

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

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

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

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

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

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

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

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

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

This report is organized in 4 parts:

- Part 1: Proposed Envision changes arising from the ILUC Report
- Part 2: Changes to ensure compliance between the Future Land Use Map and the Zoning Map
- Part 3: Housekeeping items identified during staff review
- Part 4: Approved amendments Since March 4, 2019

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

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

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

Provincial Archaeology Office:

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

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

Environment (Climate Change):

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

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

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

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

Forestry:

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

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

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

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

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

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

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

GIS (Geographic Information Services) and Mapping:

Provided for information.

Land Management (Agriculture):

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

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

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

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

Land Management (Planning):

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

- City staff comment: After following up with Crown Lands, the following reserves were identified as not applicable from the list included in the ILUC report:
 - 50 metre buffer on the East Coast Trail: **Does not apply to portions of the trail located within municipalities that have a municipal plan.**
 - Directive 9.E.39 (Bremigan's Pond Industrial Land Reserve): No applications will be accepted or approved for a period of one year from the approval date of March 6, 2006. **"Directive no longer valid"**.
 - Directive 9.E.16 (St. John's Crown Reserve - Southside Road to Waterford Bridge - **Cancelled**

- 4. Recommendation: Add a new Section 6 "Crown Lands" in the Envision Development Regulations which states: The following Crown Land Reserves will be recognized and, as directed by the Province, applications will not be entertained within the following areas:
 - Directive 9.E.80 (Three Arm Pond): No Crown Land applications may be accepted or approved except for applications for utilities or Provincial Infrastructure may be accepted in consultation with the Department of Transportation and Works (now called the Department of Transportation and Infrastructure).

 - Directive 9.E.50 (Former MUN Woodlot at Paddy's Pond): No Crown Land applications may be accepted or approved, except:
 - Applications for Agriculture or Forestry Development may be accepted in the area marked as "A" on the attached map.
 - Applications for Quarry Development may be accepted in the area Defined as area "B".
 - Applications for Utilities or Provincial Infrastructure may be accepted in all areas.

* All applications for Crown Lands must be approved and meet the zoning requirements as determined by the City of St. John's and the Town of Conception Bay South, as applicable.

 - Directive 9.E.65 (Cuckold's Pond Crown Land Reserve):
 - No applications will be accepted or approved.
 - Applications taken in error must be cancelled.

 - Directive 9.E.29 (Freshwater Crown Reserve):
 - No Crown Land applications to be accepted

 - Directive 9.E.66 (Signal Hill Road/Murphy's Right-of-Way Crown Reserve):
 - No Crown Land applications to be accepted or approved.

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

Mines:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Geological Hazards:

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

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

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

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

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

- City staff comment: Areas along the shoreline with a low elevation include the St. John's harbour; Quidi Vidi Village and Blackhead Village where development exists. The required setbacks to move development beyond the 4-metre contour would be difficult to achieve without limiting new development or redevelopment.

6. Recommendation: Add a new policy under Section 3.3 of the Municipal Plan: “(2) As mapping and information becomes available the City will revisit consideration for sea level rise and development.”

Consider cliff rates of erosion and coastal setback limits, which should aim for a 100-year planning timeframe. Suggested setback limit is twice the average yearly erosion

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

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

Natural Resources:

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

Parks Division:

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

Service NL:

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

Water Resources Management Division:

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

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

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

Management of stormwater is a responsibility of the municipality.

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

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

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

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

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

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

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

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

Transportation:

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

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

Wildlife Division:

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

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

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

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

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

Part 2:

Compliance between the Future Land Use Map and the Zoning Map

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

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

Policy Updates:

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

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

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

Municipal Plan – Future Land Use Map Updates:

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

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

Envision Development Regulations – Zoning Map Updates:

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

Part 3A:

Envision Municipal Plan housekeeping items identified during staff review

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

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

Part 3B:

Envision Development Regulations housekeeping items identified during staff review:

Table of Contents:

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

Section 2 "Definitions":

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

may include administrative and clerical functions but does not include a Clinic or Bank”.

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

Section 4 “General Development Procedures”:

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

Section 6 “Specific Developments”:

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

13. Section 6.2.4 "Accessory Building Locations": revise the proposed setbacks subject to snow storage requirements following discussion with Public Works, Inspection Services, and Transportation Engineering:

"6.2.4 (1) (d) located a minimum of 3.0 metres from a Street.

14. Section 6.19 "Lounge":

(1) A Lounge shall not be permitted within 50 metres of the Newfoundland War Memorial

(2) A Lounge shall be a Discretionary Use when located:

(A) within 150 metres of

(i) a Residential Zone;

(ii) an Apartment Zone;

(iii) a School; or

(iv) a Place of Worship; or

(B) within the Downtown Business Improvement Area, excepting those properties abutting George Street between Queen Street and Beck's Cove (see Map 6).

Section 7 "General Site Requirements":

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

16. 7.2.3 "Corner Lot and Yard Abutting a Street":

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

(a) 15 metres distance from the point of intersection of the two Street Lines along each Street Line for streets that serve a higher-order function within the immediate area, or

(b) 8 metres distance from the point of intersection of the two Street Lines along each Street Line for streets that serve a lower-order function within the immediate area.

17. Add the following new Section 7.2.7 "Fence Location" - Subject to Subsection 7.2.3, Fences shall be located a minimum of 2.0 metres from a Street.

