

**TOWN OF PORTUGAL COVE-ST, PHILIP'S
DEVELOPMENT REGULATIONS, 2014-2024**

DEVELOPMENT REGULATIONS AMENDMENT NO. 27, 2023

ECO VILLAGE ZONE

(Amendment to text and maps)



JULY, 2023



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

**TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS, 2014-2024**

DEVELOPMENT REGULATIONS AMENDMENT No. 27, 2023

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's:

- a) adopted the Amendment No. 27, 2023 to the Town of Portugal Cove-St. Philip's Development Regulations on the 11th day of June, 2024.
- b) gave notice of the adoption of the Amendment No. 27, 2023 to the Town of Portugal Cove-St. Philip's Development Regulations by advertisement in The Telegram newspaper on June 15 and June 22, 2024. The advertisement was also posted on the Town's website, and social media platforms;
- c) set the 4 day of July, 2024, at the 7:00 pm for the holding of a public hearing at the Portugal Cove-St. Philip's Town Hall to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's approves the Amendment No. 27, 2023 to the Town of Portugal Cove-St. Philip's Development Regulations as adopted.

SIGNED AND SEALED this 11 day of July, 2024.

Mayor

Aling
Clerk

Development Regulations/Amendment

REGISTERED

Number 4000 - 2024 - 072

Date 19 AUG 2024

Signature [Handwritten Signature]



(Council Seal)

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

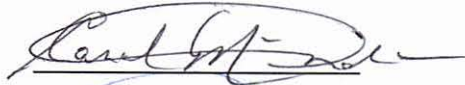
TOWN OF PORTUGAL COVE-ST. PHILIP'S
 DEVELOPMENT REGULATIONS AMENDMENT No. 27, 2023
 DEVELOPMENT REGULATIONS, 2014-2024

Under the authority of Section 16 of the Urban and Rural Planning Act, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 27, 2023.

Adopted by the Town Council of Portugal Cove-St. Philip's on the 11th day of June, 2024.

Signed and sealed this 11 day of July 2024.

Mayor



Acting
Town Clerk



(Council Seal)



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 27, 2023, has been prepared in accordance with the requirements of the Urban and Rural Planning Act.




MCIP: Anna Myers

Member of Canadian Institute of Planners (MCIP)

TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 27, 2023

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations, 2014-2024. There is an associated Municipal Plan Amendment No. 17, 2023.

The purpose of this amendment is to establish the Eco Village Cluster and Eco Village Sustainable Agriculture zones which combines a cohousing development with sustainable food production. The proposal allows for more efficient use of land and protection of the agricultural and ecological features of the site in a manner consistent with the rural character of the Town of Portugal Cove-St. Philip's.

Cohousing is a form of collective housing that emphasizes communal living in contrast to the more individualistic lifestyles in traditional housing, particularly the single dwelling unit neighbourhoods that are predominant in this town. Although no cohousing community is exactly alike, there are generally four important characteristics that distinguish this type of housing:

1. Physical design encourages a strong sense of community.
2. Common areas that are designed for daily use and to supplement private living areas.
3. Resident involvement in the recruitment, production and operational processes.
4. Collaborative lifestyles offering inter-dependence, support networks, sociability and security.

Generally, this amendment applies to a site of approximately 14-hectared (ha) on the west side of Farm Road for the following uses:

- 1) Eco Village Cluster housing for multi-dwelling units to accommodate a multigenerational cohousing community with a common house, communal gardens, open space and a central parking facility on approximately 9 ha of the overall site; and,
- 2) Eco Village Sustainable Agriculture on approximately 5 ha for sustainable, green agricultural use.

The proposed changes to the Development Regulations include addition to Schedule for two new zones: Eco Village Cluster Zone and Eco Village Sustainable Agriculture zones including the Use Zone Tables. Development Standards and Conditions for development. As well, Definitions to accommodate the new uses proposed for these new zones will be included in Schedule B.

PUBLIC CONSULTATION

During the preparation of this amendment Council undertook the following initiative so that individuals and groups could provide input to the proposed Development Regulations Amendment. The Town Council of Portugal Cove-St. Philip's published a notice in The Telegram newspaper on November 11, 2023, in the November edition of the Northeast Avalon Times advertising the proposed amendment seeking comments or representations from the public. A copy of the Public Notice was posted on the Town's

website and individual notices were sent to property owners located within a 200 metre offset of the areas proposed to be redesignated. Residents were invited to view the documents and maps at the Town Hall during normal business hours, and to provide any comments or concerns in writing to Council by November 29, 2023. The Town received 28 responses to this consultation. Council considered the responses received at their public meeting on December 19, 2023.

Council also consulted with the 14 stakeholder municipalities of the St. John's Urban Region Regional Plan regarding the proposed amendments. The Town received six responses to this consultation. Council considered the responses received at their public meeting on December 19, 2023.

