

DECISION/DIRECTION NOTE – Special Meeting

Title	Amendment of the Building By-Law
Date Prepared:	April 5, 2018
Report To:	His Worship the Mayor & Members of Council
Councillor and Role:	N/A
Ward:	N/A

Decision/Direction Required:

Council approval of the proposed amendments to the Building By-Law and adoption of the Residential Landscaping Requirements Policy.

Discussion – Background and Current Status:

In June 2017, Council approved the following recommendation of the Planning and Development Standing Committee:

“To add the requirement for tree(s) to the general landscape requirements and take an overall landscape deposit from the permit holder for the lot. Once all landscaping, including the tree planting is completed, the deposit will be returned. This is similar to the approach used in neighbouring municipalities. While this does introduce a deposit, it differs from the May 3rd recommendation in that the deposit is for the overall landscaping and is not specific to the tree. The By-Law will have to be amended to include the tree(s) as part of the general landscaping plans. Enforcement is not anticipated to be an issue as the deposit creates the incentive to complete the landscaping. Further, this provides the necessary incentive to ensure that trees are planted and is consistent with other jurisdictions in the region. It is further recommended that the landscape deposit be set after consultation with the home builder.”

The Manager of Regulatory Services has drafted the Residential Landscape Requirement Policy (copy attached). The required amendments to the Building By-Law have been drafted by the Legal Department (copy attached) for Council’s consideration and adoption. It should be noted that violations of the by-law can lead to ticketing and/or fines.

Key Considerations/Implications:

1. Budget/Financial Implications:
 - Deposits for landscaping and refunds for completed landscaping will need to be accurately tracked.
2. Partners or Other Stakeholders:
 - General Public, Construction Industry Stakeholders

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3. Alignment with Strategic Directions/Adopted Plans:
 - Neighbourhoods Build Our City
 - Responsive and Progressive
4. Legal or Policy Implications:
 - Violations of the Building By-Law can lead to ticketing and/or fines.
5. Engagement and Communications Considerations:
 - The amendments to the Building By-Law will need to be published in the Telegram and Queen's Printer Gazette in order to be legally in effect.
 - Communication of the new tree requirements to the general public and construction industry stakeholders will be necessary.
6. Human Resource Implications:
 - N/A
7. Procurement Implications:
 - N/A
8. Information Technology Implications:
 - N/A
9. Other Implications:
 - N/A
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Recommendation:

It is recommended that Council approve the Residential Landscape Requirement Policy and bring forward a Notice of Motion (copy attached) to adopt the amendments to the Building By-Law at a future Regular Meeting of Council

Prepared by/Signature:

Cheryl L. Mullett
City Solicitor

Approved by/Date/Signature:

Cheryl L. Mullett
City Solicitor

April 5, 2018

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Attachments:

- 1. Council Directive #S2017-06-12/7**
- 2. Residential Landscape Requirement Policy**
- 3. Notice of Motion**
- 4. Building (Amendment No. 1, 2018) By-Law**

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COUNCIL DIRECTIVE

REGULAR MEETING

Date: 2017/06/12 12:00:00 AM

CD# R2017-06-12/17

To: Jason Sinyard
Position: Deputy City Manager, Planning, Engineering & Regulatory Services
RE: Planning and Development Standing Committee Report - May 31, 2017 - Item #3 - Tree Regulations

DECISION: Council approved the recommendation to add the requirement for the tree(s) to the general landscape requirements and take an overall landscape deposit from the permit holder for the lot. Once all landscaping, including the tree planting, is complete the deposit will be returned. This is similar to the approach used in neighboring municipalities. While this does introduce a deposit, it differs from the May 3rd recommendation in that the deposit is for the overall landscaping and is not specific to the tree. The By-Law will have to be amended to include the tree(s) as part of the general landscaping plans. Enforcement is not anticipated to be an issue as the deposit creates the incentive to complete the landscaping.

Further, this provides the necessary incentive to ensure that the trees are planted and is consistent with other jurisdictions in the region. It is further recommended that the landscape deposit be set after consultation with the home builder industry.

Action: As required.
Date: 2017/06/12
Signed by: Elaine Henley
City Clerk

Status Comments:

kc

cc:

Planning/Eng./Reg. Services

Response Required: YES
Response deadline: 2017/07/12
Response Received:
Attachments:



7. Planning_and_Development_Committee_Report_May 31, 2017.pdf

CITY OF ST. JOHN'S CORPORATE AND OPERATIONAL POLICY	
POLICY TITLE: Residential Landscaping Requirements	POLICY NUMBER: 1-001
LAST REVISION DATE: December 4, 2017	POLICY SECTION:
POLICY SPONSOR: Manager, Regulatory Services	

1. Policy Statement

Due to the increasing complexity of the provision of landscaping to address climate change, environmental protection and to achieve site development goals this policy is intended to provide council with a clear set of guidelines to apply standards for landscaping of new residential developments within the City of St. John's.

Part 1: Landscape Requirements:

- All new construction of residential use shall have front, side and rear of dwelling landscaped to the following specifications unless otherwise approved by the City.
 - 150mm thick layer of placed topsoil (100mm when rolled/compacted) to cover the entire front, rear and side yards.
 - Sodding, seed, or hydro seed to be installed in accordance with good industry practice and manufacturer's instructions.
 - Certification from the installing contractor that installation, as noted above is completed in conformance with the requirements.
- All new construction of dwelling units located in residential zones where the building line is a minimum of 4.5 meters shall have a minimum of one (1) tree planted on either the front or side of the dwelling to the following specifications.
 - Trees shall meet landscape Nursery Guide Specifications.
 - Trees shall be selected from a species hardy to Canadian Plant Hardiness Zone 5B, salt tolerant, adapted to environmental conditions at the site, with a proven local history.
 - Trees shall at both the time of establishment, or in the future, not obstruct the sightlines between the street and access drives nor shall any feature which creates an obstruction of view be located in the sight triangle.
 - No tree shall be located closer than 1.5 meters from the back of sidewalk / property line, from any driveway or laneway.
 - Planted trees shall be nursery grown and at least a stock size of 35mm caliper and 1.25 meters in height.

