

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



DEVELOPMENT REGULATIONS AMENDMENT No. 15, 2021

**AMENDMENT TO SCHEDULE B AND C
ADD RESIDENTIAL SMALL LOT LAND USE ZONE
“PUBLIC USE” to “RESIDENTIAL SMALL LOT”**

JULY 2021



URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 15, 2021

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 Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021, on the 14th day of September, 2021.
- b) Gave notice of the adoption of the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021, by advertisement inserted on the 27th day of November and the 4th day of December, 2021 in *The Telegram* newspaper.
- c) The Department of Municipal and Provincial Affairs has temporarily waived the requirement to hold physical public hearings. The Town Council of Portugal Cove-St. Philip's advertised the proposed Amendments and set the 7th day of January, 2022, as the deadline for receiving submissions to consider objections and representations to the Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021.

Now under section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's approved the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021, as adopted (or as amended).

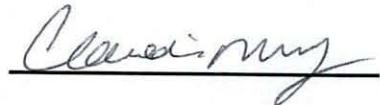
SIGNED AND SEALED this 11 day of 02, 2022

Mayor:



(Council Seal)

Clerk:



URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO ADOPT
TOWN OF PORTUGAL COVE-ST. PHILIP'S
DEVELOPMENT REGULATIONS AMENDMENT No. 15, 2021

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Portugal Cove-St. Philip's adopts the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021.

Adopted by the Town Council of Portugal Cove-St. Philip's on the 14th day of September, 2021.

Signed and sealed this 11 day of 02, 2022.

Mayor: Carolyn Dul (Council Seal)

Clerk: Claudia May



CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
REGISTERED	
Number	<u>4000-2022-057</u>
Date	<u>March 25, 2022</u>
Signature	<u>Don Enoy</u>



TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 15, 2021

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations. The growing demand for affordable housing has led to an increase in demand for smaller homes combined with a smaller lot area. To meet this demand for smaller house styles, the Town is considering potential residential development on the south side of the Thorburn Road to enable a greater density of housing development.

This amendment proposes to create higher density standards for residential development by adding a higher mix of housing opportunities in the community; particularly to respond to the changing housing needs of local seniors and young adults. A Residential Small Lot zone shall apply to areas and neighbourhoods characterized by a variety of housing types, ranging from single dwellings with or without subsidiary apartments, semi-detached, duplex, triplex, quadplex, row dwellings, and apartment buildings.

The Amendment initially proposed to create a new Residential High Density Land Use Zone to allow for smaller homes on smaller lots. There was no map change proposed and the Amendment was advertised on February 29, 2020, with no public objection.

Upon submission of the amendments to the Department of Municipal and Provincial Affairs for s.15 review, the Land Use Planning section advised that the amendments could not be released and recommended that a specific area was required by way of a map change to identify the new Land Use Zone and that the Residential High Density Zone does not reflect the intent of Amendment. The Amendment proposed to create a new Land Use Zone to allow smaller homes on smaller lots. The intent was to address concerns about affordability and choice of housing style.

The proposed Amendment was changed to create a new Residential Small Lot (RSL) Land Use Zone Table with development standards as well as a map change identifying a specific area for the new Residential zone. These latest changes were not advertised to allow for public input but were sent to the Land Use Planning section seeking s.15 release.

To meet demand for a higher mix of housing opportunities, this amendment proposes to:

- A) Add "***Triplex dwelling, Quadplex dwellings and Row dwellings***" as examples to section C, Residential Uses, Classification of Uses of Land and Buildings, Schedule B,
- B) Add "**Residential Small Lot Land Use Zone**" to the list of Land Use Zone found at the beginning of Schedule C,

- C) Add a new “**Residential Small Lot Land Use Zone Table**” to Schedule C,
- D) Add illustrations showing standards for single dwellings, double dwellings, multi-dwellings and apartment buildings; and
- E) Change an area of land from “**Public Use**” to “**Residential Small Lot**”.

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 February 29, 2020, advertising the proposed amendment seeking comments or representations from the public. The Town Council placed the proposed amendment on display at the Town Council Office and on the Town's website from March 2 to March 6, 2020, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment. No letters or objections were received by the Town during the public consultation period.