On December 20, 2023 this amendment was forwarded to the Department of Municipal and Provincial Affairs (MAPA) for review in accordance with Section 15 of the *Urban and Rural Planning Act, 2000*. As a result of this review, MAPA informed the Town that the amendment to the St. John's Urban Region Regional Plan did not require re-designation from Urban Development to Rural as previously indicated in the "St. John's Urban Region Regional Plan" section of this amendment. As a result of MAPA's comment, this amendment document was revised to remove the following text from the "St. John's Urban Region Regional Plan" section:

- The area identified as Eco Village Sustainable Agriculture shall be re-designated from Urban Development to Rural in the SJURR Plan.

Under Authority of Section 17, 20 and 21 of the *Urban and Rural Planning Act, 2000*, a notice of the adoption was published in The Telegram newspaper on June 15 and June 22, 2024. The amendments were available for review at the Town Office during regular business hours and on the Town's website from June 15 to July 4, 2024. Council scheduled a public hearing for July 4, 2024 at the Town Office. As no responses were received, the public hearing was cancelled.

ST. JOHN'S URBAN REGION REGIONAL PLAN

The proposed Development Regulations Amendment No. 27, 2023 consists of text and map changes to 2014-2024 Development Regulations and Development Regulations Map but requires map changes to the St. John's Urban Region Regional Plan.

An amendment to the St. John's Urban Region Regional Plan is not required.

DEVELOPMENT REGULATIONS AMENDMENT No. 27, 2023

CHANGES TO SCHEDULE A:

NEW DEFINITIONS FOR ECO VILLAGE CLUSTER AND ECO VILLAGE SUSTAINABLE AGRICULTURE ZONES

Agri-Tourism: Agri-Tourism means an activity to which members of the public are ordinarily invited, with or without fee, that displays, demonstrates, promotes, or holds events to promote or market products or operations of the farm. Examples of agri-tourism activities include:

- an agricultural heritage exhibit displayed on the agricultural land;
- a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
- cart, sleigh and tractor rides on the agricultural land;
- activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos, but does not include a horse race track;
- dog trials held on the agricultural land;
- harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
- Vegetated mazes prepared using vegetation produced on the land where the activity takes place.

Conditions:

- 1) the activity is conducted on agricultural land that is classified as a farm under the Assessment Act;
- 2) members of the public are ordinarily invited to the activity, whether or not a fee or other charge is payable;
- 3) no permanent facilities are constructed or erected in connection with the activity, including permanent kitchen facilities (indoor or outdoor), unless approved and permitted by Council;

Campground/Guest Housing: Campground means a public or privately-operated facility offering overnight or short term rental or seasonal accommodation for 3 or more: tent sites, serviced recreational vehicle sites, rental cabins, guest house/pods, glamping sites, and may include accessory administrative offices, convenience store, laundry facilities, sanitary facilities, recreational/communal hall and associated recreational uses that cater to short-term or seasonal guests, not to year-round residents; and, does not include industrial, work or construction camps or permanent mobile home or mini-home parks;

Conditions:

- 1) A proposed campground, including trailer and recreational vehicle park, shall require a Planned Unit Development Application satisfactory to Council and Council may also require the following information:
 - a. Location and size of camp and trailer sites
 - b. Internal roads and accesses and parking areas
 - c. Parking areas for proposed campground
 - d. Accessory uses such as laundry facilities, storage areas, washrooms, showers, convenience store, staff accommodations, and outdoor and indoor recreation facilities
 - e. Water supply and waste disposal
 - f. Landscaping for proposed campground

- g. Buffers and screening between the site and other nearby land uses
 - h. Delineation of the property to be developed on a legal survey
 - i. Where deemed necessary by Council, a phasing plan for development.
 - j. On-site water and sewer services shall meet minimum standards required by Council and relevant Provincial agencies.
 - k. Washroom facilities, recreational areas, parking areas, and similar facilities directly associated with the development shall not be located on separate properties.
- 2) All camp sites and on-site facilities that form part of the development shall be accessible only via the internal road network of the development.
 - 3) The development permit shall specify the maximum number of campsites for different uses such as tents, trailers, pods (guest houses), and RVs that shall be permitted on the site.
 - 4) No expansion or alteration of a campground, other than repairs and maintenance, shall take place without the approval of Council.
 - 5) The operation shall comply with all regulations of Council pertaining to noise and unruly behaviour.
 - 6) Where deemed necessary by Council, a deposit sufficient to cover the cost of buffers and screening shall be deposited with Council until the work is completed in accordance with the approved plan.

Closed-Sided Animal Enclosure: A Closed-Sided Animal Enclosure means a Building intended for the keeping of animals such as livestock and poultry, and which is substantially separated from the exterior environment with normally closed walls and doors.

Conditions:

- 1) Must be constructed to the standards of the Land Resource Stewardship Division of the Government of Newfoundland and Labrador;
- 2) Must have a permit from Council;
- 3) For a Close-Sided Animal Enclosure structure for Farm Operations the structure shall be at least 45 metres from the boundary of the property on which it is erected.

Cluster Housing Development: Cluster housing development means a comprehensively designed form of land development in which principal buildings and structures, including residential dwelling units, shared buildings and amenity areas, services and parking, are grouped together on a site, and so located on a lot that each dwelling unit may not have legal frontage on a public street or road, thus preserving the remaining land area for conservation, open space, recreation, agriculture or other public uses;

Cohousing Dwelling Unit: Cohousing Dwelling Unit shall means one or more habitable rooms designed and occupied by persons as an independent dwelling unit in which living, kitchen, and bathroom facilities are provided. Each dwelling unit shall have an independent entrance from outside the building.

