

**TOWN OF PORTUGAL COVE-ST. PHILIP'S
MUNICIPAL PLAN 2014 - 2024**



**DEVELOPMENT REGULATIONS AMENDMENT
No. 36, 2024**

“Child Care – Residential Medium Density”

September 2024

URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO ADOPT

**TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 36, 2024
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. 36, 2024.

Adopted by the Town Council of Portugal Cove-St. Philip's on the 9th day of July, 2024.

Signed and sealed this 17 day of September 2024.

Mayor

Carol McQuill



Town Clerk

Claudia Mung

(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 36, 2024, has been prepared in accordance with the requirements of the Urban and Rural Planning Act.



Development Regulations/Amendment

REGISTERED

Number 4000-0072-2024

Date 19 SEPT 2024

Signature [Signature]

MCIP: Anna Myers

Member of Canadian Institute of Planners (MCIP)

**Town of Portugal Cove-St. Philip's
Development Regulations Amendment No. 36, 2024**

PURPOSE

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations, 2014-2024.

The Town Council of Portugal Cove-St. Philip's is in receipt of a request to allow the establishment of daycare center in the Residential Medium Density land use zone. Plan Policy RES-3 (Land Uses) identifies the list of discretionary uses available in residential designated areas to include a variety of uses that are complementary to, and serve the everyday needs of residential neighbourhoods as follows:

Council may consider a range of discretionary uses for non-residential uses that are complementary to, and serve the everyday needs of, residential neighbourhoods. Such uses include convenience stores; take out food service, bed and breakfast operations, boarding house residential, churches, medical treatment and special care facilities, antenna and other neighbourhood-oriented services and facilities, as detailed in Schedule C of the Development Regulations.

Council considers child care establishments as being vital to the everyday needs of residents and recognizes the importance of these facilities in fostering the social, emotional, cognitive and physical growth and development of children in the community, and the support that they provide to families and ensuring the future health of our society. While RES-3 does not explicitly list child care as a discretionary use, Council is of the opinion that a child care establishment is highly aligned with the spirit of the Plan Policy RES-3 reference to include "other neighbourhood-oriented services and facilities". Child care is currently explicitly listed as a discretionary use for home-based business in Plan Policy RES-4.

Allowing standalone non-residential childcare in the Residential Medium Density land use zone will also provide additional business opportunities within the community. Encouraging a more diversified and balanced economic base with additional employment opportunities for residents is supported by Sections 2.1 (Community Structure & Character), 2.5 (Economy) and 2.8 (Municipal Finance) of the Municipal Plan, 2014-2024.

The purpose of this amendment is to complete a text amendment to the Residential Medium Density land use zone to allow child care as a standalone and home-based discretionary use.

ST. JOHN'S URBAN REGION REGIONAL PLAN 1976

Development Regulations Amendment No. 36, 2024 is comprised of text changes to the Development Regulations only. No amendment to the Regional Plan is required.

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 June 8, 2024, and the June edition of the Northeast Avalon Times advertising the proposed amendment and seeking comments or representations from the public. A copy of the Public Notice was also posted on the Town's website. Residents were invited to view the documents on the Town's website or at the Town Hall during normal business hours, and to provide any comments or concerns in writing to Council by the June 21, 2024 deadline. No comments were received in response to the notices.

On September 11, 2024 the Town received feedback from the Department of Municipal and Provincial Affairs that this amendment, as initially adopted required editing. As a result, the Town revised the amendment and resubmitted for approval. The technical edits are consistent with the intent and direction of the Council regarding residential child care in this zone and provide clarity to enable this vital neighbourhood service for residents of Portugal Cove-St. Philip's.

DEVELOPMENT REGULATIONS AMENDMENT No. 36, 2024 TEXT AMENDMENT

CHANGES TO SCHEDULE C: GENERAL PROVISIONS

FROM:

(3) Principal Buildings Per Lot

Within single and double dwelling residential zones, only one principal building may be permitted on a lot or property. Other use zones may allow more than one principal use building on a property but such siting shall be regulated by site layout and requirements for setback to property lines, parking, landscaping and buffers, environmental limitations, and other separation distance provisions.

TO:

(3) Principal Buildings Per Lot

Within single and double dwelling residential zones, only one principal residential building may be permitted on a lot or property. Where a lot or property within a residential zone is to be used for purposes other than a residential use, the lot or property may contain multiple buildings, as long as the buildings all contain the same use. Other use zones may allow more than one principal use building on a property but such siting shall be regulated by site layout and requirements for setback to property lines, parking, landscaping and buffers, environmental limitations, and other separation distance provisions. Where more than one principal use building is contained within a single lot or property, the buildings must maintain a minimum separation distance between buildings of three (3) metres (or greater where required by the National Building Code or other provisions within these Regulations).

