritage for the City, outlined the purpose of the meeting which was to consider the Draft Heritage By-Law. The City Planner provided the following background and current status of the application as follows:

# **Background and Current Status**

During the Envision St. John's review of the Municipal Plan and Development Regulations, staff recognized that a Heritage By-Law would provide better protection of built heritage. A by-law derives its authority from the City of St. John's Act, which has specific provisions for built heritage, whereas the Urban and Rural Planning Act is silent on built heritage. The City Act provides a more secure foundation for heritage protection.

The draft Heritage By-Law is presented for public review and comment. Following public consultation, feedback will be brought back to Council for consideration. The approval of the Heritage By-Law will be coordinated with the approval of Envision St. John's to avoid any gap in heritage regulations.

The City Planner then presented the revised Standards and other changes found within the draft By-Law which included standards for designated Heritage Buildings, new standards for residential buildings, residential garages, non-residential buildings, additions to existing buildings and new developments. Ideally this would result in a blend of new developments incorporating heritage standards. They then went on to describe the new Heritage Area 4 located in the Battery. Staff recommended this new Heritage Area to regulate and maintain traditional building forms facing St. John's Harbour. An additional new requirement is that applications to demolish a Heritage Building, to change or revoke the designation of a Heritage Building and any other application as recommended by staff require the submission of a Heritage Report. A Heritage Report addresses the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape. The report informs Council and the public on heritage impacts before Council makes a decision on an application.

The City is holding public meetings for feedback on the Heritage By-Law and to make Heritage more transparent. Submissions can be accepted until May 21, 2021 and feedback will be brought to Council for consideration.

#### **COMMENTS FROM PARTICIPANTS**

	COMMENTS
Speaker#	Commentary
1.	Participant felt that the project is admirable but is missing a key piece
	on Heritage Areas. There is nothing in the draft about development in
	the overall area and no incentive to ensure that development is in the
	character of the Area. The By-Law needs to be broader, not only
	looking at buildings but the overall area. There is no incentive or way
	to bring that together and that is a major flaw.

2.	Commentar applicated the review of Heritage guidelines. They select
2.	Commenter applauded the review of Heritage guidelines. They asked that guidelines apply to the whole building and to avoid "top-hat" developments. Felt that if the City is going to have Heritage Guidelines they should apply to the whole building as well as the whole Area.
3.	Speaker was pleased with the new Heritage Area in the Battery and the inclusion of commercial properties. They think that the By-Law needs focus on the 360 degrees around the building, particularly with the slope of St. John's. The Speaker is concerned that the use of consultants for Heritage Reports may end up providing misinformation and turning people away from Heritage Properties.
4.	Speaker was glad to see the Heritage By-law as an entity brought back under City Act. Their main concerns with the By-Law and design guidelines were exemptions for tall buildings and new buildings. New buildings should require a Heritage Report to determine their impact on the surrounding neighbourhood, Heritage Buildings and districts. With the steep slope and grade differentials in St. John's, the exemption for tall buildings will not work. Speaker does not think that council should be able to exempt owners of new buildings from public consultation and that there should be mandatory public consultations for existing buildings in Heritage Areas.
5.	Participant informed attendees that churches in the Ecclesiastical District are seeking World Heritage status. They have been in consultation with Parks Canada who state that it is mandatory for everyone to respect and adopt standards and guidelines for the conservation of historic places in Canada. They are asking that in the Heritage By-Law there be a formal recognition of these standards and guidelines especially in Area 1 and the Ecclesiastical District. To obtain World Heritage status, the level of protection needs to meet UNESCO standards.
6.	The Commenter notes that there are no statements of significance or description as to why Heritage Areas are special and important. They felt that there should be a description for each Heritage Area and a statement of significance. These things can be used as tools and will help people make decisions about changes they are making to Heritage Buildings.
7.	The Speaker's main concern is with Section 8(3) under Heritage Reports. They stated that this allows Council to override and ignore the advice of experts and involve only their own staff. The Speaker believes that this is an unprecedented grant of power and authority. They think that the wording in Section 8(3) is too broad, and that if elected officials reject a Heritage Report they must provide their reasons for doing so and request an additional Report to address their concerns. Section 8(3) should be amended to reflect this. The City Planner clarified Section 8(3), explaining that the intent was not for staff to go against a Heritage Report but rather to address things that were small in nature so the homeowner would not have to do a full

	report. The Facilitator recommended that Staff revisit the Section to clarify its intent and that it will be important for participants to review the "What We Heard" document when it comes out.
8.	Participant stated that it was important to clarify the rules of the game in Heritage Areas, so it is clear what the expectations are for new builds, redevelopments, and renovations as well as what the limitations are. Concern was expressed about the potential to manipulate loopholes to undermine the process. The City needs to clarify the game and close these loopholes.
9.	Participant felt the Battery is a Heritage Area not only for those who live there but for the whole City. There needs to be consultation and representation from the whole City when discussing Heritage Areas, not just those who live there.
10.	Speaker wanted to share their experience of living in Historic Districts outside of Newfoundland. They previously owned a business in a Historic Area. To get approval on any renovation they would first sit before a Historic Board, which was made up of Councillors, architects and residents, usually with some specialty. They could not get a building permit without Historic Board approval. One of the Areas used a pattern book or reference guide for development within historical districts to ensure architectural compatibility within each period. Even brand-new buildings had the feel of that significant time period. The Speaker felt It was a good compromise; architects could put their own twist on same style.
11.	Participant questioned how existing legislation will intersect with the Heritage By-Law and which one takes precedence over the other. The conflict is confusing and there needs to be a hierarchy of precedent where the By-Law as part of the City Act takes precedent over other policies.
12.	Speaker was concerned about densification and the City using it as a rationale to allow incompatible buildings that conflict with the existing Heritage ambiance. They felt that the loophole for taller buildings makes a mockery of the stated intent of the By-Law and that the best practice for conservation in Heritage Districts is to control height and density. They asked Council to eliminate exemptions and incentives for redevelopment inherent in the proposed Heritage By-Law and design guidelines for new developments. Clear and consistent regulations are required to avoid confusion for everybody.
13.	The participant agreed with a previous speaker that heritage belongs to all citizens and not just the people living in the neighborhood. Also noted that one of the benefits of referencing a theme to a date, is buildings can extend past the height limit, but still reflect historical architecture.
14.	Speaker stated that one of the best things to come out of the By-Law is that the City is recognizing The Battery as an exclusive Heritage District and feels that it is a jewel in our Heritage crown. They

	questioned the extent of expertise on the Built Heritage Experts Panel, asserting it should be stronger in Heritage experts with experience in renovation and restoration of Newfoundland Heritage Buildings. They should also have knowledge in the standards and guidelines for the development of Historic Buildings. In addition, it might be beneficial to add members of the public who live in designated areas to strengthen the effectiveness of the Panel and that Staff must ensure that the Panel is well-informed.
15.	The Speaker had concerns about Schedule C. The map is only showing City designated Heritage Properties. The City's depiction of designated Heritage Areas is much more restrictive than the Provincial and Federal list of designations. They are asking for consistency in designations. Municipal designations should be the same as Provincial designations and Federal designations.
16.	The Commentor wondered if the Heritage By-Laws are doing what they are supposed to be doing and protecting our Heritage. The By-Law seems to allow for a great deal of discretion on the part of City Council. They would like to see less discretion and more clarity in the Heritage By-Law. Clear By-Laws are needed and will be a benefit to all concerned.
17.	The Speaker believes that public consultations are important, as Heritage Areas belong to all of us. Under the current development regulations if there is a new proposal, only people within 150 m of the property are notified and invited to consult. Because Heritage Areas belong to all of us, all stakeholders should be invited, anyone living within a Heritage Area should get a say. There should be guidelines and statements of significance for Heritage Areas. These could encompass features that are not currently included such as cultural landscape features, open spaces, alleyways, and vegetation.
18.	Participant has an issue with Schedule C, stating that the actual Historic Buildings that are represented in this City document are grossly underestimated and underrepresented. It is showing only City Designations, not Provincial or Federal designations. They feel that this is a myopia and a tunnel vision. Schedule C makes no reference to Heritage landscapes and feels it is a very inadequate document. Also concerned with the Built Heritage Experts panel and thinks the Panel would benefit to have someone with a doctorate in Newfoundland and Labrador History. Heritage is more than just buildings it is the landscapes, the laneways, the human interaction, the folklore, the stories and we need a more nuanced understanding.
19.	Speaker does not think that the Heritage By-Laws are strong enough to protect Federal designated sites. They explained that one of the main objectives of the Federal Government's policy on their commemorated sites is that of protection and public presentation. The Federal Government demonstrates this through their Cost Share Program and will provide funding for properties for conservation and to

	,
	help them present their stories. They believe that the City needs to follow Federal and Provincial standards and guidelines. There needs to be a partnership instead of a disconnect between City understanding and Federal intent. The Heritage By-Laws need to reflect this.
20.	Thinks the Built Heritage Experts Panel needs to be "beefed up" with historical experts or that a separate Heritage Experts Panel should be created. They stated that this is about more than Built Heritage and that Heritage Districts are precious and are the property of everyone. More consideration needs to be given to the inclusion of cemeteries in Schedule C. It is important to note that history goes beyond buildings, it is a part of our story.
21.	Supported previous speaker and agreed that it's not just buildings we have to think about when it comes to Heritage. The City is losing sight of the importance of districts and focusing far too much on individual buildings. You cannot have conservation without context and history.
22.	Does not think it's helpful when Council has to look at and understand a 600-page document. Whatever the outcome of the process it needs to be simplified.
23.	Noted that cemeteries and cultural landscapes are missing from Schedule C. Feels that these are as important as the church buildings. Stated that we need standards and guidelines created from a Heritage perspective to inform the City's planning process. These standards and guidelines need to reflect Provincial and Federal legislation and be placed before Council as the highest level of standards.
24.	Heritage is not any one cemetery, landscape or building, it's the whole thing that tells the story. The new By-Law should advocate for telling our story through a combination of buildings, landscapes, and cemeteries and look at the picture they present together.
25.	Speaker believed that we need to consider the entire neighbourhood when looking at new developments and Heritage Buildings. The whole is greater than sum of the parts and involvement should not be limited to those in a certain distance. The Heritage is not just that of property owner but of the Province and the county and perhaps beyond, any changes should be considered in that kind of a broad context. The assumption should be that all buildings should be preserved, developers should have to prove why a building must be changed and not preserved.
26.	Speaker talked about the enforcement of the By-Law. In their previous experience in other jurisdictions, they would have to follow the plan they had presented to the Historic Board. After renovations, the Historic Board would verify the outline and if it did not match the pattern book and guidelines the work would need to be redone.
27.	Participant believed that there needs to be a standard to ensure that development does not impact the adjacent property. Developers must

	have a mitigation plan including responsibility for monitoring Historic resources. We cannot destroy one resource for another.
28.	Commented that the interaction and interdependence of planning and heritage is critical, and that City Planning is under resourced and understaffed.
29.	Speaker pleaded that as we move toward the acceptance and approval of the By-Law that Council will banish site specific zoning. Site specific zoning is the enemy of long-range planning and Heritage Area preservation.
30.	Participant expressed frustration that they are advocating but no one is listening. Thinks the phrase "Nothing about us without us" is important. Appropriate engagement should take place before making decisions.

Herein ended the discussion portion of the meeting.

# **CONCLUDING REMARKS**

The Facilitator thanked attendees for their participation. The City Planner informed attendees that written submissions would be accepted until May 21, 2021 by email at <a href="mailto:cityclerk@stjohns.ca">cityclerk@stjohns.ca</a> or <a href="mailto:acashin@stjohns.ca">acashin@stjohns.ca</a>. Comments and submissions would be compiled in a "What We Heard" report and presented to Council for consideration.

# **ADJOURNMENT**

The meeting adjourned at 8:54 p.m.

Marie Ryan Chairperson/Facilitator



Councillor Sandy Hickman City Hall St. John's

Dear Sandy,

There is an admirable intent in the new Municipal Plan to foster preservation of the City's Heritage Area but we need to ensure that it is not undercut by a permissiveness of specific policies in the Plan. (Please note that references in this letter to the Plan are to chapter and page (2.3) not to the sections.)

The Plan speaks of "the City's intent to implement policies that maintain the essential character of the neighbourhood, while allowing appropriate growth and development" (2.3) and of 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" (2.5). It asserts that "The city's Heritage Area (including the Ecclesiastical District...) 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" (2.6). To that end, one of the strategic objectives would be to "Limit impacts to established neighbourhoods, heritage districts and employment areas" (4.2) requiring "attention to urban design ... so that development can be achieved in a manner that enhances and adds value to the character of existing neighbourhoods" (4.3-4).

Some of the rationale for this is given in Chapter 4: "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" (4.7). But this essentially economic rationale is only part of the contribution that preservation makes to the city. We also need to take into account the importance of preservation to the form and fabric of the town which includes the provision of housing, the sense of neighbourhood and, ultimately, the stability of society – the foundations of a strong and healthy urban environment.

To build these foundations we need a plan that will move from intent to action; that will provide the specifics for preservation. We also need a City Council that will insist on adherence to the plan.

While the Heritage Design Standards do address the material texture of the landscape with regard to such matters as roof and window form as well as decorative detail, the problems for the Heritage Area most often arise in the matter of major new developments whose bulk and height threaten to overwhelm the smaller scale of neighbourhoods.

This makes it important that clear direction be given – that the four-storey limit (frequently referred to in the Plan) be mandated. Permissive provisions (such as that at 6.6.d "allowing some additional height" in the east downtown) should be removed from the Plan. There are, at the moment, at least two proposals under review at City Hall which violate this limit and need to be removed from the agenda. Requiring a consistency with the existing civic forms is crucial not only to the sense of the townscape but also to its vitality. If its human scale and sense of continuity is dwarfed it becomes merely a museum piece not a living, contributing feature of the city.

And this is no idle threat. We saw the consequences of abandoning heritage principles forty years ago. In the early 1980s, when the St. John's Heritage Foundation (SJHF) was having a remarkable impact upon what was then a decayed residential downtown, the whole process of preservation all but came to halt with the construction of the high-rise TD Building. The provincial government of the time, formerly strong supporters of the Heritage Area, ceased funding SJHF and it subsequently folded. Paul Johnson's proposal to move preservation from the residential area into the commercial area with his New Downtown was aborted. Heritage work in the city was essentially stopped for about fifteen years. We do not want a repeat of this in an age when so many other forces threaten the survival of our society and our economy.

Sincerely,



# **Jennifer Squires**

From: Engage

Sent: Thursday, April 8, 2021 11:45 AM

**To:** Ann-Marie Cashin

**Subject:** FW: (EXT) NEW Heritage By-Law

Ann-Marie, I am going to send you any emails that come in. Can you keep an excel file of them including the email address of the sender so that we can follow up with people once the what we heard is ready.

#### **Thanks**

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From:

Sent: Thursday, April 8, 2021 11:04 AM
To: Engage <engage@stjohns.ca>
Subject: (EXT) NEW Heritage By-Law

Hi,

The Grand Concourse walking trails should be considered a Heritage Area so they're not paved over and ruined.

Thanks,

**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.

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#### **Karen Chafe**

From:

Sent: Wednesday, June 9, 2021 7:03 PM

**To:** CityClerk

**Subject:** (EXT) not sure where to send this! thx

HI,

I think today may be the last day for submissions on protecting the Battery from looking like Quidi Vidi? I know the local government is aware of much of what I outline below; however I think it is worth reiterating given how heartbreaking it would be to see the Battery developed further in a manner inconsistent with the size and style of the historic structures.

#### Introduction

I am currently a realtor (and work on a number of development issues) but have also been a lawyer for 30 years and still practice a bit (and did some work in St. John's for Transport Canada and spent 20 years working on a waterfront project in Vancouver-The Pacific Place Remediation Project and development). I am an environmental lawyer and land use and environmental issues often intersect so I have more than a passing knowledge of the ability to protect areas such as this. IF there is more time, I will do a more detailed presentation but since i just heard it was today, here are my main points.

I am from BC but my family is from NL. Placentia/Argentia. I own a home at When I decided to buy in the Battery, it was really the only place I was interested in even though I have tons of cousins in other areas of the Province. It is an unbelievably amazing place. I used to travel all over the world for work and over the 20+ years of visiting dozens of cities, I have yet to see a place as magical as the Battery.

#### **Urgent need to protect the Battery**

The Battery is really a gem. Not just to people who live there but also to those of us who come from away. It is a cultural, natural, historic, aesthetic AND ECONOMIC jewel that is of value to the entire province of NL and it's citizens. There are many, simple, legal ways to ensure that the character of the area is protected-similar protections are in place in other parts of the country and the world. It makes no sense to allow the ridiculous situation in QV to happen when there is so much to lose. The Battery is often the first thing people see of the province (ie. those on cruise ships) and the only historic place people may have time to visit while in St. John's. Obviously it's beauty and historic value are well recognized given the extent to which photos of the area are seen in tourism ads and media across the country and I suspect around the world. I have not had time to research it but am wondering if the Battery can be protected with some federal assistance under the Historic Places Canada program?

Protection is urgent because of course once the damage is done it cannot be undone...there is no putting the ketchup back in the bottle and the impact of failing to protect would be horrifying.

#### The "Rights" of landowners

I know some people think they have a "Right" to do what they want on their land...obviously that is not correct and there are many legal ways the local government can restrict what can be built. In some areas, the style and colour of homes are restricted-and the size and height is a lot easier to limit than colour! If it would help ensure the area is protected, I would be willing to assist to the extent I can in pulling together info on what has been done in other areas. I am also pretty sure the Federation of Canadian Municipalities and other such bodies could provide models from other parts of the country.

If people want to build big homes, or ones which do not suit the area, there are other, less culturally significant areas in the City where this can be accomplished. The Battery is NOT the place for monster houses, like those

in Quidi Vidi (yes I keep harping on QV but I almost cried when I saw that. Those big homes are SOOOO out of place there and I cannot imagine what people think when they see them. I am sure many are heartbroken, as was I). Huge homes in these historic areas completely destroy the historic, cultural, aesthetic and likely natural elements of the area. Tourism is a big thing and preservation of these areas, especially those near the City, must be made a priority.

#### **The Obligations of Government**

The local government has an obligation to protect the above stated values for the benefit of all citizens. The Province should also be involved in this protection.

The proposed measures outlined on the Zoom call may be a start. However, based on what I heard on the Zoom call the other night, it doesn't sound like they will go far enough.

#### What needs to be done

In order to protect the above stated values, there needs to be legal limitations to ensure:

-small lot sizes are maintained...of course there are some bigger parcels of land going up the hill, such as on Outer Battery Road, but those are not buildable. The amalgamation

of lots to great larger buildable parcels should not be allowed if the character and charm of the area is to be maintained

-small homes are part of the history and culture and they serve to protect the natural amenities and views as well

-restrictions on home sizes are very common and easy to implement; this is also true of heights. I live in a small waterfront community which has very limiting restrictions

on home sizes, heights (to protect the "feel" of the area as well as views), etc. These things are well suited to the Battery.

An example out of the <u>City of Vancouver's Heritage By law</u> (and trust me we have NOWHERE NEAR the heritage to protect that the Battery has):

No person shall: (a) demolish, or permit, suffer or allow the demolition of a building, structure or feature that is in a heritage conservation area or a building, structure or feature that is protected heritage property; (b) construct, or permit, suffer or allow the construction of a building or structure that is in a heritage conservation area, or is in or on protected heritage property; or (c) alter, or permit, suffer or allow the alteration of a building or structure in a heritage conservation area or of a building, structure or feature that is protected heritage property, without having first obtained a heritage alteration permit for the demolition, construction or alteration, in accordance with the Heritage Procedure By-law.

The powers under the Heritage Bylaw are VERY strict, the governing body can impose very tight control over what is done and it can take people forever to get something changed on a protected property. In Vancouver's case, it can be a little bit extreme but in the Battery, that may be what's needed.

#### To address the urgency of the issue

I think one possible measure to urgently protect now while this is being dealt with would be a moratorium on the amalgamation of land to allow for larger structures. This type of moratorium is doable....and it would give the City more time to make sure it has solid legal protections in place. A moratorium was brought in in BC to deal with a somewhat similar issue and it gave the relevant government departments a lot more time to get organized and bring appropriate laws and policies into place.

#### **Summary**

People have a right to buy property where they like....but they do not have a right to do what they want once they own that property. If people choose to buy in the Battery, they need to be aware of the need to respect it's heritage for the benefit of all those who live in the city, the Province of NL, and the country of Canada....if they are not happy with

exist as soon as possible.	
Sorry this is not a well written submissionunder a time crunch. Happy to discuss.	
thx	
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restrictions to protect the area, they can buy elsewhere. Laws need to be put in place to ensure the needed protections

# Stacey M. Corbett

From: CityClerk

**Sent:** Tuesday, July 13, 2021 11:28 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) Proposed development regulation changes

#### Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Monday, July 12, 2021 11:04 AM **To:** CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Proposed development regulation changes

To City Council of St. John's, Premier Furey, Minister and MHA John Abbott and Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the Heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and new proposed development regulations, the exemptions for new builds and extensions will make it much easier for developers to make it possible to scale up development well past our existing heritage structures in the downtown. Furthermore, Council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

Precedent-setting 10 story buildings in our most important Heritage Area 1 of the downtown.

Heritage buildings being torn down to allow modern architecture in all our heritage districts.

Allowing modern style infill in heritage district without public consultation and exempted from heritage design guidelines.

Modern architecture to be allowed above the current 4th story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to provide the public with the information that would allow them to engage in informed conversation. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth.

To the Province: we are asking that the Province's required registration of the Plan and Development Regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

To the City and Province: The future of our downtown and harbour is important to our whole province: to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's not give away our best assets. Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.



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# **Jennifer Squires**

From: Karen Chafe

Sent: Thursday, July 15, 2021 9:17 AM

To: Jennifer Squires

Subject: FW: (EXT) Let's have well considered heritage design in St John's heritage area

From: CityClerk <cityclerk@stjohns.ca> Sent: Tuesday, July 13, 2021 11:25 AM

To: CityClerk <cityclerk@stjohns.ca>; premier@gov.nl.ca; mapa-minister@gov.nl.ca; vglynn@gov.nl.ca; tedlomond@gov.nl.ca; TCARMinister@gov.nl.ca; SSDMinister@gov.nl.ca
Cc: Andrea Roberts <aroberts@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Ashley Murray

<amurray@stjohns.ca>; Dave Wadden <dwadden@stjohns.ca>; Jason Sinyard <jsinyard@stjohns.ca>; Karen Chafe <kchafe@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; Lindsay Lyghtle Brushett <LLyghtleBrushett@stjohns.ca>;

Planning <planning@stjohns.ca>

Subject: RE: (EXT) Let's have well considered heritage design in St John's heritage area

# 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: Sunday, July 11, 2021 5:39 PM

To: CityClerk < cityclerk@stjohns.ca >; premier@gov.nl.ca; mapa-minister@gov.nl.ca; vglynn@gov.nl.ca; tedlomond@gov.nl.ca; TCARMinister@gov.nl.ca; SSDMinister@gov.nl.ca

Subject: (EXT) Let's have well considered heritage design in St John's heritage area

Proposed changes to Heritage by-laws for new Development through Envision St John's.

To City Council of St. John's, Premier Furey, Minister and MHA John Abbott and Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the Heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and new proposed development regulations, the exemptions for new builds and extensions will make it much easier for developers to make it possible to scale up development well past our existing heritage structures in the downtown. Furthermore, Council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

- Precedent-setting 10 story buildings in our most important Heritage Area 1 of the downtown.
- Heritage buildings being torn down to allow modern architecture in all our heritage districts.
- Allowing modern style infill in heritage district without public consultation and exempted from heritage design guidelines.

Modern architecture to be allowed above the current 4th story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to provide the public with the information that would allow them to engage in informed conversation. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth.

To the Province: we are asking that the Province's required registration of the Plan and Development Regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

To the City and Province: The future of our downtown and harbour is important to our whole province: to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's not give away our best assets. Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

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#### Dear All,

Having travelled the world and seen so many beautiful places that have maintained their heritage despite the temptation of development, I feel the urgency to add my name to the growing list of those concerned about proposed changes to the by-laws for development in the Heritage core of our unique historic city. I am MOST concerned that this is being rushed through without adequate consultation of the public. There needs to be more engagement and I worry there is a hidden agenda within the city council that is pushing for this to go through without the necessary consultation and checks and balances.

Proposed changes to Heritage by-laws for new Development through Envision St John's.

To City Council of St. John's, Premier Furey, Minister and MHA John Abbott and Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

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As proposed in the new Envision plan and new proposed development regulations, the **exemptions for new builds and extensions** will make it much easier for developers to make it possible **to scale up development well past our existing heritage structures** in the downtown. Furthermore, Council would give itself the right to give **discretionary site-specific exemptions**, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

- **Precedent-setting 10 story buildings** in our most important Heritage Area 1 of the downtown.
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We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to provide the public with the information that would allow them to engage in informed conversation. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth. We need to preserve our unique vistas and continue to be the unique destination enjoyed by visitors and locals alike.

**To the Province:** we are asking that the Province's required registration of the Plan and Development Regulations be held over **until after the September municipal election**. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

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Let's not give away our best assets. Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.



#### **Karen Chafe**

From:

**Sent:** Thursday, June 10, 2021 6:12 AM

To:

CityClerk

Cc:

Ken O'Brien; Ann-Marie Cashin; Maggie Burton

Subject:

(EXT) Development Regulations information for



The proposed (High Density) *Institutional Downtown Zone* for the Churches of the Ecclesiastical District with a 23 meter height capability is unnecessary.

None of the interiors of the church buildings are more than 4 storeys or 32 feet in height. The proposed high density 23 meter or 72 food height or 7 storey capability is unnecessary and completely out of proportion to these significant architectural masterpieces, built by some of the worlds great architects of their day.

I therefore strongly request a lower density Zone for this District be applied or developed.

Perhaps a site specific zone for the entire district with a maximum allowable development height of less than 32 feet should be considered to ensure any new development does not overwhelm the aesthetic and historical and architectural value of the city's most important historic architectural buildings. Such a rep-profiled height would also protect the church district's function as a operating and living historic center of spirituality, state ceremony as well as its social, educational functions, including its role to protect 6 very historically and culturally important cemeteries.

It is a unique operating historical district needing a development zone that is more creative than the proposed institutional downtown zone for its churches. Three of the churches have requested their own stand alone development zone and this is obviously not being acted upon. A promised management plan for the district sometime down the road is too little and too late.

Such a zone will also be important to secure in the future a world heritage designation for some or all of the properties in the District including the properties outlined as being part of the national designation of the Historic Sites and Monuments Board of Canada (HSMB) and as the Envision Plan states it will protect the Ecclesiastical District as per these HSMB boundaries.

The proposed Institutional Downtown zone is also clearly disrespectful of the requests made by both the Federal and Provincial governments to have the City apply "standards and guidelines for the conservation of historic places in canada" to decisions associated with the District.

Also participants at the consultation last night were not aware or prepared to discuss the new development regulations for the city. This new set of regulations will have more of an impact on the city than the proposed Envision Plan and the proposed new heritage by laws combined.

Citizens need more information and more time to determine how these zones will or will not compliment the policy direction on the envision plan and how these zones will impact their daily and future lives.

For the Ecclesiastical District as a whole it needs its own development zone and all its associated zones should be constrained to low density zones only.

Thank you for your consideration of these recommendations.

# **Working Notes. - Envision and the Heritage By Laws**

The Envision Plan seems **to have set the right tone** for the protection of our heritage districts and heritage resources in its statements such as:

Section 4.5 our history and heritage are part of the early settlement of NA, meaning our heritage is not just of local or provincial interest but of national and international interest.

Section 4.6, etc States ......Historic resources are a fragile gift from last generations and they are not renewable resource. The city will <u>protect and enhance the city's cultural and heritage resources</u> for cultural success and the growth of our tourism industries. Heritage areas, including the <u>EDNHS</u>, <u>will continue to be protected under the HBL</u>. We will retain our heritage streetscape as built by our ancestors

I therefore ask the City's Planning Department therefore how exactly do they plan to protect the EDNHS and our other heritage areas, as stated in their new policy Envision Plan.

Commissioner, before any sign off of the EP the mayor and councillors need to be informed that new HBL <u>will not protect the heritage of the city or its</u> <u>heritage areas as stated they will do in the Envision Plan.</u>

So this statement in the Envision Plan is misleading to the public.

My recommendations to you on his matter,,,,,, comes as having been a heritage professional, making and implementing heritage policy at the provincial and federal levels and working at the municipal and community, provincial, and federal levels to help both protect and develop, for economic purposes, heritage resources and heritage areas for over 30 years.

I know what heritage tools work and do not work.

I know they current proposed heritage by laws are just inadequate and they will not protect the cities heritage for all the benefits it bestows and can continue to bestow for its owners and the City.

If the city adopts the proposed HBL as a tool to help them implement the envision-plan's heritage protection policy commitments then.....

- 1. The city will **not be adopting** the best heritage protection standards and practices in Canada or the US.
- 2. Actually I would consider these proposed HBL as 3rd class heritage by laws. In fact places like Russia have better heritage standards as do most Canadian and European cities of history and culture.
- 3. Also HBL as proposed <u>do not meet the "Canadian Federation Standard"</u> for the protection of a historic place and especially where <u>we are a historic capital city</u>, and where our heritage resources and places are non renewable and are <u>important for provincial</u>, <u>national and international tourism economies</u>.
- 4. More troubling is that both the <u>provincial and federal governments have asked</u> the city to adopt the best standards for the protection of heritage resources and places.

City staff are refusing to do this as they want to introduce tall buildings development and modern design into our heritage areas,

Since there is a discrepancy between city's understanding of what protection means I went to the dictionary to see how it is defined.

"Protection is an act for a place, resource natural or cultural or a person

Where vulnerability exists.... Protection is the act of actual protecting,

Shielding from harm,

Safeguarding against, and

Not being expose to threat."

The city's Heritage BY laws do-not pass this test.

By introducing **intruding modern and tall buildings** the city will be are altering for all time the visual historic integrity of those places as built by our ancestors.

They are also putting in jeopardy the structural integrity of adjacent buildings and will be destroying the heritage character and structural integrity of places with allowing modern top hats on historic buildings.

Therefore the Envision Plan should restrain the proposed heritage by laws by stating they will not allow tall buildings or incompatible modern designed buildings in the heritage districts.

# **Working Notes Envision Plan and the Development Regulations**

As the development regulations now stand they are <u>not an effective</u> <u>implementation tool</u> for implementation of the heritage protection policy commitments now embedded in the Envision Plan

In order for them to <u>be an effective tool</u> to implement the heritage protection policies in the Envision Plan there <u>constraint must be identified</u> in the Envision Plan

If not then like the proposed heritage by laws this Council and future Councils will be ambushed from being able to achieve the heritage protection objectives now offered in the Envision Plan.

What I am specifically referring to is that the Development Regulations must only allow <u>low density development</u> zones in heritage areas including the Ecclesiastical District.

We or the Kirk, Gower and the Basilica have been told by the Mayor and others that we are confused about the intersection between the Envision Plan, the Development Regulations and the HB Laws.

As heritage professionals we are not one bit confused.

We have direct evidence of the need for this development regulations to be constrained

We only have to look to the last 24 months, with the Envision Plan being approved in principle, where we have seen....

City staff not being restrained or cautious when they have recommended to property owners the following zoning change and changes to places of significant historical value.

They make these zoning recommendations to property owners without any consultation with the heritage community. What advice they get from or take from the BHEP, I cannot speak to this matter.

For example.

City recommended <u>rezoning a cemetery zone</u> to a development zone to allow for a new building. This cemetery is <u>one of the oldest and most historically significant and historical cultural landscapes of international importance in Canada.</u>

There was no restraint in this zoning matter when city staff recommended this zoning change.

The best heritage standards say you should not now or ever build in a sacred heritage place especially when you have a graveyard with no headstones, which was the practise in the 1700s and where we have no records for at least the first 50 years of its use as a colonial burial ground graveyard.

On this matter Staff were certainly in breech of the approved in principle envision plan policy to protect on heritage properties on this zoning matter.

Neither was there <u>any consideration that the open space land</u> associated with the probed parish hall condo development that <u>was a historic cultural landscape</u> when city hall quickly recommended going from a 200 year old <u>public open</u> space within the <u>EDNHS</u> of <u>Canada</u> to a high density mixed commercial zone.

The only restraint to date we have seen on this proposed re Zoning and approval in principle to allow modern development on the historic district is to go to **high density** apartment zone.

All of this has happened while the city has approved In principle the envision plan

Council must be honest with the public if they will not be protecting the city's heritage areas as stated they will do so in the Envision Plan or they need to state in this plan they will restrain Development Regulations for our Heritage Areas.

# **Jennifer Squires**

From:

Wednesday, May 19, 2021 7:01 PM

Sent: To:

Ken O'Brien; Ann-Marie Cashin; Shawn Skinner; Maggie Burton

Cc:

CityClerk;

Subject:

(EXT) Further Comments on the Proposed Heritage By Laws - Development Zones.

### Ken and Anne Marie:

Please find my comments relating to the need for the Ecclesiastical District to have its own Development Zone in the City of St. John's and recognized in the proposed new Heritage By Laws.

### DEVELOPMENT ZONE

The new draft by laws do not reference the fact that the Ecclesiastical District should be a stand alone zone in the Downtown.

We ask the City to therefore create a stand alone Development Zone in their draft By Laws for the Ecclesiastical District and that the proposed laws also outline and reference the following information:

- The type of distinct Ecclesiastical architecture found in the district and its national and international importance and that it needs to be protected along with its historic prominence in the landscape.
- That all view planes of the District need to be protected.
- That the scale and density of development that is allowed is identified.
- That new development must be visually complimentary and subordinate to the existing heritage structures.
- . The complimentary architectural styles that are required in the District for new development.
- The recognition that historic cultural landscapes and archaeological resources (ie burial grounds, graveyards), stone walls historic vegetation, world class art features such as the district's stained glass collections, monuments, fencing, pathways, lane ways, parking areas and roadways also exist within the District and need to be protected.
- That the Zone recognize the requirements for the churches to operate and provide their 7 day a week
  programming including adequate parking and sidewalk snow clearing and their necessary tourism support
  infrastructure and their role in cultural and arts programming, film industry and their role in state occasions.
- Given the above the <u>full</u> Standards and Guidelines for decision making about the District should be required
  under the new suggested by laws. This is critical as the By Laws also state that "members must uphold Federal
  Provincial and Municipal laws and policies " and "staff must ensure the BHE Panel is well informed.
- That the BHEP be required to apply these Standards for the District.
- That you recognize that these standards must be applied for the District if we are to be successful with a World Heritage application.
- That the City also needs to consult with other heritage experts and historians, in particular Parks Canada, on all
  matters to do with buildings, its historic landscape and its presentation as a district designated of national
  historical significance and as an aspiring World Heritage Site.
- That management plan will be prepared by the City for the District based on a terms of reference that includes input from Parks Canada and approved by the Churches that will be an integral part of a world heritage application done in partnership between the Churches and the City of St. John's.

Thank you

Sent from my iPad

# LETTER



A view of downtown St. John's from Signal Hill. SALTWIRE NETWORK FILE PHOTO

# More time needed to discuss nev development rules for St John's

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the exemptions for new builds and extensions will make it much easier for developers to scale up development well past our existing heritage structures in the downtown.

Furthermore, council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

 Precedent-setting 10-storey buildings in our most important Heritage Area 1;

 Heritage buildings being torn down to allow modern architecture in all our heritage districts;

 Allowing modern infill in heritage districts without public consultation (which should require consultation and heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)

 Modern architecture to be allowed above the current four-story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully request-

ing more time. Time to consider all the aspects of the City of St. John's Envision plan, heritage bylaws and new development regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful city.

The Envision plan makes some steps to protect heritage areas — but it has no teeth.