Common Amenity Building: Common amenity building means a building with shared amenity spaces such as any mix of: kitchen, dining room, washroom, laundry, child care and/or children's play area, accessory office and meeting space, lounge, food storage, exercise room, guest rooms and library.

Community Garden: A community garden means a piece of land gardened or cultivated by a group of people individually or collectively. Normally in community gardens, the land is divided into individual plots. The community garden may be owned by the Town or a group of individuals or a community organization.

Conditions:

- 1) A community garden is for the growing of plants (not animal husbandry);
- 2) Community gardens are to be maintained in a neat and tidy fashion;
- 3) All disturbed areas not comprising the area of the community garden are to be reinstated with a minimum of grass to the satisfaction of the Town;
- 4) Structures on the site are only for the storage of gardening equipment and implements, [but may include a greenhouse?], and must have a permit from the Town;

Development Agreement: A development agreement means a voluntary contract between a local jurisdiction and a person who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that shall govern development of the property.

These agreements can specify various elements of the development process ranging from phasing of a larger comprehensively planned community, to tax-sharing for retail development, to critical infrastructure responsibilities. Development agreements are sometimes used in combination with a Planned Unit Development, Development Scheme, Section 29 of the *Urban and Rural Planning Act, 2000*, in the form of a binding agreement that specifies the negotiated terms of the development, but these tools may also be used independently.

Where a Development Agreement is required as a condition of a Development Permit or Approval-in-Principle, the Development Agreement sets out the terms specific to that agreement and shall be signed by the applicant and Council within two years of the approval granted by Council. Development cannot proceed until all conditions of the Development Permit are met and the Development Agreement is signed by the applicant and Council.

Farm Operation: A farm operation as specified in the *Farm Practices Protection Act, 2000*, as follows: "farm operation" means an agricultural activity conducted by a farmer for gain or reward or with the expectation of gain or reward and includes

- (i) growing, producing, raising or keeping animals or plants or the primary products of those animals or plants,
- (ii) composting,
- (iii) clearing, draining, burning, irrigating or cultivating land,
- (iv) using farm machinery, including vehicles on public roads, equipment, devices, materials and structures,
- (v) applying fertilizers, manure, pesticides or biological control agents,
- (vi) operating farm produce stands or agricultural tourist operations, including U-Pick farms or roadside stands, and,
- (vii) preparing farm products for distribution for wholesale or retail consumption including the cleaning, grading or packaging of those products;"

A Farm Operation for the purposes of livestock is defined as having 5 or more Animal Units as defined by the provincial Livestock and Poultry Guidelines. For further clarity, a Farm Operation does not include a kennel, community garden, or residential agriculture use.

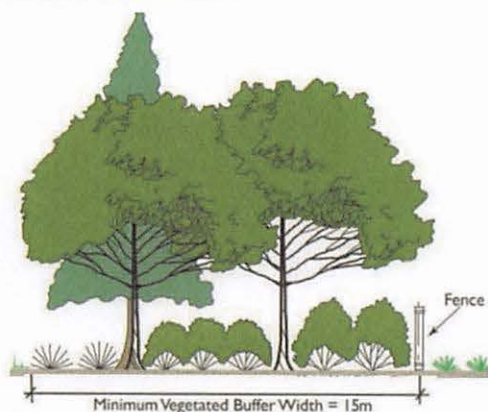
Farm Retail Sales: Farm Retail Sales means Retail sale to the general public of agricultural products grown, produced, or raised on a Farm Operation or the combined farms of a cooperative association to which the farm owner belongs, and may include the sale of agricultural products and non-agricultural products.

Conditions:

- 1) The onsite retail sales activity shall not constitute a nuisance or unsightly operation; and,
- 2) The onsite retail sales activity is clearly a subsidiary activity to the main Farm Operation.

Ground-Oriented Multi-Dwelling: Ground-oriented multi-dwelling means a building divided into two or more dwelling units located side by side under one roof with private exits or entrances to each dwelling unit from a street or walkway (without passing through a common lobby), with each dwelling unit sharing at least one common wall or party wall.

Minimum Separation Distances Between Non-Livestock/Poultry Farm Operations and Non-Agricultural Land Uses:



i. No structure for non-Agriculture use shall be erected within 30 metres of an Agricultural lot Line separating a non-agriculture use with agriculture zoned land without consideration of the following:

- A minimum of 30-metre separation distance between any Agriculture structure and a residence;
 - A minimum of a 6-metre vegetative buffer, or combination of vegetation/berming buffer, to be located on the non-Agriculture property as an easement (refer to guidelines for vegetative buffers in Appendices);
 - Trespass avoidance measures, such as, fences, berms, or other deterrents;
- Residential lots backing onto Agricultural lands must have a 15-metre rear yard.