CHANGES TO SCHEDULE C: RESIDENTIAL MEDIUM DENSITY

FROM:

Permitted Use Classes

(see Regulation 101)

Single Dwelling, Recreational Open Space, Conservation

(see Schedules A and B for definitions and examples of above Classes)

Discretionary Use Classes

(see Regulation 33 and 102)

Agriculture, Antenna, Apartment Building, Boarding House Residential, Child Care (home occupations only), Convenience Store, Double Dwelling, General Service (home occupations only), Group Home (in Single Dwelling), Kennel(home occupations only), Light Industry(home occupations only), Medical and Professional(home occupations only), Medical Treatment and Special Care, Nursing Home, Office (home occupations only), Personal Service(home occupations only), Places of Worship, Subsidiary Apartment, Take-out Food Service, Townhouse, Private Wind Turbine

(see Schedules A and B for definitions and examples of above Classes)

TO:

Permitted Use Classes

(see Regulation 101)

Single Dwelling, Recreational Open Space, Conservation

(see Schedules A and B for definitions and examples of above Classes)

Discretionary Use Classes

(see Regulation 33 and 102)

Agriculture, Antenna, Apartment Building, Boarding House Residential, Child Care (home occupation also), Convenience Store, Double Dwelling, General Service (home occupations only), Group Home (in Single Dwelling), Kennel (home occupations only), Light Industry(home occupations only), Medical and Professional (home occupations only), Medical Treatment and Special Care, Nursing Home, Office (home occupations only), Personal Service (home occupations only), Places of Worship, Subsidiary Apartment, Take-out Food Service, Townhouse, Private Wind Turbine

(see Schedules A and B for definitions and examples of above Classes)

FROM:

RMD Un-Serviced Lots (on-site water AND on-site sewer)			
STANDARDS	Single Dwellings		Non-Residential Building
	Single Dwelling	Single Dwelling with Pond Frontage	
Min. Lot Area (m ²)	1,860	8,000	1,860
Min. Floor Area (m ²)	80	80	80
Min. Frontage (m)	23	30	23
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)	32	See General Provision 10	32
Min. Side Yard (m)	3	6	5
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	25	25	33
Max. Height (m)	10	10	10

TO:

RMD Un-Serviced Lots (on-site water AND on-site sewer)			
STANDARDS	Single Dwellings		Non-Residential Building
	Single Dwelling	Single Dwelling with Pond Frontage	
Min. Lot Area (m ²)	1,860	8,000	1,860
Min. Floor Area (m ²)	80	80	80
Min. Frontage (m)	23	30	23
Min. Pond Frontage (m)		30	
Min. Front Yard (m)	9	9	9
Max. Front Yard (m)	32	See General Provision 10	32*
Min. Side Yard (m)	3	6	5
Min. Rear Yard (m)	9	9	9
Max. Lot Coverage (%)	25	25	33
Max. Height (m)	10	10	10
*May be adjusted at the discretion of Council			

FROM:

(6) Home Occupations (Home-Based Businesses) - Child Care, General Service, Light Industry, Medical and Professional, Nursing Home, Office, and Personal Service

The varied aforementioned uses that are included within the discretionary use class of this Zone may only be permitted as home occupations. Such businesses may be operated in the dwelling by its occupants, or in an accessory building subsidiary to the residence, subject to the following conditions:

- The use will be clearly subsidiary to the residential use and not detract from the residential character of the neighbourhood;
- The use will employ not more than three (3) persons on the premises, including people who normally inhabit the premises;
- The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, up to a maximum of forty-five square metres (45m²);
- The use will not use water or generate sewage in excess of what can be accommodated by the existing water supply and sewage disposal system;
- No hazardous materials will be used;

- (f) The activities will not cause noise, odours, fumes, electrical interference, or other unreasonable nuisances that could significantly affect neighbouring properties;
- (g) Sufficient off-street parking space will be available on the premises for the needs of employees and clients, as set out in Schedule D;
- (h) A child daycare service or nursing home use will be considered a home occupation only if it fully conforms to Provincial legislation and is compatible with neighbouring uses and does not create traffic safety concerns;
- (i) The use will not include automobile repair, auto body repair, or automobile sales; and
- (j) There shall be no open storage of materials, equipment or products.

TO:

(6) Home Occupations (Home-Based Businesses) – Child Care, General Service, Light Industry, Medical and Professional, Nursing Home, Office, and Personal Service

The varied aforementioned uses that are included within the discretionary use class of this Zone may be permitted as home occupations. Such businesses may be operated in the dwelling by its occupants, or in an accessory building subsidiary to the residence, subject to the following conditions:

- (a) The use will be clearly subsidiary to the residential use and not detract from the residential character of the neighbourhood;
- (b) The use will employ not more than three (3) persons on the premises, including people who normally inhabit the premises;
- (c) The use will occupy no more than twenty-five percent (25%) of the total floor area of the dwelling unit, up to a maximum of forty-five square metres (45m²);
- (d) The use will not use water or generate sewage in excess of what can be accommodated by the existing water supply and sewage disposal system;
- (e) No hazardous materials will be used;
- (f) The activities will not cause noise, odours, fumes, electrical interference, or other unreasonable nuisances that could significantly affect neighbouring properties;
- (g) Sufficient off-street parking space will be available on the premises for the needs of employees and clients, as set out in Schedule D;
- (h) A child care or nursing home use will be considered a home occupation only if it fully conforms to Provincial legislation and is compatible with neighbouring uses and does not create traffic safety concerns;
- (i) The use will not include automobile repair, auto body repair, or automobile sales; and
- (j) There shall be no open storage of materials, equipment or products.