DEVELOPMENT REGULATIONS AMENDMENT No. 15, 2021

The Town of Portugal Cove-St. Philip's Municipal Plan is amended by:

- A) **Adding “*Triplex dwelling, Quadplex dwellings and Row dwellings*” as examples to section C, Residential Uses, Classification of Uses of Land and Buildings, Schedule B, as shown below:**

1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Modular Homes Double-Wide Mobiles (Rural Res.) Group Homes Subsidiary Apartments (including Granny Suites)
	(b) Double Dwelling	Semi-detached Dwellings Double or duplex Dwellings Group Homes
	(c) Multi Dwelling	Town Houses <i>Triplex dwellings</i> <i>Quadplex</i> <i>Row Dwellings</i>
	(d) Apartment Building	Apartments Condominiums

B) Amending General Provision 6(a), Minimum Residential Floor Area, Schedule C, to exclude mini homes from the minimum residential floor area as shown below:

(6) Minimum Residential Floor Area

(a) Any building to be erected and used for a single residential dwelling, *with the exception of mini homes*, shall not contain less than 79.0 square metres (850.3 square feet) of finished floor area of the residential building.

C) Adding “Residential Small Lot Land Use Zone” to the list of Land Use Zone found at the beginning of Schedule C, as shown below:

Zone Title	Zone Symbol	
Residential Small Lot	RSL	
Residential Medium Density	RMD	
Residential Low Density	RLD	
Residential Rural	RR	
Residential Development Scheme Area	RDSA	
Traditional Community	TC	
Mixed Use	MIX	
Public Use	PU	
Recreation/Open Space	ROS	
Protected Watershed	PW	
Agriculture	AG	
Rural	RUR	

D) Adding “Residential Small Lot Land Use Zone Table”, with illustrations, to Schedule C, as shown below:

Zone Title: Residential Small Lot (RSL)

RSL Use Classifications

Permitted Use Classes

(see Regulation 101)

Single Dwelling, Double Dwelling, Multi Dwelling, Subsidiary Apartment, Apartment Building, Office (home occupations only), Recreational Open Space, Conservation, Group Home, Medical Treatment and Special Care
(see Schedules A and B for definitions and examples of above Classes)

Discretionary Use Classes

(see Regulation 33 and 102)

Antenna, Boarding House Residential, Child Care (home occupations only), Collective Residential, Convenience Store, Educational, Medical and Professional (home occupations only), Personal Service (home occupations only), Place of Worship