Open Space, Parks And Trails: 'Open space, parks and trails' means a generally undeveloped space or environmentally sensitive area maintained for the preservation of natural heritage, wildlife and the environment where the quality of the environment and naturalness of an area is the focus of the recreational experience; activities and development are limited to trails, picnic areas, playgrounds, access to the water in the form of slipway, boathouse, and recreational wharf, and associated signage.

Outdoor Market: Outdoor market means the sale of goods or products in an open-air space with no permanent building(s) tied to that space; temporary facilities or open stalls may be used to hold and display the goods being sold. Examples may include, but are not limited to, farmers markets, fish market, flea markets or other types of goods.

Planned Unit Development: Planned Unit Development means an integrated planned development which may involve a single use class or mix of use classes that responds to a unique market opportunity and involves special development standards not otherwise permitted in the zone. The most common example of a Planned Unit Development is a vacant land condominium/bare strata development consisting of a contiguous area to be planned, developed, operated, and maintained as a single entity and containing one or more structures with common areas that belong to them, such as a box store complex, resort, multi-unit residential. A Planned Unit Development may be approved by Council in any zone as a development and/or subdivision on public or private services.

Conditions:

- 1) Required to submit a Planned Unit Development application;

- 2) A Planned Unit Development shall front on to a publicly maintained road and comply with use requirements of the Zone within which it is located. Notwithstanding the requirement for serviced development, if municipal services are not feasible to the standard required by the Town, the provision of on-site services shall meet requirement of provincial agencies, in particular, Water Resource Management Division and Service NL;
- 3) Roads and services provided in a Planned Unit Development whether they are publicly or privately owned, may be treated as if they were public roads, public services and public utilities for the purpose of approvals by the Authority and other agencies.
- 4) The development and/or subdivision shall comply with the requirements of the Municipal Plan, Development Regulations or any scheme adopted under it, and with the zoning for the site as it pertains to land use, height, and have a suitable relationship to nearby land uses in respect to appearance, traffic requirements, and demands on municipal services; and, the Planned Unit Development would be prepared and reviewed by the Council according to its regular development approval process.
- 5) In a Planned Unit Development, the Council may also, at its discretion, approve the erection of buildings which are designed to form part of a zero lot line development provided that the buildings are designed to provide both privacy and reasonable access to natural daylight, and the overall density conforms to standard set out in the Use Zone Table, and Service NL requirements.

Planned Unit Development Application:

In addition to the information required on a general development application, the following requirements shall apply to all proposed Planned Unit Development applications involving new street construction or development of large sites for commercial (including commercial recreational), industrial, residential and public institutional development.

A Planned Unit Development application would normally contain the following:

- a. Goals, objectives and land use policies for the development area;
- b. Identification of developable area of site, indicating accommodation of site conditions such as poor drainage, steep slopes, flooding potential and rocky ground;
- c. Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
- d. Building lot area coverage where applicable;
- e. Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
- f. Layout drawing of proposed parking area, total number and size of parking spaces and manoeuvring aisles, access and egress locations to parking area, provisions for bicycle parking where applicable, landscape screening for parking areas and storm water drainage management;
- g. Identification of outdoor amenity and open space and recreation areas;
- h. Identification of unenclosed storage areas and area size;
- i. Overview of landscaping treatment and approach for the site development;
- j. Phasing of the development;
- k. Street and servicing layout, including on-site road pattern and traffic in relation to surrounding community in conformance with Town standards;
- l. Indicate any issues related to the long-term maintenance of streets and other services; and,
- m. If required, an amendment to the Municipal Plan and Development Regulations where the Planned Unit Development is not listed in the Use Zone table for the zone in which it occurs.

Public Gathering Places-Indoor: Public gathering places-Indoor means a building or part thereof designed and equipped to be used for public gatherings for entertainment, religious (place of worship), cultural, civic, educational, charitable, philanthropic or social purposes and may include, but are not limited to, a movie theatre, playhouse, museum, art gallery, place of worship, funeral home, community or cultural centre, or library. These are smaller than regional institutional uses, like a hospital or college campus, as the patrons generally are not such a broad segment of society and therefore does not create the same level of activity in terms of onsite use and traffic.

Public Gathering Places-Outdoor: Public gathering places-outdoor means an open-air assembly use requiring the minimum of permanent facilities, and includes, but is not limited to, facilities in the form of or similar to, an outdoor worship service and informal outdoor recreation, including, but not limited to, a picnic or barbecue area, playground and walking or jogging trails; but does not include sport and recreation facilities or a recreation complex.

Residential Agriculture: Residential Agriculture means a site where the residential use is the primary use of the site but there are significant agricultural activities that are compatible within a developed setting, these include:

- **Hobby farm:** A hobby farm means farming activity which could be a combination of home gardening and animals where the total number of animals constitutes less than five (5) Animal Units according to the Government of Newfoundland and Labrador Guidelines for Livestock and Poultry operations;
- **Home gardening:** Home gardening means essentially gardening activity that may include, but is not limited to, horticulture, vegetable growing, fruit growing, but not the keeping of farm animals or a kennel, or a community garden.