To the province: we are asking that the province's required registration of the plan and development regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the city: please consider the impact this will have on our cultural sectors — our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the municipal election. Listen to your citizens and interest groups, Speak with us.

To the city and province: The future of our downtown and harbour is important to our whole province — to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three we can develop town and harb that maximize and livability.

Let's ensure our most valua now and for go come.

Mary Walsh nor Dawson. (inclusion ad date city elec Mellin (archi Morris, Ann Louise Moves John and Ma Calla Lachan bourhood Da Melanie Cain Nova Yoga), I Rizzo (lawyer member City Committee), Lawrence St. John's

<u>Proposed changes to Heritage by-laws for new Development through Envision St</u> John's.

To City Council of St. John's, Premier Furey, Minister John Abbott, Minister Krista Howell (Municipal Affairs), and Minister Steve Crocker (Tourism and Culture).

The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the Heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the **exemptions for new builds and extensions** will make it much easier for developers **to scale up development well past our existing heritage structures** in the downtown. Furthermore, Council would give itself the right to give **discretionary site-specific exemptions**, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:

- □ Precedent-setting 10 story buildings in our most important Heritage Area 1
- Heritage buildings being **torn down** to allow modern architecture in all our heritage districts.
- Allowing modern infill in heritage district **without public consultation** (SHOULD require consultation + heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)
- Modern architecture to be allowed *above* the current 4th story limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision Plan, Heritage Bylaws and new Development Regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful City. The Envision Plan makes some steps to protect heritage areas - but it has no teeth.

**To the Province:** we are asking that the Province's required registration of the Plan and Development Regulations be held over **until after the September municipal election**. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the City: Please consider the impact this will have on our cultural sectors - our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the Municipal Election. Listen to your citizens and interest groups. Speak with us.

**To the City and Province:** The future of our downtown and harbour is important to our whole province: to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

Sincerely,



Re: Heritage By-Law

Submitted by: Heritage Planner in response to request for public input

### Introduction

I would like to speak to the overall approach to planning and development within the city's heritage areas and its management of interventions to heritage structures outside the designated heritage areas. In summary I am recommending the adoption of The Standards and Guidelines for the Conservation of Historic Places in Canada as the official standards and guidelines for planning, stewardship and conservation of heritage resources within the City of St. John's.

### **Comments**

The unique character of the city of St. John's stems from its long and colourful history, its unique collection of well-preserved heritage buildings, its cultural landscape, topography, streetscapes, cultural landscapes, seascapes natural features, etc. which together contribute to an irreplaceable sense of place for those who live here, those that come back and those who visit. The city's heritage resources not only reflect and symbolize the permanence and stability of our city, but also contribute to them going forward. It is for these reasons that our heritage needs to be not only conserved, but also adapted for new uses that fulfill the needs of our communities and allow for new development to keep pace with our changing social and economic needs.

The Standards and Guidelines for the Conservation of Historic Places in Canada is a framework for making decisions about which features of an historic place should be maintained to conserve its heritage value, and which can be altered. It provides guidance for new development to take place in ways that do not diminish the heritage value of a particular site or area by identifying and retaining the specific features and elements that contribute to heritage character. It enables decision makers, to manage change within heritage areas to ensure that new construction is appropriate and that valued aspects are preserved.

Anyone making decisions about a heritage place should have an understanding of its heritage value and use its character defining elements as a starting point. For many of the city's historic places these have already been defined. Places within the city formally recognized by the Government of Canada, the Province of Newfoundland and Labrador and the City of St. John's are included in the Canadian Register of Historic Places (www.historicplaces.ca). These sites possess a value statement (called a Statement of Significance) that lists the character defining elements that should be retained to preserve heritage value. This register is one of the tools developed through the Historic Places Initiative. A key objective of the Historic Places Initiative is to engage and support municipalities in heritage conservation programs and activities.

The Standards and Guidelines were developed in collaboration with provinces and territories and has been adopted many cities across Canada (e.g. Cities of Ottawa, Toronto and Victoria). They were designed to meet international standards for heritage conservation. Adopting the Standards and Guidelines will ensure consistent and transparent decision making for the heritage advisory committee, council, developers and staff. In addition, the adoption of the Standards and Guidelines does not preclude or replace design standards recommended by city planning staff in the heritage bylaw for specific areas or issues, but can form the basis for their development. Their adoption will alleviate the concerns of heritage groups and owners of property in heritage areas by ensuring the values associated with their properties are retained in planning and development decsions.

### **Going Forward**

The City of St. John's should adopt the Standards and Guidelines for the Conservation of Historic Places in Canada as the official standards and guidelines for planning in heritage areas.

City staff, members of the Heritage Advisory Committee and interested councillors and stakeholders should be provided with training on the use of the Standards and Guidelines. Such training is available by request to Parks Canada's Historic Places Initiative

The City of St. John's should formally recognize the designations of heritage places by other levels of government within its jurisdiction

Statements of Significance should be developed for each of the city's existing and proposed heritage areas to ensure continuity in decision making.

### Mayor Breen and Councillors,

I have some concerns regarding the Building Heritage Experts Panel

### BHEP:

This panel has huge responsibilities and mandate, in fact these all take 8 -9 pages of Draft Heritage By-Law ,Schedule A to describe their role, or job description we might say.

### **COMPOSITION**

Seven members: architect, contractor, planner, landscape architect, historian (or archival expert, historic preservationist). As this is the most important committee of council re the Heritage well being of St. John's, only the very best in their field should be appointed, therefore membership is a critical factor in this By-Law.

- -Panel needs stronger Heritage experts, historian alone is not enough. In fact the historian should be an expert in NL history
- -The architect, for example should have experience in restoration/renovation of NL heritage buildings and Districts, plus knowledge of Standards and Guidelines for development of such properties. All members should exhibit similar experience and knowledge.
- -There are many career heritage professionals living in our community, its time they played a role in composition of Panel.

Also maybe it is time to add a member from general public who can represent the interests of residents who live in designated Heritage Area's.

Qualifications of Experts should be of the highest caliber, chosen for merit rather than "who you know category."

Wider advertising needed to attract experts. There are many such experts in our Community, it is the responsibility of Council to seek them out.

These suggestions might strengthen the effectiveness of the Panel elevating there role in the decision making process.

### **CONDUCT OF MEMBERS:**

Note: "members must uphold Federal Provincial and Municipal laws and policies " and "staff must ensure Panel is well informed ". ( Direct quote from By-Law.)

What guarantee is there that members receive ALL relevant information.?

Question: (1)

For example re the Parish Hall development proposal, was the panel provided with copies of the Federal Policy on S&G for development in a NHS, were they provided with copies of the SJs ED ,NHS document by the HSMBC outlining why they chose to designate this District because of its uniqueness in the Canadian landscape.? (Maybe they were, I couldn't find it in their Minutes)

Question; (2) Did staff fulfill their obligation to "ensure Panel is well informed". This is important as the Panel is only as effective/ useful as the data they assess. panel must be given full disclosure to effectively just an application.

### **PUBLIC RESPONSIBILITY**

It is noted that Panel can strike sub-committees for special issues, to include members of public, or organizational representatives, to better inform their decision -making when deemed necessary. Who makes this decision and what is process for Public to communicate within the Panel?

How often were members of the public engaged to make presentations to the Panel. We know Developers have this privilege all the time. Representatives of the ED were denied such a privilege to make their case known.

#### NOTE

- "Panel must review the new draft By -Law". Where is their report and when will it be available to public.
- -Council has the authority to "designate OR REVOKE a designation of a Heritage Area or Heritage Building, ". So it appears that decisions of Panel can be ignored or rejected by Council.
- Has Staff interviewed Panel members both past and present, to see what their views may be as to how we may re-create this heritage advisory committee to be the best in Atlantic Canada and serve as a model for other jurisdictions.

### OTHER CONCERNS.

Schedule D -Design Standards:

Residential & Non -Residential Areas

- -New changes just added to By-law include roof top decks allowed in H.A.1 under some conditions.....what conditions, what regulations. Who decides ?? Council agreed to no roof top decks about a dozen or more years ago. Why now?
- Most grievous of course is quietly camouflaged in the last page of by-law which allows buildings exceeding 18 m in height TO BE CONSIDERED by Council.

### IN CLOSING

This draft by law weakens rather than adds to the protection and stability in our Heritage Designated Areas.

The Decision Note dated March22/21 States:

"Council will maintain the ability to exempt the owner of a new building from Heritage guide line standards. In other words the power lies with Mayor and Councillors, they can make their own decision and ignor the Advice of the BHEP or even their own Heritage by-law and established regulations.

I would therefore implore you to go back to the drawing board, engage in a more productive public process post-covid. After all , whats the rush, its more important to get this file righ. So very much hangs in the balance.

### **Karen Chafe**

From: CityClerk

**Sent:** <u>Tuesday, June</u> 8, 2021 9:34 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) Envision St. John's Municipal Plan and Development Regulations

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Sunday, June 6, 2021 3:28 PM **To:** CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Envision St. John's Municipal Plan and Development Regulations

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and senior arts administrator/consultant whose work contributes to the social and economic well being of St. John's and it's citizens I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to

existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

Respectfully yours,



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### **Karen Chafe**

From: CityClerk

**Sent:** Wednesday, June 2, 2021 12:10 PM

**To:** Karen Chafe

**Subject:** FW: (EXT) Heritage Bylaw comments

Elaine Henley City Clerk 709-576-8202

From: Ann-Marie Cashin <acashin@stjohns.ca>

**Sent:** Tuesday, June 1, 2021 4:44 PM **To:** CityClerk <cityclerk@stjohns.ca>

**Subject:** FW: (EXT) Heritage Bylaw comments

From: Engage <engage@stjohns.ca>
Sent: Thursday, April 8, 2021 11:46 AM
To: Ann-Marie Cashin <a href="mailto:acashin@stjohns.ca">acashin@stjohns.ca</a>
Subject: FW: (EXT) Heritage Bylaw comments

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From:

Sent: Thursday, April 8, 2021 10:24 AM

To: Engage < engage@stjohns.ca >
Subject: (FXT) Haritage Bylavy comment

Subject: (EXT) Heritage Bylaw comments

Section 5 (1), (2) designation or revocation of heritage designation. By itself, this appears to give council athourity to designate or revoke without reference to the Committee or the general public.

Perhaps you need to add "subject to requirements for heritage reports and Committee input as outlined in Section 8 etc." Or words to that effect.

Section 6. inspector

There seems to be no requirement for the inspector to consult with the Committee or to even review other documents.

### Section 8.3

If staff undertake a report they should follow same guidelines as prescribed for Heritage Report

Seems to allow an owner to put up a new building and subsequently seek exemption. Should seek approval first rarher then forgiveness.

Committee Membership.

Consider requiring an engineer on the Committee to help identify potential structural or infrastructure conflicts.

Thanks,



Sent from Rogers Yahoo Mail on Android

**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.

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# Presentation on the Proposed Heritage By-Law for the City of St. John's May 10, 2021

am pleased with the reinstatement of the Heritage by -law under the authority of the City Act and the intent to provide a more secure foundation for heritage protection. It will also provide easier access to heritage regulation for citizens, owners of heritage property and potential developers. I am also pleased that the Battery and other important areas outside of the downtown is being recognized as unique heritage districts.

Throughout the new Municipal Plan Document, "Envision St. Johns", there are strong statements regarding the importance of protecting the unique cultural landscapes, heritage districts and built heritage of our City.

Unfortunately, the draft heritage By-law has serious weaknesses which undermine the vision and commitments embodied in the Envision St. John's Municipal Plan document.

# Comments on the Heritage By-law

The by- law as written has serious loopholes that weaken the clarity of intent and the consistent application of the regulations.

The By-law would be strengthened in its intent to provide a more secure foundation for heritage protection by:

The adoption of the National Standards and Guidelines for Heritage Conservation.

Reducing the discretionary application of the by-law and by amending the following sections by substituting the word may for shall.

Section 3(1). Shall establish a Heritage Advisory Committee

Section 6. Applications Made Under other by-Laws and Regulations.

 6(B) "where the application does not meet the guidelines for development in heritage areas the inspector <u>shall</u> refer the application to the Heritage Advisory Committee. • Section 7: the inspector <u>shall</u> impose such conditions as may be necessary to fulfill the requirements of this By-law.

# Applications identified under Section 8 (2) HERITAGE REPORTS.

- Add New buildings and extension's to existing buildings as section 8(c)
- Renumber current Section 8 (c) as Section 8 (d)

Heritage reports are required under the by-law for applications deemed to have an impact on a heritage building, neighbourhood or district.

Construction of new buildings in heritage areas has a major impact on the integrity and the special ambiance and attraction of designated heritage areas. Therefore it is important that applications for new building not be exempted for the requirements for a heritage impact report.

# Comments on the Discussion Direction Notes. P3

RE the proposed new design standards for existing and new developments.

The following is a statement from the document

"With the proposed new standards, new developments will be required to "blend in with the existing neighbourhood and surrounding buildings."

This encourages the protection of the cultural landscape and sense of time and place that create the special ambiance of designated heritage areas.

An accepted best practice for heritage area conservation is the control of height and density. This is why a 18m or 4 story height with a FAR of 3 was established as a guideline when the heritage areas in St. John's were first established. Other aeras in the West of the downtown core town core were designated for higher density developments. The Municipal Plan identifies the area West of Adelaide Street as most appropriate for High Rise Development but allows for increased height an bulk in areas to the East where high rise developments have the greatest impact on the heritage character of the area. This is a serious loophole

which could have a very damaging impact on this important designated historic district.

The current by-law is silent on control of new development. The design standards which are detailed and strict for existing heritage buildings, allow for virtually blanket exemptions new development. I was given to understand that only the "appearance" of a building is controlled by the heritage by-law and the height and density is controlled by development regulations. That appears to me to be a serious disconnect between the municipal plan and the regulations. Restrictions need to be put in place to control high rise development in the area East of Adelaide given the major impact of tall, high density development heritage districts, particularly given the unique topography of the area.

I have 2 major overall concerns. With the by-law and design guidelines for new developments.

There is a lack of recognition in the by-law and design guidelines of the importance of the cultural landscape of the designated heritage areas. This landscape provides the essential context for the buildings and the visual evidence of the history of the settlement story of St. John's. Each of the City's designated Heritage Districts has its unique character and relevance.

It is essential that a statement of significance for each of the heritage district and the identification of the character for each heritage area be prepared and adopted by Council. This will provide clarity on the rationale for heritage protection and hopefully reduce conflict over the introduction of new building in heritage areas.

The exemptions for new buildings and extensions to existing buildings in the bylaw proposed new design standards as outlined in the Decision Direction Notes is not in keeping with the statement concerning heritage protection in the municipal plan.

Exemption #1 "For taller buildings, the area from the ground to 18 m (approximately 4 stories), the base or podium of the building is most visible at street level. There will be flexibility to relax the standards above 18 m where the building is required to step back. This keeps a traditional street scape while allowing modern designs above the 4<sup>th</sup> story."

The example of a top hat development from Charlottetown rivals Atlantic Place ugliness and is on a level area totally different from St. John's.

# # 2. Exemption for owners of a new buildings

"Council will maintain the ability to exempt the owner of a new building from the Heritage design standards."

# # 3. Exemption from Public consultation.

Staff are recommending mandatory public consultation for certain applications involving heritage building and heritage areas. The listed applications requiring mandatory public consultation do not include new buildings or extension to existing buildings in heritage areas.

# Recommendations:

Retain the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighbourhood.

Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultation and heritage reports.

Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of planning area 1 intensification may occur and under what circumstance.

# **Rational for Recommendations**

The topography of historic St. John's steep. As the historic old City rises from the Harbour to the upper boundaries of heritage Area 1, the grade differentials are considerable. This makes the profile of new taller buildings a much more intrusive element on the traditional cultural landscape and seriously alters the historic

views both from the harbor to the North and from the higher level of Heritage Area 1 to the Harbour.

St. John's is a windy City and subject to freeze thaw cycles. The impact of taller buildings on wind and icing conditions should be taken into consideration in a heritage report for all new buildings and extensions to existing buildings. This is a public safety consideration.

The exemption for new buildings will undermine the investment in the conservation or adaptive reuse of existing buildings. It can also encourage demolition by neglect of historic properties as we have seen in the past.

The exemptions provide an incentive for redevelopment in designated heritage areas because increasing the height and density to accommodate taller new buildings will require an up zoning of the site which will give the owner /developer a significant benefit in increasing the value of the land.

The proposed new Heritage by- law and design guidelines require very detailed compliance with heritage design standards for existing buildings. The exemption for new taller buildings is therefore unfair to owners and investors who comply with the heritage design guidelines. It will undermine confidence that there will be fair and consistent application of the heritage regulations to protect their investment.

The designated heritage areas are a are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

### THOUGHTS ON INTENSIFICATION.

Intensification is often used as a rationale for increasing urban density in heritage areas. The density argument is not without merit taken in the larger context of the City as a whole.

However, I would like to point out that the historic downtown is already the most densely populated area in the City by far. It also has narrow streets and sidewalks, limited open spaces, difficulty with snow storage and snow clearing, and parking. On the positive side It is already a wonderful mixed use area with an

eclectic population. Its streets and laneways are among the most walkable and interesting areas in the City. Of all the areas in the city, historic St. John's comes closest in definition to what a livable vibrant city should be.

Intensification requires very careful long- range planning and doesn't always work well in established older areas. The insertion of high- density development in established areas will cause disruption to the neighbourhood and possible damage to adjacent properties.

In closing, I would ask the City Council to eliminate the exemptions and incentives for redevelopment inherent in the proposed Heritage by-law and the design standards for new development in heritage areas. There will be new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. New developments should follow established guidelines and process. The exemptions outlined encourage new development over heritage conservation and adaptive reuse of buildings. These exemptions will undermine and gradually erode the cultural landscape and sense of time and place which are the essence of a well-protected and maintained heritage district.

### **Karen Chafe**

From: CityClerk

**Sent:** <u>Tuesday, J</u>une 8, 2021 9:35 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) Heritage of our unique city must be preserved and protected.

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Sunday, June 6, 2021 6:06 PM **To:** CityClerk <cityClerk@stjohns.ca>

**Subject:** (EXT) Heritage of our unique city must be preserved and protected.

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and as a current homeowner, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them. There has already been so much lost..and building allowed that in no way belong in a historic district, Atlantic Place being the best example. People come to St. John's because of the images of our beautiful historic colourful downtown and it's unique perspectives. We cannot afford to lose anymore!

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be adding my voice to a petition to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Respectfully yours,



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June 3, 2021

First Light St. John's Friendship Centre submits this response in relation to the call for feedback on the proposed amendments to the City of St. John's Heritage By-Law. While we commend the city for the work it has done to protect built heritage, we are disappointed with an apparent lack of consideration for how the proposed amendments fail to examine heritage in a broader context. Cultural heritage is more than celebrating and protecting built heritage: It is all aspects of a community's past and present that it considers valuable and desires to share with future generations. We feel strongly that the City of St. John's has a responsibility to consider a broader definition of heritage before adopting a revised version of the existing by-law.

In September 2020 the City of St. John's committed to making Indigenization and anti-racism priorities with respect to its governance, municipal services, and infrastructure in addition to recognizing the many contributions that Indigenous people made and continue to make in this city. The proposed amendments present an opportunity to consider heritage under a broader lens, including but not limited to street names, monuments, parks and green spaces while ensuring that colonial values and meanings are not favoured over Indigenous Cultural Heritage.

Without mechanisms which allow Indigenous people to be the creators, owners, interpreters and protectors of their own heritage, we limit sharing and risk the exclusions of Indigenous histories in both the built and living heritage of our city. The proposed revisions to the Heritage By-Law do nothing by way of developing mechanisms which safeguard Indigenous Cultural Heritage as living heritage, nor does it protect or recognize this living heritage as vital to the future. In many instances, past iterations of the heritage by-law have failed to ensure the commemoration of cultural materials, places and histories in a manner that is accurate or respectful, resulting in a mistrust and inequality between Indigenous Peoples and the City of St. John's.

First Light recognizes that the enhancement of the heritage by-law to include Indigenous Cultural Heritage will require the full and equal participation of Indigenous and non-Indigenous groups. Appropriate funding and training support for Indigenous and non-Indigenous partners will be instrumental to ensure the successful implementation of a by-law which appropriately reflects the truest heritage of the City of St. John's.

In Friendship,

Stacey Howse Executive Director

### **Karen Chafe**

From: CityClerk

**Sent:** <u>Tuesday, Ju</u>ne 8, 2021 9:37 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) Intersection of Envision Plan and Proposed Heritage By-Laws

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Monday, June 7, 2021 6:24 AM **To:** CityClerk < cityclerk@stjohns.ca>

Subject: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and publisher/writer who produces works about our wonderful city, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the **exemptions for new builds and extensions** will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for **site specific zoning** would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, to disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Respectfully yours,



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### **Karen Chafe**

From: CityClerk

**Sent:** <u>Tuesday,</u> June 8, 2021 9:35 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) Intersection of Envision Plan and Heritage By-Laws

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Sunday, June 6, 2021 3:53 PM **To:** CityClerk < cityClerk@stjohns.ca>

Subject: (EXT) Intersection of Envision Plan and Heritage By-Laws

Dear City Council,

I am concerned about the plans you are hurriedly rushing through with respect to the exemptions regarding new builds in heritage areas. You are yourselves aware of your actions in voting forward the site specific zoning for the proposed Parish Lane development. Councillor Burton brought this option forward, the ward 2 councillor opposed it and it was voted forward by all but one. Now council wants the power to exempt heritage by-laws within site specific zones! This reeks of hubris and bureaucracy supporting the wealthy and ignoring citizens. As a long-time resident of the downtown area, I oppose council being given additional powers with respect to bypassing heritage regulations. I will be in attendance at the June 9th meeting public hearing and will raise these issues then.

Thank you,

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### **Ann-Marie Cashin**

From:

**Sent:** Sunday, June 6, 2021 5:36 PM

**To:** Mayor

**Cc:** Sheilagh O'Leary; Deanne Stapleton; Sha<u>wn Skinner; J</u>amie Korab; Ian Froude; Wally Collins; Maggie

Burton; Sandy Hickman; Debbie Hanlon;

**Subject:** (EXT) Heritage By-Law/Envision Plan

Your Worship the Mayor, Deputy Mayor and Councillors,

As long-time residents of downtown St. John's and musicians/filmmakers who makes works about our wonderful city, we are writing to express our concerns about the proposed Heritage By-Law/ Envision Plan.

From what and I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions.

Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown

We do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

We look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

We hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc.

But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) may refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector may impose such conditions as may be necessary to fulfill the requirements of this By-law.

We request that City Council a) eliminate the exemptions inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can

be built on higher levels, as many Nordic towns do. b) Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated. Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. We therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

We will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.



# **Ann-Marie Cashin**

**From: Sent:** Friday, June 4, 2021 10:07 PM

**To:** Ann-Marie Cashin

Cc:

**Subject:** (EXT) Heritage By-Law draft response

Ann-Marie: I have just finished reading the Draft Heritage By-law and was about to submit through <a href="mailto:engage@stjohns.ca">engage@stjohns.ca</a> only to find it has closed. However, it is still Friday June 04, 2021 so I am writing directly. My wife and I own a designated Heritage Building and have read the draft word for word, especially the section about residential buildings. As owners, we found this to be both useful and constructive, especially for anyone considering the seemingly endless maintenance of buildings about which one might say "they don't make them like they used to". Here I refer to obtaining matching materials etc. and taking into consideration that some products/materials available now are better than those of the past and some do not meet the old standards or are very difficult to obtain. Therefore, the descriptions of what to strive for, and what will be expected, is really essential.

Having said this, I want to thank City Hall for the letter inviting us to review the draft. I have printed a copy to put in a readily available binder.

--

Sincerely:

### **Karen Chafe**

From: CityClerk

**Sent:** Tuesday, June 8, 2021 9:37 AM 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) Objection to proposed new Heritage By-Laws

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Monday, June 7, 2021 12:17 AM **To:** CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Objection to proposed new Heritage By-Laws

Dear City of St. John's,

We are writing to object to the proposed new Heritage By-Laws. In a time of economic crisis, one of the province's greatest strengths is its beauty. If we compare St. John's to other provincial capitals or cities of similar size, few have the same draw. The appeal of St. John's comes from its unique historic architecture and layout and the many preserved areas and buildings. It is a similar appeal to many old Italian towns that attract visitors from around the world for the same reasons. The proposed Heritage By-Laws would threaten the historic appearance and charm of our capital.

The proposed Heritage By-Laws would directly contradict the well-meaning goals of the new Envision St. John's plan which clearly states, "The key is to manage growth in a sustainable manner while maintaining the character of St. John's." With many available exemptions and weak enforcement, the By-Laws would provide an easy path for developers to get around existing heritage requirements.

The following elements are particularly problematic:

- For existing taller buildings there will be flexibility to relax the standards above the 4th floor
- New buildings would be exempt from heritage design standards
- New buildings and extensions would be exempt from public consultation

We urge you to consider eliminating the exemptions and incentives for redevelopment in the Heritage By-Laws as well as adding requirements for new development to blend in with existing buildings and streetscapes to support the existing appeal and beauty of this city. In particular, we ask that you consider retaining the existing height limitations for new buildings in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and neighbourhoods.

Please consider the dramatic effect that the Heritage By-Laws as currently proposed would have on the appearance and appeal of our city. While new development may increase tax dollars for the city in the short term, the financial damage caused by long-term effects on the attraction of St. John's to both residents and visitors will by far outweigh these short-term gains.

Sincerely,

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### **Karen Chafe**

From: CityClerk

**Sent:** Wednesday, June 2, 2021 12:11 PM

**To:** Karen Chafe

**Subject:** FW: (EXT) Draft Heritage Bylaw

Elaine Henley City Clerk 709-576-8202

From: Ann-Marie Cashin <acashin@stjohns.ca>

Sent: Tuesday, June 1, 2021 4:48 PM
To: CityClerk <cityclerk@stjohns.ca>
Subject: FW: (EXT) Draft Heritage Bylaw

This one has responses from staff as well. I can send the original email if needed.

From:

Sent: Sunday, May 16, 2021 5:37 PM

**To:** Ann-Marie Cashin < <u>acashin@stjohns.ca</u>>

Cc: Ken O'Brien < kobrien@stjohns.ca >; Engage < engage@stjohns.ca >

Subject: Re: (EXT) Draft Heritage Bylaw

Hello Ann-Marie,

Thank you for responding to my lengthy inquiry. I would like to make a final commentary on a few of the remarks in my original email below to reinforce the importance of these items for inclusion.

Kind regards,



On May 13, 2021, at 2:52 PM, Ann-Marie Cashin <a href="mailto:acashin@stjohns.ca">acashin@stjohns.ca</a> wrote:

Good afternoon

Sorry for the delay in getting a response to you. I have responded to your question in red below. If you have any further questions, please let me know.

Thank you, Ann-Marie

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

City of St. John's - Planning, Engineering and Regulatory Services

Phone: 709-570-2041 Fax: 709-576-2340

Email: acashin@stjohns.ca

John J. Murphy Building (City Hall Annex), 4th floor Mail: PO Box 908, St. John's, NL, Canada A1C 5M2

----Original Message-----

From: Engage < engage@stjohns.ca > Sent: Thursday, April 29, 2021 2:43 PM To: Ann-Marie Cashin < eashin@stjohns.ca > Subject: FW: (EXT) Draft Heritage Bylaw

AM, feel free to reply directly and copy <a href="mailto:engage@stjohns.ca">engage@stjohns.ca</a>

**Thanks** 

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

----Original Message-----

From:

Sent: Thursday, April 29, 2021 2:13 PM To: Engage < engage@stjohns.ca >

Cc: Maggie Burton <a href="mburton@stjohns.ca">mburton@stjohns.ca</a>; Maggie Burton

Subject: (EXT) Draft Heritage Bylaw

Hello,

I would like to ask the following questions pertaining to the heritage bylaw:

1) Is the enactment of the heritage bylaw contingent on the new Municipal Plan being approved and adopted by the Province and City Council? How are the two documents integrated? No they are not contingent on each other and the Heritage By-Law will go through its own approval process but we're timing them together so that the is no gap in heritage standards.

Understood.

2) Will the City of St. John's adopt the National Standards and Guidelines for the conservation of historic places in Canada? No, not at this time.

I believe the inclusion of these National Standards as a common reference point on heritage preservation would be very beneficial to our community as they prescribe proven approaches to heritage preservation in the Canadian context. Can these be considered for your agenda to be recognized and included?

3) My understanding from a recent NLHF (Newfoundland and Labrador Heritage Foundation) study that over 50% of significant heritage structures had been lost in downtown St. John's over the last few decades. Will this bylaw prevent the continuation of this trend and ensure preservation of our built heritage? That is its aim but it's possible that buildings may still be lost over time.

Understood, but we have to ensure that the new bylaw will help to mitigate this the slow destruction of heritage properties for the future.

4) Will the City look to expanding heritage areas and adding new ones under this new bylaw where they are warranted ie. Circular Road, Winter Avenue, Waterford Bridge Road, Rennies Mill Road, the Battery etc.? Possibly. That was recommending in the Downtown Strategy 2001 and the 2006 PHB Report. Some of those areas are already in a Heritage Area. (Circular Road, Rennies Mill Road, the Battery). We have created a new Heritage Area 4 for the Battery.

Once the new bylaw is adopted, I would recommend that the City consider further expansion of heritage areas, there are parts of Churchill Square that I'm sure could warrant such a designation to preserve the mid century era, further to my previous suggestions. Can you please commit to reviewing this for the future?

5) How will the City ensure sensitive development adjacent historic areas ie. the current Bank of Montreal development adjacent Canada's first National Historic District on Water Street, Atlantic Place Hotel etc. We have new standards for new developments. This did not exist in the current Development Regulations Heritage Area Standards. See page 26 of Schedule D.

I hope that the proposed regulations are substantial to mitigate this serious issue in the future. Even when we consider Canada's first National Historic District, the lack of sensitive development in the George Street area is shocking. Please ensure we have strong regulations to address this concern.

6) Will this draft heritage bylaw prevent inappropriate demolitions, street closures and poorly designed new developments from reoccurring ie. Dobbin Property, the Battery; Richmond Cottage poor enforcement, Jackman Property, Winter Avenue; Bryn Mawr, Portugal Cove Road (demolition by neglect); The Jag Hotel addition and street closure; Salvation Army, George Street? Will this bylaw prevent the merging of several properties to create large developments that do not respect the existing massing and scale of heritage neighbourhoods? Lot size, building height and building size are regulated under the Municipal Plan and Development Regulations. There are policies in the Municipal Plan to ensure pedestrian-friendly street frontages, as well as maintain and promote existing pedestrian laneways and paths in the downtown. A property owner is always free to apply for demolition. If there are heritage aspects then we would work with property owners to preserve buildings.

Our unique street and laneway patterns in St. John's provide the special context for our built heritage to remain one of a kind in Canada. I believe that the spaces between our heritage properties are as important as the buildings themselves. Strong protection for this infrastructure is critical in our overall heritage preservation strategy.

There are far too many examples where developers or single residents have been allowed to take possession (either with or without permission) of a street or laneway for their own benefit and at the expense of the general public. The results typically dilute the continuity of our heritage.

7) with this new draft heritage bylaw will the City enforce a standard set of development application requirements ie. architectural renderings of a standard appearance and quality etc. necessary for the public and council to fully comprehend the proposed project and its impact? The standards for a development application are set out in the Development Regulations.

Clear and concise standards are critical in the City's and Public's evaluation of proposed developments. When developers are prepared to invest in multi million dollar projects, this requirement is not out of line.

Standardized requirements will create a level playing field for proponents and help to reduce confusion Clarity will hopefully help to portray a proponent's development intention in an understandable visual presentation.

8) Will the City undertake to strengthen the view plane guidelines to and from the harbour as part of this heritage bylaw change? The Municipal Plan sets out policies on building height with the intent 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

I believe our current view plane policies are lacking and need to be more comprehensive than the three that you identify. As a result, there are wide gaps due to a lack of coverage and this needs to be strengthened through further analysis.

9) Will this draft heritage bylaw safeguard against Council from making any discretionary decisions regarding heritage buildings or areas that contravene the bylaw? Section 10 (3) of the Heritage By-Law gives Council the authority to exempt the owner of a newly constructed building from the Heritage Design Standards.

Obviously there will be instances when new construction occurs in a heritage area, but this explanation sounds very gray and contradictory to the essence of a heritage bylaw. Why would we give Council that discretion!

10) Will this bylaw protect and preserve historic street patterns from being closed or changed ie. Gower Street United Church intersection within the National Ecclesiastical Historic District and potentially at Rawlins Cross in future? Not necessarily. It doesn't at this point but the By-Law does give authority to set standards for areas and street could be included if it was determined street patterns should be protected.

Again, street and laneway patterns themselves constitute an integral part of our heritage areas and deserve to be preserved. Can we please make this recommendation?

Thank you for your consideration.

Kind regards,



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14 May 2021

City of St. John's P.O. Box 908 St. John's NL A1C 5M2

Re: Heritage By-Law Review

To Mayor Breen, Deputy Mayor O'Leary, and all Councillors,

Heritage NL (HNL) thanks the City of St. John's for its invitation to comment on its new Heritage By-Law. HNL staff reviewed the By-Law and drafted recommendations which were discussed with legal council and planning staff from the City. The full recommendations are included as an appendix to this letter, however we wish to highlight several points we believe to be critical for the success of the City's heritage program:

- 1. HNL recommends that the City of St. John's adopt in its Heritage By-Law the Standards and Guidelines for the Conservation of Historic Places in Canada. The Standards and Guidelines are a pan-Canadian framework for decision-making with respect to heritage places. They are developed by Parks Canada in consultation with the provinces and territories. In a review of municipal heritage programs we found St. John's to be one of just two sample Canadian cities not to adopt the Standards and Guidelines in any way. The City currently lacks a theoretical basis for decision-making and definitions for many of the ideas expressed in its heritage standards. We therefore see this recommendation as a starting point. It is important to note that the Standards and Guidelines are not prescriptive and would place no additional requirements on property owners.
- 2. The City is enabled to designate a wide variety of historic sites and Envision St. John's includes reference to "Heritage Districts" and "Ceremonial Buildings and Sites." Many local municipalities already recognize unbuilt sites of historical and cultural significance. Given increasing foci on sites of intangible value and histories for which buildings have been lost, HNL recommends broadening the City's designation program to include structures, lands, and areas of significance.

- 3. Much of the By-Law's effectiveness hinges on the skillset of those enforcing it and to our knowledge the City no longer specifically designates heritage building inspectors. We therefore recommend ongoing, proactive heritage training for all staff responsible for enforcing the provisions of the By-Law. HNL would be happy to work with the City to facilitate this training.
- 4. The Ecclesiastical District has been the site of some debate in recent years. It is currently recognized both nationally, as a National Historic Site, and municipally, through recognition in the municipal plan. We note, however, that recognition of the district is absent from both Envision and the By-Law. Given the City's recent diligence it is clear the City recognizes the value of the district. We therefore recommend that the City reaffirm its recognition of the District in the By-Law and work with property owners within the district to formulate both a management plan and additional protective measures going forward. Further, we recommend that consideration be given to including all National Heritage Districts in the By-law and developing management plans and additional protective measures.
- 5. It is consistently demonstrated that research and public consultation are most effective when they occur early. The requirement for Heritage Reports and public consultation are welcome initiatives however it is critical that their products be available as early in the development process as possible. We therefore recommend that they be required at the development application stage such that they feed into design development and subsequent reporting requirements. We additionally recommend exploring incentive options for proponents who go above and beyond in their engagement efforts.

We would once again like to thank the City of St. John's for this opportunity. We would additionally like to offer our support in further developing the By-Law or strengthening your heritage program more broadly.