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

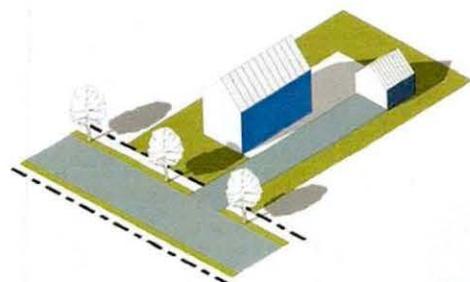
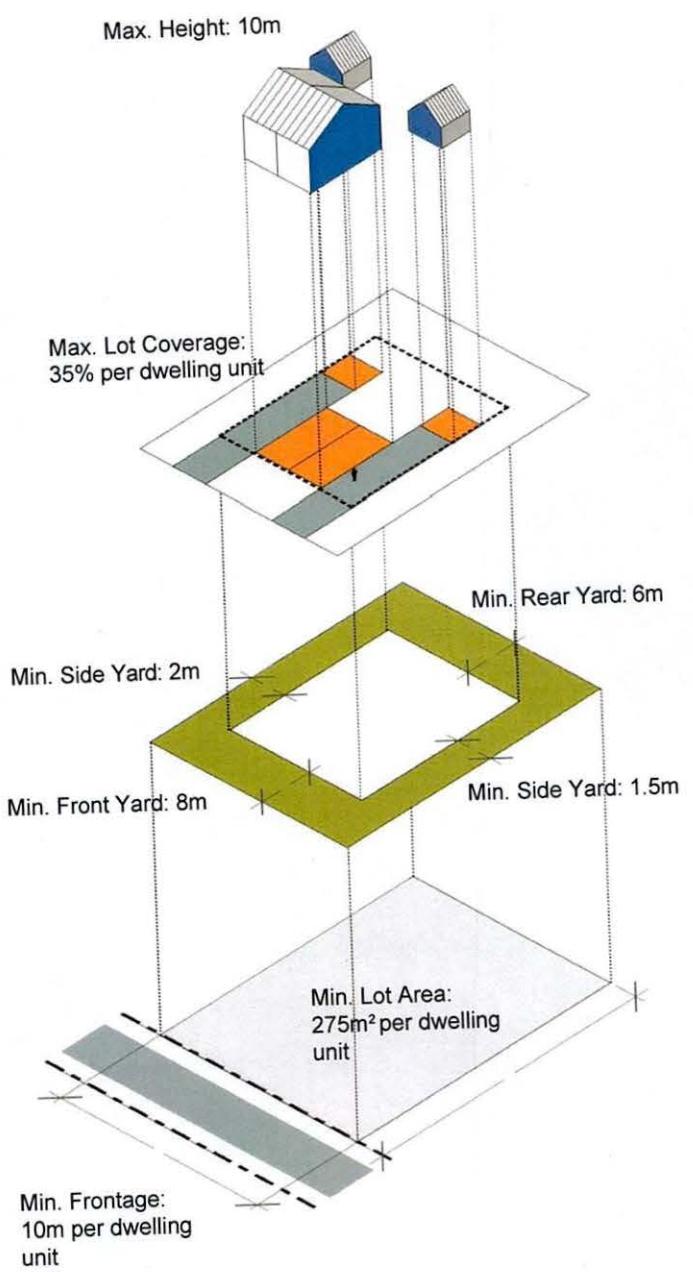
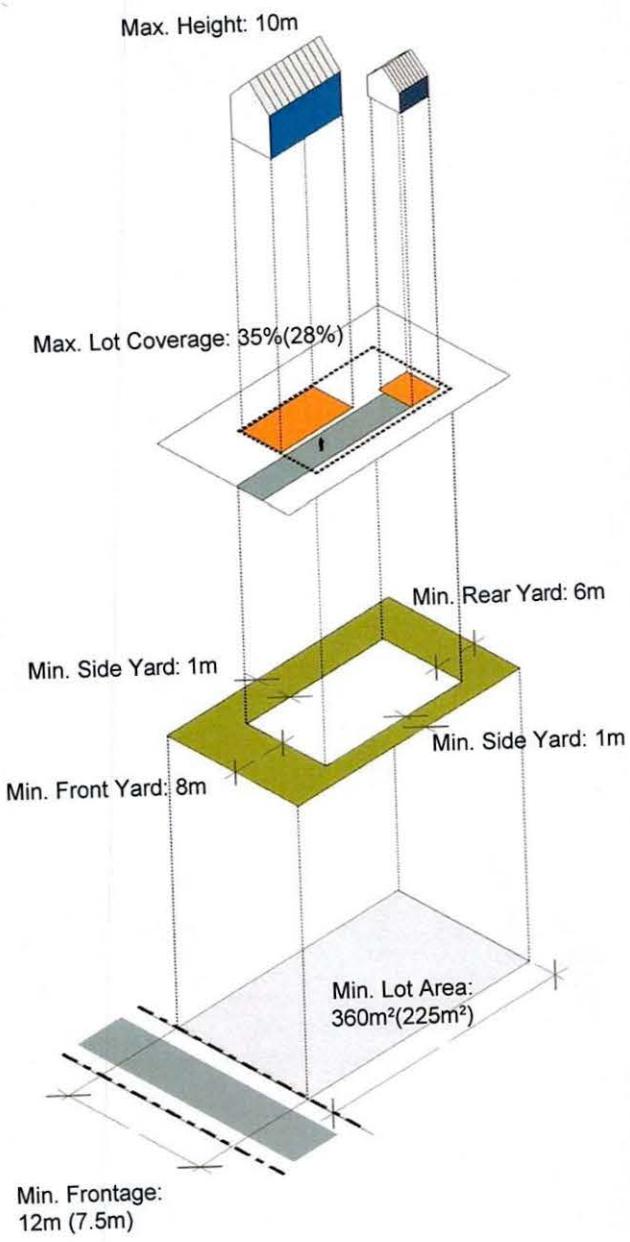
Also refer to **Town of Portugal Cove-St. Philip's Municipal Plan 2014 -2024** Section 3.3: General Land Use Policies and, Section 3.4.1: Residential.

