

City of St. John's Development Regulations, 2021

St. John's Development Regulations Amendment Number 36, 2024

Wetland Text and Map Amendment

April 2024



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

CITY OF ST. JOHN'S Development Regulations, 2021

Amendment Number 36, 2024

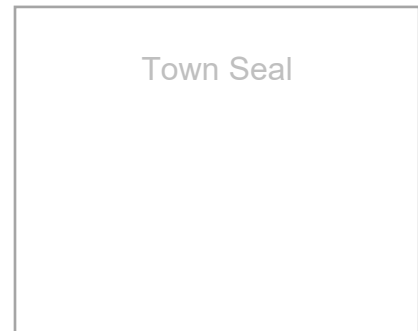
Under the authority of section 16 of the *Urban and Rural Planning Act, 2000*, the City Council of St. John's adopts the City of St. John's Development Regulations Amendment Number 36, 2024.

Adopted by the City Council of St. John's on the 11th day of June, 2024.

Signed and sealed this ____ day of _____.

Mayor: _____

Clerk: _____



Canadian Institute of Planners Certification

I certify that the attached City of St. John's Development Regulations Amendment Number 36, 2024 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

MCIP/FCIP: _____



Development Regulations/Amendment	
<u>REGISTERED</u>	
Number	_____
Date	_____
Signature	_____

CITY OF ST. JOHN'S

Development Regulations Amendment Number 36, 2024

BACKGROUND

Council adopted the 2019 Wetlands Delineation Study prepared for the City by C-Core in May 2020. The wetlands included in this study are commonly referred to as "Phase 1 Wetlands". Also in May 2020, Council resolved to conduct a Phase 2 field assessment based on the Wetlands Ecosystem Services Protocol (WESP) for Newfoundland and Labrador and provide a detailed field-based delineation and functional assessment of wetlands that would be under pressure from development over the next 10 to 20 years.

The Phase 2 field assessment based on the WESP is now complete. At its November 28, 2023 regular meeting, Council adopted the Wetland Study Phase 2A. Council resolved to protect Lundrigan's Marsh and all wetlands in the Wetland Study Phase 2A and in any future studies that receive a WESP-AC score of 6 or higher.

As a result of the November 28, 2023 Council resolution, changes to Section 4.10 "Waterways, Wetlands, Ponds or Lakes" and Appendix C, Map 4 "Waterways and Wetlands" of the Envisions St. John's Development Regulations are proposed.

ANALYSIS

A key theme in the Envision St. John's Municipal Plan is the protection of environmental systems, such as waterways and wetlands. Section 3.1.1 of the Envision Municipal Plan requires ecologically vulnerable lands and waters, such as wetlands, be identified and protected.

Section 3.1.2 outlines that Lundrigan's Marsh is an Environmentally Valuable Area and in partnership with the Province, the City is committed to its long-term protection and stewardship.

The proposed amendment is in line with the above noted Municipal Plan policies. Therefore, a Municipal Plan amendment is not required.

PUBLIC CONSULTATION

The proposed amendment was advertised on three occasions in The Telegram newspaper on May 11, May 18, and May 25, 2024 and on the City's website.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed amendment is in line with the St. John's Urban Region Regional Plan and an amendment to the Regional Plan is not required.

ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 36, 2024

The City of St. John's Development Regulations, 2021 is amended by:

A. Repealing Section 4.10 WATERWAYS, WETLANDS, PONDS OR LAKES, which states:

“(1) The minimum Buffer adjacent to the enumerated bodies of water shall be:

Waterways	Wetlands	Ponds or Lakes
<p>15 metres from the 100-year high water mark of waterways and tributaries shown on Maps 4 & 5 including, but not limited to:</p> <ul style="list-style-type: none"> • Outer Cove Brook • Stick Pond Brook • Coaker's River • Bellview Stream • Virginia River • Nagle's Hill Brook • Leary's Brook • Rennie's River • Quidi Vidi River • Mundy Pond Brook • Kitty Gaul's Brook • Luke's Brook • Kilbride Brook • Flynn's Brook • Waterford River • Leamy's Brook • Doyle's Brook • Cochrane Pond Brook • Raymond's Brook • Manuel's River • Conway Brook • Nut Brook • Kelligrews River • Lower Gullies River • South Brook 	<p>15 metres from the edge of the wetlands shown on Maps 4 & 5 including, but not limited to:</p> <ul style="list-style-type: none"> • Galway Wetlands • Airport Heights Wetland • Clovelly Wetlands • Lundrigan's Marsh • Harbourview Marsh • Synod Lands East Wetland • Synod Lands North Wetland • Island Pond Marsh • Yellow Marsh Wetland • Kent's Pond • Marine Institute Wetland • Mundy Pond Wetland • Wetland #9 (Atlantic Cool Climate Crop Research Centre, Agriculture and Agri-Food Canada) <hr/> <p>50 metres from the edge of the wetlands shown on Maps 4 & 5 including, but not limited to:</p> <ul style="list-style-type: none"> • Synod Lands West Wetland • Long Pond Marsh • George's Pond 	<p>15 metres from the 100-year high water mark of any Pond or Lake.</p>

(2) Notwithstanding Subsection (1), Council may increase the size of the Buffer adjacent to a body of water.

(3) Development shall not be permitted in a waterway, wetland, pond, lake or the Buffer adjacent to a body of water or in a Floodplain and shall be located a minimum of 1.2 metres from the edge of the Buffer.

(4) Notwithstanding Subsection (3), Council may permit the following Development in a Buffer for those bodies of water enumerated in Subsection (1):

(a) residential decks, residential fences and residential Accessory

Buildings;
(b) public works and infrastructure;
(c) Public Utility;
(d) servicing of a private Development;
(e) protection of areas of geological instability;
(f) flood control infrastructure;
(g) trails and parks;
(h) Landscaping;
(i) construction of storm water detention infrastructure;
(j) paving of gravel Parking Lots existing as of the coming into force of these Regulations;
(k) Wharves and Stages or
(l) Driveways.

(5) Notwithstanding Subsection (3), Council may permit the following Development in bodies of water as enumerate in Subsection (1):

(a) public works and infrastructure;
(b) Public Utility;
(c) protection of areas of geological instability;
(d) flood control infrastructure;
(e) trails and parks;
(f) Landscaping; **(2022-05-27)**
(g) construction of storm water detention infrastructure;
(h) Wharves and Stages; and **(2022-05-27)**
(i) Driveways. **(2022-05-27)**

(6) Prior to approval being given for a Development outlined in Subsection (4) or (5) the Environment and Sustainability Experts Panel shall be consulted, except in the case of the construction of residential decks, residential fencing, residential Accessory Buildings and residential Driveways. **(2022-05-27)**

(7) Wharves and Stages – Development of a wharf or stage shall be considered up to the high water mark. Beyond this area, applicable approvals from other levels of Government are required.

(8) Council may permit residential development in the Floodplain and Buffer of Rennie's River at 6 and 8 Winter Avenue.

and replacing it with the following:

(1) Waterways

The minimum Buffer adjacent to the waterways and tributaries shown on Maps 4 and 5 shall be 15 metres from the 100-year high water mark.

(2) Ponds or Lakes

The minimum Buffer adjacent to any Pond or Lake shall be 15 metres from the 100-year high water mark.

(3) Wetlands

- a) Lundrigan's Marsh and all wetlands with a Wetland Ecosystem Services Protocol for Atlantic Canada (WESP-AC) score of 6 or higher are protected by Council and are shown as Wetlands – Protected on Map 4.
- b) Wetlands with a WESP-AC score less than 6 are not protected and are shown as Wetlands – Unprotected on Map 4.
- c) Wetlands that require field assessment and a WESP-AC score are shown on Map 4 as Wetlands – Further Study Required.
- d) The minimum Buffer adjacent to wetlands shall be 15 metres from the edge of the wetlands shown on Map 4.
- e) The minimum Buffer adjacent to Synod Lands West Wetland and Long Pond Marsh shall be 50 metres from the edge of the wetlands shown on Map 4.
- f) The Galway Protected Natural Area (PNA), shown on Map 4, includes the Galway PNA and a 15 metre Buffer.