Sincerely,

Jerry Dick
Executive Director

# Appendix A

# Detailed recommendations presented to the City of St. John's with respect to its Heritage By-Law (2021)

- A. Heritage NL houses the Provincial Register of Historic Places (PRHP) and is responsible for synchronizing designations in the province with the National Register of Historic Places (NRHP). In practice, the City has typically forwarded new Municipal Heritage Site/Heritage Building designations to Heritage NL for inclusion in both registers. Heritage NL recommends formalizing this process by requiring new designations be forwarded to the Provincial Registrar for synchronization with provincial and national registries.
- B. The City is enabled by the City of St. John's Act under 355 (1) to "designate buildings, structures, lands or areas in whole or in part, as heritage buildings, structures, lands or areas," however the Heritage By-Law defines only Buildings and Areas. Meanwhile many aspects of St. John's history are represented only by sites or remnants rather than surviving buildings. Heritage NL recommends broadening the types of permissible municipal designation under the By-Law by including and defining heritage structures and lands. Also see recommendation "K."
- C. Under 2(e) of the By-Law, Inspector is defined as "any person authorized by Council to administer and enforce [the] By-Law," however it would be appropriate to explicitly designate at least one role to serve as Inspector. For reference the City of Toronto designates specific positions as inspectors including their Manager of Heritage Preservation Services, Heritage Co-ordinators, Preservation Officers, and Preservation Assistants. Heritage NL recommends designating one or more identifiable staff positions as Inspector(s) under the By-Law or specifying areas of expertise for staff responsible for interpreting or using discretion with respect to the By-Law.
- D. Much of the By-Law's effectiveness hinges on the individuals administering or enforcing it and their specific knowledge of heritage architecture and construction. It is therefore crucial that existing staff be trained in the concepts governed by the By-Law or that appropriately qualified individuals be hired. Heritage NL recommends instituting an orientation and ongoing training for all staff tasked with administering the By-Law. Heritage NL staff would be happy to coordinate with the City on training opportunities.
- E. Heritage Reports are a welcome addition to the City of St. John's heritage program. That said, a report will be most effective early in the planning/development process so that findings may be considered and incorporated into conceptual and schematic designs.

Heritage NL recommends adding a Heritage Report as a requirement of a complete development application such that it is available during the design process and feeds into the development of any Land Use Assessment Report. This will likely require a minor amendment to the soon-to-be-adopted Envision St. John's Development Regulations.

- F. Under Heritage Reports 8(2) several cases are specified where Heritage Reports shall be required. Heritage NL recommends adding additional cases: 1) an application for a new development within a Heritage Area, and 2) an application for a new development adjacent to a Heritage Area or Heritage Building, Structure, or Land.
- G. The St. John's Development Regulations under 5.3 sets out minimum application requirements for development applications which may be expanded under the terms of reference of a Land Use Assessment Report. Likewise, Heritage NL recommends setting minimum standards for Heritage Reports under 8(4) of the By-Law including, but not limited to, site analysis, site/building history, and consideration of impacts on neighbouring properties and streetscapes. Heritage NL additionally recommends setting minimum qualifications for consultants completing Heritage Reports. The sample document provided by the City from the City of Waterloo provides a good template.
- H. In a jurisdictional scan Heritage NL staff found that St. John's is one of only two out of 14 municipalities surveyed not to adopt the *Standards and Guidelines for the Conservation of Historic Places in Canada* either whole or in part. While some language of the By-Law and Heritage Design Standards references the *Standards and Guidelines*, usage is inconsistent. Heritage NL believes such a framework is necessary to guide action under the proposed By-Law as well as heritage policy more generally. Heritage NL strongly recommends the adoption of Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* as a theoretical framework and for evaluating development, financial incentive, and related applications.
- I. Under Public Consultation 11(1) several cases are given where public consultations shall be required. Heritage NL recommends adding additional cases: new developments in/adjacent Heritage Areas and on/adjacent properties containing Heritage Buildings, Structures, or Lands, and substantial alteration of existing Heritage Buildings, Structures, or Lands.
- J. Quality, early public engagement ensures that the public has a meaningful opportunity to shape a development proposal in a heritage area rather than merely react to a

- fully-developed development concept. Heritage NL recommends that required consultations be mandated during early stages of design development, i.e. prior to the development of detailed Land Use Assessment Reports.
- K. Section 4.7 (Heritage) of the Envision St. John's Municipal Plan sets out the "following items [which] are used to set up the framework for the new St. John's Heritage Bylaw" including: "consult with and seek the advice of the Built Heritage Experts Panel on [...] the recognition of Heritage Districts as well as Ceremonial Buildings and Sites (3);" and "continue to recognize special places within Heritage Areas by designating them as Historic Districts through the City's Heritage By-law (11)." However Heritage NL notes that language regarding Heritage Districts and Ceremonial Buildings and Sites is absent from the By-Law. Consideration should be given to describing these designations as Commemorative rather than Ceremonial which has specific connotations. Additionally language recognizing the Ecclesiastical District is missing from the By-Law and has been removed from the new Municipal Plan. Heritage NL recommends aligning the Heritage By-Law with the new Municipal Plan by including and defining the designation of Heritage Districts and Ceremonial (or Commemorative) Buildings and Sites. Heritage NL recommends adding language specifically recognizing the Ecclesiastical District first recognized in 2005 and currently designated under 7.2.3 of the current Municipal Plan.
- L. It is additionally noted under the above section that the City is to "maintain a list of Heritage Buildings, Heritage Areas, Heritage Districts as well as Ceremonial Buildings and Sites that have historic and/or architectural significance" however such a list is absent from the By-Law. Heritage NL recommends maintaining a list of above-noted properties as well as properties of interest identified through past work and ongoing research.
- M. The Heritage Design Standards include language that is undefined but which could be defined using concepts from the Standards and Guidelines (see recommendation "H"). Heritage NL recommends defining terms including "compatible," "replicate," "specialty," and "character defining elements" using language based in conservation theory and the Standards and Guidelines for the Conservation of Historic Places in Canada.
- N. Under the standards for Designated Heritage Buildings reference is made to "the building's architectural style," a general term, while individual buildings are generally designated, in part, for specific architectural characteristics or "character-defining elements." Work in these cases should not be based on a broad style, like Second Empire

as this could lead to a homogenizing effect on historic buildings in the city. Rather they should be based on existing and historic features of the building in question through appropriate documentation and research. In all cases Heritage NL recommends amending language to reflect the specific architectural characteristics of a building rather than general characteristics of period/style.

- O. Windows and doors are significant character-defining elements of buildings and special attention should be paid to their characteristics. Wood and metal windows and doors have characteristics difficult, and sometimes impossible, to replicate using modern materials (e.g. vinyl or aluminum). Heritage NL recommends requiring retention of existing (typically wood) windows and doors for Designated Heritage Buildings and encouraging reinstatement of original window and door forms/materials where sufficient evidence exists for their construction.
- P. Metal roofing materials are prohibited for Designated Heritage Buildings under the Heritage Design Standards, however metal, such as copper and lead, is an original material on some roofs, particularly porches and conservatories. Heritage NL recommends amending this ban to reflect potential acceptable uses of metal roofing.
- Q. While Heritage NL commends the City's recognition of solar panels as an acceptable addition in some contexts, in some cases visible roof slopes may be the only appropriate locations for solar energy capture. Heritage NL recommends amending this prohibition to allow panels on publicly visible roof slopes where they are appropriately detailed and installed in a way that respects architectural values.
- R. Regulation of garage doors in Heritage Areas is an improvement over the previous Standards however garage doors on the street are not appropriate additions to historic streetscapes. The character of many streetscapes is defined, in part, by the feeling of life on the street created by ground-level windows and doors. They may additionally serve to reduce historic density and interfere with the pedestrian experience in Heritage Areas. Heritage NL recommends prohibiting garages/garage doors on the street.
- S. Under Heritage Area 4 mansard roofs and steep slopes are prohibited on the Battery, however mansard roofs and steep slope roofs are historically found in this neighbourhood and may still be observed today. Asymmetrical gables may more appropriately be prohibited. Heritage NL recommends removing this prohibition but evaluating the use of these roof forms carefully to ensure they are properly proportioned and detailed.

- T. Accessory buildings "compatible" with historic buildings and materials are required to "replicate" the building's period and style. As with new buildings Heritage HL recommends aligning this language with the Standards and Guidelines which emphasize compatibility, subordination, and distinguishability.
- U. Under New Buildings in Heritage Areas point 9 states that "on sites where buildings previously existed, there may be opportunities to replicate the former building. This may be possible if there is documentary evidence of the development, such as photographs, maps, surveys, and historic design and construction drawings." Reconstruction is increasingly unacceptable as a means of conservation. Modern building materials and trades generally render reconstruction as mere facsimile and sufficient documentation rarely exists for such projects. Heritage NL recommends removing this provision and entertaining reconstruction proposals on a rare, case-by-case basis and only where a compelling case and credible plan can be made such as in the case of reinstituting well-documented building components that were removed.

# Appendix A - Template for Voluntary Early Public Engagement Process for New Development within Heritage Areas or for Heritage Structures

Good, early public engagement can support better development within heritage areas or on historic properties, particularly for large, high profile projects which will significantly impact a neighbourhood. It will allow development proponents and their designers to: understand community sentiments about their neighbourhood and what is important; articulate community needs; generate ideas for accommodating new structures in a sympathetic way; and build better public buy-in. Once a development proponent has submitted their proposal to the city, they generally have a lot of time and energy invested and may be resistant to making changes. The public can only react, generally with little ability to shape the final project. An incentivized, early voluntary public engagement process, undertaken by the developer, could allow the public and stakeholders to influence the design in a meaningful way. The results of the public engagement process would form part of the development application which would allow the city to determine the degree to which any proposal considered public feedback. The process undertaken for the Parish Lane proposal, while it occured after submission to city hall, used a number of different tools, each of which built on the other:

- 1. **Community survey** to identify concerns; community values about a neighbourhood/site; potential community amenities; preferences for certain types of development and densities. These can be conducted online, through the mail, or in-person.
- Focus Group Session(s) with key stakeholders (e.g., residents, public interest groups, heritage experts, design/development professionals) to present and discuss the results of the community survey and to explore solutions for addressing developer's ideas/needs, community concerns, and preferences
- 3. A Design Charette to allow stakeholders and interested members of the public, along with planning and design professionals, to begin to explore on paper options for developing a particular site within a heritage area considering such things as massing, height, protection of views and open areas, parking, circulation, and materials and architectural language that respect the heritage character of a site or neighbourhood.

An internationally recognized, historical, old 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;

... Low-rise buildings which do not obstruct the irreplaceable views of the Harbour;

A revitalized, pedestrian-friendly harbour front (!!!)

.... this vision is still valid and the <u>downtown is recognized as a significant defining feature</u> of the city in regards to built heritage, unique residential neighbourhoods, culture, the arts, tourism, and a centre for employment and commerce (**Envision Plan 6.3... Development in the Downtown**)

The Harbour as described by the Envision Plan is our collective heritage: whether it is protected or decimated is under the control of the Council.

I have divided my comments into more overarching concerns followed by comments on issues specific to some clauses. While I appreciate the by-law applies to all heritage areas, my greatest concern is for Heritage Areas 1 and 2 and particular those "under the hill" including the ecclesiastical district. I live in a Heritage Area 3 neighbourhood. These areas are under less development pressure and fortunately the little houses will not support construction beyond one storey on top of the existing structure.

#### Why the Rush?

Why is Council rushing to do this? The Decision Note that went to the Committee of the Whole was dated March 22, 2021. By April 27, 2021, just a few days over a month later, the Public Meeting on the by-law was over. This is not a decision about the placement of a corner store or even a development in a Heritage Area. It is a substantial piece of legislation which will influence the City, its people, and its industry for years if not decades. I would think that time for reflection and discussion should be undertaken. The Envision Plan has been in development since 2014. Why was this by-law not considered at some point along the way and not left until the Envision Plan was in it penultimate approval phase. I am sure with a will, the Heritage By-law can continue for a while under the Rural Urban Planning Act with a transfer later or perhaps it could be transferred unaltered now and update it later.

#### **Historic Cultural Landscape**

As the Envision Plan (above) indicates the hillsides of the City leading down to the harbour, the view of the harbour at least from the "higher levels" are as much a part of our heritage as the low-rise commercial and residential buildings clustered around the ecclesiastical district and do not obstruct the view, and access to the Harbour itself.

The Harbour from the waterfront up to and including the Ecclesiastical District in St. John's, is its cultural landscape. Geographically this landscape is a tiny portion of the City, but it speaks, as no other portion does, to history and culture of a province that was once an important country in the international trade system. It is as important to the City and the Province as the Parliament District in Ottawa or the Ramparts of Old Quebec City. It deserves as much protection. It is the heritage of all its citizens: once destroyed it will be gone forever.

While the draft by-law provides extensive detail on the individual buildings, it does not secure this landscape in any way and in ways is leading to its devastation. Individual home owners are expected to comply exactly with the design standards and to my experience do so willingly; in part because of their commitment to the neighbourhoods.

#### Yesterday's Cities (Dense cities are not healthy cities)

While planners hold that denser cities are more sustainable (I would argue that that is more a result of civic policies than density per se) they certainly are not healthy, as this pandemic is surely showing. The social indicators of health require a number of things like shelter, security, economic security but nowhere does one see a mention of density in cities. There is no amount of air circulation and cleansing that can counteract the masses of people living in 20 storey buildings, crowed together the streets, parks, green spaces, public transportation etc. In the later part of April, Ontario and BC had active COVID case numbers per capita that were higher than India. I am sure that the balance of "sustainability" and "health" in urban design will be quite different when the next pandemic strikes, which will likely be around 2030 (this has been the 3<sup>rd</sup> in less than 30 years.) We do not need to plan for yesterday's cities and we in St John's we do not need to increase density in the area that is already the densest; and certainly we do not need to negatively impact our heritage districts and associated industries in the process. Council should be looking to save every bit of green and open space it can.

In a post-pandemic world the Council should work proactively with existing owners in the downtown heritage area to regenerate the older commercial buildings on Water and Duckworth to use the first floor as commercial space and then the upper floors as apartments or use other. The pattern still exists in some buildings on Duckworth. It would add density to the downtown, bring permanent residents there and enhance rather that distract from the built and cultural heritage without impacting the historic landscape. Regenerating a building is greener than building new.

- 6.4 **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. ....
- d. 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 <u>some</u> additional height. (Envision Plan Section 6.4)

The Envision Plan says that within the commercial corridors there should be room for **some** additional height. I doubt that "some " implies tripling it . A storey perhaps; maybe two. But what is now proposed in the by-law is that as long as you have something that looks vaguely like it fits on the first 3 or 4 stories (18 metres) then "the sky's the limit" as long as the tower power portion is stepped back a bit from the building edge. This is fooling no one. The Charlottetown example given in the "Additional Information Note" does not inspire one to think that this would enhance a heritage district or anywhere else. If one wants to get a sense of one of our buildings of that type and how it blends with the heritage landscape, stand on the on the corner of water next to the west-end post office and "look way up". Move a block or west and look up again to see if there is really any blend. Is this the look we want to see a lot of in the very small portion of the City covered by the heritage zones? Do these types of buildings "not obstruct the irreplaceable views of the Harbour"?

It is quite disappointing and frustrating that while the both the Envision Plan and a Decision Note dated (May 16 2019) give some protection to an ever shrinking portion of the old City (that east of Adelaide St/ the downtown boundary) the proposed by-law opens a wide door to building 10 or 12 story buildings in

modern materials and styles simply adding the height to an existing building or making some nod to heritage on the first two storeys. The picture of the Charlottetown building using this concept has to be among the more ugly designs I have seen. It is an excellent example of why these kinds of structures should not be allowed. My read of the by-law in combined with the development regulations, is that we could have a row of these from east to west on Water Street. Not a pretty thought.

The "Additional Information Document" provided states that this podium type of building is permitted under the Parks Canada's Standards and Guidelines document. I will admit that I am not an expert in those guidelines, but it seems to me that they state that new or renovated buildings in historic areas/ districts must be complementary to, and subservient to, buildings in the district. A 10 or 12 storey building in a downtown St John's heritage area has nothing to do with the districts and certainly is neither complementary nor subservient to a 3 -4 storey buildings.

#### By Law Sections

#### Sections 6 and 7: Applications under other Bylaws or Development Regulations

I would recommend that the wording in these sections be reviewed. At the very least the "mays" should be replaced with "shall's". Documentation will be essential. While there might be some minor issues might exist in heritage areas that can be at the discretion of the inspector, <u>Demolition of Designated Buildings</u> would be beyond the authority of an inspector, I would have thought.

#### **Section 8 Heritage Reports**

- a) It would appear that a heritage report is not required to build a new building in a heritage area. Surely this is an oversight
- b) While I think that a heritage report is a fine idea, it will be as useful as the weight assigns to it when the Council makes its final decision. The Report sample provided is impressive and could be used as a model. However, the information will likely reflect the bias of the developer. It is only natural. As a safeguard, I would suggest that Council maintain a list of qualified and acceptable heritage professionals that could be used to do that work. I would encourage Council rotate through the possible authors to assure that the process does not just become a pattern.
- c) (8.3) Like others, I do not think that staff reports should be substituted. Staff should review the reports and provide Council on the completeness of the work.
- **d)** The minimum requirements listed in this section for the Report are far too "minimum" to inform a discussion on the impact a development in any heritage area.

#### Section 9 (3) Heritage Design Standards Exemption by Council

Section 9 (3) of the proposed by-law states that Council can exempt newly constructed building in a heritage area from the design standards. This is a bit cavalier is it not? I would think that you either have a regulation or you don't. If some extraordinary reasons such that exist that buildings could not fulfill design criteria, these exemptions should be built into the by-law, so that things just do not become a rolling set of exemptions agreed upon to fit the whim of the day. If somebody does not want to comply with the heritage areas regulations they could build elsewhere. There are other lovely areas in which to build.

# Section 11 Public Consultation

A public consultation is not required if a new building is to be built in a heritage area! Surely not!

# Schedule A: Section 3.1.1 Pubic Members: Built Heritage Experts Panel Composition

Why did the Council move away from a Heritage Advisory committee? While built heritage is a part of the heritage of the City so are visual/cultural aspects of how the City sits within the coastal hill range and reflects our maritime history. The BHEP has positions for contractors, architects, landscapers, urban planners, one spot for a historian and one for "other with demonstrated experience". I don't want to underplay the work or the dedication of the panel, but I would suggest strongly that a committee advising on "heritage" should at least have equal representation of historians or those who have significant history education/training I their resumes as the other cluster. The less tangible portions of the City's history need equal protection under this by-law.

**Comment:** I think that a consultation with the historians from "The Rooms' should be mandated in any decisions regarding the heritage areas. The Rooms the provincial responsibility for protecting and promoting our cultural history.

#### Schedule D: Design Specifications

**Garage Doors.** I am not a big supporter of garages in the heritage areas anyway. They take away from the public parking on the streets and put some residents at distinct advantage over others. Further it is my experience that when the snow clearing and ploughing gets tough the garages are not used as the shovelling is a nuisance. So not only is the parking gone from general use, but also the owners then park in areas that are needed by those who have to depend on on-street parking.

It is good that specification say "should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space". This will be hard to achieve in that most of the row houses are about 20ft wide if not less. However, they are to be allowed in the heritage areas at all a) the "welcome to my garage look "(see Catherine St) should not be allowed ( they look bad enough in more modern areas); neither should the "cave under the first/second floor be accepted. I think that I have noticed a design on Casey Street where the garage is actually under the house at street level but its door is a continuation of the house front and it comes to, or close to, the sidewalk. There is another little row on Fleming St. This at least looks like a modern format of an old form. It is, however, a good example of row of garages in a busy area that now assigns parking to one set of home owners having taken it from the general parking leaving residents on the other side without access to street parking.

#### Conclusion

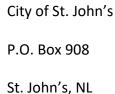
The heritage are streetscapes with the view of, and access to the harbour and the ecclesiastical district are the basis of the tourism and related service industry in the City. We have lots of competition. People can see streets of coloured houses in many cities and countries; it is this total landscape and its resulting activity that people come to experience. It is likely this landscape that has drawn residents back to the downtown in the las 30 years. It is this landscape that gives the city its vitality. In a post COVID world tourists and residents will be looking for something different than they have been in the last decades. Guard what we have well.

Thank you for considering my comments.

# **Karen Chafe**

Office of the City Clerk

From: CityClerk Tuesday, June 8, 2021 9:36 AM Sent: To: ; CityClerk Cc: Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning RE: (EXT) Envision St. John's Municipal Plan and Development Regulations Subject: Good Morning: This email will replace the previous one. Elaine Henley City Clerk 709-576-8202 From: Sent: Sunday, June 6, 2021 10:17 PM To: CityClerk <cityclerk@stjohns.ca> Cc: Subject: (EXT) Envision St. John's Municipal Plan and Development Regulations Hello, I just sent an email to your attention, but have realized that it contained an error. With apologies, may I ask you to substitute the following message and delete my previous email. Many thanks. BY EMAIL - cityclerk@stjohns.ca June 6, 2021



A1C 5M2

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

My husband and I have lived in St. John's most of our lives. We currently rent and work in Vancouver, but we own a home in St. John's and plan to return there next year for our retirement. Our home is in one of the city's heritage areas; like others, we have chosen to live in this district because of its ambiance and distinctive architectural flavour. We have felt protected by the City's Heritage By-laws, but we are now horrified to learn that the City is actually planning to loosen restrictions for development in the area.

We are particularly concerned about the following changes and deficiencies in the proposed amendment of the Heritage By-laws:

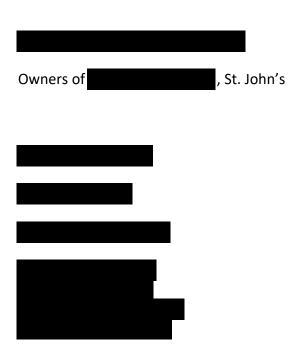
- Exemptions on height restrictions, at the discretion of the Council;
- Exemptions from heritage design standards for new buildings, at the discretion of the Council;
- A general lack of clarity in relation to heritage design standards for new buildings and extensions.

We are also shocked that this initiative is going forward without full and proper public consultation. We suspect that, by far and away, the majority of the actual residents in the Heritage district share our concerns. Quite frankly, this process (or lack of proper process) feels like a betrayal of all the residents (and taxpayers) who have helped to restore and re-invigorate the older part of the city.

Having lived in Vancouver, we know how quickly a city can become the prey of developers and investors with deep pockets who will not be living in the area. Vancouver's downtown has become a morass of ugly skyscrapers, flyover roads, congested traffic, and noise. The much-celebrated mountain views are no longer available to anyone who isn't living high in the sky, paying exorbitant rents. Surely, this is not what you want for St. John's, which is one of the most picturesque of the older cities in North America. It is this charm, and the way that the downtown is nestled into the harbour and surrounding hills, that residents love and tourists come to see. Please do not create some mini-version of the dreadful, dysfunctional downtown areas of so many other North American cities. Believe us, no number of bike lanes or patches of green space can fix that mess, once you have created it.

We thank you for your attention to our concerns. Hopefully, the City will hold proper public consultations and will actually listen to the people who live in the areas that will be affected.

Sincerely,



I respectfully acknowledge that SFU is on unceded Coast Salish Territory — the traditional territories of the Squamish ( $S\underline{k}w\underline{x}$ wú7mesh Úxwumixw), Tsleil-Waututh, Musqueam ( $x^w$ mə $\theta k^w$ ə $\dot{\gamma}$ əm), and Kwikwetlem First Nations.

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#### **Ann-Marie Cashin**

**From:** Ann-Marie Cashin

**Sent:** Tuesday, June 1, 2021 4:43 PM

**To:** CityClerk

Subject: FW: (EXT) Comments and Recommendations for Heritage Reporting and ByLaws

From: Engage <engage@stjohns.ca>
Sent: Thursday, April 8, 2021 11:46 AM
To: Ann-Marie Cashin <acashin@stjohns.ca>

Subject: FW: (EXT) Comments and Recommendations for Heritage Reporting and ByLaws

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From:

Sent: Thursday, April 8, 2021 11:03 AM

To: Engage < engage@stjohns.ca >

Subject: (EXT) Comments and Recommendations for Heritage Reporting and ByLaws

Good morning,

My name is and I'm an archaeologist and heritage professional. I'm currently working on my PhD at MUN, and previously worked as a cultural heritage specialist in Ontario. I am pleased to see that St. John's is adopting stronger heritage bylaws and guidelines for the protection of heritage properties. I have included my comments on the new proposed bylaws below.

#### Regarding Heritage Reports:

A Heritage Report is absolutely necessary before the potential demolition of a heritage property, as well as applications to change the designation of a property, or to undertake major alterations to a designated or potential heritage property. I am pleased to see the City is moving to adopt stronger heritage reporting bylaws, using Ontario's strong heritage reporting requirements as a model as per the example report provided. I also recommend that the City adopt Heritage Documentation Reports (HDR) as a requirement for any approved demolition of any heritage property which has been deemed unable to be repaired or not significant enough to be retained. An HDR records the fabric of the structure in detail, along with the property's history, and this is placed in public archives so that the record of the property is available to the public in perpetuity.

#### Regarding the proposed Heritage Standards:

Ensuring the public is aware of the designated heritage areas, and the standards associated with renovations of homes and properties within those areas is vital to sustaining the character of the area, and of St. John's as a whole. I had no idea my home is within a Heritage Area (in Ontario, these zones are called Heritage Conservation Districts. Perhaps that

language would be clearer for the public). Additionally, the boundaries of the Heritage Areas are very sporadic and could use re-evaluation for cohesiveness.

Window materials - I believe that whenever possible, original or replica wood frames should be retained, in commercial and residential buildings. Wood frames greatly improve the heritage integrity of a structure, and should be retained at all reasonable cost.

Otherwise, I believe the standards look good, and uphold the stronger bylaws and their requirements to maintain heritage integrity throughout designated properties and heritage areas in town.

Another concern I wanted to bring up is the ability of property owners to neglect a known heritage property until it is no longer worth saving, or able to be saved. Not examples of lack of funds to do so, but wilful neglect of the property, such as the Four Sisters structures. These kinds of cases will lead to the ultimate loss of many important heritage properties in town, and something that we, as heritage professionals, should be working against.

Thank you very much for your time.



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#### **Karen Chafe**

From: CityClerk

**Sent:** Thursday, May 20, 2021 10:02 AM

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

O'Brien; Lindsay Lyghtle Brushett; Planning

**Subject:** FW: (EXT) Information re Consultation on Heritage By Laws

Attachments: Blank 122.docx

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Wednesday, May 19, 2021 7:02 PM **To:** CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Information re Consultation on Heritage By Laws

FYI

Sent from my iPad

Begin forwarded message:

From:

**Date:** May 19, 2021 at 8:41:29 AM NDT

**To:** Ken O'Brien < kobrien@stjohns.ca >, Ann-Marie Cashin < acashin@stjohns.ca >, lindabisnop@stjihns.ca , Shawn Skinner < sskinner@stjohns.ca >, Maggie Burton < mburton@stjohns.ca >

Cc:

Subject: Thank you and Follow Up Information re Consultation on Heritage By Laws

Ken, Anne Marie, Councillor Skinner and Linda Bishop:

On behalf of our committee thank you for the consultation and your time yesterday.

This morning I am sending along for your consideration information associated with "Heritage Reports", which I fully support.

To protect the visual and historic integrity of our heritage areas I would also like to stress that Heritage Reports should not be waived under any circumstances. They should also be required for new builds and include those elements that are outlined in the Lunnenburg Manual as John Fitzgerald referenced yesterday.

If heritage planning is done appropriately there should be no requirement for the demolition of our heritage resources. The professional decision making heritage planning process should be followed and

required by the City for all owners and developers doing work in our heritage areas. I have outlined this process in the attached materials.

I have also outlined my recommendations on what should be required for such a Report when all options to save a historic property is exhausted, see attached.

I will also send along to you the US Historic Places Guide that outlines the professional heritage decision making process for historic places in a separate email.

Thank you again

Sent from my iPad

Sent from my iPad

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# **Karen Chafe**

From: CityClerk

**Sent:** Thursday, May 20, 2021 10:02 AM

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

O'Brien; Lindsay Lyghtle Brushett; Planning

**Subject:** FW: (EXT) Design Standards and the proposed Heritage By Laws, Civic Addresses, Intensification,

Zoning and World Heritage

Elaine Henley City Clerk 709-576-8202

From:

Sent: Wednesday, May 19, 2021 8:16 PM

**To:** Ken O'Brien <kobrien@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>; Maggie Burton <mburton@stjohns.ca>

Cc:

CityClerk < cityclerk@stjohns.ca>

**Subject:** (EXT) Design Standards and the proposed Heritage By Laws, Civic Addresses, Intensification, Zoning and World Heritage

# Here are additional comments for the proposed Heritage By Laws

#### **DESIGN STANDARDS**

#### **Roof Top Decks**

New changes are being proposed in the By-law to allow roof top decks in H.A.1 in residential areas under some conditions as well as in non residential areas.

- Roof top decks, as well as other decks, should not be allowed where they are publicly visible from all points of the compass within the Ecclesiastical District (ED) as these are not historic architectural features and they will impair the visual historic integrity of the District.
- Given the unique steep terrain found in the heritage areas of the downtown and in the
  Ecclesiastical District decking should not be allowed to be seen publicly from the South as well as
  from the North, South or West.
- This should not be a problem if appropriate downtown residential zoning is applied to proposed new developments.

#### **Inspectors**

What qualifications and training and oversight will Inspectors have for the authority they are being given to make decisions about design standards for HA1. These inspectors should be required to undertake the full 5 day training related to Standards and Guidelines for Historic Places in Canada and the Act should specify when the Inspector **will be required** to consult with the City Planning Department.

#### **Architectural Details for the ED**

The proposed Heritage Standards also do not reflect the types of architecture and the architectural details associated with the ED.

Therefore the types of architecture and the architectural details associated with the ED should be included in these design standards and that style and scale of development should be based on these standards.

# Modern Facade Designs and Top Hat and Tall Buildings

Facade designs, may be approved by Council, but they must be compatible and subordinate to adjacent designated heritage building and therefore they must not over power or detract from the associated character defining elements of adjacent heritage buildings and places.

These design standards go on to reference that pedestrian level new development will allow heritage facades while development above this can be relaxed with modern design allowed above the bottom 4 storeys or 18 meters. Also that the new by laws reference allowing replication of previous heritage buildings.

- Modern design must be defined for the architects. This must include statements that it must be visually compatible to the existing Heritage Architecture and subordinate to the Historic Structures it will sit amongst Modern design, as Architects will define it, is not appropriate under any circumstances for our heritage districts and especially for the Ecclesiastical District.
- The definition of modern architecture must also state that no overhangs or phallic looking designs will be allowed in the district or in their view planes.
- No air rights should be allowed to be given away in our heritage districts or in their view planes. No modern design height for new construction should be allowed above 4 storeys in the ED and that low density zoning only should be allowed for new development in the ED.
- Replicating heritage buildings should be encouraged with the use of archival, photographic and oral history information.
- Allowing top hat tall buildings designs on the basis that the streetscape view will be protected may work in a flat landscape in Toronto and where buildings are not in a heritage district, but this approach will not work in our terraced landscaped heritage districts.
- Allowing tall building new developments in heritage areas without public input is simply un democratic and detrimental to citizens and adjacent property owners who have legitimate needs and issues that Council also has a responsibility to address and protect.
- The By Laws should also include a statement that no renovation or new development can harm an adjacent heritage structure or its foundation and proponents will be required to have permission of adjacent owners and apply mitigating measures at the proponents expense to protect adjacent properties when such damage is possible.
- That these design standards also reference that metal roofs, solar panels, green roofs should not be allowed on public visible sides. This may mean you can have metal roof on back but not front? This is rather odd. These new features should not be allowed if they simply visually impact the historic streetscape of the district they are being proposed for.

# **Civic Addresses in Heritage Areas**

New development in the ED should not be allowed to have a civic address on a different street than what the historic address is of the property, where the development is proposed, and where the Main Lobby entrance and Parking Access is located for the development. By doing this you encourage tall building development off of one street by trying to justify a residential height off another street. This is not acceptable in a heritage area as it significantly damages the historic visual integrity of the historic district the new development will sit amongst. This restriction should be included in the new proposed Heritage By Laws.

#### **Intensification and Historic Districts**

Soft intensification should be continued to be encouraged for our heritage districts where existing heritage buildings

can be turned into condominiums and apartments. When new development is approved it should be done horizontally with appropriate low density downtown residential zoning.

# **Zoning**

The ED should not be exposed to medium or high density zoning when applicants come forward to supersize existing zones such as open space zones found in the ED. This restriction should be outlined in the new proposed by laws. The Heritage by laws should over ride allowing zoning changes and heritage districts should be detached from the Act that authorizes the City's Development Zones. Without this the proposed heritage by laws will be ineffective and cause ongoing grief for the Mayor, Council Members and Adjacent Property Owners.

Site Specific Zones to meet a developers design should also be disallowed in heritage areas including the ED.

# **World Heritage**

The Heritage By Law should reference the fact that some districts in the City may be eligible for a World Heritage designation. In these cases UNESCO's standards and Best Practices for the conservation of these places will be required to be administered by the City to maximize the benefits such a designation would bring to citizens, future generations and the sustainable economy such a designation can create for owners, the City and the Province. The By Laws should reference that such a designation requires the development of a management plan done in partnership with Parks Canada, property owners, associated stakeholders and the City.

Thank you

Sent from my iPad

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# **Karen Chafe**

From: CityClerk

**Sent:** <u>Tuesday, June</u> 8, 2021 9:38 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) Envision Plan

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Monday, June 7, 2021 9:04 AM **To:** CityClerk < cityclerk@stjohns.ca>

Subject: (EXT) Envision Plan

#### Mayor and Councillors:

City staff are making a big mistake by attaching the proposed Heritage By Law to your approval of the Envision Plan.

After 9 years of preparation and consultation of the ENVISION Plan with Citizens now is not the time for Council to approve the proposed Heritage By Law that is in direct opposition to your stated long term Envision Plan objectives to protect the City's heritage areas.

The new proposed Heritage By Law by City Staff allow tall out of scale buildings in Heritage Areas and new buildings that are modern in style creating visually incompatible development that will not blend with adjacent heritage architectural styled buildings.

As written these proposed By Law will only benefit developers and architects and particularly those who are not from our City who want to take advantage of our beautiful low profiled symmetric and appropriately scaled heritage areas and turn us into a high rise looking Toronto, Vancouver or a Halifax.

We have great economic returns to the City from heritage infill and adaptive reuse development in our heritage areas. These are sought after areas to live in by residents and are a foundation from our immense tourism and cultural industries economy.

If you approve the new proposed City Staff's Heritage By Laws you will be **significantly altering both** the intent of the new City ENVISION Plan and the integrity of our heritage areas.

Do your job please and protect our heritage and the economic returns it creates for our City and please do not implement this By Law in the Ecclesiastical District National Historic of Canada.

Thank you

Sent from my iPad

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#### Ann-Marie Cashin

From: Sent:

Wednesday, June 9, 2021 10:41 AM

To:

Ken O'Brien; Maggie Burton; Ann-Marie Cashin; Shawn Skinner

Cc:

Subject:

(EXT) Definition of a Historic District in the Heritage By Laws.

