



**SUBJECT PROPERTY**

WINDEMERE RD

FOURTH POND RD

R1

32

R1

36

40

44

46

R1

48

52

54

56

O

AG

AG

DISCLAIMER: This map is based on current information at the date of production.

CITY OF ST. JOHN'S

W:\Engwork\Planw\applications 2020\mpa2000012-42-44 fourth pond road.mxd

## SECTION 11 - OVERLAY DISTRICTS

### 11 OVERLAY DISTRICTS

The requirements for the Overlay Districts in the Development Regulations are in addition to those for the Zone in which a specific Development is situated. A given property may be situated in one or more Overlay Districts in addition to a Zone under Section 10.

#### 11.1 AIRPORT VICINITY REQUIREMENTS

In addition to or supplementing any other provisions of these Regulations, any Developments in the vicinity of the St. John's Airport are subject to the St. John's Urban Region Regional Plan concerning Noise Exposure Forecast Zones and Bird Hazard Zones.

#### 11.2 BODIES OF WATER AND DEVELOPMENT

##### 11.2.1 Ponds

The minimum Buffer around a pond or lake shall be 15 m from the 100 year high water mark.

##### 11.2.2 Waterways

The minimum buffer around the waterways listed below and the salmonid bearing tributaries of the waterways listed below and/or shown on Maps J-1 and J-2 is fifteen (15) metres from the 100 year high water mark: **(1994 09 16)**

- (a) Outer Cove Brook;
- (b) Stick Pond Brook;
- (c) Coaker's River
- (d) Bellview Stream
- (e) Virginia River;
- (f) Nagle's Hill Brook;
- (g) Leary's Brook;
- (h) Rennie's River;
- (i) Quidi Vidi River;
- (j) Mundy Pond Brook;
- (k) Kitty Gaul's Brook;
- (l) South Brook;
- (m) Luke's Brook;
- (n) Kilbride Brook;

**(1994-11-25)**



- (o) Flynn's Brook;
- (p) Waterford River;
- (q) Leamy's Brook;
- (r) Doyle's Brook;
- (s) Cochrane Pond Brook;
- (t) Raymond's Brook;
- (u) Manuels River (Conception Bay);
- (v) Conway Brook (Conception Bay);
- (w) Nut Brook (Conception Bay);
- (x) Kelligrews River (Conception Bay);
- (y) Lower Gullies River (Conception Bay).

### 11.2.3 Wetlands

Except as otherwise set out below, the minimum buffer around the Wetlands listed below and/or shown on Maps J-1, J-2, or J-4 is fifteen (15) metres from the edge of the Wetland. **(1997-05-23)**

- (a) Airport Heights Wetland;
- (b) Clovelly Wetlands;
- (c) Lundrigan's Marsh;
- (d) Harbourview Wetland;
- (e) Synod Lands West Wetland - minimum buffer, 50 m;
- (f) Synod Lands East Wetland;
- (g) Synod Lands North Wetland;
- (h) Island Pond Marsh;
- (i) Yellow Marsh Wetland;
- (j) Kent's Pond;
- (k) Long Pond Marsh - minimum buffer, 50 m;
- (l) Marine Institute Wetland;
- (m) Mundy Pond Wetland;
- (n) George's Pond - minimum buffer, 50 m;
- (o) Wetland #9 (Agriculture Canada Research Station);
- (p) Galway Wetland – variable buffer is included on map J-2 **(2019-06-08)**

### **11.2.4 Development within Lands Adjoining Bodies of Water and Flood Hazard Areas** **(2016-02-26)**

- (1) Except as provided in subsections (2), (2.1) and (2.2) herein, the following lands shall not be developed:
  - (a) all lands adjoining ponds, wetlands, rivers, or major tributaries of rivers designated under Sections 11.2.1, 11.2.2 and 11.2.3, to a distance of not less than 15 metres beyond the 100 year high water mark of these bodies of water;
  - (b) any lands within Flood Hazard Areas or any Flood Risk Areas as identified by the Department of Environment and Lands, and/or identified on Map J-2 of these Regulations.
- (2) Council may permit Development within the 15 metre buffer of the 100 year high water mark of designated bodies of water for the following purposes:
  - public works;
  - public utilities;