Conditions

- 1) A permit is not required for any residential market garden or home gardening that does not involve permanent structures, on-site sales, or keeping of animals.
- 2) Accessory produce sales mean a use accessory to a residential use that provides for the retail sale of agricultural products produced on the same Lot. The following conditions apply:
 - a. The onsite retail sales activity shall not constitute a nuisance or unsightly operation;
 - b. A permit is required for an outdoor market; but not for incidental sale of home garden produce.

Residential Energy Generation: Residential Energy Generation means the generation of electrical energy from wind, solar or small hydro. Within a residential area, this will be limited to a single unit that serves an individual property with the following conditions

- a. An adequate separation distance will be maintained between wind generators and nearby buildings and structures to prevent damage to persons and properties due to a failure of a generator or any of its components or the shedding of ice.
- b. Unless specifically exempted by Council or other relevant agencies, the design, construction and location of an energy utility shall be certified by a professional engineer who has consulted with the required agencies.

Shared Non-Building Amenity Area: The Shared non-building amenity area means the land within the cohousing footprint that is not occupied by a cohousing structure These lands can be used for roads,

paths, residential and community gardens, open space, recreation, sustainable agriculture, and landscaping purposes.

Short Term Residential Rental: Short-Term Residential Rental means any rental of overnight accommodations in a single detached dwelling that is not a Bed & Breakfast, Boarding house, Hostel or Group home.

Single Detached Dwelling: A single detached dwelling means a detached dwelling containing one main dwelling unit which has a private entrance, and which is not attached to another dwelling; and, does not include mobile homes or recreational vehicles, but does include mini-homes or Tiny homes; but it may contain a subsidiary apartment.

Small Farm (Homestead): A Small Farm (homestead) means a small farm that has less than five Animal Units, and where farming activities and structures are the primary use.

Conditions

- 1) Farming activities may include all the activities as listed under a Farm Operation.

CHANGE TO:

SCHEDULE C - USE ZONES

FROM

| Zone Title | Zone Symbol | Page |
|-------------------------------------|-------------|------|
| Residential Small Lot | RSL | 108 |
| Residential Medium Density | RMD | 93 |
| Residential Low Density | RLD | 100 |
| Residential Rural | RR | 106 |
| Residential Development Scheme Area | RDSA | 111 |
| Traditional Community | TC | 113 |
| Mixed Use | MIX | 121 |
| Public Use | PU | 128 |
| Recreation/Open Space | ROS | 130 |
| Protected Watershed | PW | 132 |
| Agriculture | AG | 134 |
| Rural | RUR | 138 |

TO:

| Zone Title | Zone Symbol | Page |
|-------------------------------------|-------------|------|
| Residential Small Lot | RSL | 108 |
| Residential Medium Density | RMD | 93 |
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| Residential Development Scheme Area | RDSA | 111 |
| Traditional Community | TC | 113 |
| Mixed Use | MIX | 121 |
| Public Use | PU | 128 |
| Recreation/Open Space | ROS | 130 |
| Protected Watershed | PW | 132 |
| Agriculture | AG | 134 |
| Rural | RUR | 138 |
| Eco Village Cluster | EVC | 145 |
| Eco Village Sustainable Agriculture | EVSA | 153 |

NEW ZONE TO BE ADDED TO SCHEDULE C:

ZONE TITLE: ECO VILLAGE CLUSTER

INTENT

The purpose of the Eco Village Cluster and Eco Village Sustainable Agriculture zones is to combine a cohousing community with sustainable food production. This development allows for more efficient use of land and protection of the agricultural and ecological features of a site off Farm Road in a manner consistent with the rural character of the Town of Portugal Cove-St. Philip's.

Cohousing is a form of collective housing that emphasizes communal living in contrast to the more individualistic lifestyles in traditional housing, particularly the single dwelling unit neighbourhoods that are predominant in this town. Although no cohousing community is exactly alike, there are generally four important characteristics that distinguish this type of housing:

1. Physical design encourages a strong sense of community.
2. Common areas that are designed for daily use and to supplement private living areas.
3. Resident involvement in the recruitment, production and operational processes.
4. Collaborative lifestyles offering inter-dependence, support networks, sociability and security

The Eco Village Sustainable Agriculture zone is intended to provide opportunities for residents of the cohousing community to practice sustainable agricultural practices and participate in collective activities that contribute to building the Eco Village community.

Except as modified by the policies, definitions, use zone tables, and development standards set out in Municipal Amendment No. 17, 2023 and Development Regulations Amendment No. 27, 2023, the policies of the Municipal Plan, 2014-2024 and Development Regulations 2014-2024 apply, including the National Building Code and ancillary standards.