# The definition of our Historic District should be defined in the Heritage By Law along with a statement of each Historic District's Historic Value

The municipal statement of historic value for the Ecclesiastical District is a good example of such a statement. Also Districts in the City that are designated of national historical importance already have such statements. These statements could include information relating to the following character defining features of these districts such as:

- It is an area that tangibly and visually represents historic resources from a specific time and use.
- It is a district that is visually associated with people, social, charity, political, religious, judicial, cultural, military and educational matters, events, industry, economies, historic architecture and buildings, historic cultural landscapes, burial grounds and cemeteries, archaeological sites, lane ways, roadways and paths and their associated historic view planes from a specific time frame.
- As we are in one of the oldest cities in NA we need to recognize in this definition that the historic resources in these districts are both above and below the ground and therefore all their protection is paramount.
- That historic setting associated with historic districts can be seen from many visual viewpoints. Ie the north,
  the south the west and the east and these historic viewplanes must be protected as people enjoy the views
  from these places not just from the North as the heritage districts cascade below them but cascade up as
  well from the South, the harbour and the West and the East.
- That a green heritage corridor be defined as identified for the Ecclesiastical District that includes its
  beginning visual view, as a prominent historically important institutions, from the harbour, up Duckworth onto
  Church Hill and Cathedral Street all the way to the and inducing the full a protestant and Catholic nodes.
- That these historic resources and cultural landscapes, setting can be of municipal, provincial and/or federally historic significance, and
- That the City has a responsibility to see to the protection of all historic resources located in the City as they
  are the front line and custodians of the people's heritage through zoning and its heritage by laws and such
  statements will assist in this matter.

Sent from my iPad

# **New Required Report for Heritage Buildings Under Threat**

The following steps should, be required from demolition proponents for places, designated of provincial, national as well as municipal historical importance in the City, where the City has **authority over and stewardship** so that best efforts have been made by the proponent before Council is put in a position of having to make a decision about the demolition of an important heritage property in the City. These suggested steps should be embedded in the new Proposed Heritage By Laws.

These steps are necessary because in most cases proponents, including most engineers and architects in the City, **are not heritage development specialists** therefore they should be required to demonstrate they have undertaken the following cascading steps.

- 1. A demonstration of how the conservation of the building could be undertaken.
- 2. A demonstration of how the property can be sensitively repaired with sympathetic heritage materials.
- 3. A demonstration of options for the reuse of the building without alterations or demolition.
- 4. A demonstration of what adaptive reuse options have been explored for the historic property.
- 5. A demonstration of how original features could be reinstated.
- 6. A demonstration they are aware of cost share funding for the above-noted items from various government agencies.

Only if and when the following analysis and steps have been taken should the City entertain a Demolition Report. When considering accepting such a report is the last option I would recommend it include the following information:

- A recording of all the exterior and interior envelope including foundations and any associated cultural landscape features such as fencing, gates, monuments walls or any other cultural landscape features and historic vegetation.
- The name of the architect associated with the building, if appropriate and. their significance
  - The architectural style associated with the building, historic landscape or historic district
  - The name of the builder and his significance
  - The name of the craftspeople who contributed to the historic building, historic landscape or historic district and their significance
  - The municipal, provincial, national and international historic designations associated with the building, cultural landscape or historic district.

- The history and historical figures associated with the historic building and or the historic landscape, streetscape or district and their local, provincial, national and international importance.
- The historical events of local, provincial, national or international significance associated with a historic building, a historic landscape or a historic district..
- Also the word neighbourhood should be changed to district and the historic landscape should also be added to the historic description of the place.q

Therefore the heritage report should address the anticipated impacts that proposed work will have in the loss of the the heritage value of the building, its historic streetscape and/or historic district and its historic landscape to the future well being of the City.

# **Karen Chafe**

From: CityClerk

**Sent:** Monday, June 7, 2021 2:43 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) New City "Envision St. Johns" and Heritage By-Laws:

#### Good Afternoon:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Saturday, June 5, 2021 3:40 PM **To:** CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) New City "Envision St. Johns" and Heritage By-Laws:

These new proposed by-laws are going to destroy the "Old City of St. John's". The oldest city will lose all of it's beautiful distinctive flavour. Nothing like this should be rushed through the Commission's Hearing ON June 9th. We should;

Retain the existing 4 story height limit for new building in heritage areas u Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultationand heritage reports.

Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.



Sent from my iPad

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#### Karen Chafe

From: CityClerk

Sent: Tuesday, June 8, 2021 9:33 AM e

To:

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

O'Brien; Lindsay Lyghtle Brushett; Planning

RE: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws Subject:

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

Sent: Sunday, June 6, 2021 2:33 PM To: CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Intersection of Envision Plan and Proposed Heritage By-Laws

Your Worship the Mayor, Deputy Mayor and Councillors

As a long-time resident of downtown St. John's and performing artist/ filmmaker who makes works about our wonderful city, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions. Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown. I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations on Wednesday June 9.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) *may* refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector *may* impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) **eliminate the exemptions** inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. B) **Provide clear criteria** in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) **Predetermine** in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

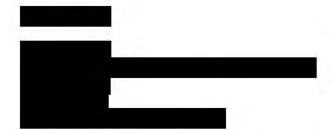
Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated.

Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Respectfully yours,



Recipient of the Canada Council's Victor Martyn Lynch-Staunton Prize (Innovation in Dance by a mid-career artist) and MANNING Heritage Award

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May 21, 2021

To: Engage St. John's

Re: Draft Heritage By-Law

The Newfoundland and Labrador Historic Trust has reviewed the City of St. John's Draft Heritage By-law and has concerns in four main areas: Heritage Reports, The Inspector, Heritage Areas & Design, and Documentation & Salvage. Successfully rectifying these concerns will improve the preservation of the Built Heritage in the City of St. John's. The incredible built heritage in the city requires far more protection than the three page Draft By-law currently proposes.

#### **Heritage Reports:**

What is the required content to have in a Heritage report? What are the required qualifications of the person who is writing the Heritage report? When will the Heritage Report be required to be submitted? Where is the opportunity for heritage professionals and organizations to comment on the submitted Heritage Report to identify possible omissions or errors? In the Heritage By-law, the city needs to delineate the required content and qualifications or the resulting reports may be written with significant omissions or inaccuracies by individuals who are not trained or knowledgeable about heritage conservation and development. The Heritage Reports must be received as early in the development process as possible so that developers can respond and incorporate the content into their LUAR before becoming financially committed to the project and resistant to change. Heritage reports should also be required when additions are made to historic buildings. The NLHT believes that the Heritage by-law must contain information on content, qualification, and time scale so that Heritage Reports will be efficient, accurate and appropriately protect the built heritage of the City.

#### The Inspector:

The inspector is defined in the draft by-law as "any person authorized by council". What are the qualifications, training, and experience required by the city for this person to become authorized? The Heritage by-law gives a significant amount of power and control to this person. Under section (6) it is up to the inspector whether or not to refer any applications under the development regulations respecting a Heritage Building, a building in a heritage area, or the demolition of a building to the Heritage Advisory Committee. The phrases "unless otherwise approved by the inspector", "as determined by the inspector", "in the opinion of the inspector", and "...a design acceptable to the inspector" appear frequently in Schedule D: Heritage Design Standards. The inspector has the deciding power to approve nearly every design element which may be in contravention to the Design Standards which include windows, doors, trim, roofs, cladding, dormers etc without ever referring to the Heritage Advisory Committee. The inspector must be trained, qualified, and have experience in the heritage field to make

The Newfoundland and Labrador Historic Trust is dedicated to the preservation of the province's buildings and landscapes and their importance to communities.

appropriate decisions to protect the built heritage of the city. An inspector without appropriate training, qualifications, and experience places the protection of heritage and design under this by-law in jeopardy of being undermined.

#### **Heritage Areas & Design:**

The addition of the Battery to the Heritage Areas is a welcome step. There are many heritage significant sections of the city that fall outside the current heritage areas. The City of St. John's should consider adding new areas (Churchill Park, etc) and expanding current areas where appropriate to cover gaps. Particular attention should be paid to those streetscapes and buildings which have been identified as intensification areas. The city of St. John's should embark upon establishing a built heritage inventory to identify buildings of architectural and cultural value. Studying, expanding or amending the heritage areas will provide a greater level of protection to the city's built heritage.

The Design Standards in Schedule D also require alterations. The city should revoke the ban on historic mansard and steeply pitched roofs in the battery area and instead ban modern shed roof styles which have lately been approved and constructed. The requirement for corner boards of 15 cm (6 inch) width should also be altered. This requirement is misleading as many existing historic buildings feature corner boards which are far wider. A category for window divisions (mullions, grilles, etc) should be added to the Design Standards. Far too often, windows anr being approved despite having divisions of an incorrect architectural style or period. The design standards for harbour facing windows applicable for the Battery is a great improvement but it should be expanded to all heritage areas.

It is also disappointing that the Heritage by-law contains no reference to Park's Canada's publication The Standards and Guidelines for the Conservation of Historic Places. This document contains valuable information and guidance that if referenced and utilized can greatly improve upon the quality of heritage preservation in the City. The City of St. John's should consider amending the Heritage areas, correcting Design Standards deficiencies, and referencing The Standards and Guidelines In the Heritage by-law.

#### **Documentation & Salvage:**

Too often are buildings demolished or extensively renovated with no regard to their historic significance. The city of St. John's should add a requirement to the Heritage By-law for historic buildings to be documented before they are demolished or significantly altered through extensive renovation. Such documentation can include photographs or even laser scans and could be held at the city Archives for future homeowners and researchers to avail of so that architectural, cultural, and built heritage is not lost forever. Documenting an historic building and acknowledging its cultural, architectural, environmental, and material value can lead to salvaging of valuable materials before it is sent to the landfill. The Heritage By-law should have provision to require documentation of Heritage buildings, and any buildings in the Heritage areas as identified by a competent, trained, and qualified individual. The Heritage by-law should require or encourage the salvage and reuse of historic material from such buildings. Such salvage and deconstruction by-laws already exist in other municipalities such as Victoria BC:https://www.victoria.ca/EN/meta/news/news-archives/2021-news/city-of-victoria-moves-to-reduce-construction-waste.html

The Newfoundland and Labrador Historic Trust is dedicated to the preservation of the province's buildings and landscapes and their importance to communities.

We thank you for the opportunity to comment on the Draft Heritage By-Law and would like to engage with you further to ensure that the built environment in the City of St. John's is sufficiently preserved, protected, and appreciated. We feel that significant changes to the By-Law in the areas of Heritage Reports, The Inspector, Heritage Areas & Design, and Documentation & Salvage are required.
The Board of Directors,
Newfoundland and Labrador Historic Trust
The Newfoundland and Labrador Historic Trust is dedicated to the preservation of the province's buildings and landscapes and their importance to communities.

### Karen Chafe

From: CityClerk

Sent: <u>Tuesday, May 25, 2021 9:57 AM</u>

To: CityClerk:

Ann-Marie Cashin; Ashley Murray;

Dave Wadden; Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Re: Draft Heritage By-Law

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

Sent: Friday, May 21, 2021 9:37 PM To: CityClerk <cityclerk@stjohns.ca>;

Subject: (EXT) Re:

Ms Elaine Henley, City Clerk, St John's.

Ms Henley:

Would you be good enough, please, to pass this message to the Mayor and any others who should see it.

### COMMENT RE DRAFT HERITAGE BY-LAW:

The 18 May discussion between Council officials and representatives of the Basilica, Gower Street, and the Kirk resulted in a revelation about the origin of s.8(3) of the draft Heritage By-Law. This came about during my discussion with Mr O'Brien about the sub-section.

Section 8 is described in the draft as being about HERITAGE REPORTS. Subsection 8(2)(c) stipulates that "Council shall [mandatory] require a Heritage Report for "...any other application in respect of which the Inspector has recommended that a Heritage Report be prepared". The draft Subsection 8(3), in full, then goes on to say that "Notwithstanding subsection (2), where in the opinion of Council it is appropriate to do so, Council may accept a staff report in lieu of the Heritage Report".

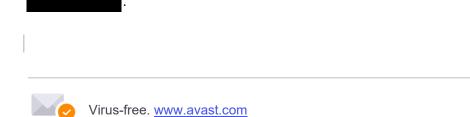
To put the matter bluntly but accurately, ss 8(3) neuters ss 8(2). It renders it both meaningless and a sham. Councillors are not even obliged to state reasons for rejecting a Heritage Report, much less required to remit the issues to the Panel and ask its members to review their advice in light of Council's stated reasons.

The draft contains no definition of an "Heritage Report", but does speak in s.2 of Schedule A (entitled PURPOSE) of "a Built Heritage Experts Panel", which is described as being a source of "expertise, opinion and perspective about built heritage, its protection and designation in the City of St John's". This description is amplified in S. 2. It is both logical and reasonable to assume that the Panel's advice is a Heritage Report.

The Chief Municipal Planner, Ken O'Brien, and a number of his colleagues met virtually with representatives of the Basilica, Gower Street, and the Kirk on Tuesday morning. I took part as a member of Gower's group. I asked Mr O'Brien about Section 8 of the draft By-Law. I asked him to explain the rationale behind ss 8(3). His response was that "the Council asked that it be in the draft". When I pressed for a fuller explanation -- along the lines "who asked and what reason did they give?", his answer was that the issue was raised, discussed, and decided in a private and confidentia meeting of the Councillors, and he was not permitted to make public any information about its proceedings.

At the very least, the Council must both explain and justify its approach to this issue. There is no reason why Council must accept the advice tendered to it by staff or the citizens of St John's. But there's neither an acceptable explanation nor sound reason - as far as we know - for adopting the By-Law in its present form.

Respectfully submitted.



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### **Karen Chafe**

From: CityClerk

**Sent:** Tuesday, June 8, 2021 9:44 AM **To:** ; CityClerk

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

O'Brien; Lindsay Lyghtle Brushett; Planning

Subject: RE: (EXT) Comments: Heritage By Law And Envision St. John's Municipal Plan and Development

Regulations 2021

# Good Morning:

We thank you for your feedback and advise that all submissions shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From:

**Sent:** Monday, June 7, 2021 9:38 PM **To:** CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Comments: Heritage By Law And Envision St. John's Municipal Plan and Development Regulations 2021

#### Submission:

I am writing with comments on the Envision St. John's Municipal Plan and Development Regulations and the proposed Heritage by-law. I am registered to attend the Public Hearing on June 9th.

We have some specific comments regarding the Development Regulations and the proposed Heritage By-Law. They are as follows:

- First, we support the development and inclusion of a Heritage by-law. We however see some weaknesses/oversights that need to be addressed.
- The proposed Heritage by-law should not exempt a proposed new building from the requirement of a heritage impact report. New buildings in heritage areas can have a profound and lasting impact on the physical, social and cultural significance of a neighbourhood in a heritage area. It would be wholly reasonable to require that a proposed new building has a heritage impact report. Exempting new buildings can undermine the whole purpose of the Heritage By-Law which is to effectively manage and balance heritage interests and the scale and shape of new development so that the physical and cultural significance of a heritage area is given due consideration before developments are allowed to proceed. It allows for upfront assessment of impact so that mitigations can be sought/proposed and neighbourhoods impacted are aware of new building proposals before development is approved.
- One of the ongoing issues in the Signal Hill /Battery area (Heritage Area 3 and proposed Heritage Area 4) has been new developers seeking to re-zone land for new development that does not fit with the neighbourhood scale and the slope/grades in the area. While new development proposals are looked as development issues only they intersects with the Heritage by-law as well. We argue that restrictions need to be put in place to control new building development to protect the small scale housing that lines the streets of areas like Signal Hill/Battery area. We note that slope/grade of existing lots is a consideration applied to homeowners seeking to build or expand an existing property in the

- proposed Heritage Area 4 for the Battery area. It should therefore be a requirement for new building development in the area. Stricter measures on height and scale need to be part of Heritage Areas - so that new developments do not undermine the unique physical and cultural landscapes of the designated heritage areas.
- The Proposed Heritage Area 4 does not currently include Walsh's Square and Signal Hill Road. Signal Hill Road and Walsh's Square were part of the Footprint and Height Control Overlay for the Battery Development Area - Appendix A in the Development Regulations. These streets have been considered part of the Battery in studies undertaken by the City. The size and scale of houses in the area and the shape of lots (with steep slopes/grades and irregular lot sizes) fit with the other Battery area houses. Residents in the Area feel it should be part of the new Heritage Area 4 - and not carved off from an area it was always considered part of. We sit on the same sloped land mass and have the same unique challenges and potential impacts to public views as do the streets above us - Cabot Ave - and and the street below us - Battery Road.

(Signal Hill Neighbourhood Association)

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**From:** Elaine Henley

Sent: Thursday, June 3, 2021 9:13 AM

**To:** Planning; CouncilGroup; Janet Adams; CityClerk

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

O'Brien; Lindsay Lyghtle Brushett

**Subject:** RE: (EXT) Municipal Plan and Development Regulations, 2021

# Good Morning:

We thank you for your feedback and advise that all submissions shall be considered by Council.

Elaine Henley City Clerk 709-576-8202

From:

Sent: Thursday, June 3, 2021 9:10 AM

To: Planning <planning@stjohns.ca>; CouncilGroup <councilgroup@stjohns.ca>; Janet Adams <jadams@stjohns.ca>;

CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Municipal Plan and Development Regulations, 2021

please **reword** the following- it will inevitably cause issues - furthermore it raises the question; why are there standards if it is publicly worded that they can be relaxed?

Exemption #1 "There will be flexibility to relax the standards above 18 m."

please **delete** the following - no exemptions should be allowed - regulations that allow for exemptions are simply guidelines and therefore why bother having the standards if they are going to be able to be exempted at any time?

# 2. Exemption for owners of a new buildings "Council will maintain the ability to **exempt the owner of a new building from the Heritage design standards**. "(which includes HEIGHT)

and this last one is **offensive** and means that the city is trying to step away from public consultation - this should be **reworded** to say that **all new buildings and extensions to existing buildings that impact any street-level view or height, scale or mass, will be subjected to public consultation as per city policy** 

# 3. Exemption from Public consultations: new buildings or extension to existing buildings in heritage areas.

also generally in the development regulations document

having the **appeals chapter** prior to any other development regulation chapter just sends the sign that the entire process is flawed perhaps move that chapter further back in the document.

please consider

Retaining the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighborhood.

Adding the requirement that existing buildings and new buildings in heritage areas have mandatory public consultation and heritage reports.

Eliminating the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.

Providing clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".

Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance



and what is the section on damages to parking all about? why is the building based solely on parking? 8.6.3 Damage or Destruction of Development

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# **Peg Burton**

From: Elaine Henley

**Sent:** Friday, June 4, 2021 11:41 AM

To:

**Cc:** Sheilagh O'Leary; Andrea Roberts; Ann-Marie Cashin; Ashley Murray; Dave Wadden;

Jason Sinyard; Karen Chafe; Ken O'Brien; Lindsay Lyghtle Brushett; Planning

**Subject:** RE: (EXT) Heritage by-law

Good Morning ::

We thank you for your feedback and advise that your submission shall be presented to Council for consideration.

Elaine Henley City Clerk 709-576-8202

From: Sheilagh O'Leary <soleary@stjohns.ca>

Sent: Thursday, June 3, 2021 5:05 PM

Cc: Elaine Henley <ehenley@stjohns.ca>

**Subject:** Re: (EXT) Heritage by-law

I am presently away however until June 7th and want to thank you for your submission. I am cc'ing the city clerk to ensure your feedback is documented.

Take care

Kind regards,

Sheilagh O'Leary Deputy Mayor City of St. John's P.O. Box 908 St.John's, NL A1C 5M2 (709)576-8363

From:

**Sent:** Tuesday, June 1, 2021 10:58:51 PM **To:** Sheilagh O'Leary < <a href="mailto:soleary@stjohns.ca">soleary@stjohns.ca</a>

Subject: (EXT) Heritage by-law

Deputy mayor Sheilagh O'Leary,

The Historic downtown St.John's needs to be protected. To date we have already lost a lot of the old building for modern skyscrapers. The St.John's habour skyline is slowing starting to lose it's Iconic Historic appearance. Every part of the downtown st.john's you should be about to see the iconic narrows, over the past 50 years

many tall building went up starting to block this beautiful view it needs to stop. I believe every Historic building in the downtown st.john's should be repurpost. If the building need to be demolished which I don't agree with, the new building should reflect the old building or historic elements.

Going forward how would this new Heritage by-law effect the New envision plan? Heritage By-Laws, which are strong on exemptions and weak on enforcement, will intersect with the new Envision Plan. Envision has good intentions to protect Heritage buildings etc.

### **ENVISION St. John's Plan POSITIVES:**

- The reinstatement of the Heritage by-law under the authority of the City Act and the intent to provide a more secure foundation for heritage protection.
- Battery and other important areas outside of the downtown are being recognized as unique heritage districts (but shouldn't Walsh's Square and Signal Hill Rd be included?)
- Importance of protecting the unique cultural landscapes, heritage districts and built heritage of our City emphasized (on paper).

The new by-law that is being proposed have serious gaps/loopholes for developer's which need to be addressed. The plan exempts NEW buildings and extensions to existing buildings, including\*:

- 1. For existing taller buildings: there will be flexibility to "relax the standards" above 4th floor (think Atlantic Place Hotel).
- 2. New Buildings would be exempt from Heritage design standards
- 3. New Buildings and extensions: EXEMPT from Public consultation.

# ALSO:

There is far **too much discretionary application of the by-law:** the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) may refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector may impose such conditions as may be necessary to fulfill the requirements of this By-law.

**Exemption #1 "For taller buildings**, the area from the ground to 18 m (approximately 4 stories), the base or podium of the building is most visible at street level. There will be flexibility to relax the standards above 18 m where the building is required to step back. This keeps a traditional street scape while allowing modern designs above the 4th story."

# # 2. Exemption for owners of a new buildings

"Council will maintain the ability to exempt the owner of a new building from the Heritage design standards."

**# 3. Exemption from Public consultations:** new buildings or extension to existing buildings in heritage areas.

Retain the existing 18 m (4 story height limit for new building in heritage areas unless it can be clearly demonstrated that an increase in height and density will be in the public interest and not have any detrimental side effects for adjacent buildings and the neighbourhood.

- Add existing buildings and new buildings in heritage areas to the requirement for mandatory public consultationand heritage reports.
- Eliminate the ability of Council to exempt new buildings in designated heritage areas from heritage design guidelines.
- Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods".
- Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

I'm asking that is new by-law should be Reevaluated to reflect the protection of our Historic and iconic downtown, and protect the view of the narrows.

Sincerely,

Sent from Yahoo Mail on Android

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# Heritage and Archives

# **Gower Street United Church**

St. John's, Newfoundland and Labrador (Founded 1815)

21 May 2021

The Mayor and Council of the City of St. John's

Via the City Clerk

This is the formal submission of the Gower Street United Church Heritage and Archives Committee, a committee of the official governing Board of the church, commenting on the proposed St. John's Heritage By-Law.

The following summarizes what we understand as serious shortcomings of the proposed by-law text. We also wish by this letter to endorse similar oral comments made during the virtual Public Meetings on 28 and 29 April 2021, during our meeting with City representatives and other members of our Ecclesiastical District Working Group on 18 May 2021, and the members' subsequent written submissions.

Our principal concerns with the by-law as proposed include the following issues.

- 1. It considers City-designated heritage structures only, and not those with National or other designations wherever they are in the City; there should not be such a distinction if protection is to be effective.
- 2. The draft is not sufficiently firm about the requirement for Heritage Reports. The present text allows this important requirement to be circumvented and be replaced by a staff report without explaining the conditions for such exceptions. The text also provides unclear and overly authoritative discretion to an inspector for potentially critical heritage decisions. It is also essential for the by-law to specify that full Heritage Reports will be required for new buildings in Heritage Areas, as will referral to the Experts Panel, particularly if the size, style, and density are not consonant with existing structures.
- 3. Overall, the proposed by-law inadequately addresses the matter of new buildings proposed for Heritage Areas, focusing instead on existing structures. An obtrusive, inappropriate new build affects the value of all the properties near it and the authenticity of the district as a whole.

- 4. The proposed by-law should thus address effects on the contextual integrity of any alterations and new builds in relation to neighbouring structures and the overall cultural landscape. It should establish means to protect the whole, not just the individual components, of our Heritage Districts. Downtown St. John's is not observed and valued o a height of four storeys only: it is a rising amphitheater from harbour to hilltops, as the images on the City of St. John's website demonstrate.
- 5. For new builds, the current text also allows for overturning heritage standards for any reason deemed appropriate by a current Council, with no stated restrictions or limits, such as the possibility of allowing a new-build high-rise in the midst of Heritage District 1 (e.g., Section 10.3 and Schedule D). Even accountability through public consultation may be side-stepped at Council's pleasure (11.1). These opt-outs are not appropriate and undermine the purpose of the legislation.
- 6. We further urge the adoption of the Standards and Guidelines for the Conservation of Historic Places in Canada which was developed in consultation with our Province and endorsed by them. That document provides much better guidance than the proposed by-law and -- unlike the proposed by-law -- is consonant with the world-class heritage standards and stewardship our City deserves.

The built heritage of our city and the integrity of its physical context are important not only to those who live and work here, but to all residents of the City, the Province, Canada and to world heritage because of the city's early and unique position in the story of European exploration and settlement of the Americas. City legislators, planners and this by-law have a duty of care to protect these inheritances so that they can continue to speak to the generations that follow us. Your custodianship must not be the one that falters.

We look forward to commenting further on a revised version of these draft by-laws.

Respectfully submitted by the Gower Street UC Heritage and Archives Committee

From:

**Sent:** Sunday, June 6, 2021 6:16 PM

To: Mayor

Cc: Sheilagh O'Leary; Deanne Stapleton; Shawn Skinner; Jamie Korab; Ian Froude; Wally Collins; Maggie

Burton; Sandy Hickman; Debbie Hanlon

**Subject:** (EXT) Proposed Heritage By-Law/Envision Plan

Your Worship the Mayor, Deputy Mayor and Councillors,

As a long-time resident of St. John's and musician/designer/photographer who makes works about our wonderful city, I am writing to express my concerns about the proposed Heritage By-Law/ Envision Plan.

From what I can see, the exemptions for new builds and extensions will make it much easier for developers to contravene heritage area rules and restrictions.

Furthermore, Council giving itself the right to give exemptions for site specific zoning would eliminate the desired checks and balances for ensuring development in scale and context with the historic downtown.

I do not think condo and apartment towers all over the downtown, like Halifax has allowed to happen, would be beneficial. Let's identify our treasures and work to build, in complement to them.

I look forward to the virtual Public Hearing with the City Commissioner regarding the Envision St. John's Municipal Plan and Development Regulations.

I hope to gain clarification on the following:

How exactly will the new Heritage By-Laws, which appear to be strong on exemptions and weak on enforcement, intersect with the new Envision Plan? Envision has good intentions to protect Heritage buildings etc. But will it have any teeth, in combination with the new proposed by-laws?

The designated heritage areas are a well-recognized and significant asset for our City and our Province. They make a measurable contribution to in so many ways our sense of identity, our civic pride and to the economy and our tourism industry.

There is far too much discretionary language proposed in the documents: the word "MAY" should become SHALL, i.e., Currently the ENVISION plan states that the City "MAY" establish a Heritage Advisory Committee (section 3.1) and "where the application does not meet the guidelines for development in heritage areas the inspector (an individual!) may refer the application to the Heritage Advisory Committee" (6B). Section 7: the inspector may impose such conditions as may be necessary to fulfill the requirements of this By-law.

I request that City Council a) eliminate the exemptions inherent in the proposed Heritage by-laws. We need new development, but it should be required to blend in with existing buildings and streetscapes and add to rather than erode the ambiance of these special areas. Taller new builds can be built on higher levels, as many Nordic towns do. b) Provide clear criteria in the design guidelines for new buildings and extensions to existing buildings in heritage areas as to how they can "blend in with the surrounding buildings and neighbourhoods". And c) Predetermine in which area of Heritage planning area 1-4 intensification may occur and under what circumstance.

Council cannot allow our existing (if already damaged) heritage assets, which are so valuable to our lives, culture and the tourism industry, disappear.

Any clarifications you may have on the above points would be appreciated. Judging by the poor participation in it to date, the City's public engagement process on the Heritage By-Law has been a failure. This is understandable, given that we are in the middle of a pandemic. I therefore request that Council not make further decisions about the Heritage By-Law until more thorough public discussions of these extremely important and complex issues can take place.

I will be writing to the Province to ask them to take a stand on creating a clear and inclusive vision for the future development of the downtown, protecting our natural and historic sites, and maintaining and celebrating our greatest assets, to the benefit of all.

Sincerely,



June 8, 2021

Engage St. John's - Envision Regulations

VIA: Email mburton@stjohns.ca; kobrien@stjohns.ca; llyghtlebrushett@stjohns.ca

I am writing regarding the new Envision Regulations and specifically regarding the addition of micro units. Stella's Circle has a reputable history of providing supportive and affordable housing in St. John's. We currently operate 79 units of housing with the intention of increasing to 100 units by 2025. In November 2020, Stella's Circle purchased a property on Cabot Street with the intention of redeveloping it in to 5-6 micro units. Each unit is approximately 29 sq. meters with shared laundry on each floor.

Our understanding is that the new Envision Regulations will not permit more than 2 micro units in a property. We feel this is short-sighted. Our history and work shows that tenants like the size of the units as they find it is less for them to maintain. The micro units can be one part of a solution to the housing situation in the City.

Stella's Circle is requesting that the City of St. John's allow community organizations such as Stella's Circle to have more capacity to build micro units as these units also allow for more affordable housing.

Stella's Circle enjoys a good working relationship with representatives from various departments of the City of St. John's We look forward to working with the City to ensure that housing needs are continued to be considered though the Envision Regulations

Sincerely,

Lisa Browne

f Browne

CEO

c. Karen Noel, Director of Property and Development

From:

**Sent:** Thursday, June 3, 2021 5:57 PM

**To:** Ann-Marie Cashin **Subject:** (EXT) Heritage bylaws

Ann-Marie,

We live in a heritage designated house. There is always lots of up keep and the cost and expertise is hard to find. We had applied for a grant in the past, but did not take it. The reason we have not taken any of the resources is not our lack of need, or the importance to do things correctly with a heritage property. It is because the contract puts a lean on the property, and the lean has to be transferred to a new owner if we ever sell the property. This is a real deterrent. If you want St. John's to keep its heritage houses in proper repair, the support cannot deter current or future ownerships.

Sent from my iPhone

### **Karen Chafe**

From: CityClerk

**Sent:** Wednesday, June 2, 2021 12:11 PM

**To:** Karen Chafe

**Subject:** FW: (EXT) Heritage By-Law

Elaine Henley City Clerk 709-576-8202

From: Ann-Marie Cashin <acashin@stjohns.ca>

Sent: Tuesday, June 1, 2021 4:44 PM To: CityClerk <cityclerk@stjohns.ca> Subject: FW: (EXT) Heritage By-Law

From: Engage < engage@stjohns.ca > Sent: Friday, April 9, 2021 11:53 AM

**To:** Ann-Marie Cashin < <u>acashin@stjohns.ca</u>>

Subject: FW: (EXT) Heritage By-Law

Victoria Etchegary
Manager, Organizational Performance and Strategy
Department of Finance and Administration
City of St. John's
709 576-8510
vetchegary@stjohns.ca

From:

Sent: Friday, April 9, 2021 11:20 AM
To: Engage < engage@stjohns.ca >
Subject: (EXT) Heritage By-Law

We live in 2021, not 1921. The installation of green roof systems and solar panels will hopefully become more prominent in the future as the City and the World deal with the negative impacts of pollution and the resulting climate change. Innovation in our City should be encouraged, not restricted by regulation.

Particularly, green roof systems are installed on a flat roof and would not be visible from the street. They are particularly effective in reducing stormwater runoff and plants are much nicer to look at than a modified bitumen roof. I believe the wording in the standards should be modified to encourage rather than discourage green roof systems.

Solar panels should also be encouraged and the wording in the Standards could be similar to the wording used for heat pumps.

The standards should also include a clause that modern architecture be allowed which respects rather than copies heritage detailing and which can be reviewed on a case basis.



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From:

**Sent:** Friday, June 4, 2021 5:05 PM

To: Mayor; Sheilagh O'Leary; Deanne Stapleton; Shawn Skinner; Jamie Korab; Ian Froude; Wally Collins;

Maggie Burton; Sandy Hickman; Debbie Hanlon

**Subject:** (EXT) Heritage By-Law

To: Mayor, Deputy Mayor and Councillors, City of St. John's

From:

Date: June 4, 2021

I would like to express my concern that the proposed Heritage By-Law and its various exemptions will make it easier for developers to contravene rules and restrictions in heritage areas, if they only need get permission of Council to build structures that are out of scale, much too high and out of synch with the look of heritage areas, which are valuable to our culture and the tourism industry.

New developments and add-ons in heritage areas should be required to blend in with existing buildings, scales and streetscapes. Council does not have the right to allow our heritage assets to disappear.

Judging by the poor participation, the City's public engagement process on the Heritage By-Law has been a failure--not surprising, as we are in the middle of a pandemic.

I ask that Council put a hold on any more decisions about the Heritage By-Law until we are out of danger from Covid-19 and more thorough public discussions on these important issues can take place.

Thank you.

From:

**Sent:** Friday, June 4, 2021 4:12 PM

To: Mayor; Sheilagh O'Leary; dstapleton@stjohn.ca; Shawn Skinner; Jamie Korab; Wally Collins; Maggie

Burton; Sandy Hickman; Debbie Hanlon

**Subject:** (EXT) Envision St. John's and Heritage by-laws

To the Mayor and all city of St. John's

I am respectfully requesting that City Hall eliminate the exemptions and incentives for redevelopment inherent in the proposed Heritage by-law and the design standards for new development in heritage areas. Any new development should be required to blend in with existing buildings and streetscapes. New development should add to, not erode the ambiance of these special areas.

Our designated heritage areas are well recognized and are a significant asset to our city and the Province. They are important in so many ways to how we identify as Newfoundlanders, increase our civic pride and certainly contribute to tourism and the general economy of our Province. Permitting tall buildings, without public consultation will fundamentally change the visual character of our downtown. We must not allow public developers to be given exemptions and take advantage of public good. Applications for new buildings or additions to buildings must not be exempted from the requirements for a heritage impart report.

Surely our goal should be to protect our cultural landscapes and heritage districts.

Thank you for your attention,

Sent from my iPad



June 3, 2021

First Light St. John's Friendship Centre submits this response in relation to the call for feedback on the proposed amendments to the City of St. John's Heritage By-Law. While we commend the city for the work it has done to protect built heritage, we are disappointed with an apparent lack of consideration for how the proposed amendments fail to examine heritage in a broader context. Cultural heritage is more than celebrating and protecting built heritage: It is all aspects of a community's past and present that it considers valuable and desires to share with future generations. We feel strongly that the City of St. John's has a responsibility to consider a broader definition of heritage before adopting a revised version of the existing by-law.

In September 2020 the City of St. John's committed to making Indigenization and anti-racism priorities with respect to its governance, municipal services, and infrastructure in addition to recognizing the many contributions that Indigenous people made and continue to make in this city. The proposed amendments present an opportunity to consider heritage under a broader lens, including but not limited to street names, monuments, parks and green spaces while ensuring that colonial values and meanings are not favoured over Indigenous Cultural Heritage.

Without mechanisms which allow Indigenous people to be the creators, owners, interpreters and protectors of their own heritage, we limit sharing and risk the exclusions of Indigenous histories in both the built and living heritage of our city. The proposed revisions to the Heritage By-Law do nothing by way of developing mechanisms which safeguard Indigenous Cultural Heritage as living heritage, nor does it protect or recognize this living heritage as vital to the future. In many instances, past iterations of the heritage by-law have failed to ensure the commemoration of cultural materials, places and histories in a manner that is accurate or respectful, resulting in a mistrust and inequality between Indigenous Peoples and the City of St. John's.

First Light recognizes that the enhancement of the heritage by-law to include Indigenous Cultural Heritage will require the full and equal participation of Indigenous and non-Indigenous groups. Appropriate funding and training support for Indigenous and non-Indigenous partners will be instrumental to ensure the successful implementation of a by-law which appropriately reflects the truest heritage of the City of St. John's.

