

INFORMATION NOTE

Title: Interpreting Zone Lines at 16 Church Hill
Application to Develop a Multi-Purpose Annex at the Cathedral of
St. John the Baptist
DEV1900091

Date Prepared: July 23, 2019

Report to: His Worship the Mayor and Members of Council

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

Ward: 2

Issue: To interpret the Institutional (INST) and the Cemetery (CEM) Zone lines in relation to the proposal to develop an annex building in the churchyard.

Discussion – Background and Current Status:

The Cathedral of St. John the Baptist is in Heritage Area 1; is in the Institutional District and the Open Space District of the St. John's Municipal Plan; and is zoned Institutional (INST) and Cemetery (CEM). The property is bounded by Church Hill, Gower Street, Cathedral Street and Duckworth Street. The Institutional (INST) Zone is used on the northern end of the property for the Cathedral and parking lot, while the Cemetery (CEM) Zone is used on the southern part.

The proposed annex building is a permitted use in the INST Zone. It is not permitted in the CEM Zone.

One way to consider this matter would be for the Cathedral to apply for a rezoning of the footprint of the proposed annex; this would entail an amendment to the St. John's Municipal Plan. Another way is to interpret the zone lines.

The churchyard was used as a graveyard from the 1700s to the mid-1800s; at the time, it was one of the few official graveyards in St. John's. The Cathedral parish is the oldest Anglican Church parish in Canada. There are burial records for approximately 5,500 people here. Some sources believe that the number of burials may be over double that.

There are few grave markers in the old cemetery, and most of those are lying flat on the ground in the western end, just inside the gates from Church Hill. Many of the burials would have been without a headstone, using a wooden cross or no marker at all. There would have also been many burials under cover of darkness. Many if not most of these burials would have been without the use of a casket, with remains buried in layers on top of one another.

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As the proposed extension may affect the old cemetery, the applicants are working with an archaeologist who will report to the Provincial Archaeologist. The Cathedral is:

- designated by the City as a Heritage Building;
- is a provincial landmark Registered Heritage Structure;
- is a National Historic Site of Canada; and
- falls within the Ecclesiastical District National Historic District.

The annex is proposed to attach to the side of the Cathedral and extend into the churchyard. The Cathedral has dug a series of test pits to check the ground conditions, including the presence of human remains. No remains were found. However, about ten years ago there was an oil spill in this area and human remains were discovered and reburied with a religious ceremony elsewhere in the churchyard. Also, a photo taken in the late 1800s shows this side of the Cathedral having been dug up. Any human remains at this time may have been moved elsewhere.

The purpose of the Cemetery (CEM) Zone is to recognize the special nature of places where family, friends and ancestors are buried. When we bury the dead, there is an expectation that these lands will remain untouched by other types of development. The graveyards and cemeteries are intended to remain places set apart, where we honour the memories of those who have gone before and keep the grounds reserved for this purpose.

Cemeteries (graveyards built away from churches) would often have a burial chapel or lych gate (a gate where the remains would be formally welcomed), as well as an area to store equipment. The proposed annex is not intended for such a use – it is to provide office space and gathering space for the parish. Therefore, it is not permitted in the Cemetery Zone.

At the same time, the churchyard is in the ownership and care of the Cathedral. Parishioners look to their church for comfort and consolation at a time of death, and for a place to bury those who have died, since cemeteries are not municipally owned in St. John's or elsewhere in this province. Therefore, it is not for the City to second-guess how the Cathedral is looking after its churchyard.

This project is going ahead with the expectation that there will be few or no remains found in the footprint of the new building. If a large number of remains are found, this may cause the project to be cancelled or radically changed. The Cathedral has sold its former parish hall on Queen's Road and wishes to have a parish hall and diocesan office attached to the Cathedral making it easily accessible by parishioners, including those with mobility challenges.

Under the St. John's Development Regulations, Section 3.4 "Boundaries of Zones", where the boundary of a zone is uncertain and substantially follows lot lines on a suitable base map, the lot lines or other boundary shall be deemed to be the boundary of the zone. In this case, a suitable base map was provided by the Cathedral showing the church and the proposed annex.

Therefore, based on the base map and the believe that no human remains reside on this part of the site, the interpretation of the boundary on the St. John's Zoning Map of the Institutional (INST) Zone is to be extended over the footprint of the proposed annex. The Cemetery (CEM) Zone would remain in place over the remainder of the churchyard.

This change also applies to the Future Land Use Map of the St. John's Municipal Plan, where interpretation of the boundary of the Institutional District is to be extended over the footprint of the proposed annex, removing the Open Space District from the same footprint.

The sensitive part would come if there are human remains found in the footprint of the building. It would remain with the Cathedral and the Provincial Archaeologist to determine whether any remains could be removed in a respectful manner and reburied nearby, or whether the Cathedral and the Province would call a halt to the project. In such a case, a re-evaluation of the interpretation of the zone lines will be necessary.

Key Considerations/Implications:

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders:
The property owner, the Provincial Archaeologist, and others who have an interest in the remains buried in the old graveyard.
3. Alignment with Strategic Directions/Adopted Plans:
This is in line with the City's policies to support the continued use of heritage buildings for new uses.
4. Legal or Policy Implications:
This is in accordance with the St. John's Development Regulations, Section 3.4 "Boundaries of Zones".
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations:
We will notify the property owners, the Provincial Archaeologist, and the general public of the change at the appropriate time.
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:

As per the rules of interpretation of Section 3.4 of the St. John's Development Regulations, based on the base map provided by the Cathedral and the believe that no human remains reside on this part of the site, the interpretation of the boundary on the St. John's Zoning Map of the Institutional (INST) Zone is to be extended over the footprint of the proposed annex. The Cemetery (CEM) Zone would remain in place over the remainder of the churchyard.

This change also applies to the Future Land Use Map of the St. John's Municipal Plan, where it has been interpreted that the boundary of the Institutional District to be extended over the footprint of the proposed annex, removing the Open Space District from the same footprint.

If there are human remains found in the footprint of the building, the Cathedral and the Provincial Archaeologist would determine whether any remains could be removed in a respectful manner and reburied nearby, or whether the Cathedral and the Province would call a halt to the project. In such a case, a re-evaluation of the interpretation of the zone lines will be necessary.

Prepared by/Date/Signature:

Ken O'Brien, MCIP, Chief Municipal Planner

Signature: _____

Approved by/Date/Signature:

Jason Sinyard, P.Eng., MBA – Deputy City Manager
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Signature: _____

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Attachments: Map of the Cathedral at 16 Church Hill showing proposed annex
 Zoning map of the Cathedral property