- a private road;
  - services associated with a private Development;
  - protection of areas of physical instability and for flood control purposes;
  - protection of ecologically valuable areas;
  - practical and recreational travel;
  - recreational and educational pursuits;
  - landscaping;
  - construction of residential patios, residential fencing, and residential accessory buildings; and
  - construction of stormwater detention facilities.
- (2.1) Council may permit a food bank building in the flood plain of the Waterford River behind the Corpus Christi Church on Waterford Bridge Road.
- (3) Prior to approval being given for a Development enumerated in subsection (2) herein the advice of the Environmental Advisory Committee shall be obtained, except in the case of the construction of residential patios, residential fencing, and residential accessory buildings.
- (4) Council may require a Conservation Plan to be prepared for any proposed Development within the 15 metre buffer of the 100 year high water mark of designated bodies of water.
- (5) Notwithstanding the foregoing, Council may permit the paving of gravel parking lots existing as of December 31, 2011 that are located within flood plains of watercourses.
- (6) Notwithstanding the foregoing, Council may permit above-ground stormwater detention facilities to be located within any floodplain and/or buffer of a watercourse or wetland. Excavation will not be permitted within a floodplain, wetland, or buffer to facilitate stormwater detention and there shall be minimal disruption to the area that will detain the stormwater.
- (7) Council may permit an expansion to the Feildian Grounds change rooms at Portugal Cove Road, located in the flood plain of the Rennie's River, provided the expansion is constructed above the 100-year flood elevation.

#### 11.2.5 Increase of Minimum Buffers

Where it is deemed necessary to protect or enhance the management of a Waterway or Wetland, Council may increase the width of the Buffer beyond the minimums prescribed under Section 1.2.1, subject to an Environmental Analysis Report as described in Section 5.7.

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**CITY OF ST. JOHN'S Development Regulations, 1994**

**Amendment Number XXX, 2021**

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

Adopted by the City Council of St. John's on the \_\_\_\_ day of \_\_\_\_, 2021.

Signed and sealed this \_\_\_\_ day of \_\_\_\_.

Mayor:

\_\_\_\_\_

Clerk:

\_\_\_\_\_

Town Seal

**Canadian Institute of Planners Certification**

I certify that the attached City of St. John's Development Regulations Amendment Number XXX, 2021 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP:

\_\_\_\_\_

MCIP/FCIP Stamp

# **CITY OF ST. JOHN'S**

## **Development Regulations Number XXX, 2021**

### **BACKGROUND**

The City of St. John's wishes to allow a driveways, wharves and stages within the 100 year high water mark of designated bodies of water. See attached Council Decision Note dated March 17, 2021 for Background Information on this amendment.

### **PUBLIC CONSULTATION**

To be completed following public consultation.

### **ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER XXX, 2021**

The City of St. John's Development Regulations is amended by:

**1) Repealing Section 11.2.4 Development within Lands Adjoining Bodies of Water and Flood Hazard Areas and substituting the following:**

11.2.4 Development within Lands Adjoining Bodies of Water and Flood Hazard Areas

(1) Except as provided in subsections (2), (2.1) and (2.2) herein, the following lands shall not be developed:

- a. all lands adjoining ponds, wetlands, rivers, or major tributaries of rivers designated under Sections 11.2.1, 11.2.2 and 11.2.3, to a distance of not less than 15 metres beyond the 100 year high water mark of these bodies of water;
- b. any lands within Flood Hazard Areas or any Flood Risk Areas as identified by the Department of Environment and Lands, and/or identified on Map J-2 of these Regulations.

(2) In the discretion of Council, the following Development may be permitted within the 15 metre buffer of the 100 year high water mark of designated bodies of water for the following purposes:

- public works and infrastructure;
- Public Utility;
- services associated with a private Development;
- protection of areas of physical instability;
- flood control purposes;
- protection of ecologically valuable areas;
- trails;
- landscaping;
- construction of residential patios, residential fencing, and residential accessory buildings;

- construction of stormwater detention facilities;
- wharves and stages; and
- driveways.

(2.1) Council may permit a food bank building in the flood plain of the Waterford River behind the Corpus Christi Church on Waterford Bridge Road.

(2.2) In the discretion of Council, the following Development may be permitted within the 100 year high water mark of designated bodies of water for the following purposes:

- public works and infrastructure;
- Public Utility;
- protection of areas of geological instability;
- flood control purposes;
- trails;
- landscaping;
- construction of storm water detention infrastructure;
- wharves and stages; and
- driveways.

(3) Prior to approval being given for a Development enumerated in subsection (2) herein the advice of the Environmental Advisory Committee shall be obtained, except in the case of the construction of residential patios, residential fencing, residential accessory buildings and residential driveways.

(4) Council may require a Conservation Plan to be prepared for any proposed Development within the 100 year high water mark of designated bodies of water or the 15 metre buffer of the 100 year high water mark of designated bodies of water.

(5) Notwithstanding the foregoing, Council may permit the paving of gravel parking lots existing as of December 31, 2011 that are located within flood plains of watercourses.

(6) Notwithstanding the foregoing, Council may permit above-ground stormwater detention facilities to be located within any floodplain and/or buffer of a watercourse or wetland. Excavation will not be permitted within a floodplain, wetland, or buffer to facilitate stormwater detention and there shall be minimal disruption to the area that will detain the stormwater.

(7) Council may permit an expansion to the Feildian Grounds change rooms at Portugal Cove Road, located in the flood plain of the Rennie's River, provided the expansion is constructed above the 100-year flood elevation.