RSL Development Standards

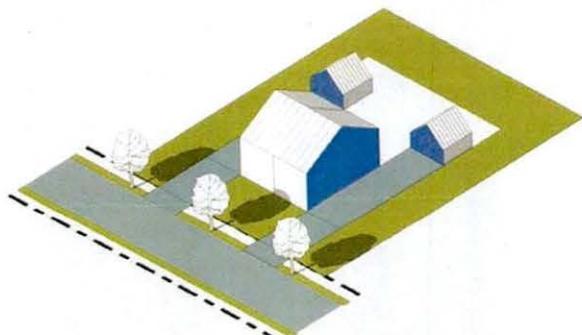
STANDARDS	RSL Fully-Serviced Lots (municipal water & municipal sewer)							
	Single Dwellings	Single Dwellings (Mini Homes)	Double Dwelling	Multi Dwelling	Apartment Building			
	One Bdrm	Two Bdrm	Three Bdrm	Four Bdrm				
Min. Lot Area (m ²)	360	225	275*	200*	170*	210*	230*	250*
Min. Floor Area (m ²)	65	n/a	60*	47*	40*	50*	60*	70*
Min. Frontage (m)	12	7.5	10*	6*			30	
Min. Front Yard (m)	8	8	8	8			8	
Min. Side Yard (m)	1	1	1.5 & 2	3			5	
Min. Flanking Side Yard (m)	6	6	6	7			7	
Min. Rear Yard (m)	6	6	6	7			7	
Min. Lot Depth (m)	30	30	30				n/a	
Max. Lot Coverage (%)	35	28	35*	35*			35	
Max. Height (m)	10	10	10	10			10	

* per unit

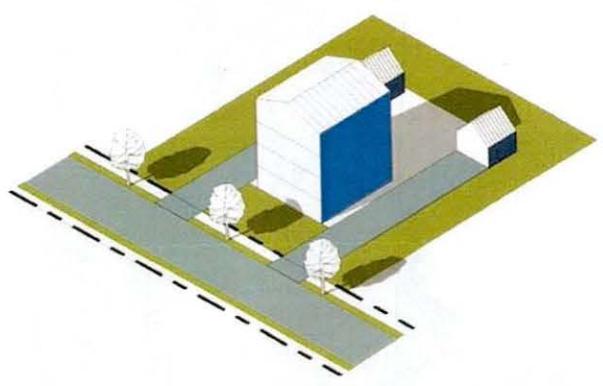
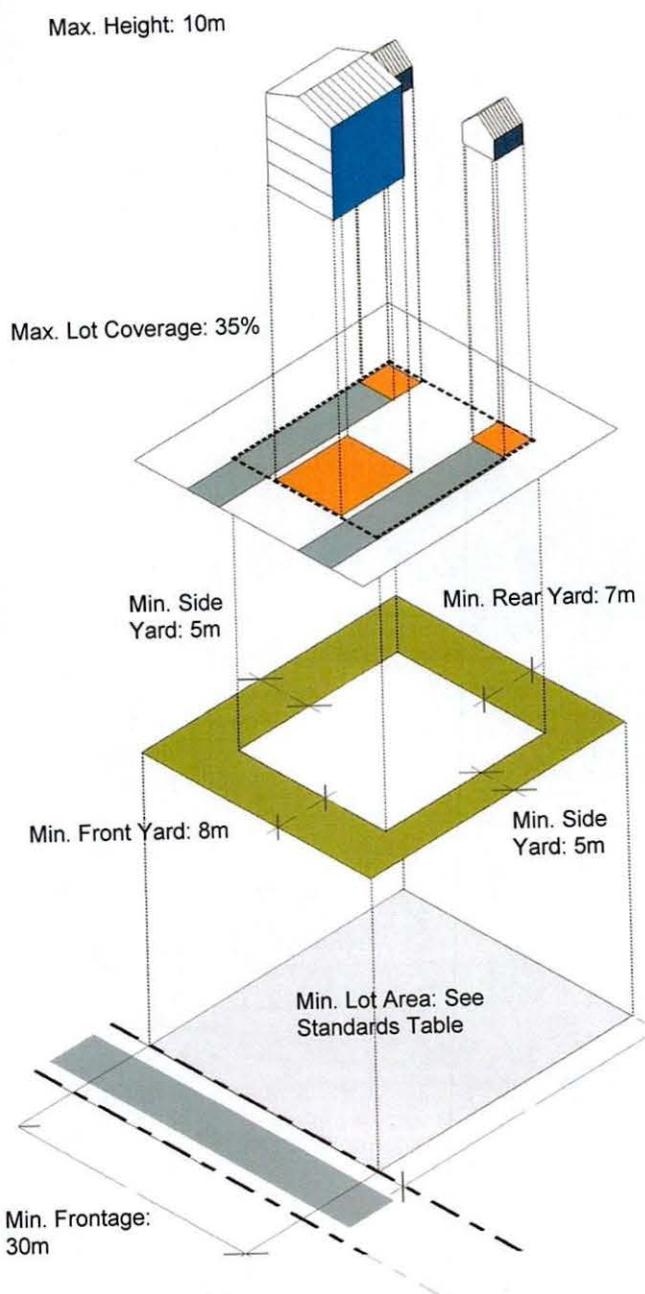
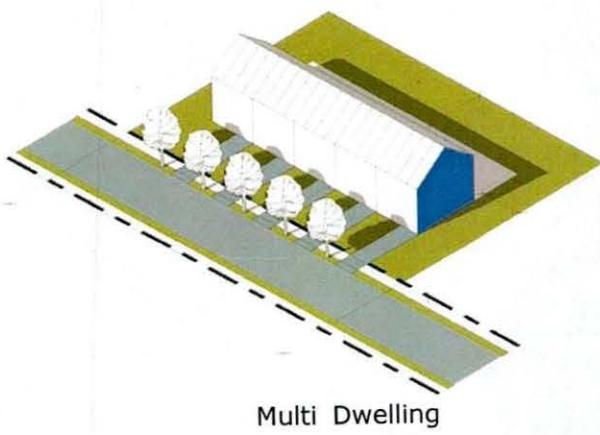
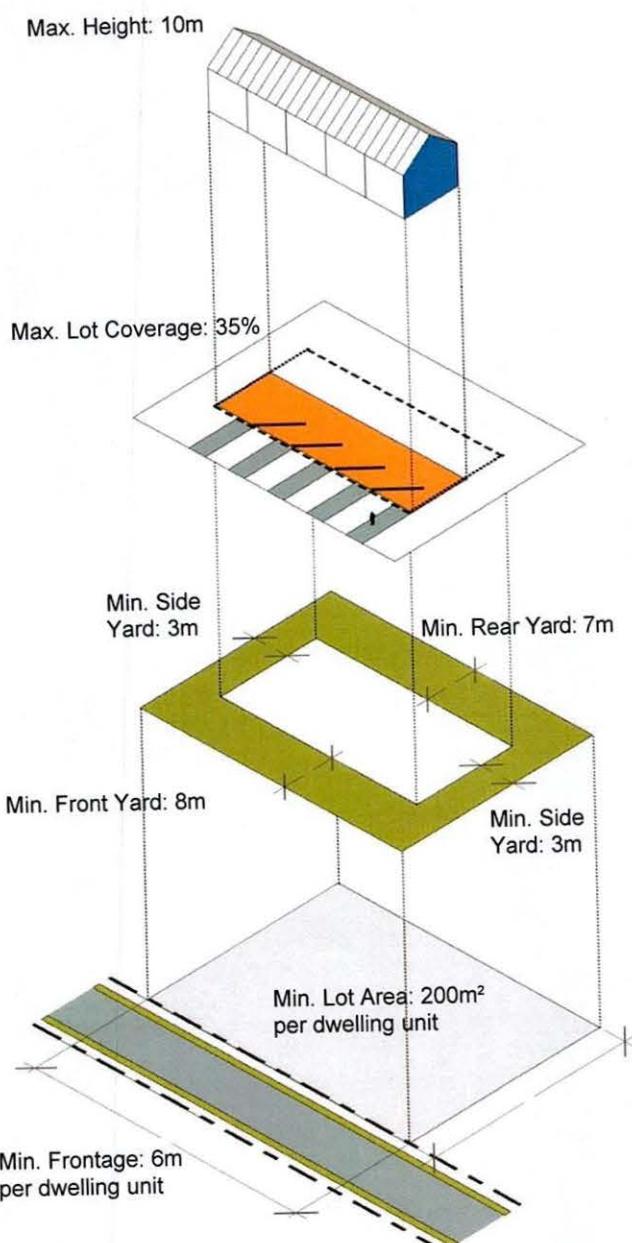
See illustrations below:



Single Dwelling
(*Mini Home Specific Standards in Brackets*)



Double Dwelling



Terms & Conditions

(1) Accessory Buildings (see also Regulation 39, Part II – General Development Standards)

Accessory Building Development Standards	
Standards	
Max. Floor Area	10% of total lot size
Max. Height	5.0m or the height of the main building (whichever is less)
Min. Front Yard	5.0m
Min. Side Yard & Rear Yard	1.0m
Min. Distance from Another Building	2.4m

- (a) An accessory building shall be clearly incidental and secondary to a main building and shall be complementary to the main building in character, use, style and exterior finish;
- (b) An accessory building shall be contained on the same lot as the main building;
- (c) A residential lot is permitted to have one (1) residential accessory building measuring less than 30 m² (322.9 ft²) and one (1) residential accessory building measuring greater than or equal to 30 m² on each lot. In any case, accessory buildings shall not occupy greater than 50% of the available side and/or rear yard of the residential lot to which the use will be accessory. No residential lot shall have more than one of each accessory building except as authorized by Council;
- (d) No truck, bus, semi-trailer, freight container, or other vehicle body shall be used as an accessory building;
- (e) An accessory building will be permitted only in the rear yard or side yard of the main building except as otherwise authorized by Council;
- (f) An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;
- (g) Except for minor vehicle maintenance, an accessory building shall not be used for the repairing, painting, dismantling, or scrapping of vehicles or machinery for commercial purposes;
- (h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building;
- (i) An accessory building shall not be located within any easement area; and
- (j) Accessory buildings shall not be used for human habitation.