**USE ZONE TABLE:
ECO VILLAGE CLUSTER**

Permitted uses: Common Amenity Building (see condition 1); Community Garden; Child Care; Ground-oriented Multi-dwelling (see condition 2); Open Space, Parks & Trails; Public Gathering-Indoor; Public Gathering-Outdoor; Shared Non-Building Amenity Area;

Home Businesses: Professions, such as an accountant, architect, auditor, engineer, realtor, insurance agent, planner, lawyer; Artisan and other home crafts, telephone and mail order business; group exercise/yoga/fitness (indoor and outdoor);

Residential agriculture (home-gardening and hobby farm);

Discretionary uses: Agri-tourism; Camping/Guest housing; Outdoor market; Residential energy-generation; Retail /Farm retail sales; Short term residential rentals; Single detached dwelling (see condition 2 (d)); Small Farm (homestead);

DEVELOPMENT STANDARDS

| ECO VILLAGE CLUSTER | Percentage of Eco Village Cluster zone |
|---|---|
| Buildings: Maximum area to be occupied by Ground-oriented Multi-dwellings, single detached dwelling, common buildings (Public gathering-indoor) and parking structures of the total property area | ≤50% |
| Open space: outdoor amenities including open space, park, trails, community gardens, public gathering-outdoor uses of the total property | ≥50% |
| Shared Non-Building Amenity Area: At least 10 percent of the project site area shall be maintained as common courtyard space. Common courtyard space shall be any undeveloped area designated, dedicated or otherwise reserved for public and/or private use and benefit as a natural area, greenway corridor or for recreational purposes as may be specified on the approved site plan | Minimum of 10% of the above 50% Open space |

CONDITIONS

- 1) The Common Amenity building shall not be used for commercial purposes, such as a restaurant. Business activities shall not be the primary function of a common building and no more than 50 percent of the area of a common building shall be used for home occupations. Activities that are part of a home occupation may take place in a portion of a common building if specifically approved through a home occupation permit. All other rules and limitations regarding home occupations shall apply. Common buildings or groups of residences are not to be used to conduct business activities that exceed the magnitude of activity normally associated with home occupations that are conducted within single-family residences. The number of home occupations and the area used for each may be regulated in order to limit cumulative impacts. The cohousing development agreement contract may provide for additional home occupation limitations.
- 2) Development standards for the Eco Village cohousing development:
 - a. Notwithstanding Section 90 of the Development Regulations, the standards related to the cul-de-sac and emergency access, which may be gravel, shall be set at the discretion of Council upon the submission of a comprehensive site plan;
 - b. Cluster development design standards according to the National Building Code and all other applicable building codes shall apply to the design of the Eco Village Cluster cohousing layout.
 - c. For cohousing structures with no frontage on a municipal road, each unit shall have a 3-metre walkway access which is also designed and suitable for use by an emergency vehicle;
 - d. Walkways shall be required to link building entrances, streets, and parking;
 - e. For single detached dwellings the standards in place on adjacent properties will apply to development of single detached dwellings on the Eco Village Cluster zone;
 - f. Parking requirements: three spaces for every two dwelling units; (1.5 spaces per dwelling)
- 3) A Development Agreement shall be required prior to any work commencing within the Eco Village Cluster zone. The Agreement shall contain:
 - a. Site Plan: A full description of all development within the Eco Village Cluster zone including information and drawings (to scale) indicating the phases of development with details on roads, walkways and services, and confirmation by the appropriate agencies regarding provision of proposed water, sanitary sewer and storm water management services. The site plan shall contain information regarding:
 - i. Site conditions: slope, drainage, existing vegetation, site hazards (if any);
 - ii. General form and character of development including housing type (and number of dwelling units), communal structures and facilities, exterior design and finish of buildings;
 - iii. Access and at-grade entrance to each dwelling unit by road, emergency access rights-of-way, pedestrian walkways (sidewalks/paths/trails), access from courtyard;
 - iv. Communal open space and recreation areas, and private outdoor space provided either through front or rear yard patios/courtyards and/or rooftop decks;
 - v. Community gardening areas and structures and Shared Non-Building Amenity Area;
 - vi. Parking;
 - vii. Landscaping, including internal system of walkways;
 - viii. Setbacks between buildings meet National Building Code standards and all other building standards and codes;

- ix. No fence shall be constructed between the buildings that would obstruct emergency vehicle access;
 - x. Services: At a minimum, on-site water and sewer servicing and storm water management measures shall meet the requirements of Provincial Government agencies, such as, Service NL and the Water Resources Management Division and the Town's Water and Sewer Regulations and Stormwater Management Policy; other services, including waste management, utilities and green infrastructure alternatives;
 - xi. The proposed development must also address any special conditions, prerequisite considerations or significant environmental elements identified by the Town or the federal and/or provincial governments;
- b. Property ownership and Management: Details regarding the cohousing legal entity shall, at a minimum, include:
- i. Details regarding the project applicant which must be a legal entity created for the purpose of developing a cohousing project; information regarding tenure of the buildings and the land they are situated on as well as the shared or common lands and buildings;
 - ii. A management plan that outlines the responsibilities and obligations of the community members, and specifies how decisions are made and disputes are resolved.
- 6) Notwithstanding related provisions in the Development Regulations, the following conditions apply:
- a. All individual dwelling units, common buildings, water and sewer systems, fire and life safety systems, and accessibility features shall be designed by professional engineers and/or architects licensed to practice in Newfoundland and Labrador. The use of fire safety equipment and controls (i.e. extinguishers, alarms, sprinklers, signage, building accesses/egress, etc.) beyond minimum code requirements is recommended.
 - b. An accessibility plan shall be prepared by a qualified professional detailing any accessibility requirements for tenants, including details on how accessibility features will be maintained or improved in the future as accessibility requirements and best practices may evolve over time. Any changes to the plan shall be communicated to the Town in a timely manner.
 - c. An emergency management plan shall be prepared by a qualified professional detailing any emergency and/or evacuation procedures for tenants, including details on the training of tenants in the emergency procedures and use of fire safety equipment. Any changes to the plan shall be communicated to the Town in a timely manner.
- 4) The corporation must meet all regulatory and permitting requirements by any and all authorities having jurisdiction. This may require upgrades in the future to water and sewer systems that are not provided by the municipality, fire and life safety systems, emergency preparedness and response, and accessibility.
- 5) Council may require the incorporation of special design features and operational plans related to fire and life safety, accessibility, and emergency protocols including provisions to require ongoing updates and improvements in the future.