18. Section 7.3 "Snow Storage": Where a Lot or Development is proposed, a Snow Storage Plan may be required subject to the requirements of the Development Design Manual.

Section 8 “Parking Requirements”:

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

Section 9 “Mapping and Ancillary Documents”:

20. Map 7 “Snow Volume” is removed from the document and replaced with the “Intensification Area Map” (Add map to the end of the document).

21. Add Map 8 “Downtown Snow Removal Map” (Add map to end of document)

22. Add Map 9 “Provincial Lands”.

23. Add Section “C” to the Map chart and add “PMD1 Zone Schedules” and “PMD2 Zone Schedule”.

24. Supplemental documents: Remove A – “Snow Storage Calculation” and re-letter the remaining list.

Section 10 “Zones”:

25. Residential 2 (R2) Zone, Section 8 Zone Standards for Townhouse - the Building Line should be 6 metres.

26. Residential 3 (R3) Zone, Section 6 Zone Standards for Townhouse - the Building Line should be: “0 metres when located within the Downtown Snow Removal Area (Map 8)”; “4.5 metres all other locations”.

27. Residential 3 (R3) Zone, Section 6 Zone Standards for Townhouse - the Rear Yard (minimum) 4.5 metres (delete the existing text).

28. Residential Battery (RB) Zone: Add maximum Lot Area to the zone to keep lot sizes no larger than those which are typical of traditional development patterns in this neighbourhood.

Zone Standards - add new 3(b) Lot Area (maximum) 400 metres square

29. Residential Downtown (RD) Zone - the Rear Yard (minimum) for all uses should be changed to 3.5 metres (except #9).

30. Apartment 2 (A2) Zone – make Townhouse a Discretionary Use, not a Permitted Use.

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

Commercial Downtown (CD) Zone revision to Stepback:

- | | |
|--|--|
| (c) Building Façade Stepback on Street with a 0 metre Building Line | 0 meter stepback for first 18 metres in Building Height, 4 metre stepback for greater than 18 metres in Building Height.
Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being determined by the Chief Municipal Planner. |
| (d) Building Façade Stepback on Street with a 4 metre or greater Building Line | No stepback required. |

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

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

- (d) Building Façade Stepback on Street (minimum) 0 meter stepback for first 18 metres in Building Height, 4 metre stepback for greater than 18 metres in Building Height unless otherwise approved by Council.
Where Building Façade abuts more than one Street, stepback shall be applied to a minimum of 2 Streets, such Streets being determined by the Chief Municipal Planner.

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

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

Part 4:

Approved Amendments Since March 4, 2019

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

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

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

Changes reflective of the above amendments:

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

- c. (c) Building Height (maximum) 43-53 Rowan Street (PID#18955), except 615 Empire Avenue (PID#46166) - 21.5 metres
 - d. All other zone Standards shall be in the discretion of Council
7. Section 7.2.3 "Corner Lot and Yard Abutting a Street" requires the wording updated: "(4) Notwithstanding the foregoing, an authorized Officer may extend or reduce the restrictions imposed by Section 7.2.3 where it is appropriate to do so in the opinion of the authorized Officer".
8. For Adult Massage Parlour amendment:
 - a. Remove the definition of "Massage Parlour" from Section 2 and add the new definition: "ADULT MASSAGE PARLOUR means a Building, or part of a Building, where massage or similar services are provided by persons who are not Registered Massage Therapists and does not include a Clinic or Service Shop".
 - b. Replace Section 2 definitions of "Clinic" and "Service Shop" with the following:

"CLINIC means a Building or part of a Building used by physicians, dentists or other health care professionals, their staff and their patients, for the purpose of consultation, diagnosis or treatment of human non-residential patients, and may include medical laboratories or an ancillary pharmacy, but does not include an Adult Massage Parlour".

"SERVICE SHOP means a Building, or part thereof, where personal services are provided. Without limiting the generality of this definition, a Service Shop may include a barber shop, hair salon, tailoring shop, but does not include an Adult Massage Parlour".
 - c. Under Section 6.20 "Massage Parlour" change the title to "Adult Massage Parlour".
 - d. The following Zones need the word "Adult" added to the Massage Parlour use: Commercial Regional (CR) Zone; Commercial Mixed Use (CM) Zone; Commercial Downtown Mixed (CDM) Zone; Commercial Downtown Mixed 2 (CDM2) Zone; Commercial Kenmount (CK) Zone.
9. Planned Mixed Development 1 (PDM1) Zone Section 12 – requires the following Schedule to be updated:
 - b. Galway Land Use Plan (December 2019)
 - c. Galway Road Cross Sections/Transportation Plan (December 2019)
 - d. Parkland & Pedestrian Trail Plan (December 2019)

10. Replace the definition of Heritage Use as follows:
 - a. "HERITAGE USE means any Use of a designated heritage building which is, in Council's opinion, compatible with the adjoining Uses."
 - b. Add "Heritage Use" as a Discretionary Use to both the Institutional (INST) and Institutional Downtown (INST-DT) Zones.

11. Add "Pharmacy" in the following Zones:
 - a. Permitted Use in Commercial Highway (CH), Commercial Regional (CR), Commercial Downtown Mixed (CDM), Commercial Downtown Mixed 2 (CDM2), Commercial Downtown (CD) and Commercial Kenmount (CK) Zones.
 - b. Discretionary Use in Commercial Neighbourhood (CN), Commercial Office (CO), Commercial Mixed Use (CM), and Commercial Industrial (CI) Zones.

This concludes the report.