In Friendship,

Stacey Howse Executive Director

# Stacey M. Corbett

From: CityClerk

**Sent:** Tuesday, June 22, 2021 9:39 AM

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

O'Brien; Lindsay Lyghtle Brushett; Planning

**Subject:** FW: (EXT) Response - Heritage By-Law **Attachments:** Response to Heritage By-Law.pdf

Elaine Henley City Clerk 709-576-8202

From: Ken O'Brien <kobrien@stjohns.ca>
Sent: Saturday, June 19, 2021 10:16 PM
To: CityClerk <cityClerk@stjohns.ca>

Cc: Jason Sinyard <jsinyard@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Linda Bishop <lbishop@stjohns.ca>;

Lindsay Lyghtle Brushett < LLyghtleBrushett@stjohns.ca>

Subject: Fwd: (EXT) Response - Heritage By-Law

Elaine, this should be included in the public submissions regarding the Heritage By-Law.

Ken

Ken O'Brien, MCIP Chief Municipal Planner City of St. John's, NL, Canada Email kobrien@stjohns.ca

From: Ann-Marie Cashin <acashin@stjohns.ca>

**Sent:** Friday, June 4, 2021 4:14:17 PM **To:** Ken O'Brien < kobrien@stjohns.ca>

Subject: FW: (EXT) Response - Heritage By-Law

From: Breannah Tulk < breannah@firstlightnl.ca>

Sent: Friday, June 4, 2021 3:38 PM

To: Ann-Marie Cashin <acashin@stjohns.ca>

Cc: Maggie Burton < mburton@stjohns.ca >; lan Froude < ifroude@stjohns.ca >; Stacey Howse < stacey@firstlightnl.ca >

Subject: (EXT) Response - Heritage By-Law

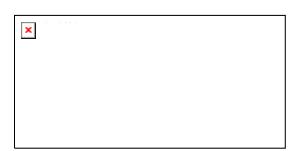
Hi Ann-Marie,

Please see attached First Light's response to the new Heritage By-Law. We do not intend to delay progress on the proposed changes, but hope that we can begin a discussion to improve the Heritage By-Law in the future. Have a great weekend!

# **Breannah Tulk**

**Director of Business Operations** 

P: 709.726.5902 | W: firstlightnl.ca 716 Water Street St. John's, NL, A1E 1C1



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# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk Sent: Tuesday, August 17, 2021 1:09 PM

To:

Cc: Ann-Marie Cashin; Ken O'Brien; Maggie Burton; Jason Sinyard; Jennifer Squires; Planning

Subject: FW: (EXT) Nationally Designated Heritage Districts

**Attachments:** Historic Site and Monuments Board National Historic District Plaque.jpg; Weekenders Dance BAr,

formerly O'Keefe's Grocery, George Street.jpg; National Historic District Plaque Unveiling.jpg;

O'Keefe's Grocery Before.jpg; Footwear Supplies.jpg; George Street Plaza and Facade

Improvements.jpg; Historic Yellow Belly Corner, Water Street.jpg; O'Dywer Block Before.jpg; O'Dwyer block Facade After.jpg; Sparky's on George Street, formerly O'Keefe's Grocery.jpg; William's Lane

After.jpg; Yellow Belly Corner.jpg

### Good Afternoon:

Thank you for your submission. This confirms receipt. Members of Council will receive copies of all submissions prior to any decisions being made on this subject.

Sincerely,

Karen Chafe City Clerk

From:

Sent: Tuesday, August 17, 2021 10:56 AM

To: Ken O'Brien <kobrien@stjohns.ca>; Ann-Marie Cashin <acashin@stjohns.ca>; Engage <engage@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Maggie Burton <mburton@stjohns.ca>; Maggie Burton <mmburton.14@gmail.com> Subject: (EXT) Nationally Designated Heritage Districts

Good Morning All,

I have just read through the Engage St. John's comments of "What We Heard" from the public and I would like you to consider another comment that has been missed in terms of the Heritage Districts registered under the National Historic Sites and Monuments Board of Canada.

As Canada's First Nationally Designated Historic District the area bounded by Harbour Drive to the south, Bishop's Cove/Murray Premises to the west, Beck's Cove/George Street to the east and Duckworth Street to the north has been all but sadly forgotten by the City, since its initiation in 1988.

Since the inception, buildings on George Street have in particular undergone significant modifications that do not reflect the National status of the precinct or any connection to local heritage standards. Property owners have been allowed to develop building additions, massive outdoor decks and consume natural pedestrian laneway connections between Duckworth Street, George Street and Water Streets at will. As such, George Street has been allowed to deteriorate for years seemingly without development control or heritage guidance.

The lasting insult to the heritage integrity to this area was inflicked when Yellow Belly Brewery was given permission to construct an outdoor seating area and deck and removed the National Commemorative plaque for the District. Perhaps we're ashamed to now admit that this area was of some National importance? See attached.

As a single case in point, I include a photo of the building that was O'Keefe's Grocery on George Street that was a fine example of mid-century modern Art Deco style in reinforced concrete construction. Today, this has been unfortunately reclad in clapboard and rebranded as the kitschy O'Leary's Irish Pub.

If we are to claim protection for the Eclesiastical District, let's try to remember and protect Canada's first National **Historic District?** 

Kind regards,

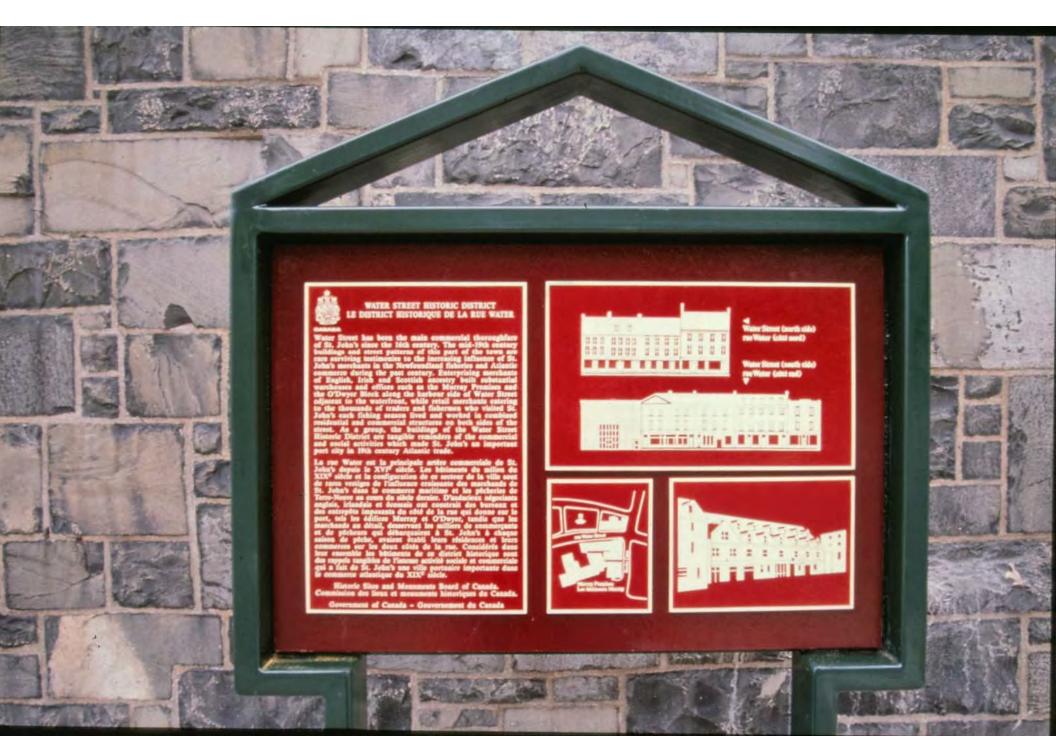
Attachments: several photos of historic buildings fro the National District

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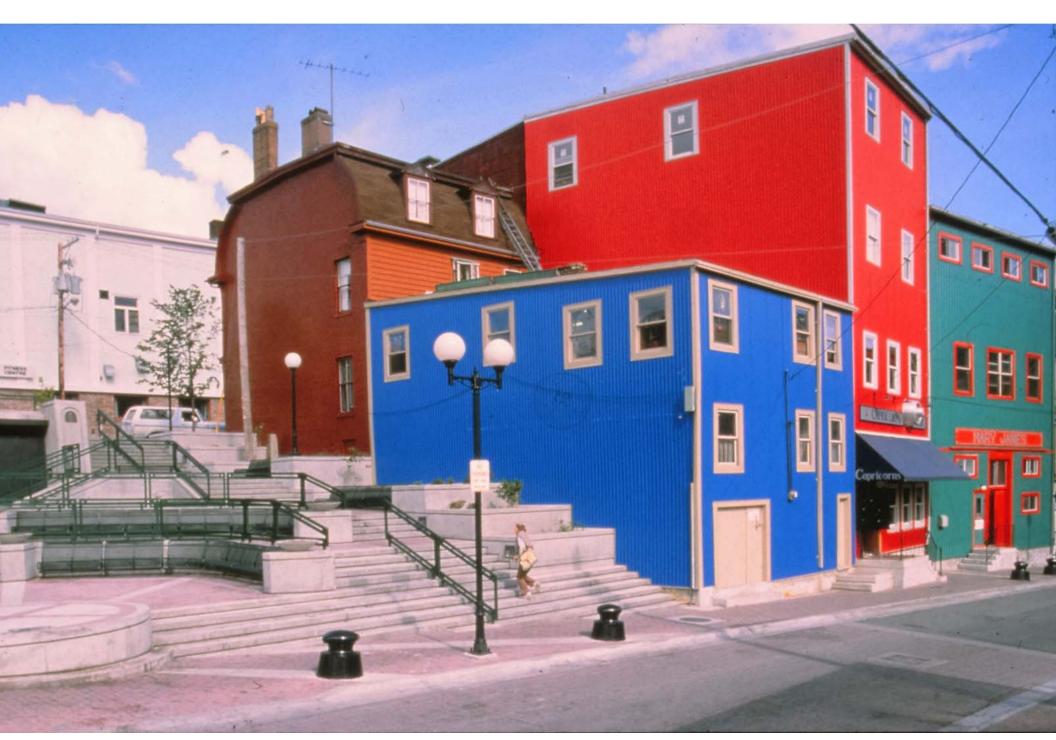
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August 18, 2021

City of St. John's P.O. Box 908 St. John's, NL A1C 5M2

Attention:

Dear Mayor Breen:

The leadership team of the Anglican Cathedral of St. John the Baptist reviewed with interest the What We Heard document regarding the City's Proposed Heritage By-Law changes. Unfortunately, we quickly discovered that our perspective was not captured within the document. We understand that in a consultative process such as this, not all concerns will be satisfied in the final outcome. However, we would expect that all views would be covered in a summary of the feedback received during the consultations, which was not the case here. Our original feedback letter is copied below for your review.

The perspectives captured in the *What We Heard* summary reflect the opposing end of the spectrum from the Cathedral leadership team. There are stakeholders who are looking for MORE restrictions and LESS flexibility than what is needed in our opinion. The Cathedral leadership team believes that a balance needs to be struck between preserving our collective heritage of the past and developing what is required for the needs of the present and future. Strict and rigid regulations will restrict the potential of stewards over heritage structures to grow for the future. Does the City want to live in the past to the detriment of what its citizens need today and desire for tomorrow?

We would also like to clarify the Cathedral leadership's stance on the Ecclesiastical District National Historic Site of Canada. While the Cathedral and its surrounding properties are an integral part of the District, the advocacy group "Friends of the Ecclesiastical District" does not

speak on behalf of the Cathedral leadership nor the Anglican Diocese of Eastern Newfoundland and Labrador under the Right Reverend Samuel Rose, Bishop. We are not a part of this group and do not share their approach to historic sites - in fact, their views are often contradictory to ours. We also do not support their desire to seek UNESCO World Heritage status for the District so any reference in the Heritage By-Law to a possible future bid or its speculative requirements would be highly inappropriate.

The What We Heard summary certainly includes the opinions of the "Friends of the Ecclesiastical District" and others which we believe would be detrimental to the Cathedral. The one-sided summary does not reflect the opposing views that the Cathedral leadership team submitted below. A key tenet of our perspective is that the Cathedral houses a parish community which values its presence in the City's downtown core and the Cathedral leadership needs the flexibility to adapt to the changing needs of its neighbours. These needs may warrant infrastructure improvements in the future which need to be supported and not prevented by City regulations.

In summary, we hope that all opinions can be analyzed when considering next steps on changes to the Heritage By-Law.

Sincerely;

The Leadership Team- Anglican Cathedral of St. John the Baptist Roger Whalen, Rector Angela Morgan, Warden Gary Sooley, Warden Gail Hamilton, Treasurer

cc. Council Members

# **Communication Sent May 21, 2021**

-----

To representatives of the City of St. John's regarding the proposed Heritage By-Law:

Protecting the heritage of the City of St. John's and the Province of Newfoundland and Labrador is important. Supporting infrastructure for what our communities need today and are anticipated to need tomorrow is paramount.

We at the Parish of the Anglican Cathedral of St. John the Baptist in downtown St. John's are proud stewards of the heritage properties under our care. There is careful consideration given to every proposed repair and enhancement. However, the reality is that the heritage buildings of old do not always provide the appropriate facilities for the future.

We support clarity and consistency in regulations which we understand is part of the motivation of this new by-law. We also require flexibility and a supportive environment in which to make changes for the future. The City needs to be both a champion of heritage while at the same time working with owners of heritage buildings to ensure the needs of the community are being met through our collective efforts. Provision for this type of collaborative partnership should be explicitly made in the new by-law, to ensure that good decisions are not undermined simply to comply with regulations if it doesn't make sense in context (economic, environmental, societal).

The proposed new building construction adjacent to the Anglican Cathedral building, the proposal for which has since been withdrawn, is an example of where regulations and collaboration should meet. If the Cathedral congregation determines that a new construction is required to meet the needs of both its faith community and the wider neighbourhood, there should be a mechanism to allow for it. Constructing another building of the form of the Cathedral building itself is not practical nor affordable; if the proposal is resurrected at some point in the future, a modern development that would complement the Cathedral building and not detract from it might well be in order. The by-law should allow for such opportunities.

Maintenance and upkeep of heritage buildings is also a point of concern. If the heritage by-law regulations are cost-prohibitive to sustain, is the alternative to allow the heritage building to

crumble? Reasonable accommodations should be built into the by-law to ensure that options for upkeep of heritage buildings are possible in the event that preserving the exact original features is not reasonable. This is particularly relevant for residential dwellings with heritage status, of which the Cathedral Parish administers two (22 Church Hill, 9 Cathedral Street).

The Cathedral leadership wants to be a collaborative and trusted partner of the City in heritage matters. It expects the same of the City in return. The City should ensure that overly restrictive, niche interests are not baked into a by-law to the detriment of those stewards of heritage sites left to suffer the consequences. While we could comment on the minutiae within the by-law, we would prefer to consider the big picture and implore the City to allow for flexibility while still providing the guidance required to preserve our collective treasured heritage for the future, together.

Kind regards,
Angela Morgan
Warden, Anglican Cathedral of St. John the Baptist

# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:03 AM

To: ; CityClerk

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

Lindsay Lyghtle Brushett; Planning; Jennifer Squires

**Subject:** RE: (EXT) Heritage and our bylaws

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe City Clerk

----Original Message-----

From:

Sent: Saturday, August 21, 2021 6:59 AM To: CityClerk <cityclerk@stjohns.ca> Subject: (EXT) Heritage and our bylaws

Dear Council,

I am very concerned about current proposals to bylaws that effectively give council control over the heritage area of St. John's, especially with regard to new developments. Why my concern - you can not forget the mistakes St. John's city councils have made in the past (Atlantic Place, and recently the hotel extension!, Royal Trust and more). The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the exemptions for new builds and extensions will make it much easier for developers to scale up development well past our existing heritage structures in the downtown.

I echo these points recently made in print (The Telegram) by many concerned citizens:

Furthermore, council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:¬

- Precedent-setting 10-storey buildings in our most important Heritage Area 1;
- Heritage buildings being torn down to allow modern architecture in all our heritage districts;

- Allowing modern infill in heritage districts without public consultation (which should require consultation and heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.)
- Modern architecture to be allowed above the current four-storey limit of existing downtown heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision plan, heritage bylaws and new development regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful city.

The Envision plan makes some steps to protect heritage areas — but it has no teeth.

To the city: please consider the impact this will have on our cultural sectors — our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the municipal election. Listen to your citizens and interest groups. Speak with us.

To the city and province: The future of our downtown and harbour is important to our whole province — to our tourism sector and our economy, as well as to the citizens who live and those who run businesses and work here. These important decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

Let's discuss this and wait until after the vote for such a proposal to the bylaw.



St. John's

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# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk

Sent: Tuesday, August 24, 2021 10:03 AM

To: ; Jamie Korab; CityClerk

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

Lindsay Lyghtle Brushett; Jennifer Squires

Subject: RE: (EXT) By-laws

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe City Clerk

From:

Sent: Friday, August 20, 2021 8:08 PM

To: Jamie Korab <jkorab@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) By-laws

I want to add my voice to the opposition against council having the right to approve development proposals without regard to sight lines, and other heritage considerations.

This city has to do better in protecting heritage and enhancing the city's status as the oldest city.

Ireland and other european countries market to the world the best of the old with restrictive development laws.

The fencing of St. John's harbor was unneccessary in my opinion and does nothing to enhance our image.

Sent from my iPhone



# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:17 AM

To: Maggie Burton; Shawn Skinner; CityClerk; Mayor; Sheilagh O'Leary; Sandy Hickman;

Debbie Hanlon

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

Lindsay Lyghtle Brushett; Planning; Jennifer Squires

**Subject:** RE: (EXT) heritage by-laws

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe City Clerk

From:

Sent: Sunday, August 22, 2021 3:57 PM

To: Maggie Burton <mburton@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Mayor <mayor@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; Sandy Hickman <shickman@stjohns.ca>; Debbie

Hanlon <dhanlon@stjohns.ca> Subject: (EXT) heritage by-laws

Hi,

I live in St. John's, at

I am worried that the change in by-laws will make it easier for buildings over 4 storeys to be built in heritage areas. I don't really understand how buildings like Atlantic Place, the Royal Trust building, Scotia Bank building or the TD building were all built when I understood that there was a limit to 4 story high building. We have heard about oil companies and others leaving their rental space in some of these buildings and it seems that Atlantic Place is often underutilized. I am unsure how these developments were able to move ahead and I am unsure if they are even needed. Is this about the cache of someone being able to own a view of the harbour by blocking it out from everyone else's view? How do the city or its residents benefit from this? Is it the expectation of high business tax payments that make councils allow such development? or perhaps something more unscrupulous? The half vacated Stavanger area looks like an example of short sighted thinking to me, with the only consideration given to developers' initial profits but not the legacy of what is being built.

I ask that my city counselors consider the long term effects of any development and make regulations and bylaws that preserve the health and wellbeing of our city and residents. I don't believe that giving developers carte blanche is the only way to thrive and do business here. Developers do not have any accountability to the communities where they are doing business and so we require legislation and city governance that looks out for our best interests. I encourage you to cap the height of any new buildings to 4 stories or 18 M in the area roughly bound by Barter's Hill, Lemarchant Road and Kings

bridge Road. I would like to see higher buildings and dense development along Lemarchant Road, for example, and development that allows us to share and preserve our views and built heritage within our community and with future residents of this city.

thanks,

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# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 10:15 AM

To: CityClerk

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

Lindsay Lyghtle Brushett; Planning; Jennifer Squires

**Subject:** RE: (EXT) Proposed changes to the City Bylaws pertaining to development in Historic Districts.

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe City Clerk

From:

**Sent:** Saturday, August 21, 2021 6:02 PM **To:** CityClerk <cityClerk@stjohns.ca>

Subject: (EXT) Proposed changes to the City Bylaws pertaining to development in Historic Districts.

# Good Afternoon

I totally disagree with the proposed changes to the bylaws that govern development in Historic Districts .

I have followed all the pubic Engagement that has occurred re this matter and read, then reread, your document 'What We Heard'

It is hard for me to believe that our City Council could even consider the proposed changes. Did they even read your own document 'What We Heard'?

I know very few, if any, attended any of the virtual meetings. Do the councillors realize how serious this is? Before taking any action shouldn't these decision makers be required to attend presentations by some of the stakeholders involved. That way, at the very least, they could make an informed decision. It is a pretty important! After all you are talking about changing the face of our city.

For example how can they allow a loop hole which allows for a 10 story condo to be built on Queens Road in the very heart of The Historic Ecclesiastical District thus impacting the continuity and value of the entire district as whole. Please reconsider and vow to protect our beautiful historic city rather bow to the demands of ruthless developers who obviously have no value for what makes this city so very special

City resident for more than 50 years

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# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk
Sent: Tuesday, August 24, 2021 12:26 PM

**To:** Jennifer Squires

**Subject:** FW: (EXT) Impacts to Heritage Area 1 - City of St. John's

Jennifer – do you have this one already? If so, disregard.

Karen

From

Sent: Tuesday, August 24, 2021 12:17 PM

To: JohnAbbott@gov.nl.ca; DerekBennet@gov.nl.ca; DerekBragg@gov.nl.ca; siobhanCoady@gov.nl.ca; HelenConwayOttemheimer@gov.nl.ca; SteveCrocker@gov.nl.ca; bernarddavis@gov.nl.ca; LisaDempster@gov.nl.ca; JamesDinn@gov.nl.ca; PaulDinn@gov.nl.ca; JeffDwyer@gov.nl.ca; LelaEvans@gov.nl.ca; PleamanForsey@gov.nl.ca; AndrewFurey@gov.nl.ca; SherryGambinwaksh@gov.nl.ca; JohnHaggie@gov.nl.ca; JohnHogan@gov.nl.ca; KristaLynnHowell@gov.nl.ca; EJoyce@gov.nl.ca; TOsboune@gov.nl.ca; CraigPardy@gov.nl.ca; LloydParrott@gov.nl.ca; AndrewParsons@gov.nl.ca; PamParsons@gov.nl.ca; BarryPetten@gov.nl.ca; PaulPike@gov.nl.ca; SarahStoodley@gov.nl.ca; LucyStoyles@gov.nl.ca; ChrisTibbs@gov.nl.ca; JoedyWall@gov.nl.ca; JamieChippett@gov.nl.ca; BrianWarr@gov.nl.ca; tedlomand@gov.nl.ca; DavidBrazil@gov.nl.ca; PaulLane@gov.nl.ca; ScottReid@gov.nl.ca; GerryByrne@gov.nl.ca; ElvisLoveless@gov.nl.ca; Gillian Skinner <gskinner@gov.nl.ca>; PerryTrimper@gov.nl.ca; TonyWakeham@gov.nl.ca

**Cc:** Mayor <mayor@stjohns.ca>; Maggie Burton <mburton@stjohns.ca>; Shawn Skinner <sskinner@stjohns.ca>; Ken O'Brien <kobrien@stjohns.ca>; CityClerk <cityclerk@stjohns.ca>; Sheilagh O'Leary <soleary@stjohns.ca>; dstapelton@stjohns.nl; Jamie Korab <jkorab@stjohns.ca>; Wally Collins <wcollins@stjohns.ca>; Debbie Hanlon <dhanlon@stjohns.ca>; Sandy Hickman <shickman@stjohns.ca>

Subject: (EXT) Impacts to Heritage Area 1 - City of St. John's

# Folks:

Yesterday I sent this attached email to some officials at City Hall and the Province. This morning I am widening my distribution of the information.

The City of St. John's will consider new "heritage by laws" for its historic districts this Wed.

As written they will enable tall and modern architecture in some of the most historic places of importance to the Province. The City will **not be** capping Institutional, Commercial and Apartment zones in Heritage Area 1. We know developers are waiting in the wings to get access to these zones. The proposed Parish Lane Condo monstrosity is an example. Maggie Burton implied today on CBC radio that she can't cap height as she can't change the Development Regulations due to Provincial Municipal laws. If this the case you have outdated laws providing direction to Municipalities that need to be updated for a Province that relies on the economy of tourism and cultural industries.

For example what will happen now in St. John's would be akin to to the Town of Bonavista allowing condos to be developed on lands adjacent to the Dungeon or the Cape Bonavista Lighthouse.

These proposed By Law also does not meet provincial or national standards for the protection of historic places for Municipalities. Rather they allow full discretion to Councillors. What is going forward to Council on Wed is laws you would see written in the Dark Ages. The City's claim that Councillors have a right to keep discretion in making decisions

is nothing more than backward and self serving. Laws when written need to apply to all. To build a truly sustainable tourism industry you need laws to make this happen.

For example these By Laws will easily allow a modern tall condo to be constructed adjacent to provincial \$40M world class institution *The Rooms*. They will also be impacting the settings of the collective of important historic places found in the City's Heritage Area 1. This is a District that represents over 400 years of history including the Ecclesiastical District National Historic Site of Canada and other important historic places such as the War Memorial or even possibly Government House, the Colonial Building or Commissariat House and the Court House.

The impacts these new Heritage By Laws will have on our tourism, heritage and cultural industries and economies have not been assessed by the City. Some members of the cultural and tourism communities are expressing concerns. They could also prevent future world heritage applications going forward from the District.

They also most egregiously do not meet the commitments made by the City to the Province in its new City Plan "Envision" to protect the heritage and heritage districts of our most historic Capital City.

I do hope you will consider, act and intervene no matter what political stripe you represent, or what position you hold, as our heritage is a gift from our ancestors and it belongs to everyone.

Thank you
Sincerely and Respectfully

# August 22nd,2021 Mayor Danny Breen and City Hall Officials:

While some at City Hall may be aware of the importance of the historical setting and history found in Heritage Area 1, I wonder if all decision makers have such knowledge.

Most of the District and it's institutions predate the establishment of the City of St. John's.

It's institutions, still present today, helped develop and shaped NFLD society.

It historically represents, in its buildings and settings, Nfld as England's first and important colony, England's early military defence systems for its interest in the North Atlantic fishery, our unique and early judicial system and laws and the unique role religions played in the development of our early society. It also clearly represents our early educational and charity institutions. Most powerfully it represents the establishment of the Dominion of Newfoundland, our period of Commission of Government and our becoming a Province of Canada.

The attached article covers just a small part of this immense history embedded in the buildings and setting associated with this precinct., and up to now we all have taken for granted the protection of the historic setting of this unique district.

I therefore thought this attached article may be of interest to City Officials and others as they prepare to make decisions about the proposed Heritage By Laws this week that will significantly change the setting and historical value of Heritage Area 1 for all time. The By Laws intended to protect the District's heritage as actually written enable both modern architecture and modern builds above 18 meters.

If you proceed with the By Law, as written, you will also be enabling the dismantling of this History and it's Setting of this District and at the expense of our cultural, heritage and tourism industries.

Thank you for your consideration of this matter as custodians of this immense history for our children and for future generations.

https://www.heritage.nf.ca/articles/politics/setting-government-house.ph

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# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk Sent: Tuesday, August 24, 2021 10:16 AM

To: ; CityClerk

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

Lindsay Lyghtle Brushett; Planning; Jennifer Squires

Subject: RE: (EXT) Height rules

Good Day:

Thank you for your email. Council will consider all feedback prior to making a decision on the matter.

Sincerely,

Karen Chafe City Clerk

From

Sent: Sunday, August 22, 2021 9:55 AM To: CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Height rules

Hello

and we are both quite worried about future developments in the downtown. We My wife and I live on understand some regulatory changes are coming and the result may well be 10 story buildings. This is unacceptable to us and we want to strongly register our opposition. We might as well join the exodus to the suburbs. Perhaps we can be replaced but we pay a lot in taxes and spend a lot of money downtown.

Thank you

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## LETTER TO COUNCIL

My feelings about the language being used is that it is complicated and confusing. Why? This is in a report that is intended to be understood and reacted to by the general public. Why is there so much ersatz legalese? Why not more plain speaking and less language that is left 'open' to interpretation? When it goes to a vote what 'interpretation' is being voted on? It's great that people are looking closely at what a healthy city means and how 'heritage' relates to that but this looks like a draft not something that is ready for a vote where the citizens know exactly what it is that has been voted on. If people are serious about having community involvement/feedback then it is important that people can see that the outcomes of their involvement are reflected in clear language not language left open to misinterpretation. We've seen this the NL government go through processes of public consultation that turned out to be merely flim flam that would give them cover to do what they had already planned to do. We've all read the government's news statements – After much study extensive public consultation it has been decided.... Of course usually after that we see that the government keeps on doing exactly what it has always been doing namely satisfying the well connected at the expense of the citizenry. Maybe there is pushback because people are confused by the language and this confusion is creating mistrust. What you're saying to me seems contradictory. On the one hand you say it has to be in 'legalese' so that it can be enforceable. On the other hand you say that it is open to interpretation at the discretion of the incoming council. In other words nothing is truly enfoeceable but exist only at the pleasure of the councilors in power at any given moment in history. It seems like - this way if a group in the community felt that they needed to take the city to court for not abiding by the 'enforceable' by-laws the council could say that the by-law is not enforceable it's open to interpretation and we interpret it this way. This is where the difference between 'may' and shall' come into play. You can see why I'm a bit confused about intentions vis a vis the ability of the public to have their voices heard (and acted upon) since this, I assume, is the point of public consultation unless of course it isn't. Unless it's an exercise in pretense where we all agree that the public consultation and the advice of the heritage committee have legitimate power that will protect our heritage but in fact the public is just an off stage Greek chorus in a piece of political theatre. What we need are strong laws, whether by-laws or otherwise, that protect our heritage and do not depend on the ever changing perspective of successive councils who may regard the interests of developers much more highly than the interests of citizens. The present model of downtown development is antiquated, short-sighted and open to stress under the financial pressures that developers can bring to bear on councilors that the citizens cannot. It's time to lock in the fact that we are a heritage city with heritage law protection. The kind of law that calls a spade a spade and an addition in height to a building, whose height is already at the highest regulation height, an illegal act.

# **Jennifer Squires**

From: Karen Chafe on behalf of CityClerk Sent: Tuesday, August 24, 2021 10:19 AM

To:

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

Lindsay Lyghtle Brushett; Planning; Jennifer Squires

Subject: FW: (EXT) Fwd: City Heritage Bylaws: Share this Ad and Write to Have your Voice Heard, by Aug 24th.

Time is running out

**Attachments:** LETTER 1 A1C Arts Coalition July 9 - More time needed to discuss new development rules for St

> John's SaltWire.pdf; LETTER 2 from CITY - St. John's bylaw designed to protect heritage areas SaltWire.pdf; LETTER 3 Response to CITY Aug 20 Proposed bylaws will harm more than help St.

John's heritage areas SaltWire.pdf

From:

Sent: Monday, August 23, 2021 8:45 AM To: CityClerk <cityclerk@stjohns.ca>

Subject: (EXT) Fwd: City Heritage Bylaws: Share this Ad and Write to Have your Voice Heard, by Aug 24th. Time is

running out

please ensure the language of the document does not allow for free and discussed development that will inevitable change the few remaining heritage aspects of our city - buildings greater in density and height and mass are not conducive to our downtown neighbourhoods.

----- Forwarded message -----

From:

Date: Sun, Aug 22, 2021 at 1:55 PM

Subject: City Heritage Bylaws: Share this Ad and Write to Have your Voice Heard, by Aug 24th. Time is running out

To:



Hi Friends,

The newly formed A1C Arts Coalition has created a 30 second animated photo/ad, a call to action on the City of St. John's proposed Envision Plan and Development Regulations. AS things stand, they will be debated Aug 25 and voted on August 30th.

Your sharing powers would be greatly appreciated - if possible, please share widely:

Facebook Link to Ad: https://www.facebook.com/676106636/videos/634745544179015/

Dropbox Link: https://www.dropbox.com/s/60jwnhm91ucue4e/City%20Development%20Bylaws%20Ad.mp4?dl=0

If passed as it currently is, in Heritage Area 1 (A1C postal code, which includes some of Georgetown, Bannerman, Harvey Rd and Circular Road ++), we could have 10 story buildings on every corner of Gower, Prescott, and Bond.

And very little consultation or restrictions for Developers.

### **More Information**

The recently released Engage St. John's Report on "what we heard" from the public on the Envision plan and new Heritage bylaws is interesting and encouraging in what it does mention. Concerning in what doesn't. (links below). Basically pressure still needs to be kept on Council to adjust the language in the document.

Quote from The Ecclesiastical District Group (Aug 20, 2021, link below):

"The argument that the new bylaw strengthens protection by saying council will retain "discretionary decisions" on scale and design (of new builds) is meaningless. Discretionary decisions by this Council have allowed out of scale, inappropriate design development like the proposed **Atlantic Place** (Hotel) Garage extension and **Parish Lane** Condo development."

City Council is having a Meeting of the whole next Wednesday, August 25 to discuss the Envision plan and development bylaws/Regs. The Public can listen online.

To have your voice heard by August 24th, email: <a href="mailto:cityclerk@st.johns.ca">cityclerk@st.johns.ca</a>

Council will be voting on Monday August 30th, at their last regular meeting before the Election writ is dropped. (links below too)

Increasing affordable urban living is a good thing. But not anyhow, anywhere. Build higher on the higher levels! We have a beautiful amphitheatre of a City here...

Height, scale, placement, and design matter.

It doesn't look like we will have success with asking Council to delay the vote. But we can try. And sharing this visual could certainly help let them know that eyes are on them.

If we close our eyes on these issues, the City we see when we reopen them could be radically changed, forever.

### **LINKS and Information**

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

https://www.engagestjohns.ca/draftdevelopmentregulations

**REPORT** on Public Feedback on Envision and regs (Aug 12 2021): <a href="https://www.engagestjohns.ca/heritage-bylaw/widgets/61092/documents">https://www.engagestjohns.ca/heritage-bylaw/widgets/61092/documents</a> (Click on 1st document)

Committee of the Whole Meeting - Council discusses Public Feedback Wednesday Aug 25 @ 9:30am (listen online by clicking on meeting in yellow):

http://www.stjohns.ca/councilmeetings

Regular Council Meeting - Council Votes on Envision St. John's Plan and Regs Monday Aug 30 @ 3pm (listen online by clicking on meeting in yellow):

http://www.stjohns.ca/councilmeetings

Original Letter from the A1C Arts Coalition (Members welcome!) Telegram July 8 2021:

https://www.saltwire.com/newfoundland-labrador/opinion/local-perspectives/letter-more-time-needed-to-discuss-new-development-rules-for-st-johns-100609480/



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A view of downtown St. Aphresingnisignal Hill.

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The City of St. John's is currently proposing and getting ready to vote on changes to existing regulations regarding new development in the heritage core of St. John's. These changes would have the potential impact of altering the landscape and changing forever what is currently one of the most coveted harbourside vistas in the world.

As proposed in the new Envision plan and development regulations, the exemptions for new

developers to scale up development well past our existing heritage structures in the downtown.

Furthermore, council would give itself the right to give discretionary site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown. If passed in their current wordings, the barn door has been opened on:¬

- Precedent-setting 10-storey buildings in our most important Heritage Area 1;
- Heritage buildings being torn down to allow modern architecture in all our heritage districts;

 Allowing modern infill in heritage districts without public consultation (which should require consultation and heritage committee review, connection to the historic urban fabric, to scale and appropriate materials.) heritage buildings, that will then be able to be seen from all vista points.

We are respectfully requesting more time. Time to consider all the aspects of the City of St. John's Envision plan, heritage bylaws and new development regulations. Time to truly consider what it is we are giving away.

We do not want to become Halifax or Toronto, with towers placed without consideration of their effects on the integrity of our beautiful city.

The Envision plan makes some steps to protect heritage areas — but it has no teeth.

To the province: we are asking that the province's required registration of the plan and development regulations be held over until after the September municipal election. Join us at the table to discuss the City of St. John's Act, over which you have jurisdiction.