- 6) Existing wetlands, streams, significant trees, topographical features and other natural features shall be saved, preserved and enhanced to the greatest extent possible consistent with reasonable use of the site; including the conditions and requirements of Schedule E of the Development Regulations.

GENERAL REGULATIONS

General Form and Character of Development

- 1) Preservation of the established rural character of the Eco Village Cluster zone will be achieved through:
 - a. creative building design that emphasizes the use of natural or natural-like materials, and which is compatible with the scale and character of its surroundings;
 - b. preservation of existing mature trees; and
 - c. siting of buildings and structures in a manner giving priority to pedestrians over vehicles.

Form, Exterior, Design and Finish of Buildings

- 2) Building form that is of a consistent style and character throughout the site, and which ensures design diversity and rhythm by varying and alternating building mass, siting and various major and minor design elements.

Parking and Landscaping

- 3) The retention of natural vegetation, including large mature trees, is required as a landscaping element.
- 4) Where separating parking from residential buildings, parking areas should be integrated with the overall development, with well-established links between parking areas and buildings. Where possible, parking areas should be broken up by landscaping elements, and visually screened from adjacent properties and public areas.
- 5) Support service facilities and structures such as refuse containers, composters, recycling facilities, storage areas and utilities should be located and screened to minimize visibility from adjacent properties and public areas.

General Principles & Building Characteristics

- 1) Development proposals should include moderate unit sizes to improve affordability.
- 2) Buildings should express variation in design and scale to create visual interest and a unique streetscape environment.
- 3) Private outdoor space provided either through front or rear yard patios/courtyards and/or rooftop decks;
- 4) Every unit has direct access to grade either on the street or via pedestrian pathways
- 5) Building designs can include both 'through units' with windows and entrances at both ends or single facade with windows and entrance at one end such as a walk-out basement unit or back to back units with a rear shared wall;
- 6) Building designed to be energy- and space-efficient.

NEW ZONE TO BE ADDED TO SCHEDULE C:

ZONE TITLE: ECO VILLAGE SUSTAINABLE AGRICULTURE ZONE

INTENT

The purpose of the Eco Village Cluster and Eco Village Sustainable Agriculture zones is to combine a cohousing community with sustainable food production. This development allows for more efficient use of land and protection of the agricultural and ecological features of a site off Farm Road in a manner consistent with the rural character of the Town of Portugal Cove-St. Philip's.

Cohousing is a form of collective housing that emphasizes communal living in contrast to the more individualistic lifestyles in traditional housing, particularly the single dwelling unit neighbourhoods that are predominant in this town. Although no cohousing community is exactly alike, there are generally four important characteristics that distinguish this type of housing:

1. Physical design encourages a strong sense of community.
2. Common areas that are designed for daily use and to supplement private living areas.
3. Resident involvement in the recruitment, production and operational processes.
4. Collaborative lifestyles offering inter-dependence, support networks, sociability and security

The Eco Village Sustainable Agriculture zone is intended to provide opportunities for residents of the cohousing community to practice sustainable agricultural practices and participate in collective activities that contribute to building the Eco Village community.

Except as modified by the policies, definitions, use zone tables, and development standards set out in Municipal Amendment No. 17, 2023 and Development Regulations Amendment No. 27, 2023, the policies of the Municipal Plan, 2014-2024 and Development Regulations 2014-2024 apply, including the National Building Code and ancillary standards.

| USE ZONE TABLE: ECO VILLAGE SUSTAINABLE AGRICULTURE | |
|--|--|
| Permitted uses: | Agri-Tourism; Farm Operation (see condition 1); Farm Retail sales; Forestry; Hobby farm; Open Space, Parks & Trails; Small Farm (homestead); |
| Discretionary uses: | Outdoor market; Retail; |

