

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

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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 Reference 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-by-case 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.
5. 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.
6. 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 interconnectedness of the Subdivision to existing development, Streets, transit and railways, 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).

b) 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 ~~meter~~ **metre** setback
- 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 ~~deter-mined~~ **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 Georgetown. 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.

i) 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.

l) 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. Update Zoning map to reflect recent amendments.
- b. Update Zoning map to show Residential 2 (R2) Zone and Residential Reduced Lot (RRL) Zone in Kenmount Terrace to reflect future development plans in line with the Residential Kenmount (RK) Zone that is no longer used in Envision.
- c. 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”.
- d. 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”.
- e. Section 4.8 (3) Public Consultation – Remove Subsection (3)(d) Variances: the notification for Variances is covered under Section 7.4.
- f. 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):



- g. 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".
- h. 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.
- i. 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.
- j. 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 whole number with 0.5 rounded up to the next whole number.
- k. 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.

- l. 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.

- m. 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.
- n. Residential (2) Zone: add Four-plex as a Discretionary Use; the Zone Requirements are already included but the Use was missing.
- o. 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)    | 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%   |
- p. 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)    | 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%   |
- q. 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.
- r. Residential Downtown (RD) Zone: Change the Rear Yard (minimum) Zone Standards for all Uses to 6metres.

- s. 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 height 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 height 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 height 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.
- t. 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,<br>4 metre stepback for greater than 18 metres in Building Height <u>unless otherwise approved by Council.</u> |
|--|---|
- 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.
- u. 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)

- v. 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

- w. Update Future Land Use map to reflect recent amendments.
- x. Update Map P-4 Road Classifications to show the extent of all roads included on the map.
- y. 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.