(2) Boarding House Residential

A standalone boarding house residential use, in the form of a bed and breakfast, boarding house, or lodging house operation, may be permitted as a discretionary use subject to the following:

- (a) Shall comply with the development standards established for a single dwelling in this zone;
- (b) The use shall be subsidiary to the residential character of the area and shall not detract from the residential amenities of adjoining properties terms of height, scale or exterior design;
- (c) The use shall not result in increased traffic congestion in the area;
- (d) One additional parking space shall be provided for each guest room on the lot;
- (e) The maximum number of guest rooms shall be six (6);
- (f) At Council's discretion, a catered dining area, or other subsidiary use may be permitted, provided the uses are clearly incidental and subsidiary to the approved use and the hours of operation are limited;
- (g) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time;
- (h) Provision for off-street parking must meet the parking standards specified in Schedule D;
- (i) No wholesale sales or outdoor storage of goods shall be carried out and any retail sales shall be incidental to the approved use;
- (j) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system;
- (k) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2m² (2.15 ft²) and shall meet all other requirements of Council in terms of shape and construction material; and,
- (l) The establishment must be registered by Canada Select and approved by the Provincial Department of Business, Tourism, Culture and Rural Development.

(3) Convenience Store

A convenience store may be permitted as a discretionary use subject to the following conditions:

- (a) The use may form part of, or be attached to, a self-contained single dwelling unit;
- (b) The use shall be subsidiary to the residential character of the area and shall not detract from the residential amenities of adjoining properties;
- (c) Provision for off-street parking must meet the parking standards specified in Schedule D;
- (d) No regular parking of commercial vehicles or trailers will be permitted;
- (e) Council will pay particular attention to site access, the effects of the uses on traffic flow, and increased traffic congestion in the area;

- (f) A convenience store which is part of, or attached to, a single dwelling shall not have a floor area exceeding twenty-five (25%) percent of the total floor area for that dwelling;
- (g) There shall be no wholesale or outdoor storage of materials, equipment, or products;
- (h) As a home occupation, on-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2m^2 (2.15 ft^2) and shall meet all other requirements of Council in terms of shape and construction material; and,
- (i) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system.

(4) Home Occupations (Home-Based Businesses) – Child Care, Medical and Professional, Office, and Personal Service

The varied aforementioned uses that are included within 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:

- (a) The use will be clearly subsidiary to the residential use and not detract from the residential character of the neighbourhood;
- (b) The external appearance of the dwelling or accessory building shall not be changed by the home occupation;
- (c) The use will employ only those persons who normally inhabit the premises;
- (d) The use will occupy no more than:
 - a. 25% of the total floor area of the dwelling unit, up to a maximum of 45m^2 (484 ft^2); or,
 - b. 45 m^2 (484 ft^2) of the floor area of an accessory building.
- (e) The use will not use water or generate sewage in excess of what can be accommodated by the municipal water supply and sewage system;
- (f) No hazardous materials will be used;
- (g) The activities will not cause noise, odours, fumes, electrical interference, or other unreasonable nuisances that could significantly affect neighbouring properties;
- (h) Provision for off-street parking must meet the parking standards specified in Schedule D;
- (i) No regular parking of commercial vehicles or trailers will be permitted;
- (j) The use will not include automobile repair, auto body repair, or automobile sales;
- (k) There shall be no wholesale or outdoor storage of materials, equipment, or products;
- (l) Any retail sales are incidental and subsidiary to the approved use;
- (m) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2m^2 (2.15 ft^2) and shall meet all other requirements of Council in terms of shape and construction material; and,

(n) A child care service 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.

(5) Swimming Pool

A swimming pool shall be permitted as an accessory use, subject to the following:

- (a) The swimming pool shall be located in the rear yard of a residential property. Council, at their discretion, may allow a swimming pool in the side yard of a residential property;
- (b) The swimming pool shall not encroach upon any easements;
- (c) The swimming pool shall not be located under any overhead power lines;
- (d) The swimming pool shall have a minimum setback of two (2) metres from any property boundary; and,
- (e) The area surrounding the swimming pool and pool deck must be fully enclosed by a fence (approximately two metres (6.56 ft) in height) to prevent people, especially children, from unauthorized access to the pool area.