To the city: please consider the impact this will have on our cultural sectors — our film and television industries, visual artists, writers, our performing artists and their spaces, and all citizens and visitors alike. We are asking you to delay your vote until after the municipal election. Listen to your citizens and interest groups. Speak with us.

To the city and province: The future of our downtown and harbour is important to our whole province — to our topgismesses and our economy,

decisions need not be rushed.

Let's identify our treasures and work to build, in complement to them. We have made some significantly important steps for the downtown. We hope we can all sit and discuss at the same table, on our streets and in coffee shops in the next three months, how we can develop the downtown and harbour on a scale that maximizes development and livability.

Let's ensure that we protect our most valuable assets for now and for generations to come.

Mary Walsh (actor), Eleanor Dawson, Anne Malone (inclusion advocate/candidate city election), Robert Mellin (architect), Sandy Morris, Ann Connors, Louise Moyes, John Doyle John and Magda Moyes, Calla Lachance (Neighbourhood Dance Works), Melanie Caines (owner Nova Yoga), Melanie Del Rizzo (lawyer and former member City Heritage Committee), and Ruth Lawrence.

St. John's

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On July 8, a Letter to the Editor from a group of concerned citizens titled, "More time needed to discuss new development rules for St John's" suggested that the new municipal plan and development regulations, currently awaiting provincial approval, will be to the detriment of heritage preservation in St. John's.

I would like to clarify some misconceptions in the letter and reassure the public that protecting heritage areas is at the core of our new plan.

The biggest and most significant change is the adoption of a new heritage bylaw, which in fact provides more protection for Heritage Areas than are currently in place.

Currently, development in the province is governed by the provincial Urban and Rural Planning Act and, in St. John's, by the St. John's City Act. These documents are silent on heritage preservation.

# Related

- <u>LETTER: Reservations about the St. John's</u>
   <u>proposed heritage by law</u>
- <u>LETTER: Keep heritage in mind on the St.</u> <u>John's waterfront</u>
- <u>LETTER: City of St. John's needs to follow</u> its own heritage rules
- Letter: Consultations needed on preserving built heritage in St. John's

By creating a new heritage bylaw for the City of St. John's, we are in fact putting into legislation our commitment to heritage.

The new bylaw provides better protection for built heritage, updates our heritage standards and includes some new ideas while maintaining our focus on heritage preservation and protection.

While the co-signatories on the letter clearly express a deep concern for head preservation,

plan and regulations give council new discretionary powers to offer "site-specific exemptions, thereby eliminating desired and necessary checks and balances for ensuring development in scale and context with the historic downtown."

The fact of the matter is that council always had and will continue to have discretionary power – it is a fundamental principle of municipal development that councils can exercise their discretion when it comes to zoning and other matters related to development.

What the new heritage bylaw in fact does is lay out a very specific and stringent process developers must go through in order to consider any development in a heritage area.

For example, a heritage report is a new requirement for applications to demolish a heritage building, change or revoke the designation of a heritage building, and any other application as recommended by the appropriate staff member (termed an "inspector" in the bylaw).

Heritage reports, used widely in other jurisdictions in Canada, help address the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape, informing council and the public on heritage impacts before council makes a decision on an application.

We've also added a requirement for public consultation. Currently, development would only require public notice if an application to council is for a rezoning or a discretionary use. In the new bylaw, an application to demolish a heritage building; amend or revoke a designation, or any other matter where council so directs would now require public notice.

When Envision and the development regulations are approved by the province and the new heritage bylaw is enacted by council, heritage will be better protected than ever before. Where our legislation and regulations were once ambiguous, they will be very clear, making it easier for developers and council to know what the rules are and how to follow them.

The Envision Municipal Plan and new development regulations have been in development for over 10 years; in that time, there have been numerous opportunities for public consultation and many changes have been made based on the feedback gathered.

The co-signatories to the July 8 letter said, "Let's ensure that we protected or 4 more to a set of the July 8 letter said, "Let's ensure that we protected or 4 more to a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said, "Let's ensure that we protected out to be a set of the July 8 letter said and the July 8 letter

that Envision and the new development regulations, together with a comprehensive heritage bylaw that has already been through a comprehensive public engagement process, is the right path forward.

I encourage anyone with an interest in learning more about the heritage bylaw to visit <a href="https://www.engagestjohns.ca/heritage-bylaw">https://www.engagestjohns.ca/heritage-bylaw</a>

Maggie Burton

Councillor at Large, City of St. John's

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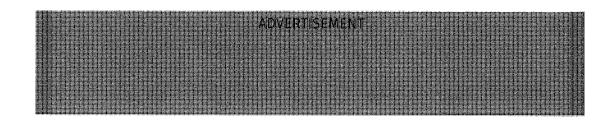






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- LETTER: Reservations about the St. John's proposed heritage by law
- <u>LETTER: Keep heritage in mind on the</u> <u>St. John's waterfront</u>
- <u>LETTER: City of St. John's needs to</u> follow its own heritage rules
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We are troubled by the omissions of Coun. Maggie Burton's July 30 letter to the editor about how the proposed heritage bylaws will protect the most valued historic streetscapes of the city. She fails to mention that council can exempt a new building from Heritage Design Standards (Section10-3) in all heritage areas, and can do so without public consultation, (Section11.1).

Burton also does not mention that the bylaws are littered with as many "may" permissive statements as there are "shall" mandatory statements, so there is no real "law" in these proposed Bylaws.

Even the establishment of a Heritage Advisory Committee has been put in the "may" category, (Section 3.1).

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Burton also argues that the "new plan and regulations give council no new discretionary powers."

This statement is incorrect. Burton's argument that the new bylaw strengthens the protection of our history by saying that council will retain discretionary decisions on scale and design is meaningless. We know most discretionary decisions by this council have allowed out of scale, inappropriate design development like the proposed Atlantic Place Garage extension and Parish Lane Condo development.

Burton also fails to mention that the proposed heritage reports are discretionary (Section 8.3) "staff to recommend to council the ability to waiver the need for one."

She neglects mentioning that the bylaw will not protect the scale and design of buildings in Heritage Area 1. Schedule D-8, states, "in Heritage Area 1 for buildings that exceed 18 metres in height, portions of the building above 18 metres shall have a greater freedom of material choice and design expression."

This is new, enabling tall-height, modern-design provision, for a district that contains some of the province's most historic streetscapes.

She again neglects mentioning that building height caps will not apply, however without them building scale will not be protected. She also fails to

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regulations allow tall buildings in heritage districts superseding the provisions in the proposed Bylaws, (Section 11. 2). Therefore her claim that the bylaw provides improved protection for heritage buildings and districts is misleading nonsense.

Why are these changes being sought now?

Burton states the new Envision Plan has been "in development for over 10 years."

Why, then, are bylaws being developed so quickly and promoted so vigorously on the eve of an election? Possibly because a developer proposes to build a very large 10-storey structure — which Council argues is only five stories high — in the very heart of our historic areas?

Burton also fails to defend or even explain the most harmful egregious change — that is the council's ability to ignore the entire heritage consultation process, (Section 11.1, "the following shall … unless Council directs otherwise require public consultation").

Why does she fail to do so? What is the reason for this?

And why is the change being sought now? We see the new text as nothing more than an attempt to evade any legislated standards.

These proposed bylaw protections for buildings and heritage areas, as currently formulated, are

protections by simple majority vote, thus allowing exceptions to the heritage design standards, ignoring reference to the Heritage Advisory Committee/Built Heritage Experts Panel, ignoring the panel's advice, and proceeding without public consultations or even a heritage report.

The proposed heritage bylaw permits the exemption of new buildings in heritage areas from firm controls that respect heritage standards and appropriate height limits.

Council is clearly shaping these new bylaws to enable a scale of development that will be at the expense of our sustainable heritage, tourism and cultural industries.

Our heritage streetscapes will simply not retain their sense of time and place if this new Bylaw is allowed to pass.

This would not happen in Lunenburg, Old Quebec City or St. Petersburg, Russia!

Citizens should be alarmed not reassured.

To learn more about the significantly flawed heritage bylaw visit https://www.engagestjohns.ca/heritage-bylaw.

Dr. James Hiller, Robert Pitt, Edward Roberts, Dr. Ann Walsh, Dr. John Fitzgerald, David Baird, Bruce Templeton, Patricia Buchanan, Ruth Canning and Heather MacLellan St. John's BY-LAW NO.

AMENDMENT NO.

HERITAGE BY-LAW

PASSED BY COUNCIL ON

Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990 c.C-17, as amended, and all other powers enabling it, the City of St. John's enacts the following By-Law relating to heritage.

# **BY-LAW**

- 1. This By-Law may be cited as the "St. John's Heritage By-Law".
- 2. In this By-Law:
  - (a) "Building" shall have the same meaning as in the City of St. John's Act;
  - (b) "Heritage Area" means an area that Council has designated as a Heritage Area;
  - (c) "Heritage Building" means a building that Council has designated, in whole or in part, as a Heritage Building;
  - (d) "Heritage Design Standards" means the design standards adopted by Council;
  - (e) "Inspector" means any person authorized by Council to administer and enforce this By-Law; and
  - (f) "Owner" shall have the same meaning as in the City of St. John's Act.
- 3(1). Council may establish a Heritage Advisory Committee to advise Council in respect of heritage matters referred to it by Council and/or the Inspector.
- (2). The composition of and procedures governing the Heritage Advisory Committee are set out in Schedule "A" to this By-Law.

# **HERITAGE AREAS AND HERITAGE BUILDINGS**

- 4(1). Council confirms the designation of:
  - (a) Heritage Areas 1, 2 and 3 as described in Schedule "B" to this By-Law; and

- (b) Heritage Buildings listed in Schedule "C" to this By-Law.
- (2) Council designates Heritage Area 4 as described in Schedule "B" to this By-Law.
- 5(1). Council may designate an area as a Heritage Area and may amend or revoke the designation of a Heritage Area.
- (2) Council may designate a building as a Heritage Building and may amend or revoke the designation of a Heritage Building.

# **APPLICATIONS MADE UNDER OTHER BY-LAWS OR REGULATIONS**

- 6. Where an application is made under another by-law or the Development Regulations respecting a Heritage Building, a building in the Heritage Area, or the demolition of a building, the application shall be forwarded to the Inspector who may:
  - (a) request the applicant provide such additional information as the Inspector deems appropriate; and/or
  - (b) refer the application to the Heritage Advisory Committee
- 7. The Inspector may impose such conditions as may be necessary to fulfill the requirements of this By-Law on any permit, approval-in-principle, or approval granted in respect of a Heritage Building, a building in a Heritage Area, or the demolition of a building.

# HERITAGE REPORTS

- 8(1). A Heritage Report, and any supporting studies or plans, shall be prepared at the expense of the applicant.
- (2). Council shall require a Heritage Report for:
  - (a) an application to demolish a Heritage Building;
  - (b) an application to amend or revoke the designation of a Heritage Building;
  - (c) an application for a new development in a Heritage Area;
  - (d) an application for a new development adjacent to a Heritage Building; or
  - (e) any other application in respect of which the Inspector has recommended that a Heritage Report be prepared.
- (3). Notwithstanding subsection (2), where in the opinion of Council it is appropriate to do so, Council may accept a staff report in lieu of the Heritage Report.

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- (4). The terms of reference for a Heritage Report shall be approved by Council and shall form part of the Report itself.
- (5). A Heritage Report shall at a minimum evaluate and identify heritage values and resources located on the site, neighbourhood or streetscape and address the anticipated impacts that the proposed work may have on the heritage value of a building, neighbourhood or streetscape.

## HERITAGE DESIGN STANDARDS

- 9. The Heritage Design Standards are described in Schedule "D" to this By-Law.
- 10(1). The owner of a Heritage Building shall comply with the Heritage Design Standards for Heritage Buildings.
- (2). The owner of a building, other than a Heritage Building, in a Heritage Area shall comply with the Heritage Design Standards for that Heritage Area.
- (3). Notwithstanding subsection (2), Council may exempt the owner of a newly constructed building from the Heritage Design Standards.

# **PUBLIC CONSULTATION**

- 11(1). The following shall, unless Council directs otherwise, require public consultation:
  - (a) an application to demolish a Heritage Building;
  - (b) an application to amend or revoke the designation of a Heritage Building;
  - (c) an amendment of a Heritage Area;
  - (d) the designation of a new Heritage Area;
  - (e) an application for a new development adjacent to a Heritage Building; and
  - (f) any other matter where Council so directs.
- (2). Public consultation shall be carried out in accordance with the provisions of the Development Regulations.

# **PENALTY**

12. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a penalty as provided for in Section 403 of the City of St. John's Act.

# Schedule A

### ADVISORY COMMITTEE TERMS OF REFERENCE



1. GENERAL INFORMATION	
Experts panel name:	Built Heritage Experts Panel
Reporting to:	Committee of the Whole
Date of formation - expiration date:	February 22, 2016
Meeting frequency:	Monthly or as required in accordance with the agenda items
Staff lead:	Chief Municipal Planner and Planner III – Urban Design and Heritage
Other staff liaison:	Technical Advisor  Director of Planning and Development  Others as required as per Section 4.2.1

# 2. PURPOSE

The Built Heritage Experts Panel provides expertise, opinion and perspective about built heritage, its protection and designation in the City of St. John's.

The Built Heritage Experts Panel will consider applications, proposals, reports and related items referred to it by staff or Council.

It will make recommendations to Council, via the Committee of the Whole, on heritage matters including the development and implementation of heritage policies, by-laws, strategies and programs applicable to the City.

Specifically the panel will:

- Develop recommendations on built heritage designations.
- Provide expert opinions on built heritage applications referred to it by city staff, Committee of the Whole or Council.
- Recommend best practices on built heritage and urban design.
- Review heritage issues, including issues under the City of St. John's Act and/or the Historic Resources Act of Newfoundland and Labrador that may be referred to it by Council.
- Identify for designation any area, building, structure or land as heritage.

Built Heritage Experts Panel recommendations to the Committee of the Whole will occur in the manner defined by these terms of reference to best support City Policy. The Built Heritage Experts Panel will prepare recommendations to the Committee of the Whole. The purpose of the Built Heritage Experts Panel is relation to specific City policies, plans, and strategies is as follows:

Built Heritage Experts Panel Relationship to Strategic Plan:

• Neighbourhoods build our city – maintain and position downtown as a distinct neighbourhood, develop

### ADVISORY COMMITTEE TERMS OF REFERENCE



parks and places for people.

- Responsive and Progressive create a culture of engagement, identify and deliver on projects, strategies and programs.
- A Culture of Cooperation create effective City-Community collaborations

Applicable Legislation/City Bylaws:

- City of St. John's Act, Section 355
- Any applicable City of St. John's by-laws current or future

Other City Plans, Guides or Strategies:

- St. John's Heritage Areas, Heritage Buildings and Public Views Study, 2003
- Downtown St. John's for Economic Development Heritage and Preservation, 2001
- Envision draft Municipal Plan (with specific reference to items involving heritage, built heritage), 2014
- Parks and Open Spaces Master Plan, 2014
- City of St. John's list of designated Heritage Buildings (latest version)

Other Distinct Deliverables and Considerations:

- The Panel will be consulted on any city public engagement processes where getting the perspective of heritage experts is identified in a plan.
- The Panel will support the development and ongoing review of a built heritage designation inventory.
- The Panel will identify programming to support the goals of the Built Heritage Experts Panel's work.

### 3. MEMBERSHIP AND COMPOSITION

### 3.1 COMPOSITION

The Built Heritage Experts Panel will be comprised of no more than 7 total members from the following stakeholder groups:

### 3.1.1 Public Members

### **Committee Chair**

Built Heritage Experts Panel will be chaired by a public expert. The Chair will be selected by Council upon recommendation of staff drawing from the Panel's membership. Additional selection criteria for Chair may be applied for experts panels.

The public member chairing a committee will have responsibility for ensuring the committee carries out its work



as per the terms of reference.

#### **Public Members**

The Committee will be comprised of no more than 7 residents serving as public members. Public members are volunteers and will receive no compensation for participation. Preference will be given to residents of St. John's. Public members must have certification, accreditation, affiliation and/or demonstrated expertise and experience in matters of built heritage and/or cultural landscape.

The Panel will include at least one representative from each of the following categories:

- Architect
- Contractor
- Planner, MCIP
- Historian/Archival Expert/Historic Preservationist category
- Landscape Architect
- Other Demonstrated Relevant Experience

**Subcommittees:** When deemed necessary, the experts panel may strike a working committee or subcommittee to deal with specific issues or deliverables. Subcommittees must have at least one panel member. Composition may also include other members of the public and organizational representatives. Subcommittees shall meet as an independent group, reporting to the panel on specified meeting dates, or as deemed necessary by the committee Chair or Lead Staff.

#### 3.1.2 Staff and Council Members (Ex-Officio Members)

#### **Lead Staff**

A Lead Staff will be appointed to the Built Heritage Experts Panel by the appropriate City executive or senior management. Other staff support/attendance may be requested by the Lead Staff where required.

#### **City Clerk**

The City Clerk will provide legislative and governance support to the experts' panel.

#### Council

The spokesperson is Councillor Maggie Burton

#### 3.2 LENGTH OF TERM

#### **Public Member Experts**

Unless otherwise indicated, the Built Heritage Panel term of appointment is two years. Recognizing the value of experience and the need for continuity, incumbents who are willing to seek reappointment may signify their intent to serve an additional two years, for a total of four years. In some cases members may be encouraged to provide guidance, expertise and attend in a bridging capacity following the end of their term.

#### **Cooling-off Period (Former City Staff and Council)**

There will be a cooling-off period of two years for Council and Staff once they are no longer associated with the City. Setting term lengths with a cooling-off period will promote gradual turnover, ensuring a constant balance between new members and former staff or council.

#### **Additional Considerations:**

- Public members may not serve on more than one experts' panel at a given time.
- Midterm Appointments: When an appointment is made which does not coincide with the beginning of a term (i.e. to fill a vacancy) the partial term (i.e. less than two years) shall not count towards the maximum



length of service or number of terms on the Committee for the appointee.

Exceptions to the above terms are as follows: when an insufficient number of applications have been received; if a particular area of expertise is indispensable and there are no other suitable replacements; if the experts panel would suffer from a lack of continuity (i.e. more than half of all members are replaced at once); if directly related to the Advisory Committee's purpose as defined in its Terms of Reference.

#### 4. ROLES, RESPONSIBILITIES AND REPORTING

#### 4.1 ROLES AND RESPONSIBILITIES

#### As a municipal Experts Panel, roles include:

- Advising and making recommendations to the Committee of the Whole in a manner that will support City policy matters relevant to the panel's defined purpose.
- Providing expertise specific to the mandate of the panel.
- Working within given resources.
- Consider working with other committees and/or working groups i.e. Downtown Advisory Committee and Arts and Culture Advisory Committee
- Explore opportunities to add value to parks, open spaces, etc. as heritage and design go beyond buildings.

#### **Shared Member Responsibilities**

#### Conduct

Members shall strive to serve the public interest by upholding Federal, Provincial and Municipal laws and policies. Experts Panel members are to be transparent in their duties to promote public confidence. Members are to respect the rights and opinions of other committee members.

#### **Preparation**

Meeting agenda and accompanying materials will be circulated electronically one week prior to all meetings; members are expected to review all distributed materials prior to meetings. Alternate material distribution methods to be made available upon request.

#### **Agendas**

- Agendas to require focus with clear parameters for content and alignment with terms of reference/purpose.
- Agendas will be finalized one week before meetings.
- Items and accompanying material that are received after the agenda has been prepared and distributed (but prior to the meeting) will be moved to the following meeting's agenda at the discretion of the City Clerk.
- All public members are to submit potential agenda items and related material to the Committee Chair and Lead Staff person for consideration.

#### **Attendance and Participation**

Active participation in meetings is expected of all public members. "Active participation" may refer to both meeting attendance and/or engagement. An effort should be made to attend meetings in person or remotely. Members who do not actively participate in more than 3 consecutive meetings without justified absence may be retired from the committee at the discretion of the City Clerk.

Members who wish to request a leave of absence for an extended period of time (3+ months) may submit such a request to the City Clerk. Previously submitted applications may be used to fill temporary vacancies created by approved leaves of absence.

Quorum – a quorum for meetings is considered to be 50% + 1 members in attendance.



#### Voting

City Staff are ex-officio and therefore non-voting.

#### 4.2 MEMBER ROLES AND RESPONSIBILITIES

#### 4.2.1 City Staff

#### **Lead Staff**

- To act as a liaison between the Built Heritage Experts Panel and the Committee of the Whole on issues relevant to Panel's work.
- Lead staff will attend the Committee of the Whole when reports of the Built Heritage Experts Panel are included in the agenda.
- Ensure the panel is informed about City policy, procedure and available resources in reference to specific agenda items, and provide procedural and/or technical advice to assist the panel where appropriate.
- Request additional staff support/attendance at meetings as needed.
- To develop agendas in cooperation with the Chair and City Clerk's Office for distribution.
- Incorporate input from the experts panel into ongoing City work where appropriate (e.g. projects, staff updates, publications).

#### Other Staff Liaison

• The work of Other Staff Liaisons intersects the purpose of the Experts Panel and therefore they may be required to participate.

#### **City Clerk**

- To be responsible for legislative functions related to experts panel's operation, establishment, review, and term amendments. This includes leading or supporting day-to-day panel activities such as the co-ordination of meeting schedules and the external/internal distribution/posting of experts panel agendas and meeting reports
- Facilitate and support the recruitment and appointment process through assisting in the development of "Notice of Vacancy" while ensuring all relevant forms and supporting documentation are completed and received
- In adherence with the terms of reference, the Office of City Clerk and Lead Staff oversee panel selection with input from relevant departments.
- The Office of the City Clerk will work with Lead Staff members to ensure new members receive orientation.

#### 4.2.2 Public Members

#### Chair

- The presiding officer of the Built Heritage Experts Panel will be referred to as "Chair." An experts panel member shall not serve as a Chair for more than three consecutive years except in extenuating circumstances (see Term Limits).
- Uphold experts panel processes and functions in accordance with all terms presented, maintaining productivity and focus. This includes ensuring committee members' conduct themselves in a professional manner.
- If appropriate, with support from the City Clerk and Staff Lead, the Chair will help build and coordinate a work plan for the experts panel.
- Prepare and submit agenda items and accompanying materials to the City Clerk (i.e. act as a conduit for all communications between public members and the City Clerk).



- Where appropriate, support the Lead Staff and/or City Clerk in fulfilling panel requirements related to reporting processes (annual presentations, written reports, FAQ's etc.).
- Assist in the development of content for Notice of Vacancy documents.
- Review experts panel terms of reference with City Clerk and Staff Lead at the end of each term and be prepared to propose amendments as needed.

#### **Public Members**

Public members are expected to provide advice to support City decision making; applying, knowledge and experience related to the mandate of the Panel in carrying out functions commensurate with its defined purpose. Roles to include: active participation in meetings; representing professional designation to which they belong in the community and engaging with residents and experts when appropriate.

#### 4.2.3 Council

The Built Heritage Experts Panel reports to the Committee of the Whole.

In cases where an item on the agenda of the Built Heritage Experts Panel (as detailed in a given meeting agenda) would benefit from having the Chair or other Council representative of the Committee of the Whole in attendance, it will be the responsibility of the Panel Chair and/or Lead Staff to inform the Committee of the Whole chair.

#### 4.3 REPORTING

The Built Heritage Experts Panel shall report through the Committee of the Whole.

#### **Standardized Reporting Process:**

- The Built Heritage Experts Panel Lead Staff, Chair and City Clerk will work to complete a report for referral to the Committee of the Whole.
- Following reporting to the Committee of the Whole, the report will be posted to the City of St. John's website.
- Public expert representatives will be encouraged to report to (i.e. maintain open communication with) their respective affiliated professional organizations regarding the Panel's work.

#### 5. COMMITTEE RECRUITMENT AND SELECTION

#### 5.1 RECRUITMENT, VACANCIES, AND APPLICATIONS

Recruitment practices will be consistent for all experts panels. When new members are required a "Notice of Vacancy" will be prepared by the City Clerk and distributed through City communication channels by the Office of Strategy and Engagement. Additional communications opportunities may be identified by relevant departments/panel members. This document will include general information regarding panel purpose, the terms of reference and a link to the Application Form.

A vacancy on a panel occurs when a member resigns, vacates a position, or when their resignation is requested by the Chair. Vacancies may occur at: the date of resignation; the date the member ceases to be qualified; the



date the Chair declares the position vacant due to lack of attendance or incapacitation.

All applicants must complete an Application Form which may be downloaded from the City website, or obtained by visiting/calling Access 311. Applications will be made available in large print format upon request and may be submitted electronically, via mail, by phone, or in person to the attention of the City Clerk's Office.

#### 5.2 ELIGIBILITY AND SELECTION

#### **Eligibility**

Appointments to City of St. John's Built Heritage Experts Panel will follow Section 3. Membership and Composition.

#### **Selection Criteria**

In addition to eligibility requirements, an applicant's specific skills and experience will be important factors in panel selection. While all who meet the Eligibility Requirements outlined are encouraged to apply, applicants with demonstrated participation in groups or initiatives with goals relevant to an expert panel's purpose will be preferred. Some other considerations pertaining to general selection criteria include: past professional and volunteer experience, ability to perform required tasks, and complementary skills, or competencies possessed. Those who are selected to serve on City experts' panel will be notified by email. A handbook and other relevant information will also be provided to successful applicants.

#### **6 PUBLIC ENGAGEMENT**

The City of St. John's recognizes that engagement between the City and its citizens is an essential component of an effective municipal government. The City views public engagement as a process – one that facilitates dialogue with the right people, using the right tools, at the right time, on subject areas of mutual interest.

In accordance with the City of St. John's <u>Engage! Policy</u>, the role of the Experts Panel in the spectrum of engagement will fall within the realm of "consultation." As such, City of St. John's experts panels will be based on the principles of commitment, accountability, clear and timely information, and inclusiveness.

Experts' panels are only one of the ways to engage with the City. Where applicable the City will consider the use of other tools to gather perspectives and input. For more information on public engagement in the City of St. John's or to find out how to get involved or learn about what's coming up, check out the engagement page on the City's website. You can also check out the City's <a href="Engage! St. John's">Engage! St. John's</a> online engagement platform and connect with us on <a href="Twitter">Twitter</a> and <a href="Facebook">Facebook</a>.

#### 7 OTHER GOVERNANCE

#### 7.1 REVIEW OF TERMS

Taking into account recommendations from the Panel Chair, Committee of the Whole Chair, the City Clerk and Lead Staff, the Panel will, at the first meeting of each year, review Built Heritage Experts Panel Terms of Reference documents. The purpose of this review will be to ensure that the operations and function of each panel are still aligned with its defined purpose. A review template will be used to maintain consistency. Through this review process, amendments to the Terms of Reference will be proposed and recommended to the Committee of the Whole.



#### 7.2 MEETING AND SCHEDULES

Built Heritage Experts Panel will meet monthly or as agenda items are determined. The exact frequency of the Built Heritage Experts Panel meetings will be determined by the Chair, Lead Staff, and City Clerk.

Unless otherwise specified (generally one week prior to a meeting) Built Heritage Experts Panel meetings shall be held at City Hall and shall be closed to the public.

#### 7.3 CONFLICTS OF INTEREST AND CONFIDENTIALITY

#### **Conflicts of Interest**

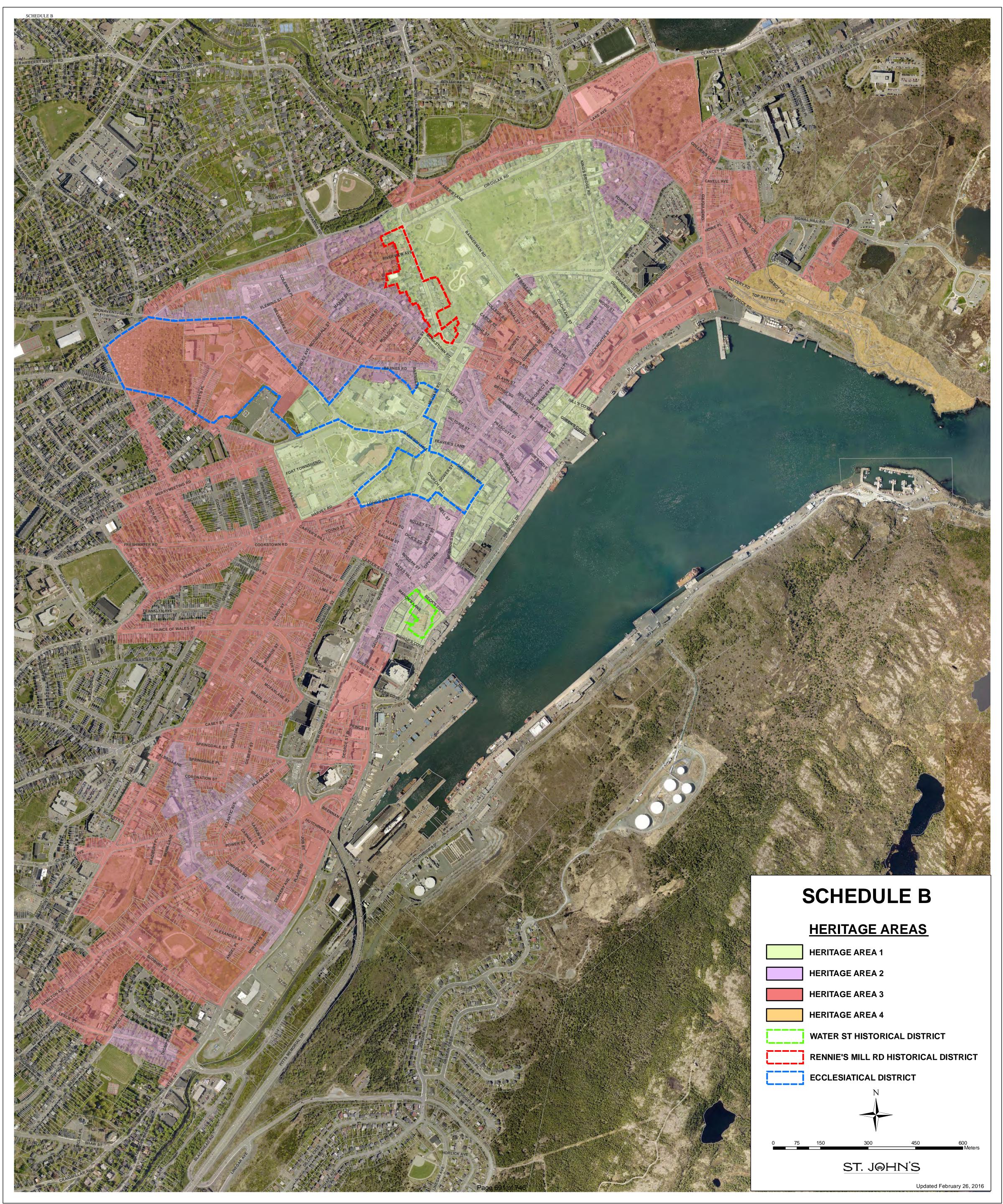
A conflict of interest refers to situations in which personal, occupational or financial considerations may affect or appear to affect the objectivity or fairness of decisions related to the panel's activities. A conflict of interest may be real, potential or perceived in nature. Conflict of Interest may occur when a panel member participates in discussion or decision-making about a matter which may financially benefit that Member or a member of his/her family, or someone with whom the panel member has a close personal relationship, directly or indirectly, regardless of the size of the benefit.

In cases where the panel agenda or discussions present a conflict of interest for a member, that member is required to declare such conflict; to abstain from discussion; and remove himself/herself from the meeting room until the agenda item has been dealt with by the Panel.

#### **Confidentiality:**

All Panel members are required to refrain from the use or transmission of any confidential or privileged information while serving with the Built Heritage Experts Panel.