(4) Notwithstanding Subsections (1) through (3), Council may increase the size of the Buffer adjacent to a body of water.

(5) Development shall not be permitted in a waterway, wetland, pond, lake or the Buffer adjacent to a body of water or in a Floodplain and shall be located a minimum of 1.2 metres from the edge of the Buffer.

(6) Notwithstanding Subsection (5), Council may permit the following Development in a Buffer for those bodies of water enumerated in Subsections (1) through (3):

- (a) residential decks, residential fences and residential Accessory Buildings;
- (b) public works and infrastructure;
- (c) Public Utility;
- (d) servicing of a private Development;
- (e) protection of areas of geological instability;
- (f) flood control infrastructure;
- (g) trails and parks;
- (h) Landscaping;
- (i) construction of storm water detention infrastructure;

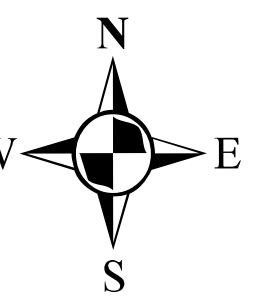
- (j) paving of gravel Parking Lots existing as of the coming into force of these Regulations;**
- (k) Wharves and Stages or**
- (l) Driveways.**

(7) Notwithstanding Subsection (5), Council may permit the following Development in bodies of water as enumerated in Subsections (1) through (3):

- (a) public works and infrastructure;**
- (b) Public Utility;**
- (c) protection of areas of geological instability;**
- (d) flood control infrastructure;**
- (e) trails and parks;**
- (f) Landscaping; (2022-05-27)**
- (g) construction of storm water detention infrastructure;**
- (h) Wharves and Stages; and (2022-05-27)**
- (i) Driveways. (2022-05-27)**

(8) Prior to approval being given for a Development outlined in Subsection (6) or (7) the Environment and Sustainability Experts Panel shall be consulted, except in the case of the construction of residential decks, residential fencing, residential Accessory Buildings and residential Driveways. (2022-05-27)

B) Repeal Appendix C, Map 4 and replace with the following Map 4.



TOWN OF TORBAY
 TOWN OF LOGY BAY/
 MIDDLE COVE/
 OUTER COVE
 TOWN OF PORTUGAL COVE/
 ST. PHILLIPS

TOWN OF PARADISE
 CITY OF MOUNT PEARL

TOWN OF CONCEPTION BAY SOUTH

TOWN OF PETTY HARBOUR/
 MADDOX COVE

TOWN OF BAY BULLS

I hereby certify that this amendment has been prepared in accordance with the Urban and Rural Planning Act.

M.C.I.P. signature and seal

Mayor _____

City Clerk _____

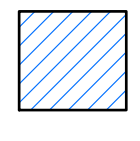
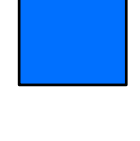
Council Adoption _____

Provincial Registration _____


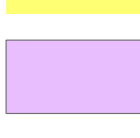

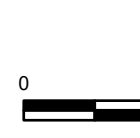

MAP 4

ENVISION ST. JOHN'S DEVELOPMENT REGULATIONS

WATERWAYS & WETLANDS

-  PROTECTED PUBLIC WATER SUPPLY WATERSHED
-  PONDS, LAKES AND WATERWAYS

WETLANDS CLASSIFICATIONS

-  WETLANDS – PROTECTED
-  WETLANDS – FURTHER STUDY REQUIRED
-  GALWAY PNA
-  WETLANDS BUFFER
-  WETLANDS – UNPROTECTED

0 0.75 1.5 3 4.5 6 km

ST. JOHN'S

MARCH 2024