(6) Landscaping

Landscaping of lots must be completed in accordance with the following:

- (a) All disturbed areas located outside the building envelope shall be fully landscaped and maintained with grassed areas and a variety of shrubs, hedges, and flowering plants;
- (b) A minimum of one (1) street tree in the front yard is required to be planted with 45mm caliper with a spacing of 9 m (29.5 ft) between trees;
- (c) Energy efficiency and conservation should be considered in the design of landscaped area and in the selection of plantings through:
 - a. Retention of existing mature trees and vegetation, where feasible;
 - b. The use of native and/or drought resistant plant species;
 - c. Designing the landscaping to moderate the effects of wind, to provide shade in the summer, and to allow daylight into buildings; and,
 - d. Allow natural drainage and permeation throughout the site.
- (d) Landscaping (including driveways) must be completed within the following timeframes:
 - a. Front yard landscaping (and flanking side yard, when applicable) must be completed within 12 months of the date an Occupancy Permit had been issued for the dwelling constructed upon such lot; and,
 - b. Rear yard landscaping must be completed within 24 months of the date an Occupancy Permit had been issued for the dwelling constructed upon such lot.

(7) Subsidiary Apartments

A subsidiary apartment, including in the form of a granny suite, will be considered subject to the following:

- (a) The subsidiary apartment will be clearly secondary to the single unit residential dwelling;
- (b) Only one subsidiary apartment type will be permitted in a single unit residential dwelling;
- (c) The subsidiary apartment will be completely self-contained, with facilities for cooking, sleeping and bathing;
- (d) The subsidiary apartment will be limited in floor area size to a maximum of 35% of the floor area size of the single unit residential dwelling;
- (e) Provision for off-street parking must meet the parking standards specified in Schedule D; and,
- (f) A subsidiary apartment will only be permitted in those single dwellings which are located on lots with frontage of 13.5 meters (44.3 feet) and a lot area of 405 square meters (4,360 square feet) or greater.

(8) Townhouse Dwellings and Apartment Buildings

In areas zoned Residential High Density (RHD), there shall be no more than fifty percent (50%) apartment units, townhouse residential units, or a combination of apartment, townhouse, and mini home units. The remainder will be single dwellings, double dwellings or a combination of single and double dwellings. Council shall monitor and control the clustering of multi-unit townhouse units and apartment buildings to prevent a concentration of these housing types in any one area.

(9) Collective Residential

Collective Residential developments refer to a dwelling or group of dwellings, each with its own building lot or an equal total area of lots with a total number of dwellings equal to one dwelling per lot area of a communal or collective nature.

(10) Porch/Veranda in Front of Building Line of Dwelling Unit

A porch and/or veranda may be permitted subject to the following:

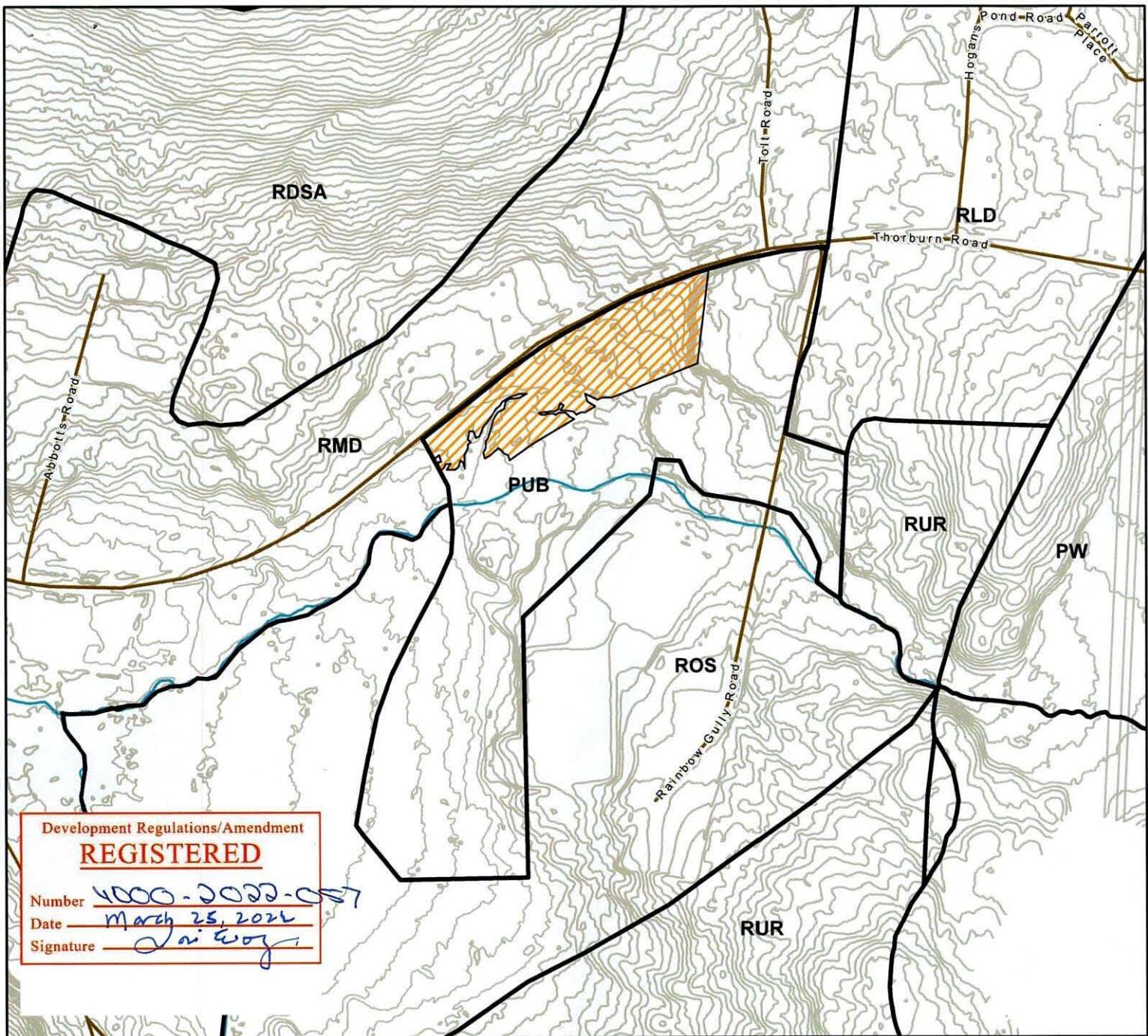
- (a) A porch with a maximum floor area of 3 square metres (32.3 square feet) may be permitted to project a maximum of 1.2 metres (3.9 feet) into the front yard area or 1.2 metres in front of the building line, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling;
- (b) A porch must be enclosed with walls and a roof;
- (c) A veranda may be permitted to project a maximum of 1.2 metres into the front yard or 1.2 metres in front of the established building line, whichever is in effect on the property;

- (d) A veranda shall not be enclosed with a mesh screen material;
- (e) No part of the veranda may be used as a habitable room;
- (f) A veranda may extend across the entire front façade of the main dwelling subject to any conditions contained in the Town Regulations, and;
- (g) A combination of porch and veranda may be permitted, subject to conditions above, provided that the area of the porch section does not exceed the maximum of 3 square metres.

(11) Deck in Front of Building Line of Dwelling Unit A deck may be permitted subject to the following:

- (a) A deck shall be no closer than 4 metres (13.1 feet) to the street line and the maximum a deck may project in front of the building line shall be 3.6 metres (11.8 feet);
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling. Council reserves the right to a lower level where appropriate;
- (c) The maximum width of the deck shall be 3.6 metres and requirement to enclose the bottom area of the deck will be handled on a case by case basis;
- (d) A deck shall not be used for storage, and;
- (e) The closest point of a deck shall be 1.2 metres (3.9 feet) from side boundary with the exception of an accessibility deck required.

E) *Changing* land from “Public Use (PU)” to “Residential Small Lot (RSL)” as shown on the attached copy of the Town of Portugal Cove-St. Philip’s Development Regulations Map.



TOWN OF PORTUGAL COVE-ST. PHILIP'S

MUNICIPAL PLAN 2014-2024

DEVELOPMENT REGULATIONS MAP

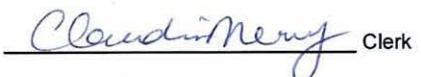
DEVELOPMENT REGULATIONS
AMENDMENT NO. 15, 2021

 Public Use to Residential Small Lot

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

This 8 day of March, 2022.

 Mayor

 Clerk

Seal



Scale: 1:5,000

PLAN-TECH



ENVIRONMENT

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 15, 2021 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