Staff Liaison Name:		
Signature:	Date:	
Chair Name:		
Signature:	Date:	
City Clerk Name:		
Signature:	Date:	





## City of St. John's HERITAGE BUILDINGS

### August 2021

Number	of Building  Name (if any) or Type  Addre		Date of Designation	Parcel ID	Designation Confined To:
1	Cramm House	3 Barnes Road	2008/01/11	26225	Not specified
2	House (semi-detached)	8 Barnes Road	1986/09/24	20161	Footprint of the building
3	House (semi-detached)	10 Barnes Road	1986/09/24	20087	Footprint of the building
4	Mallard Cottage	8 Barrows Road, Quidi Vidi Village (formerly 2 Barrows Road)	2006/04/24	45207	Footprint of the building
5	Murray Premises	5 Beck's Cove (Harbour Drive and Water Street)	1989/07/21	26220	Footprint of the building
6	St. Joseph's Chapel - Blackhead Church	8 Blackhead Village Road	1994/08/22	29981	Footprint of the building
7	The Observatory (house)	1 Bonaventure Avenue	1994/12/05	38060	Footprint of the building
8	Raheen	50 Bonaventure Avenue	2020/11/13	7887	Footprint of the building
9	Bishop Feild College	46 Bond Street	1989/07/21	33822	Footprint of the building
10	Cantilever (Ove Arup) Pedestrian Bridge	100 Bowring Park Road	2020/05/15	36243	Footprint of the bridge
11	House	172 Campbell Avenue	2020/10/09	24149	Footprint of the building
12	Masonic Temple	6 Cathedral Street	1989/07/21	17459	Footprint of the building
13	Cathedral Clergy House	9 Cathedral Street	1989/07/21	5293	Footprint of the building
14	Anglican Cathedral of St. John the Baptist	16 Church Hill	1989/07/21	46179	Footprint of the building
15	The Deanery (Anglican Cathedral Parish Rectory)	22 Church Hill	1989/07/21	23530	Footprint of the building
16	House	24 Circular Road	2001/07/23	26052	Footprint of the building
17	Bartra (house)	28 Circular Road	1987/04/15	11189	Footprint of the building

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18	House (semi-detached)	34 Circular Road	1999/02/08	25649	Footprint of the building
19	House (semi-detached)	36 Circular Road	1999/02/08	27975	Footprint of the building
20	Bannerman House	54 Circular Road	1991/01/27	9239	Footprint of the building
21	House	56 Circular Road	2017/01/27	20919	Footprint of the building
22	House	58 Circular Road	2018/09/14	33472	Footprint of the building
23	Sunnyside Gatehouse	60 Circular Road	2006/04/25	352982	Footprint of the building
24	Sunnyside House and Coach house	70 Circular Road	2006/04/25	34197	Entire property including the Victorian Gothic house, Coach House and surrounding land with mature trees, delineated by a fence
25	Kedra (formerly Canada House)	74 Circular Road	1981/10/24	34198	Footprint of the building
26	House (Elliott and Elliott Ltd.)	28 Cochrane Street	2004/05/17	25953	Footprint of the building
27	Cochrane Street United Church	81 Cochrane Street and 42 Bannerman Street (duel civic)	1989/07/21	46995	Footprint of the building
28	Emmanuel House	83 Cochrane Street	1989/07/21	25883	Footprint of the building
29	St. Patrick's Convent	15 Convent Square	1989/07/21	47673	Footprint of the building
30	Devon Row (row house)	1 Devon Row (Duckworth St)	1989/07/21	10935	Footprint of the building
31	Devon Row (row house)	2 Devon Row (Duckworth St)	1989/07/21	10916	Footprint of the building
32	Devon Row (row house)	3 Devon Row (Duckworth St)	1989/07/21	8041	Footprint of the building
33	Devon Row (row house)	4 Devon Row (Duckworth St)	1989/07/21	8101	Footprint of the building
34	Devon House	59 Duckworth Street	2005/02/14	35941	Footprint of the building
35	Tobin Building - Posie Row (former Pollyanna Art Gallery, Hutton's Music Store)	214 Duckworth Street	2006/04/25	29030	Footprint of the building
36	Office - Choices for Youth (former Aylward, Chislett & Whitten law offices)	261 Duckworth Street	1989/07/21	23668	Footprint of the building
37	Former Evening Telegram building and Compu College	271-275 Duckworth Street	1989/07/21	35306	Footprint of the building

Anna Templeton Centre (former Bank of British North America)	278 Duckworth Street	1989/07/21	47419	Footprint of the building
Family Justice Services (former Provincial Museum of Newfoundland and Labrador)	285 Duckworth Street	1989/07/21	23670	Footprint of the building
Court of Appeal (former Union Bank Building)	287 Duckworth Street	1989/07/21	23669	Footprint of the building
Supreme Court of Newfoundland and Labrador (St. John's Court House)	309 Duckworth Street and 192 Water Street (dual civic address)	1989/07/21	11732	Footprint of the property
House (architect William Howe Greene, 1865- 1937)	333 Duckworth Street	1989/07/21	34749	Footprint of the building
The Majestic Theatre (former Merlin's Night Club)	390 Duckworth Street	1989/07/21	21797/ 21798	Footprint of the building
The Imperial Condominiums (former Imperial Tobacco Factory)	22 Flavin Street	1989/07/21	48915/ 25903	Footprint of the building
Devon Place	3 Forest Road	2017/08/18	26741	Footprint of the building
Devon Place	3A Forest Road	2017/08/18	26740	Footprint of the building
Monroe House	8 Forest Road	2006/07/11	38624	Research needed
Forest House	50 Forest Road	2004/05/17	14537	Footprint of the building
Howard House	7 Garrison Hill	2005/02/14	25687	Building, garden, fence, and mature trees on the lot
George Street United Church	130 George Street West	1989/07/21	45548	Footprint of the building
Bonne Esperance (semi- detached)	18 Gower Street	2006/04/25	24872	Footprint of the building
Bonne Esperance (semi- detached)	20 Gower Street	2006/04/25	24870	Footprint of the building
Bonne Esperance (semi- detached)	22 Gower Street	2006/04/25	25686	Footprint of the building
Angel House	146 Hamilton Avenue	2006/06/27	13120	House, carriage house, stable, grounds and the iron fence
	(former Bank of British North America)  Family Justice Services (former Provincial Museum of Newfoundland and Labrador)  Court of Appeal (former Union Bank Building)  Supreme Court of Newfoundland and Labrador (St. John's Court House)  House (architect William Howe Greene, 1865-1937)  The Majestic Theatre (former Merlin's Night Club)  The Imperial Condominiums (former Imperial Tobacco Factory)  Devon Place  Devon Place  Monroe House  Forest House  Howard House  George Street United Church  Bonne Esperance (semidetached)  Bonne Esperance (semidetached)  Bonne Esperance (semidetached)  Bonne Esperance (semidetached)	(former Bank of British North America)  Family Justice Services (former Provincial Museum of Newfoundland and Labrador)  Court of Appeal (former Union Bank Building)  Supreme Court of Newfoundland and Labrador (St. John's Court House)  House (architect William Howe Greene, 1865-1937)  The Majestic Theatre (former Merlin's Night Club)  The Imperial Condominiums (former Imperial Tobacco Factory)  Devon Place  Devon Place  Monroe House  Forest House  George Street United Church  Bonne Esperance (semidetached)  Bonne Esperance (semidetached)  Angel House  Street  285 Duckworth Street  287 Duckworth Street  309 Duckworth Street and 192 Water Street (dual civic address)  309 Duckworth Street  330 Duckworth Street  22 Flavin Street  22 Flavin Street  34 Forest Road  35 Forest Road  36 Forest Road  36 Forest Road  37 Garrison Hill  310 George Street West  Bonne Esperance (semidetached)  Bonne Esperance (semidetached)  20 Gower Street  22 Gower Street	(former Bank of British North America)  Family Justice Services (former Provincial Museum of Newfoundland and Labrador)  Court of Appeal (former Union Bank Building)  Supreme Court of Newfoundland Labrador (St. John's Court House)  House (architect William Howe Greene, 1865-1937)  The Majestic Theatre (former Merlin's Night Club)  The Imperial Condominiums (former Imperial Tobacco Factory)  Devon Place  Torest House  Street  130 Duckworth Street  1989/07/21  22 Flavin Street  1989/07/21  2006/04/25  2006/04/25  2006/04/25  2006/04/25  2006/04/25  2006/04/25  2006/04/25  2006/04/25	(former Bank of British North America)         Street         1989/07/21         23670           Family Justice Services (former Provincial Museum of Newfoundland and Labrador)         285 Duckworth Street         1989/07/21         23670           Court of Appeal (former Union Bank Building)         287 Duckworth Street         1989/07/21         23669           Supreme Court of Newfoundland and Labrador (St. John's Court House)         309 Duckworth Street (dual civic address)         1989/07/21         11732           House (architect William Howe Greene, 1865-1937)         333 Duckworth Street (dual civic address)         1989/07/21         34749           The Majestic Theatre (former Merlin's Night Club)         390 Duckworth Street         1989/07/21         21797/21798           The Imperial Condominiums (former Imperial Tobacco Factory)         22 Flavin Street         1989/07/21         48915/25903           Devon Place         3 Forest Road         2017/08/18         26741           Devon Place         3A Forest Road         2017/08/18         26741           Monroe House         8 Forest Road         2006/07/11         38624           Forest House         50 Forest Road         2006/07/11         3624           George Street United Church         130 George Street West         1989/07/21         45548           George Street United Church <t< td=""></t<>

55	Church of England Institute (CEI) Club (former United Church Children's Home)	181 Hamilton Avenue	1989/07/21	8274	Footprint of the building
56	Julia Baird House	27 Henry Street	2017/08/18	19901	Footprint of the building
57	House	29 Henry Street	2017/08/18	20891	Footprint of the building
58	House	6 Howley Avenue	1987/09/02	7899	Footprint of the building
59	The Stone House (Law Firm)	8 Kenna's Hill	1985/04/10	3166	Footprint of the building
60	Retreat Cottage (house)	14 Kenna's Hill	1993/03/29	33278	Footprint of the building
61	Old General Hospital - Military Hospital (condominiums)	20 & 22 King Edward Place (formerly 100 Forest Road)	1998/01/26	48731/ 48732	Footprint of the building
62	Old General Hospital - Queen Victoria Wing (attached to the Military Hospital)	24, 26, 28 & 30 King Edward Place (formerly 100 Forest Road)	1998/01/26	48733/ 48734/ 48735/ 48730	Footprint of the building
63	Sutherland Place (houses; also called the Pitt's Building)	4-20 King's Bridge Road	1982/08/18	26166/ 26165	Footprint of the building
64	Everton House	23 King's Bridge Road	2018/03/09	37933	Footprint of the building
65	House	31 King's Bridge Road	1985/11/05	10521	Footprint of the building
66	House	33 King's Bridge Road	1985/11/14	24208	Footprint of the building
67	House	35 King's Bridge Road	1987/03/11	10036	Footprint of the building
68	Kinkora House	36 King's Bridge Road	1995/08/07	10303	Footprint of the building
69	House	16 Leslie Street	2017/01/27	17456	Footprint of the building
70	Spring Lodge	23 Leslie Street	2017/01/27	21014	Footprint of the building
71	St. Michael's Convent, Belvedere Property	53 Margaret's Place (formerly 57 Margaret's Place)	2001/09/21	10805	Footprint of the building
72	Mount St. Francis Monastery	4 Merrymeeting Road	2000/04/17	17923	Footprint of the building
73	St. Thomas' Church - Old Garrison Church (excluding Canon Wood Hall)	8 Military Road	2005/05/30	45404	Footprint of the building

74	Elizabeth Manor (Prescott	21 Military Road	1986/06/11	18587	Footprint of the building
75	Inn) House	85 Military Road	2018/01/26	19756	Footprint of the building
		_	1991/05/06	18590	
76	House	112 Military Road	2015/03/30	11777	Footprint of the building
77	House	124 Military Road			Research needed
78	Presentation Convent	180 Military Road	2004/05/17	45313	Research needed
79	Basilica of St. John the Baptist	200 Military Road	2005/02/14	45761	Footprint of the building
80	Basilica of St. John the Baptist Arch	200 Military Road	2006/07/24	45761	Footprint of the building
81	House	7 Monkstown Road	2002/09/23	18618	Footprint of the building
82	Peppercorn House (one of a row)	25 Monkstown Road	2003/07/02	8285	Footprint of the building
83	House	36 Monkstown Road	2017/01/27	17734	Footprint of the building
84	Harris Cottage	43 Monkstown Road	2004/05/17	537	Footprint of the building
85	Monkstown Manor	51 Monkstown Road	1996/04/15	29192	Footprint of the building
86	Squires Barn and Carriage House - Within the MUN Botanical Gardens	315-317 Mount Scio Road	2004/11/29	45986	Footprint of both buildings
87	Rose Cottage	108 New Cove Road	2017/01/27	521	Footprint of the building
88	Bryn Mawr	154 New Cove Road	2016/06/17	3954	Footprint of the building
89	McCoubrey Manor	6 Ordnance Street	1997/06/24	17876	Footprint of the building
90	McCoubrey Manor	8 Ordnance Street	1997/06/24	17860	Footprint of the building
91	Thimble Cottage	150 Oxen Pond Road	2004/04/05	21576	Footprint of the building
92	House	3 Park Place (Rennie's Mill Road)	2005/05/30	19229	Entire Property
93	House	4 Park Place (Rennie's Mill Road)	1986/09/24	12486	Footprint of the building
94	The Deanery (house)	6 Patrick Street	1989/07/21	15557	Footprint of the building
95	St. Patrick's Roman Catholic Church	40 Patrick Street	1989/07/21	46593	Footprint of the building
96	Lakecrest Independent School (former St. Patrick's Girls' School)	58 Patrick Street	1989/07/21	17525	Footprint of the building

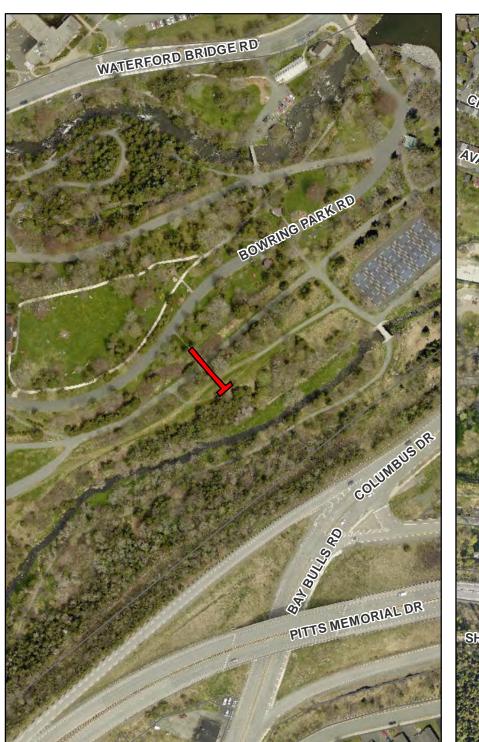
97	Wesley United Church	101 Patrick Street	1989/07/21	46702	Footprint of the building
98	Building	7 Plank Road	1995/01/30	22108	Footprint of the building
99	Martin McNamara House	15 Plank Road	1995/01/30	17796	Footprint of the building
100	House	90 Pleasant Street	2017/08/18	30661	Footprint of the building
101	House	15 Portugal Cove Road	1991/04/01	13622	Footprint of the building
102	Anderson House	42 Power's Court	2017/01/27	38827	Footprint of the building
103	Row house	74-76 Prescott Street	1987/11/10	18262	Footprint of the building
104	Row house	78 Prescott Street	1987/11/10	18829	Footprint of the building
105	Cornerstone Theatre (former convent, school, and church)	16 Queen Street (at George Street)	1989/07/21	25782	Footprint of the building
106	House	30 Queen's Road	2002/03/11	19864	Footprint of the building
107	House (semi-detached)	32 Queen's Road	2004/06/07	9167	Footprint of the building
108	House (semi-detached)	34 Queen's Road	2017/01/27	8028	Footprint of the building
109	Chapel Hill Apartments (former Congregational Church and Seventh-Day Adventist Church)	39 Queen's Road	1981/04/15	49530	Footprint of the building
110	Benevolent Irish Society Building (original St. Patrick's Hall School and O'Donel Memorial Hall)	58 Queen's Road (formerly 48 Queen's Road)	1987/07/08	18561	Footprint of the building
111	Residence (formerly attached to Cathedral Parish Hall (Synod Hall))	70 Queen's Road (formerly 56-64 Queen's Road & 189-193 Military Road)	1989/07/21	20531	Footprint of the building
112	St. Andrew's Presbyterian Church - The Kirk	76 Queen's Road	1989/07/21	45899	Footprint of the building
113	House (former Christ Church)	86 Quidi Vidi Village Road	2006/04/25	8314	Footprint of the building
114	"The House"	21 Rennie's Mill Road	2004/11/29	14288	Footprint of the building
115	House	40 Rennie's Mill Road	2017/01/27	5631	Footprint of the building
116	House	42 Rennie's Mill Road	2003/12/08	21244	Footprint of the building
117	Kelvin House	49 Rennie's Mill Road	2006/04/25	37317	Footprint of building and attached conservatory

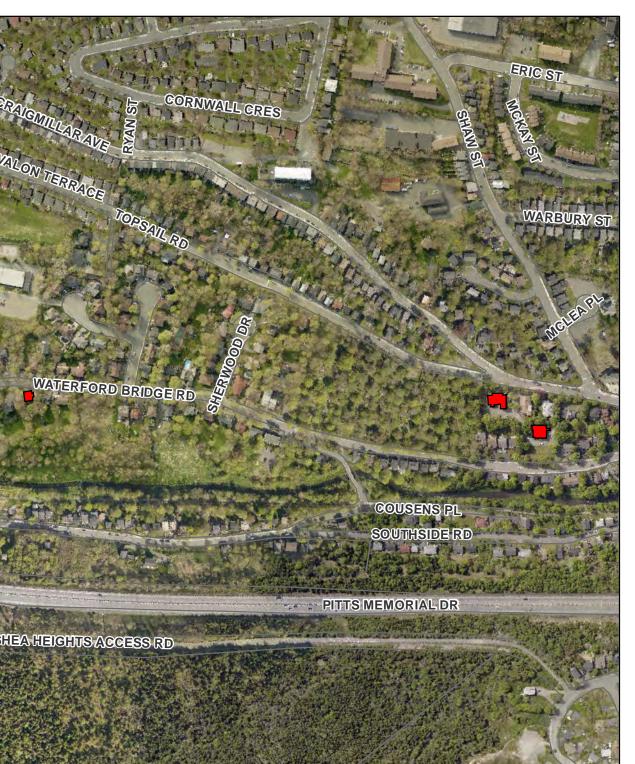
118	Lord Edward Patrick Morris House	55 Rennie's Mill Road	2016/06/10	33835	Footprint of the building
119	Winterholme (house)	79 Rennie's Mill Road	1987/06/05	28552	Not specified
120	House	8 Riverview Avenue	2017/01/27	21239	Footprint of the building
121	House	68 St. Clare Avenue	2017/08/18	32710	Footprint of the building
122	The New House (semi- detached)	335 Southside Road	2004/11/29	35240	Footprint of the building
123	The New House (semi- detached)	337 Southside Road	2004/11/29	35241	Footprint of the building
124	House	355 Southside Road	2017/08/18	35233	Footprint of the building
125	Newman Building	1 Springdale Street	1989/07/21	23787	Footprint of the building
126	The Four Sisters (row house)	31 Temperance Street	1989/07/21	24908	Footprint of the building
127	The Four Sisters (row house)	33 Temperance Street	1989/07/21	24038	Footprint of the building
128	The Four Sisters (row house)	35 Temperance Street	1989/07/21	32625	Footprint of the building
129	The Four Sisters (row house)	37 Temperance Street	1989/07/21	32626	Footprint of the building
130	Leaside Manor	39 Topsail Road	1996/02/19	26090	Not specified
131	LSPU (Longshoremen's Protective Union) Hall	3 Victoria Street	1989/07/21	11475	Research needed
132	House	27 Victoria Street	1988/01/20	36336	Footprint of the building
133	King George V Institute	93 Water Street	1989/07/21	49695	Footprint of the building
134	Commercial Cable Company Building - Raymonds Restaurant (former Javelin House, Brother T.I. Murphy Centre)	95 Water Street	1989/07/21	13486	Footprint of the building
135	Breakwater Books (former S.O. Steele store)	100 Water Street	2012/10/26	26586	Footprint of the building
136	Delgado Building - The Salt House Restaurant	169-173 Water Street	1989/07/21	39483	Footprint of the building
137	The London Building	177-179 Water Street	1989/07/21	24337/ 24338	Footprint of the building
138	Building - Tweed (former Newfoundland and Labrador Credit Union building)	187-189 Water Street	1989/07/21	5625	Footprint of the building

139	Building - Natural Boutique (former Byrons)	191 Water Street	1989/07/21	25886	Footprint of the building
140	Building – Franklin Hotel (former Parker and Monroe shoe store)	193-195 Water Street	1989/07/21	21931	Footprint of the building
141	Commercial Chambers Building (The Travel Bug & The Bee's Knees)	197-199 Water Street	1989/07/21	38302	Footprint of the building
142	Building – Broderick's Pub (former Nautical Nellie's)	201 Water Street	1989/07/21	21632	Footprint of the building
143	Building (former Mustang Sally's, The Taj Mahal)	203 Water Street	1989/07/21	34258	Footprint of the building
144	HSBC Bank (former Bank of Commerce building)	205 Water Street	1989/07/21	35859	Footprint of the building
145	RBC Royal Bank	226 Water Street	1989/07/21	30994	Footprint of the building
146	Grace Building (former Model Shop)	283-285 Water Street	2003/06/16	15632	Footprint of the building
147	Yellowbelly Corner – Yellowbelly Restaurant	288-290 Water Street	1989/07/21	12383/ 26195/ 27354	Footprint of the building
148	Yellowbelly Corner – Rocket Bakery (former Canary Cycles)	292 & 294 Water Street	1989/07/21	27352/ 37253	Footprint of the building
149	Yellowbelly Corner – Celtic Hearth	296-300 Water Street	1989/07/21	6608	Footprint of the building
150	O'Dwyer Block – O'Dwyer Manor/The Golden Tulip/Aveda Sound	295-301 Water Street	1989/07/21, 2005/06/15	17602	Research needed
151	O'Dwyer Block (Thompson Building) - Down Home Shoppe	303-305 Water Street	1989/07/21, 2005/06/15	23076	Research needed
152	O'Dwyer Block – Heritage Shop	309 Water Street	1989/07/21, 2005/06/15	26216	Research needed
153	Byrne Building	362-366 Water Street	1989/07/21	15873/ 9444	Footprint of the building
154	Newman Wine Vaults	436 Water Street	2006/04/25	23788	Research needed
155	Apothecary Hall	488 Water Street	1988/02	7026	Research needed
156	Railway Coastal Museum (former Newfoundland Railway Station)	495 Water Street	1989/07/21, 1996/11/25	46417	Footprint of the building and the original statue Industry near front façade
157	Compton House	26 Waterford Bridge Road	1988/09	23058	Footprint of the building

	158	Summerlea	119 Waterford Bridge Road	2019/10/04	14138	Footprint of the building
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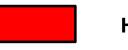




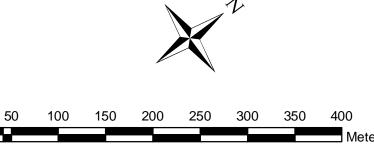


# SCHEDULE C

**HERITAGE BUILDING LOCATIONS** 



HERITAGE BUILDING



ST. J@HN'S

Updated August 23, 2021

1. In matters of life safety, these Heritage Design Standards may be deviated in the opinion of the Inspector.

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
CLADDING/S	DING				
¢ladding/ Siding Materials	Original cladding/siding to be maintained.  Where replacement is required, modern cladding/siding materials are permitted provided the appearance replicates the building's period/architectural characteristics style. However, vinyl siding, metal siding, vertical boards, board and batten siding and cove siding are not permitted.  For additions, the cladding/siding materials shall be consistent with the original building, unless otherwise approved by Council.	Cladding/siding shall be compatible with the period/architectural style of the streetscape.  Materials used for the front façade shall be carried around the building where side or rear facades are exposed to the public street and/or publicly maintained space, unless otherwise approved by the Inspector.  Modern cladding/siding materials are permitted provided the appearance replicates the building's period/architectural style. However, vinyl siding and cove style siding are not permitted on any facade. For additions, the cladding/siding materials shall be compatible with the original building. Note: Wood clapboard/siding shall be of the straight traditional style with a 10cm (four inch) exposure.	Cladding/siding shall be compatible with the period/architectural style of the streetscape.  Modern cladding/siding materials, such as vinyl siding, are permitted provided the appearance replicates the building's period/architectural style. Vertical siding and cove style siding are not permitted.  For additions, the cladding/siding materials shall be compatible with the original building.  Note: Vinyl siding Where appropriate, modern cladding/siding shall be of the straight traditional style designed to replicate wood clapboard with a narrow exposure.	Same as Heritage Area 2	Same as Heritage Area 1 except vinyl siding is permitted.

RESIDENTIAL E	RESIDENTIAL BUILDINGS						
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Trim Style (including decoration and moulding)	Original trims to be maintained. Trims shall be compatible with the building's architecturale characteristics style.	Trims shall be compatible with the period/architectural style of the streetscape.  Existing trims to be maintained for a façade facing a public street and/or publicly maintained space.  New developments may require the addition of decorative trims as determined by the Inspector.  Note: Corner boards shall have a 15cm (six inch) wide trim.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		

RESIDENTIAL E	RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)			
WINDOWS								
Window Style	Original style, size and shape of windows to be retained, unless otherwise approved by Council.  For any façade facing a public street and/or publicly maintained space, the style and configuration of the windows shall be in keeping with the building's architectural characteristicsstyle.	For any façade facing a public street and/or publicly maintained space, the style and configuration of the windows shall be compatible with the period/architectural style of the streetscape and in keeping with the building's architectural style.  Note: Windows are to be single hung or double hung, unless otherwise approved by the Inspector. The width of windows to be approximately half the height, unless otherwise approved by the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	For any façade facing a public street, publicly maintained space and/or harbour, the style and configuration of the windows shall be compatible with the period/architectural style of the streetscape and in keeping with the building's architectural style  Note: Windows are to be single hung or double hung, unless otherwise approved by the Inspector. The width of windows to be approximately half the height, unless otherwise approved by the Inspector  Picture windows may also be acceptable.			

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
₩indow Replacements	All window replacements shall be restored/returned in keeping with the window style and window configuration of the building's architectural characteristicsstyle.  Where appropriate, in the opinion of Council, additional facades, or parts thereof, may be required to comply with the foregoing.	Where more than one window on a façade facing a public street and/or publicly maintained space are being replaced within a period of 24 consecutive months, all windows on such façade shall be restored/returned in keeping with the window style and window configuration of the building's architectural style.  Note: Where appropriate, in the opinion of the Inspector, additional facades, or parts thereof, may be required to comply with the foregoing.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1
Bay Windows	Existing bay windows to be maintained.	Original bay windows to be maintained.  New bay windows may be added where, in the opinion of the Inspector, they are compatible with period/architectural style of the streetscape.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
	Existing specialty windows to be maintained.	Existing specialty windows to be maintained, unless otherwise approved by the Inspector.					
Specialty Windows	Specialty windows may be added where, in the opinion of Council, they are compatible with the building's architectural characteristicsstyle.	Specialty windows may be added where, in the opinion of the Inspector, they are compatible with period/architectural style of the streetscape.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		
Window trims (including decoration and moulding)	Window trims shall be compatible with the building's architectural characteristicsstyle. Materials may include wood, stone, brick, the building's original material, or materials otherwise approved by Council.  Note: The width and style of window trims shall be consistent throughout the building's facades, unless otherwise approved by Council.	Period/architectural style of the building to be maintained. Materials may include wood, stone, brick, the building's original material, or materials otherwise approved by the Inspector.  Note: The width and style of window trims shall be consistent throughout any building's façade visible from a public street and/or publicly maintained space, unless otherwise approved by the Inspector.	Period/architectural style of the building to be maintained.  Note: The width and style of window trims shall be consistent throughout any building's façade visible from a public street and/or publicly maintained space, unless otherwise approved by the Inspector.	Same as Heritage Area 2	Same as Heritage Area 2		

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Window Materials (including trim)	Modern window materials may be permitted provided, in the opinion of Council, the appearance replicates the building's period/architectural characteristicsstyle.	Modern window materials are permitted provided, in the opinion of the Inspector, the appearance replicates the building's period/architectural style.	Modern window materials are permitted provided, in the opinion of the Inspector, the appearance replicates the building's period/architectural style.	Same as Heritage Area 2	Same as Heritage Area 2		
Dormers	Original dormer shape, size and proportion to be maintained.	Original dormer shape, size and proportion to be maintained, unless otherwise approved by the Inspector.  Dormers shall be placed in a visually balanced arrangement with respect to the width of the roof and the arrangement of the windows and door openings in the façade, unless otherwise approved by the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		
DOORS AND G	ARAGE DOORS						
Doors	Door styles shall be compatible with the building's architectural characteristicsstyle.	Door styles shall be compatible with the period/architectural style of the streetscape. Wooden or full view (glass) storm doors are permitted.	Door styles shall be compatible with the period/architectural style of the streetscape. Storm doors are permitted.	Same as Heritage Area 2	Same as Heritage Area 2		

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Garages, Carports and Garage Doors	Original style to be maintained.  New garages, where none existed before, may be added where, in the opinion of Council, they are compatible with the building's architectural characteristicsstyle. New garages should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space. Where possible, the garage should be recessed from the building line.	Original style to be maintained.  The addition of a garage or carport to an existing building may be permitted.  New developments may include a garage where, in the opinion of the Inspector, they are compatible with the building's architectural style.  Note: Garage doors should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space.  Where possible, the garage should be recessed from the building line.	Period/architectural style of the streetscape to be maintained.  The addition of a garage or carport to an existing building may be permitted.  New developments may include a garage where, in the opinion of the Inspector, they are compatible with the building's architectural style.  Note: Garage doors should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space. Where possible, the garage should be recessed from the building line.	Same as Heritage Area 2	Same as Heritage Area 2		
Door and Garage Door Trims (including decoration and moulding)	Original door and garage door trims to be maintained. Trims shall be compatible with the building's architectural characteristicsstyle.	Door and garage door trims shall be compatible with the building's architectural style.	Door and garage door trims shall be compatible with the building's architectural style.	Same as Heritage Area 2	Same as Heritage Area 2		

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Door and Garage Door Materials (including trim)	Modern materials are permitted provided the appearance replicates the building's period/architectural characteristicsstyle.	Modern materials are permitted provided the appearance replicates the building's period/architectural style.	Modern materials are permitted provided the appearance replicates the building's period/architectural style.	Same as Heritage Area 2	Same as Heritage Area 2		
ROOFS							
Roof Line	The roof line shall be compatible with the building's architectural characteristicsstyle.  Notwithstanding, additions may incorporate a flat roof design where, in the opinion of Council, the roof does not detract from the character defining elements of the building.	The roof line shall be compatible with the building's architectural style.  Notwithstanding, additions may incorporate a flat roof design where, in the opinion of the Inspector, the roof does not detract from the architecture of the building.	Period/architectural style of building to be maintained. Otherwise, roof line may be constructed in a style that is, in the opinion of the Inspector, compatible with the period/architectural style of the streetscape.  Notwithstanding, additions may incorporate a flat roof design provided the roof does not detract from the architecture of the building.	Same as Heritage Area 2	Flat roofs and low-slope gable are encouraged. Mansard and steep gable roofs are not permitted unless they are original or the site. Asymmetric gables roofs shall not be permitted.		
Roofing Materials	Modern roofing materials are permitted provided the appearance replicates the building's architectural characteristics style. However, metal roofing materials are not permitted.	Modern roofing materials, including shingle-style metal roofing materials, are permitted provided the appearance replicates the building's period/architectural style.	Modern roofing materials, including shingle-style metal roofing materials, are permitted.	Same as Heritage Area 2	Same as Heritage Area 2		

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Solar Panels and Green Roofs	Solar panels and/or green roofs are not permitted on facades visible from a public street and/or publicly maintained space.	Solar panels and/or green roofs are not permitted on facades visible from a public street.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		
FENCES, RAIL	NGS, RETAINING WALLS, DE	CKS AND BALCONIES					
Fence, Railing, Retaining Wall, Deck and Balcony Materials	Modern materials are permitted provided the appearance replicates the building's period/architectural characteristicsstyle.  Note: Unfinished pressure treated wood at front of the building or visible from a public street and/or publicly maintained space is not permitted. Painted or solid-colour stained pressure treated wood is permitted.	Modern materials are permitted provided the appearance replicates the building's period/architectural style. Glass panels may be permitted on balconies that have upper floor access, at the discretion of the Inspector.  Note: Unfinished pressure treated wood at front of the building or visible from a public street is not permitted. Painted or solid-colour stained pressure treated wood is permitted.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Fences and Railings	Original style of structure to be maintained. Iron fences and railings to be maintained.  New fences and railings shall be compatible with the building's architectural characteristicsstyle.  Note: Exterior handrails and guards vertical members shall be installed between the top and bottom rail. Face nailed balustrades typical of new construction are not permitted.	Original style of structure to be maintained. Iron fences and railings to be maintained.  New fences and railings shall be compatible with the period/architectural style of the streetscape.  Note: Exterior handrails and guards vertical members shall be installed between the top and bottom rail. Face nailed balustrades typical of new construction are not permitted.	Fences and railings shall be compatible with the period/architectural style of the streetscape.  Note: Exterior handrails and guards vertical members shall be installed between the top and bottom rail. Face nailed balustrades typical of new construction are not permitted.	Same as Heritage Area 2	Same as Heritage Area 2		
Retaining Walls and Decorative Walls	Retaining walls shall be compatible with the building's architectural characteristicsstyle.  Decorative walls shall be a design acceptable to Council.	Retaining walls shall be compatible with the period/architectural style of the streetscape.  Decorative walls shall be a design acceptable to the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Decks and Balconies	Decks and balconies shall not be permitted on a façade facing a public street unless it's an original feature of the building. In this case, original style and design to be maintained.  Decks and balconies on other facades visible from a public street may be permitted where, in the opinion of Council, the design is compatible with the building's architectural characteristicsstyle and does not detract from the character defining elements of the building.	Decks and balconies shall not be permitted on a façade facing a public street unless it is an original feature of the building. In this case, original style and design to be maintained.  Decks and balconies on other facades visible from a public street may be permitted where, in the opinion of the Inspector, the design is compatible with the period/architectural style of the streetscape.	Decks and balconies may be permitted on any façade where, in the opinion of the Inspector, they are compatible with the period/architectural style of the streetscape.	Same as Heritage Area 2	Same as Heritage Area 2		

RESIDENTIAL BUILDINGS						
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)	
Roof Decks	Roof decks shall not be permitted unless an original feature of the building.	Roof decks may be permitted provided the deck structure, or any part thereof, does not extend above the highest roof line of the building; does not obscure any architectural details of the building; and is not on a façade facing a public street. However, roof decks facing a flanking street may be permitted at the discretion of Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1	
OTHER						
Heat Pump	Heat pumps shall be placed in the side or rear yard where possible. Heat pumps that are visible from a public street shall be screened. Screening may include landscaping.	Heat pumps that are visible from a public street shall be screened. Screening may include landscaping.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1	
Accessory Buildings	Accessory buildings located on the same property as a Designated Heritage Building shall be, in the opinion of the Inspector, compatible with the architectural characteristicsstyle of the main building.	Accessory buildings shall be, in the opinion of the Inspector, compatible with the architectural style of the main building.	Not Applicable N/A	Not ApplicableN/A	Not ApplicableSame as Heritage Area 1	

RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Accessory Building Materials	Modern materials are permitted provided the appearance replicates the building's period/architectural characteristicsstyle.	Modern materials are permitted provided the appearance replicates the building's period/architectural style.	Not Applicable N/A	Not ApplicableN/A	Not ApplicableSame as Heritage Area 1		
Out of ¢haracter Buildings	Not ApplicableN/A	Renovations to existing out of character buildings which do not follow the Heritage Design Standards may be approved at the discretion of the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		

NON-RESIDEN	NON-RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)			
BUILDING FAC	CADES							
Building Façades	Renovations to the building's façade shall be compatible with the building's architectural characteristicsstyle.  Note: Typical 19th century storefronts include centrally located recessed doors with display windows on either side.	Building's façades shall be, in the opinion of the Inspector, compatible with the period/architectural style of the streetscape unless the building's architectural style is determined by the Inspector to be unique.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1			
Recessed Entries	Recessed entries shall be retained. Recessed entries may be added where they are in keeping with the building's architectural characteristicsstyle.	Recessed entries shall be retained. Where possible, recessed entries shall be incorporated into renovations where a they are in keeping with the period/architectural style of the streetscape.	Same as Heritage Area 1	Same as Heritage Are 1	Same as Heritage Area 1			

NON-RESIDE	NON-RESIDENTIAL BUILDINGS						
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Canopies/ Awnings	Fabric canopies/awnings may be permitted where, in the opinion of Council, the design, construction and materials used are compatible with the building's architectural characteristicsstyle. Awnings shall match the width of the storefront or window opening and avoid obscuring details of the building. However, waterfall style canopies/awnings are not permitted.	Fabric canopies/awnings may be permitted where, in the opinion of the Inspector, the design, construction and materials used are compatible with the period/architectural style of the streetscape. However, waterfall style canopies/awnings are not permitted.	Same as Heritage Area 1	Same as Heritage Area 1	Canopies/awnings are not permitted		

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
CLADDING/SIDIN	IG				
Building and Cladding/Siding Materials	Building and cladding/siding materials shall be consistent with the existing or historic materials of the building.	Original materials of the building to be maintained.  Materials used for the front façade shall be carried around the building where side or rear facades are exposed to the public street and/or publicly maintained space, unless otherwise approved by the Inspector  Where replacement is required, modern materials may be permitted, where, in the opinion of the Inspector, the appearance replicates the building's period/architectural style. However, veneer man-made products and similar products are not permitted. Accent materials may be permitted at the discretion of the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1

NON-RESIDENTI	NON-RESIDENTIAL BUILDINGS					
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)	
Building Trim Style (including decoration and moulding)	Original trims to be maintained. Trims shall be compatible with the building's architecturale characteristicsstyle.	Building trims shall be compatible with the period/architectural style of the streetscape. Existing trims to be maintained for a façade facing a public street and/or publicly maintained space.  New developments may require the addition of decorative trims as determined by the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1	
WINDOWS						
Windows Style	The style and configuration of the windows shall be in keeping with the building's architectural characteristicsstyle.	For any façade facing public street and/or publicly maintained space, the style and configuration of the windows shall be compatible with the period/architectural style of the streetscape and in keeping with the building's architectural style.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1	

NON-RESIDENT	NON-RESIDENTIAL BUILDINGS						
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Window Replacements	All window replacements shall be restored/returned in keeping with the window style and window configuration of the building's architectural characteristicsstyle.  Where appropriate, in the opinion of Council, additional facades, or parts thereof, may be required to comply with the foregoing. Where appropriate, in the opinion of Council, additional facades, or parts thereof, may be required to comply with the foregoing.	Where more than one window on a façade facing a public street and/or publicly maintained space are being replaced within a period of 24 consecutive months, all windows on such façade shall be restored/returned in keeping with the window style and window configuration of the building's architectural style.  Note: Where appropriate, in the opinion of the Inspector, additional facades, or parts thereof, may be required to comply with the foregoing.  Note: Where appropriate, in the opinion of the Inspector, additional facades, or parts thereof, may be required to comply with the foregoing.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
Specialty Windows	Existing specialty windows to be maintained.  Specialty windows may be added where, in the opinion of Council, they are compatible with the building's architectural characteristicsstyle.	Existing speciality windows to be maintained, unless otherwise approved by the Inspector.  Specialty windows may be added where, in the opinion of the Inspector, they are compatible with the period/architectural style of the streetscape.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1
Window Trims (including decoration and moulding)	Window trims shall be compatible with the building's architectural characteristicsstyle. Materials may include wood, stone, brick, the building's original material, or materials otherwise approved by Council.  Note: The width and style of window trims shall be consistent throughout the building's facades, unless otherwise approved by Council.	Period/architectural style of the building to be maintained. Materials may include wood, stone, brick, the building's original material, or materials otherwise approved by the Inspector.  Note: The width and style of window trims shall be consistent throughout any building's façade visible from a public street and/or publicly maintained space, unless otherwise approved by the Inspector.	Period/architectural style of the building to be maintained.  Note: The width and style of window trims shall be consistent throughout any building's façade visible from a public street and/or publicly maintained space, unless otherwise approved by the Inspector.	Same as Heritage Area 2	Same as Heritage Area 2

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
Window Materials	Modern window materials may be permitted provided, in the opinion of Council, the appearance replicates the building's period/architectural characteristicsstyle.	Modern windows materials are permitted provided, in the opinion of the Inspector, the appearance replicates the building's period/architectural style.	Modern windows materials are permitted provided, in the opinion of the Inspector, the appearance replicates the building's period/architectural style.	Same as Heritage Area 2	Same as Heritage Area 2
Dormers	Original dormer shape, size and proportion to be maintained.	Original dormer shape, size and proportion to be maintained, unless otherwise approved by the Inspector. Dormers shall be placed in a visually balanced arrangement with respect to the width of the roof and the arrangement of the windows and door opening in the façade, unless otherwise approved by the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1

NON-RESIDENT	TAL BUILDINGS				
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
DOORS AND GA	ARAGE DOORS				
Doors	Door styles shall be compatible with the building's architectural characteristicsstyle.	Door styles shall be compatible with the period/architectural style of the streetscape.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1
Garages, ¢arports and Garage Doors	Original style to be maintained.  New garages may be added where, in the opinion of Council, they are compatible with the building's architectural characteristicsstyle. New garages should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space. Where possible, the garage should be recessed from the building line.	Original style to be maintained.  The addition of a garage or carport to an existing building may be permitted.  New developments may include a garage where, in the opinion of the Inspector, they are compatible with the building's architectural style.  Note: Garage doors should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space.	Period/architectural style of streetscape to be maintained.  The addition of a garage or carport to an existing building may be permitted.  New developments may include a garage where, in the opinion of the Inspector, they are compatible with the building's architectural style.  Note: Garage doors should not be the prominent feature on the building's façade facing a public street and/or publicly maintained space.	Same as Heritage Area 2	Same as Heritage Area 2

NON-RESIDENTI	NON-RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)			
Door and Garage Door Trims (including decoration and moulding)	Original door and garage door trims to be maintained. Trims shall be compatible with the building's architectural characteristicsstyle.	Door and garage door trims shall be compatible with the building's architectural style.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1			
Door and Garage Door Materials (including trim)	Modern materials are permitted provided the appearance replicates the building's period/architectural characteristicsstyle.	Modern materials are permitted provided the appearance replicates the building's period/architectural style.	Modern materials are permitted provided the appearance replicates the building's period/architectural style.	Same as Heritage Area 2	Same as Heritage Area 2			
ROOFS								
 Roof Line	The roof line shall be compatible with the building's architectural characteristicsstyle.  Notwithstanding, additions may incorporate a flat roof design where, in the opinion of Council, the roof does not detract from the character defining elements of the building.	The roof line shall be compatible with the building's architectural style.  Notwithstanding, additions may incorporate a flat roof design where, in the opinion of the Inspector, the roof does not detract from the architecture of the building.	Period/architectural style of building to be maintained. Otherwise, roof line may be constructed in a style that is, in the opinion of the Inspector, compatible with the period/architectural style of the streetscape.  Notwithstanding, additions may incorporate a flat roof design provided the roof does not detract from the architecture of the building.	Same as Heritage Area 2	Flat roofs and low-slope gable are encouraged. Mansard and steep gable roofs are not permitted.			