Development Standards

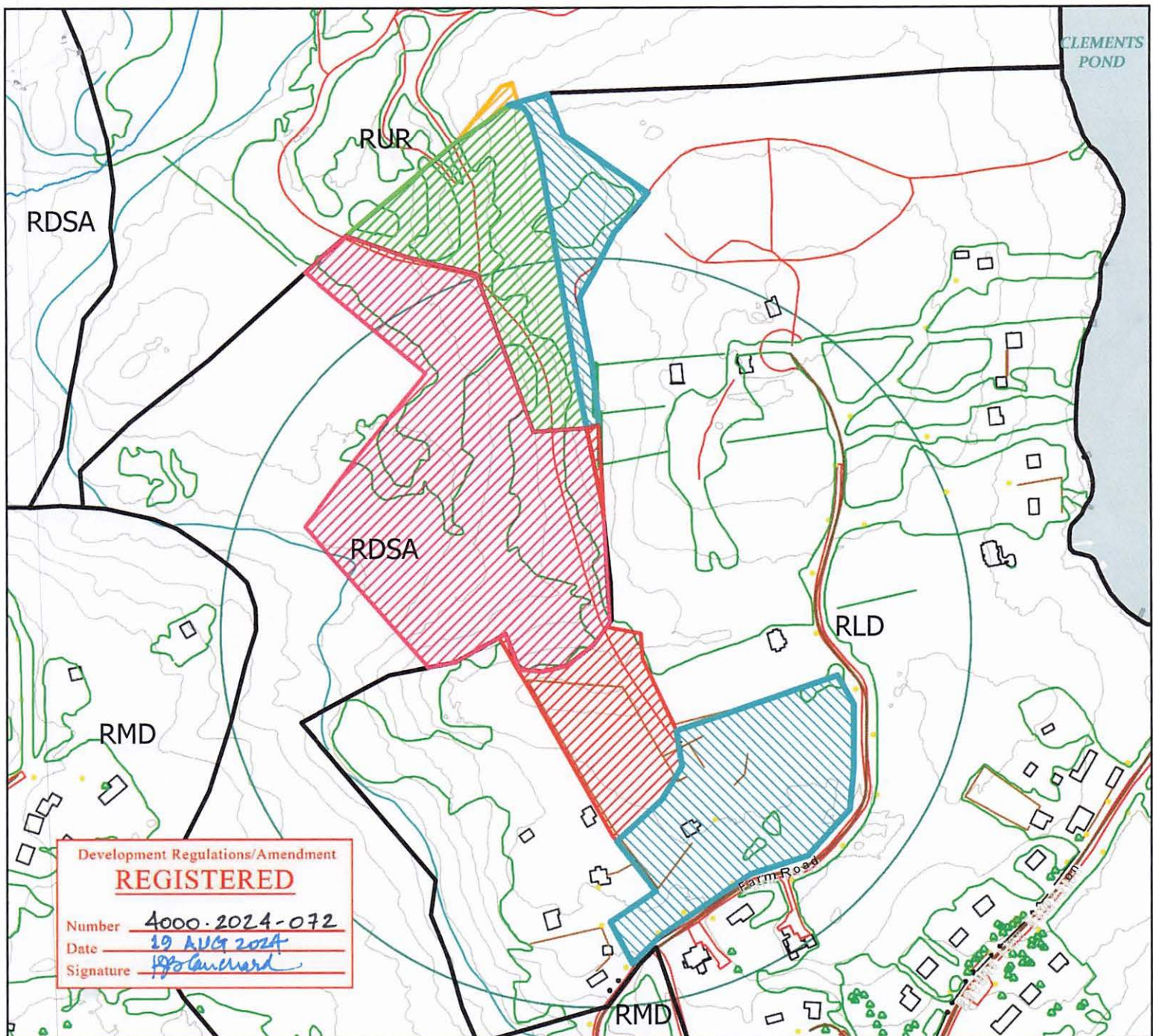
Development must meet the conditions listed under the definitions for this zone, any other conditions related to these uses as stated below. Applications for development will be reviewed on their merit and decisions made at the discretion of Council.

Conditions

- 1) Farming activities are subject to all applicable requirements by the authorities having jurisdiction, including the Lands and Resources Management Division responsible for agriculture operations.
- 2) For non-Farm Operation agriculture activities, the 'Minimum Separation Distances Between: Non-Livestock/Poultry Farm Operations and Non-Agricultural Land uses' (see Definitions section) apply.
- 3) All farm operations must prepare a Land Management Plan addressing issues of stewardship, sustainability and carrying capacity for the site.

DEVELOPMENT REGULATIONS AMENDMENT No. 27, 2023**MAP AMENDMENT**

The Land Use Zoning Map of the Town of Portugal Cove-St. Philip's Development Regulations, 2014-2024 is amended as shown on the following map.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Dated at Portugal Cove-St. Philip's, Newfoundland and Labrador

MUNICIPAL PLAN 2014-2024

This 11 day of July, 2024.

DEVELOPMENT REGULATIONS MAP

DEVELOPMENT REGULATIONS
AMENDMENT NO. 27, 2023

[Signature] Mayor

[Signature] Clerk

- Area to be rezoned from "Residential Development Scheme Area" to "Eco-Village Cluster" (RDSA to EVC)
- Area to be rezoned from "Residential Development Scheme Area" to "Eco-Village Sustainable Agriculture" (RDSA to EVSA)
- Area to be rezoned from "Residential Low Density" to "Eco-Village Cluster" (RLD to EVC)
- Area to be rezoned from "Residential Low Density" to "Eco-Village Sustainable Agriculture" (RLD to EVSA)
- Area to be rezoned from "Rural" to "Eco-Village Cluster" (RUR to EVC)

Seal



Scale: 1:4,500



I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 27, 2023 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.