

INFORMATION NOTE

Title: 853 Main Rd interpret zone lines

Date Prepared: July 16, 2025

Report To: Regular Council Meeting

Councillor and Role: Councillor Maggie Burton, Planning

Ward: Ward 5

Issue:

To interpret the zone lines and enable unserviced residential development at 853 Main Road, Goulds, now that the wetland there has been evaluated as not significant.

Discussion – Background and Current Status:

Along Main Road in Goulds, south of Wilmina Drive, the Rural Residential Infill (RRI) Zone is used along the road frontage, except for selected areas, including 853 Main Road. A large wetland on that property led to the City applying the Rural (RUR) Zone. A zone overlay shows the wetland, which would prevent development.

To the north and south along Main Road, the RRI Zone allows unserviced residential development on wells and septic systems.

Review Process

The property owner commissioned a study of the wetland on his property using the consultant as the City used for its recent wetland study. The consultant used the same criteria that were applied by the City. The result: the wetland at 853 Main Road is not a significant wetland.

City staff note that the owner took this course of action without first contacting staff. In the wake of our recent wetland studies, the City has a review process in place. Anyone questioning the status of a wetland must contact the City. If the City agrees that the wetland deserves further study, then the City will engage a consultant to carry out a study and report back to the City. The applicant would be responsible for the cost of the study.

The property owner at 853 Main Road did not follow this process but acted in good faith. City staff have confirmed that the consultant used the methods and criteria which the City would use, and staff agree with the finding that this wetland is not a significant wetland.

Staff would not support another other property owner following this course of action. Any future work on wetlands must be done through the City process. Independently commissioned studies will not be accepted. This is a one-off situation.

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Zone Change

In the 1990s, Council adopted policies for unserviced development. These were written into the Envision St. John's Municipal Plan, 2021, in section 7.7 "Unserviced Development". They prohibit rezoning any new lands to the RRI Zone or to the Rural Residential (RR) Zone.

In following these policies, I could not recommend rezoning this land to the RRI Zone, even though the wetland there is not protected. Such a rezoning would conflict with the policies.

However, there is an argument for interpreting the zone lines along the frontage of Main Road. This would not allow development in depth on the property, potentially introducing new roads in an unserviced area. However, by applying the RRI Zone along the road frontage, this would enable new unserviced residential development along Main Road.

What is the difference between rezoning a property versus interpreting a zone line? The effect is the same. However, I go back to when the RRI Zone was applied by the City along Main Road after Goulds became a part of St. John's in 1992. The properties to the immediate north and south had the RRI Zone applied to them, as there were no wetlands present. The RRI Zone reflected the existing houses along the road and allowed the development of other residential lots if there was enough land.

At 853 Main Road, the wetland went against using the RRI Zone. This decision predates my time with the City but it is certainly the reason that the RRI Zone was not extended along 853 Main Road. If there had been no wetland there, I am confident that the property would have been zoned RRI along the road frontage. Now that a reputable study has shown that the wetland does not rank high enough for protection by the City, there is no reason why the RRI Zone cannot be extended along the property frontage – as it would have been in 1992 if the wetland had been shown to be not significant.

Rules of Interpretation for Zone Lines

Under the Envision St. John's Development Regulations, section 10.3 "Interpretation of Zone Boundaries":

"Where the boundary of a Zone ... (b) is shown on the Zoning Map as substantially following Lot Lines of an approved Subdivision or other acceptable base map, the Lot Lines shall be deemed to be the boundary."

In this case, the "other acceptable base map" is a new map showing the absence of any significant wetland along the road frontage. Therefore, the Chief Municipal Planner interprets the zone lines along the road frontage of 853 Main Road to be the RRI Zone, going back a standard depth of approximately 70 metres, in line with the depth of the zone on the neighbouring properties to the north and south. The remainder of the property will stay in the Rural (RUR) Zone. No change is needed to the Municipal Plan map; the entire property will remain designated in the Rural District.

Key Considerations/Implications:

1. Budget/Financial Implications: None.
2. Partners or Other Stakeholders: Property owner; nearby properties.
3. Alignment with Strategic Directions:

A Sustainable City: Plan for land use and preserve and enhance the natural and built environment where we live.

An Effective City: Ensure accountability and good governance through transparent and open decision making.
4. Alignment with Adopted Plans: Envision St. John's Municipal Plan and Development Regulations.
5. Accessibility and Inclusion: None.
6. Legal or Policy Implications: In line with section 10.3 of the Development Regulations
7. Privacy Implications: None.
8. Engagement and Communications Considerations: None.
9. Human Resource Implications: None.
10. Procurement Implications: None.
11. Information Technology Implications: None.
12. Other Implications: None.

Conclusion/Next Steps:

At 853 Main Road, the zone boundary is interpreted to extend the Rural Residential Infill (RRI) Zone along the road frontage of the property to a standard depth, in line with the properties immediately north and south. No change is needed for the future land use map of the Envision St. John's Municipal Plan. This aligns with the rules of zone-line interpretation in Section 10.3 of the Envision St. John's Development Regulations.

Ken O'Brien, MCIP
Chief Municipal Planner

Report Approval Details

Document Title:	853 Main Rd interpret zone lines.docx
Attachments:	- 853 Main zoning.pdf - 853 Main wetland.pdf
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This report and all of its attachments were approved and signed as outlined below:

Jason Sinyard - Jul 16, 2025 - 4:36 PM