NON-RESIDENTI	NON-RESIDENTIAL BUILDINGS						
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)		
Roofing Materials  permitted provided the appearance replicates the building's period/architectural characteristicsstyle.  includ materials		Modern roofing materials, including metal roofing materials, are permitted provided the appearance replicates the building's period/architectural style.	Modern roofing materials are permitted. Metal roofing materials must replicate the existing roofing material.	Same as Heritage Area 2	Same as Heritage Area 2		
Solar Panels and Green Roofs	Solar panels and/or green roofs are not permitted on facades visible from a public street and/or publicly maintained space.	Solar panels and/or green roofs are not permitted on facades visible from a public street.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		
FENCES, RAILIN	IGS, RETAINING WALLS, DEC	KS AND BALCONIES					
Fence, Railing, Retaining Wall, Deck and Balcony Materials	Modern materials are permitted provided the appearance replicates the building's period/architectural characteristicsstyle.  Note: Unfinished pressure treated wood at front of the building or visible from a public street and/or publicly maintained space is not permitted. Painted or solid-colour stained pressure treated wood is permitted.	Modern materials are permitted provided the appearance replicates the building's period/architectural style.  Note: Unfinished pressure treated wood at front of the building or visible from a public street is not permitted. Painted or solid-colour stained pressure treated wood is permitted.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1		

NON-RESIDENTI	NON-RESIDENTIAL BUILDINGS							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)			
Fences and Railings	Original style of structure to be maintained. Iron fences and railings to be maintained.  New fences and railings shall be compatible with the building's architectural characteristicsstyle.  Note: Exterior handrails and guards vertical members shall be installed between the top and bottom rail. Face nailed balustrades typical of new construction are not permitted.	Original style of structure to be maintained. Iron fences and railings to be maintained.  New fences and railings shall be compatible with the period/architectural style of the streetscape.  Note: Exterior handrails and guards vertical members shall be installed between the top and bottom rail. Face nailed balustrades typical of new construction are not permitted.	Fences and railings shall be compatible with the period/architectural style of the streetscape.  Note: Exterior handrails and guards vertical members shall be installed between the top and bottom rail. Face nailed balustrades typical of new construction are not permitted.	Same as Heritage Area 2	Same as Heritage Area 2			
Outdoor Service Area Fencing	Outdoor service area fencing shall be, in the opinion of the Inspector, compatible with the building's architectural characteristicsstyle.	Outdoor service area fencing shall be compatible with the period/architectural style of the streetscape.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1			
Retaining Walls and Decorative Walls	Retaining walls shall be compatible with the building's architectural characteristicsstyle. Decorative walls shall be a design acceptable to Council.	Retaining walls shall be compatible with the period/architectural style of the streetscape. Decorative walls shall be a design acceptable to the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1			

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
Decks and Balconies	Decks and balconies shall not be permitted on a façade facing a public street unless it's an original feature of the building. In this case, original style and design to be maintained.  Decks and balconies on other facades visible from a public street may be permitted where, in the opinion of Council, the design is compatible with the building's architectural characteristicsstyle and does not detract from the character defining elements of the building.	Decks and balconies shall not be permitted on a façade facing a public street unless it is an original feature of the building. In this case, original style and design to be maintained.  Decks and balconies on other facades visible from a public street may be permitted where, in the opinion of the Inspector, the design is compatible with the period/architectural style of the streetscape.	Decks and balconies may be permitted on any façade where, in the opinion of the Inspector, they are compatible with the period/architectural style of the streetscape.	Same as Heritage Area 2	Same as Heritage Area 2
Roof Decks	Roof decks shall not be permitted unless an original feature of the building.	Roof decks may be permitted where, in the opinion of the Inspector, they are compatible with the building's architectural style and do not obscure architectural details. provided the deck structure, or any part thereof, does not extend above the roof line of the building; does not obscure any architectural	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1

NON-RESIDENT	IAL BUILDINGS				
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
		details; and is not visible from a public street. However, roof decks facing a flanking street may be permitted at the discretion of Inspector.			
OTHER					
Automated Teller Machine (ATM)	ATMs may be permitted on the façade of a Designated Heritage Building, where, in the opinion of Council, it does not obscure any architectural details or any character defining elements of the building.	ATMs are permitted on the façade of a building.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1
Heat Pump	Heat pumps shall be placed in the side or rear yard where possible. Heat pumps that are visible from a public street shall be screened. Screening may include landscaping.	Heat pumps that are visible from a public street shall be screened. Screening may include landscaping.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1
Out of Character Buildings	Not Applicable N/A	Renovations to existing out of character buildings which do not follow the Heritage Design Standards may be approved at the discretion of the Inspector.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
Additions to Existing Buildings	Additions shall be the same architectural style, or similar and compatible with the building's architectural characteristicsstyle.  Modern façade designs may be approved by Council provided the addition is physically and visually compatible with, subordinate to and distinguishable from the designated building; enhances the visual prominence of the designated building; and does not detract from the character defining elements of the designated building.	Additions must be compatible with the period/architectural style of the streetscape in their design, massing and location without adversely affecting the character defining elements of the existing building.  Additions shall respect the rhythm and orientation of façade openings/fenestrations along the same elevation.  Additions shall meet the Heritage Area Design Standards above. Notwithstanding, Modern façade designs may be approved by Council provided the addition is physically and visually compatible with, subordinate to and distinguishable from the designated building; enhances the visual prominence of the designated building; and does not detract from the character defining elements of the designated building.	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1
New Buildings on the Same Lot as a Designated Heritage Building	New buildings on the same lot as a Designated Heritage Building shall be designed in a manner that respects the designated site.	N/A	N/A	N/A	N/A

	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)
New Buildings in a Heritage Area	Not Applicable N/A	<ol> <li>Buildings must be designed with a traditional form and maintain elements of façade design as described in the Heritage Area Design Standards above.</li> <li>Façade design shall respond to the development pattern of the historic street and the design of adjacent buildings. Generally, nNew buildings shall have roof lines, eave lines, window lines and cornice lines in common with adjacent buildings in order to establish a visual continuity along the streetscape. Facades shall incorporate the rhythm of the street with respect to fenestration.</li> <li>Long, unbroken facades to be avoided. Facades adjacent to a street shall include windows, entrance doors, balconies (where acceptable) or varied setbacks to achieve this.</li> <li>Traditional materials to be used. Modern materials may be permitted where, in the opinion of the Inspector, the materials replicate the period/architectural style of the streetscape.</li> <li>Buildings to be oriented at right angles to the street.</li> <li>Where recessed entries typical of commercial properties exist along the street, new developments shall incorporate recessed entries. (CON'T)</li> </ol>	Same as Heritage Area 1	Same as Heritage Area 1	Same as Heritage Area 1

ADDITIONS T	DDITIONS TO EXISTING BUILDINGS AND NEW DEVELOPMENTS (RESIDENTIAL AND NON-RESIDENTIAL)							
	Designated Heritage Building	Heritage Area 1	Heritage Area 2	Heritage Area 3	Heritage Area 4 (Battery)			
		Mixed-use buildings shall create a visual distinction between the pedestrian storefront realm along the street and any upper storey residential units.						
I		8. For buildings that exceed 18 metres in height, portions of the building above 18 metres shall have a greater freedom of material choice and design expression.						
		9. On sites where buildings previously existed, there may be opportunities to replicate or echo the former building. This may be possible if there is documentary evidence of the development, such as photographs, maps, surveys, and historic design and construction drawings. This may be possible by interested parties but will not be required by the City.						

# INFORMATION NOTE

Title: Heritage Policy Working Group

**Date Prepared:** August 17, 2021

Report To: Committee of the Whole

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

Ward: N/A

**Issue:** Heritage Policy Working Group recommendations.

#### **Discussion – Background and Current Status:**

At the April 9, 2018 Council meeting, Council approved the formation of the Heritage Policy Working Group with the terms of reference and membership as proposed.

The Working Group's terms of reference are as follows:

- The Working Group will meet monthly for a limited period of time until its work is complete.
- The Group shall be chaired by the member of Council.
- The Group shall report to Council through the Committee of the Whole.
- The work of the Group is private until brought forward to the Committee of the Whole

#### Members of the working group included:

- Chair Councillor Maggie Burton, Council's Heritage Lead
- Bruce Blackwood, public member of the Built Heritage Experts Panel.
- Jessica Dellow, board member of the NL Historic Trust.
- Emily Wolf, Architectural Historian.
- John Collins, Economist.

The purpose of the group was to review the City's heritage policies and determine if there were gaps and where improvements could be made. The group met several times between April 2018 and March 2019. City staff from Planning, Inspection Services, and Legal also attended the meetings. The working group formed a set of recommendations (attached) which are presented to Council's Committee of the Whole for information only.

There was initial thought to bring these recommendations forward with the draft St. John's Heritage By-Law. However, these need their own attention; they focus more on policy than on the regulations that form part of the By-Law. Future projects of the City's Planning Division include the development of a Heritage Plan and a Downtown Plan. Staff will examine the Heritage Policy Working Group's recommendations in coordination with these. Therefore, the documents are provided at this time without staff commentary.



#### **Key Considerations/Implications:**

- 1. Budget/Financial Implications: Not applicable.
- 2. Partners or Other Stakeholders: Members of the Heritage Policy Working Group; heritage organizations; residents and property owners of designated heritage buildings and buildings in heritage areas.
- Alignment with Strategic Directions/Adopted Plans:
   St. John's Strategic Plan A Sustainable City Plan for land use and preserve and enhance the natural and built environment where we live.
- 4. Legal or Policy Implications: Not applicable at this time.
- 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.

#### **Conclusion/Next Steps:**

Staff to evaluate the recommendations from the Heritage Policy Working Group during future planning projects. These may include the development of a Heritage Plan and a Downtown Plan.

### **Report Approval Details**

Document Title:	Heritage Policy Working Group.docx
Attachments:	- HPWG final draft.pdf
Final Approval Date:	Aug 19, 2021

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

Ken O'Brien - Aug 19, 2021 - 2:43 PM

Jason Sinyard - Aug 19, 2021 - 6:25 PM

# Heritage Policy: Recommendations to Council Draft

Recommendation 1: Complete and Maintain a Comprehensive Heritage Resource Management Plan (HRMP) and Inventory of Heritage Resources

#### **Actions**

- The City will identify best practices from other jurisdictions and examine how those could be implemented locally
- The City will continue to promote heritage preservation, and work with the provincial and federal governments on matters relating to heritage
- The City will make any necessary suggestions for legislative changes to reflect these best practices at the Provincial and Federal levels
- Complete and maintain a comprehensive document, the Heritage Resources Management Plan, that includes an Inventory of Heritage Resources which include
  - Both urban and rural structures, lands, and areas such as streetscapes and sites of
    intangible cultural heritage in the City that meet criteria that include but are not limited to
    architectural, social, artistic, economic, historical, and cultural values.
- Use the Inventory to identify buildings that may be subject to future total demolition, extensive demolition, and/or re-development a significant way.
- The Inventory will include
  - Designated and Undesignated Heritage Structures that have the greatest priority
  - Any significant properties that are likely to outlive their current use within the next 10-20 years (e.g., some churches, public buildings, large residential properties) and become available for adaptive reuse
  - Heritage buildings at risk which include
    - buildings that are economically viable but do not necessarily have the most economically valuable use of their land and;
    - facilitate discussion on reuse/redevelopment and identify what is possible re: a permitted/discretionary use within a heritage resource
    - are meriting of designation but have not yet been designated.
- Maintain the Heritage Resources Inventory and ensure it is readily available and regularly updated as necessary
- Maintain the Heritage Resources Management Plan and ensure it is readily available and regularly updated as necessary
- The Heritage Resources Management Plan will reference the Standards and Guidelines for the Conservation of Historic Places in Canada as a resource guide when appropriate to do so. The Guidelines will be readily available to the public through the City's website

Rec 2: Release Draft Heritage Bylaw

- Release draft of heritage bylaw to the public for review
- Complete public engagement on Heritage Bylaw and related heritage provisions within the 2019 Development Regulations

# Rec 3: The City will provide a variety of incentives to assist with the preservation and adaptive reuse of heritage resources.

The City will collaborate internally and with heritage entities and other relevant partners to encourage the creative reuse and preservation of heritage resources, recognizing that heritage contributes to sustainability objectives

#### **Actions**

- Include other heritage elements such as historic fences in financial incentives program
- Discuss with heritage entities on the incorporation of larger grants, to encourage uptake
- Explore best practices related to heritage incentive programs and make necessary recommendations to province for legislative change,
- Diversify the fee structures to encourage adaptive reuse and discourage demolition
  - o Consider granting an equivalent of 10% of property taxes on an annual basis back to owners of designated heritage buildings
  - Waive all permit fees for exterior and interior work on designated heritage buildings
- City Staff will be knowledgeable of current information about alternate sources of funding for heritage resources and promote to interested applicants
- Support efforts from external resources interested in the purchase, restoration and sale of historic resources for the specific purpose of saving a vulnerable building
- Complete further marketing and advertising of incentives
- Encourage the provincial government to set up a province-wide fund to support historically-appropriate energy-efficiency upgrades to designated heritage resources to ensure their long-term viability
- The City will advocate for new incentives at other levels of government to make heritage resources more financially viable including
  - Encouraging the Federal Government to instate the Heritage tax incentive (refer to 2016-2017) and introduce sustainability tax credit for historically-appropriate improvements for energy saving
  - Create a packaged list of programs and resources that include but are not limited to tax incentives, financial credits

## Rec 3: Review Policies Concerning Demolition of Heritage Resources

The City will be proactive concerning the demolition of Heritage Resources, working to minimize the necessity of demolitions; the City will support sustainable development practices by encouraging the preservation of Heritage Resources and the recycling of building materials.

#### **Actions**

- Maintain rule requiring Council approval to demolish designated heritage buildings
- Maintain evaluation period of 90-days pending the enactment of a bylaw of designation once a demolition request of a heritage resource is received at staff level and approval of demolition request is granted

- Ensure demolition and designation processes around heritage resources is clear and publicly available
- Once 90-day delay period is invoked prior to demolition as per section 355.4 of the St. John's City Act, the City will offer to facilitate community discussion to explore all options other than demolition
- Create a screening policy within the Inventory such that unregistered properties of historic or architectural significance are flagged within internal systems before demolition permits are granted and get referred to Council for information
- Encourage the creation of storage facilities for significant architectural remnants that may be salvaged from demolitions, so that they may be incorporated into new development in the future
- Create information resources relating to adaptive reuse tools for building materials linking the public with private entities capable of facilitating recycling of materials
- Collaborate with Heritage entities to supply educational content that then gets disseminated to the public via the Heritage entities
- Identify best practices from other jurisdictions for demolition of Heritage Resources (to be included in the HRMP) and suggest any necessary changes to legislation to make it possible
- When preservation is not possible and a heritage resource is demolished, the City will ensure lost heritage resources are commemorated
- Consider legislative change whereas in the case of undesignated buildings, demolition will not be approved until the new building's development permit is issued.

#### Recommendation 4: Development Applications and Related Processes

The City will ensure that all development applications and related processes that affect heritage resources are designed with ease of the applicant in mind

- Continue to explore whether more latitude is available at Council's discretion for adaptive reuse projects
- Explore feasibility of allowing alternate uses of existing secondary buildings on a residential lot wherein a heritage building is located
- Maintain Heritage Use in Development Regulations
- Maintain a general condition on building permits regarding masonry work, in particular those within the heritage areas
- Create a Heritage Package of information relating to materials: clapboard, windows, brick to refer to developers when appropriate (refer to the BHEP)
- Work with heritage entities to ensure City Staff have heritage training to be best equipped to
  respond to specific needs of owners who are undertaking adaptive reuse or other work on heritage
  OR hire a heritage inspector
- Develop a policy to ensure priority is given to heritage buildings in the queue for development permits and related processes to ensure timely assistance with heritage properties. Streamline development application processes where appropriate in heritage areas and around heritage buildings
- Management of heritage resources requires special support from staff to work. Ensure that the
  City can respond in a comprehensive and timely manner to the needs of property owners who
  wish to undertake work on their property or to seek a development permit.
- Publicize timeline for getting heritage applications to Council (BHEP, COTW, etc) through a heritage information sheet

#### Rec 5: Assessment Criteria for Designation

The City will ensure that assessment criteria include landscaping and other appropriate elements

- Consider adding to the assessment criteria to include such things as historic interiors and trees at the inventory stage
  - Extend at the designation stage an assessment of all or part of the property instead of
    just the structure. Change language to reflect the option of including both the building
    and all the land on which it is situated
  - o At the inventory stage, document significant publicly-accessible interiors
  - Examine tools around the designation of trees and other landscaping, or the incentivization of tree planting on heritage properties, look at the powers the City may have in this area
- Review assessment criteria giving more emphasis to age of building.
   Consider requesting heritage report at assessment stage at discretion of Council

#### Rec 6: Review the Parameters of the Heritage Areas in St. John's

The City will recognize, protect, enhance and promote the character of its heritage areas

• Refer to the Built Heritage Experts Panel a review of the City's heritage areas

# Rec 7: Intergovernmental Collaboration

The City will lead efforts on intergovernmental collaboration to address any gaps in legislative authority and other areas of concern

- Support efforts to encourage legislative changes at all levels of government to enable proactive preservation, adaptive reuse, and restoration of heritage resources including but not limited to:
  - Encourage the provincial government to give the City sufficient legislative authority to deal with heritage matters
     Continue to work with provincial entities such as the Heritage Foundation to encourage heritage preservation efforts across the province
  - Work with other municipalities if requested on planning matters relating to heritage preservation
- Develop partnerships at all levels of government that support and promote heritage preservation
- Encourage other levels of government to increase heritage funding and incentives Facilitate workshops periodically with heritage entities such as the National Trust, the Heritage Foundation of NL, and the Historic Trust
- Hold a yearly Heritage Forum at the City to bring together all levels of government and the community partners interested in heritage
- Lead the development of resources to answer FAQs on heritage preservation with multi-level governmental participation, heritage entities and private sector

#### Rec 8: Private Sector and Other Collaboration

The City is a leader in the facilitation of community collaboration

- Develop and maintain partnerships with the private sector/community organizations that support the preservation of heritage resources. Recommend to heritage entities to create a list of eg. Skilled tradespersons working with heritage buildings.
- Continue to work collaboratively with the community to encourage and recognize best practices within the development community
- Encourage the development of professional training programs geared towards heritage preservation
- Encourage the efforts of parties who wish to purchase and restore vulnerable heritage resources
- Put together a list of questions home owners could use when hiring a contractor and place on website
- Further educate and assist the public in understanding the resources the City currently has to offer in heritage presentation
- Encourage community partners to provide training in restoration techniques for owners of heritage buildings. Funnel information to the historic trust and HFNL.
- Built Heritage Experts Panel review and update Heritage Restoration Guide. (Digitize) Undertake continuing public engagement with heritage resource owners

# Rec 9: Continue to Consider Broader Heritage Fabric in Urban Environment

The City will consider design standards, and the designation of broader categories of uses and sites

- Develop a Secondary Plan under the Envision St. John's Municipal Plan for the downtown, which also considers the preparation design guidelines.
- Promote the designation of broader categories of designation uses and sites, especially natural and cultural heritage factors such as rural heritage
- Develop more specific statements of significance that speak to the street-scapes of various neighbourhoods in the City
- Encourage provincial heritage designation of sites of natural and cultural significance such as significant wharves and fishing stages
- Consider municipal commemoration of sites of natural and cultural significance
- Expand and review design regulations for Heritage Areas to ensure that infill development, renovations, signage, additions, sidewalks, landscaping, parks, new builds, and other relevant projects are sensitive to streetscape and character, and that development around a heritage resource is respectful of the value of heritage

### Rec 10: Enforce maintenance on designated heritage resources

The City will ensure all applicable bylaws and legislation relating to maintenance are adequate for heritage resources and identify gaps in minimum property standards in order to address demolition by neglect

• Review and update Commercial and Residential Property Standards Bylaws and in doing that review, give consideration to the treatment of designated heritage resources.

- Enforce minimum property standards on identified structures from the Inventory of Heritage Resources, both designated or undesignated
- Enforce minimum property standards on buildings in the Heritage Areas
- Considering adding a position to inspection services specific to inspecting heritage resources
- Undertake continuing professional development for City Staff on matters relating to heritage

#### Rec 11 Promote the economic value of heritage

The City will continue to measure and promote the economic value of heritage

• Look into creating a Heritage Toolkit

# **DECISION/DIRECTION NOTE**

Title: Electric Vehicle Infrastructure Funding

**Date Prepared:** August 17, 2021

**Report To:** Committee of the Whole

Councillor and Role:

Sustainability

Councillor Ian Froude, Transportation and Regulatory Services &

Ward: Ward 4

#### **Decision/Direction Required:**

For Council to consider an project funded in partnership with the Natural Resources Canada Zero Emissions Vehicle Infrastructure Program (ZEVIP) to ready public works facilities for fleet electrification and increase access to charging for residents.

#### **Discussion – Background and Current Status:**

Electric (EV) and Plug-In Hybrid (PHEV) Vehicles are becoming increasingly popular with more models on the market, better battery range, and more drivers switching from gas to electric. They present an opportunity to reduce greenhouse gas emissions, while providing some savings over a vehicle's lifetime (e.g., no oil changes, spark plugs, and reduced brake maintenance). They are a key aspect of the response to climate change as people do their best to use active transportation; while also transitioning to driving less, driving smaller, and driving cleaner vehicles.

We used to talk about electric vehicles like they were "the future." Something we had to wait for, the future has arrived. EVs are in St. John's, there are currently over 38 different models of electric and plug-in-hybrid electric vehicles available in Canada. Most major manufacturers are working towards making parts or all of their product lines electric by as early as 2024, with significant increases in the number of models available as early as 2022. The availability of charging infrastructure in public spaces has been identified as one of the main barriers to the adoption of electric vehicles. There are over 300 publicly available chargers in Atlantic Canada. There are currently only about 13 publicly available chargers in St. John's.

The Government of Canada set federal targets of zero emission vehicles (ZEVs) reaching 10% of light-duty vehicles sales by 2025, 30% by 2030 and 100% by 2040 and invested over \$750 million to help make ZEVs more affordable and infrastructure more accessible. The Zero Emission Vehicle Infrastructure Program (ZEVIP) is a 5-year \$280 million program ending in 2024 and its objective is to address the lack of charging stations in Canada by increasing the availability of localized charging opportunities where Canadians live, work, and play. The ZEVIP program presents the City with the opportunity to access funding for up to 50% of the project cost (up to \$5,000 per charger head) to increase the density of EV and PHEV chargers



for residents in the City and prepare City facilities to support electrification of the corporate fleet.

This project would see up to 24 new charges being installed in St. John's. The project would include 10 corporate-use and 14 publicly available chargers. Each charger includes a payment and networking capabilities to be visible through national and international networks.

The project addresses the following limitations in the adoption of EVs and PHEVs:

- Initiates the installation of chargers for use by corporate operations;
- Furthers charging opportunities in public spaces for residents, and;
- Implements an on-street pilot in the commercial downtown area.

#### Sponsorship Opportunities

Permanent chargers in publicly available spaces would be made eligible for sponsorship, following the City's Sponsorship policy. Each sponsor would be recognized on-site, as well as virtually as each charger is included in popular international charger finding applications. The inclusion of a sponsorship opportunity supports the City in putting forward a greater project at this time and being able to consider more climate action.

#### **Project Areas**

#### Corporate Charging

The St. John's Corporate Energy and Greenhouse Gas Inventory (2018) identified that 24% of the energy used in our corporation is gasoline and diesel for transportation, which generates 48% of the total corporate greenhouse gases. The light-duty fleet specifically accounts for 10% of the greenhouse gas emissions of the corporation. EV charging stations will make procuring an EV or a PHEV a more viable option for operations.

Corporate Operations Chargers:

Location	# Chargers	Supply	Install	Site Total	20% contingency	GST/HST	ZEVIP Grant
City Hall (Second floor)	2	\$11,050	\$5,000	\$16,050	\$3,210	\$826	\$(10,000)
City Depot	4	\$22,100	\$20,000	\$42,100	\$8,420	\$2,166	\$(20,000)
Metrobus	4	\$22,100	\$10,000	\$32,100	\$6,420	\$1,651	\$(20,000)
	Sub-Total:	\$55,250	\$35,000	\$90,250	\$18,050	\$4,643	\$(50,000)
	Total Project Cost:						
	City Contribution Total:						

#### **Public Charging**

The City of St. John's, through the City Strategic Plan 2019-2029 set out to be "A Sustainable City", as well as "A City that Moves", and Council declared a Climate Emergency November 2019.

In our Community, transportation generates 59% of the greenhouse gas emissions. More specifically, gasoline (mostly associated with personal vehicles) is responsible for 56% of our community's greenhouse gas emissions. The installation of electric vehicle charging stations at public spaces in City-owned facilities would progress the feasibility of use for plug-in-hybrid electric vehicles (PHEVs) and electric vehicles (EVs) within St. John's for residents and visitors.

The locations best suited for installation (based on the regional network of chargers, accessibility to electric power, and ease of installation) are:

- City Hall
- Paul Reynolds Community Centre
- The H.G.R. Mews Community Centre Replacement
- Churchill Square
- 245 Freshwater Road
- Southlands Community Centre

#### Publicly Available Chargers:

Location	# Chargers	Supply	Install	Sub-Total	20% Contingency	GST/HST	ZEVIP Grant
City hall (First floor)	2	\$11,050	\$10,000	\$21,050	\$4,210	\$ 1,083	\$ (10,000)
New Mews	2	\$12,450	Included in construction	\$12,450	\$2,490	\$ 640	\$ (10,000)
Paul Reynolds	2	\$12,450	\$10,000	\$22,450	\$4,490	\$ 1,155	\$ (7,790)
Churchill Square	2	\$12,450	\$15,000	\$27,450	\$5,490	\$ 2,878	\$ (10,000)
245 Freshwater	2	\$12,450	\$10,000	\$22,450	\$4,490	\$ 4,674	\$ (10,000)
Southlands Community Centre	2	\$12,450	\$10,000	\$22,450	\$4,490	\$ 8,707	\$ (10,000)
Sub-total		\$ 73,300	\$55,000	\$128,300	\$25,660	\$ 19,137	\$ (57,790)
Project Total						\$ 173,097	
City Contribution Total					\$ 115,307		

The sponsorship opportunity would be of up to \$60,000. This would be broken down by 5-year sponsorship of \$5,000 per charger head, or a sole sponsor for the location at \$10,000. Each device is expected to have a 10 year lifetime in outdoor installations. There would be up to 12 sponsorship opportunities, this may support the City in reducing the upfront cost.

Public Charging: Downtown Pilot

EV Charging is a challenge for off-street parking locations in the downtown area. Policy measures are being explored by City staff. Following the lead of other jurisdictions, making public charging available in areas of business improves daily access to chargers. A pilot in downtown area is included in the proposal. The specific location will be selected in partnership with Newfoundland Power, Downtwon St. John's, City Staff and a public meeting.

Downtown On-Street Charging Pilot:

Location	# Chargers	Supply	Install	Site Total	20% Contingency	GST/HST	ZEVIP Grant
Downtown (On-street)	2	\$ 12,450	\$ 10,000	\$ 22,450	\$ 4,490	\$ 1,154	\$ (10,000)
Project Total						28,094	
City Contribution Total					\$ 18,095		

As this is a pilot, it is recommended that sponsorship opportunities not be included.

#### Implementation Schedule and ZEVIP Funding Decision

Project Costs & Grants Summary:

Project Total Cost:	\$ 314,135
ZEVIP Grant Total:	- \$117,790
City Total:	\$ 196,345
Sponsorships (potential):	- \$ 60,000
City Total (after sponsorship):	\$ 136,345

Upon finalization of a grant agreement, it is anticipated installations would take place between October 2021 to March 2023, with public spaces being the first to receive the units.

Year	2021	2022-2023		
	City Hall, Paul Reynolds, 245	Corporate Sites, Mundy		
Locations:	Freshwater, Southlands	Pond Comm. Ctr., Churchill		
	Comm. Ctr.	Sqr., Downtown Pilot		
Costs to	\$81,698 (\$40,000	\$114,646 (\$20,000		
the City:	sponsorships potential)	sponsorship potential)		



management example

#### **Ongoing Costs**

The Clean Air Partnership's review for "Creating an Effective Workplace Electric Vehicle Charging Policy" shared lessons learned from municipalities across Canada who have made charging publicly available. Experience has indicated there are benefits to having the devices networked and that a paid structure contributes to the improvement of equitable aspects of the initiatives. As well, this operating model generates a return on investment that supports adequate maintenance, replacement and expansion of the system.

A nominal charging fee of \$1.5/hour of plug-in-time at the charging stations could be incorporated with the proposed devices. Residents would still benefit from paying 60-70% less per kilometer traveled when compared to the cheapest gasoline in the City, and where relevant discounted parking.

The devices can process the payments through a mobile application or a physical card that can be requested by the user directly from the manufacturer. The devices will be able to handle potential future changes in fees. This would result in charging and eventual replacement being cost-neutral and near cost-neutral to the City. Year 2 and forward, annual operating costs for the network are expected to be:

Per charger/year	Description	# Chargers	Total/year
\$150	Online Connectivity 24/7 end user support Payment system Transaction disputes support	24	\$3,600

These costs are expected to overtime become cost netural to the City. Some sample scenarios of revenue from usage would result in the following revenues:

- **Low Use:** 6hrs/day of charging across all locations would generate approximately \$667 per year (assuming electricity costs of \$0.147/kWh).
- **Heavy Use:** 72hrs/day of charging across all locations would generate approximately \$8,010 per year (assuming electricity rate of \$0.147/kWh).

#### **Key Considerations/Implications:**

1. Budget/Financial Implications:

Upfront Costs - funding requires the City to cover the non-grant portion of the project's total cost. The \$196,345 cost share would be covered within the annual Sustainability Operating budget throughout 2021 and 2022, split as outlined in the implementation schedule above.

There are no additional operating costs on year 1, and approximately \$3,600 expected on year 2 for the full network. This expense is expected to be offset through the user fees of the public chargers. Any shortfall in the first couple of years would be allocated to the Sustainability Operating Budget.

Networking fees are included in the device's purchase cost for the first 2 years. After the first 2 years, and if a fee structure is in place, the devices will have a \$150/year/station networking fee in order to support payment and other customer service functions.

Payment processing of public devices will be funded by the device charging a 15% fee on each payment.

- 2. Partners or Other Stakeholders: Newfoundland Power has been consulted and is collaborating in assessing the proposed sites, and the implementation.
- 3. Alignment with Strategic Directions/Adopted Plans: A Sustainable City, A City That Moves, An Effective City, Corporate Climate Plan

- 4. Legal or Policy Implications: N/A
- 5. Human Resource Implications: City Buildings staff and Metrobus staff would be involved in the implementation to build internal capacity.

Engagement and Communications Considerations: The devices will be placed in visible locations or signage will be put in place, the chargers will also be mapped in national databases (e.g., Plugshare, and the Flo network) to enable drivers to locate the stations with ease across North America.

- 6. Privacy Implications: A Privacy Impact Assessment has been initiated to identify and mitigate any privacy risks.
- 7. Procurement Implications: The Department of Finance and Administration will be involved in the purchase of the equipment.
- 8. Information Technology Implications: The devices are networked through (cellular), costs associated with the networking of these devices are included in the estimates provided above.
- 9. Other Implications: N/A

#### Recommendation:

That Council approves the locations and funds to implement the proposed EV charging network with the proposed fee structure for publicly available chargers.

Prepared by: Edmundo Fausto, Sustainability Coordinator

Approved by:

Decision/Direction Note

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#### **Report Approval Details**

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

Brian Head - Aug 18, 2021 - 11:36 AM

Lynnann Winsor - Aug 18, 2021 - 4:17 PM