- Owner / applicant must ensure consideration for mature tree size in relation to above and below ground utilities, infrastructure and root zone requirements.
- The following list constitutes the official tree species for the City of St. Johns. No species, other than those included in this list are to be planted without prior approval of the Municipal Arborist.

Deciduous Trees	
Botanical/Latin Name	Common Name
Acer platanoides	Norway Maple
Acer pseudoplatanus	Sycamore Maple
Aesculus carnea	Red Horsechestnut
Aesculus hippocastanum	Horse Chestnut
Betula papyrifera	Paper Birch
Betula pendula	Silver Birch
Betula verucosa	White Birch
Celtis occidentalis	Common Hackberry
Elaeagnus angustifolia	Russian Olive
Fraxinus Americana	White Ash
Fraxinus mandshuricia	Manchurian Ash
Fraxinus nigra	Black Ash
Fraxinus pennsylvanica	Red (or Green) Ash
Malus spp.	Dolgo Crab Apple
Phellodendron amurense	Amur Cork Tree
Prunus sargentii	Sargent's Cherry
Prunus serrulata	Japanese Cherry
Pyrus calleryana	Callery Pear
Quercus coccinea	Scarlet Oak
Quercus imbricaria	Shingle Oak
Quercus palustris	Pin Oak
Quercus robur	Common (English) Oak
Quercus rubra	Red Oak
Sorbus spp.	Whitebeam
Syringa spp	Lilac
Tilia cordata	Small-leaved Linden
Tilia x euchlora	Caucasian Linden
Tilia x europaea	Common Linden
Coniferous Trees	
Botanical/Latin Name	Common Name
Abies concolor	Colorado Fir
Picea abies	Norway Spruce
Picea pungens	Colorado Spruce
Pinus nigra	Austrian Pine
Pinus sylvestris	Scots Pine

Part 2: Landscape Security:

- Prior to the issuance of any construction approval or building permits, the owner / applicant will be required to provide a refundable security to the sum of one thousand dollars (\$1000) to Access St. John's to an acceptable standard of the City.

Part 3: Landscape Acceptance:

- The City upon final inspection of the dwelling will provide acceptance of the installed landscaping. All landscaping, including tree planting, must be completed prior to issuance of a final occupancy permit.
- The Inspector, when at the time of the final inspection is unable to determine if the requirements have been met, may at the discretion of his/her supervisor, refer to the Municipal Arborist.

Part 4: Landscape Release of Security:

- The timing of the release of the security will be upon completion of all landscaping requirements referenced within, including tree planting, to the satisfaction of the City.
- The security will be released at a rate of 100%.
- The security will remain in effect for a period of 24 months of which time, if not released, the City will make contact with the owner regarding noncompliance of the Bylaw.

2. Application

The policy described within is the responsibility of the owner, applicant or developer to complete to the satisfaction of the City.

3. Responsibilities

- The policy shall be monitored and enforced by Inspection Staff within Regulatory Services.
- Management staff will monitor the enforcement of the policy through occasional file auditing and site inspection.

4. Definitions
N/A
5. References
Refer to SOP # ??
6. Approval
7. Monitoring and Contravention
<p>This policy will be monitored for compliance by file / field monitoring which Management Staff within Regulatory Services will complete. Such audit reports will be completed and filed within the office.</p> <p>Should this policy not be adhered to by Inspection Staff investigative procedures will be implemented which may include disciplinary action.</p>
8. Review Date
The recommended time period for review of the policy is every 3 years.

NOTICE OF MOTION

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to enact an amendment to the St. John's Building By-Law so as incorporate provisions for trees in accordance with the Residential Landscape Requirements Policy.

DATED at St. John's, NL this day of April, 2018.

COUNCILLOR

ST. JOHN'S

BY-LAW NO.

ST. JOHN'S BUILDING (AMENDMENT NO. 1 – 2018) BY-LAW

PASSED BY COUNCIL ON

Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990, c.C-17, as amended and all other powers enabling it, the City of St. John's enacts the following By-Law relating to the regulation of building in the City of St. John's.

BY-LAW

1. This By-Law may be cited as the "St. John's Building (Amendment No. 1 – 2018) By-Law."
2. The following is added as Section 17.1

"17.1 Without limiting any conditions or requirements imposed by the inspector under section 17:

- (a) all construction of residential uses shall have front, side and rear of dwelling landscaped in accordance with the Residential Landscape Requirements Policy.
- (b) all new construction of dwelling units in residential zones where the building line is a minimum of 4.5 metre shall have a minimum of one (1) tree planted in accordance with the Residential Landscape Requirements Policy.
- (c) the owner/applicant shall pay a security in accordance with the Residential Landscape Requirements Policy prior to the issuance of any conditional approvals or building permits, to be known as the Landscape/Tree Security.

IN WITNESS WHEREOF the Seal of the City of St. John's was hereunto affixed and this By-Law was signed by the Mayor and City Clerk this _____ day of April, 2018.

MAYOR

CITY CLERK