

ZONE TITLE: AGRICULTURE (AG)

AG USE CLASSIFICATIONS

Permitted Use Classes

(see Regulation 101)

Agriculture, Conservation

(see Schedules A and B for definition and examples of above Class)

Discretionary Use Classes

(see Regulation 33 and 102)

Animal, Antenna, Forestry, Outdoor Market, Mineral Working, Recreational Open Space, Single Dwelling (only on Town controlled lands), Private and Commercial Wind Turbines

(see Schedules A and B for definition and examples of above Class)

Refer to **Town of Portugal Cove-St. Philip's Municipal Plan 2014-2024** Section 3.3: General Land Use Policies; and Section 3.4.8: Agriculture.

Terms & Conditions

(1) Agricultural Lands

Within the Town of Portugal Cove-St. Philip's Planning Area, designated and zoned agricultural lands include Agricultural Development Areas (ADA) managed by the Province, and non-ADA agricultural lands controlled by the Town. All proposed development on such lands shall occur in the following manner:

- (a) All proposed development for Agricultural Development Area lands shall be referred to the Province.
- (b) Council shall review and consider proposed development for Town controlled agricultural lands.

(2) Buffer Areas

- (a) Depending on the vegetation characteristics, topography, and other natural conditions of the site, potential discretionary use consideration of single dwelling development on Town controlled agricultural lands shall be limited to infilling on existing street frontages and to the rounding out of existing development within the existing neighbourhood;
- (b) A seller of land within the agricultural buffer areas must issue a notice to prospective purchasers concerning the existence and nature of existing and potential confinement operations in the buffer area.

(3) Development Criteria

A development, where approved, will be subject to the following criteria:

- (a) It must meet the terms and conditions of the zone, and the minimum development standards applicable to the use;
- (b) It must be located and designed to minimize the impact on existing agricultural uses, and effects of traffic, noise, lighting, and signage on surrounding residential uses. Where necessary, Council may require screening and varied landscape treatments through the provision of trees, shrubs, berms, or fencing;
- (c) It must be designed and maintained to a high standards with regard to safety, appearance, and compatibility with surrounding land uses;
- (d) It must provide for adequate off-street parking in accordance with Schedule D;
- (e) Permission to develop will be in accordance with an approval received from the Province for ADA lands and a development permit issued by Council, and approval of Council for non-ADA lands; and
- (f) No change in the type or scale of the use will be permitted except in accordance with the development permit.

(4) Minimum Distance Separations for Commercial Livestock Facilities

- (a) New development and expansions of livestock facilities, including intensive poultry operations, located near residential and other non-agricultural uses will be subject to the minimum separation distance requirements specified in Regulation 45 of these Development Regulations;
- (b) New development and expansions of residential and other non-agricultural uses located near livestock facilities will be subject to the minimum separation distance requirements specified in Regulation 45 of the Development Regulations.

(5) Single Dwellings

A. Agricultural Development Areas

- (a) No single residential dwelling shall be permitted on Agricultural Development Area lands unless the proposal for the single dwelling has been approved by the Land Development Authority under the St. John's Urban Region Agriculture Development Area and provided for within the Town's Municipal Plan and Development Regulations.

B. Dwellings Subsidiary to a Main Use

At Council's discretion, a single dwelling may be permitted on Town controlled agricultural lands as a subsidiary use to a commercial agricultural operation, horse boarding stable, or kennel, subject to the following:

- (a) It is clearly demonstrated to Council that the operation is a bona fide farm, horse boarding, or commercial kennel operation from which the owner derives a major portion of his or her income,
- (b) It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the agricultural operation, horse boarding stable, or kennel, and
- (c) The dwelling must have a minimum floor area of 65m² and a minimum building line setback of 10.0 metres.

C. Dwellings not Subsidiary to a Main Use

At Council’s discretion, a single dwelling, unrelated to a commercial agricultural operation, horse boarding stable, or kennel, may be permitted on Town controlled lands:

- (a) Only if Council is satisfied that it will not have an adverse impact on existing agricultural operations or future agricultural development of the surrounding area,
- (b) Only if the proposed lot fronts directly on an existing public street, and
- (c) Only if it meets the same standards for single dwellings as specified for the Residential Rural zone.

(6) Small Livestock Facilities – Lot Size and Setback

A. No new livestock facility, planned to accommodate ten animal units or less, shall be developed except in accordance with the following lot and setback standards:

Small Livestock Facilities AG Development Standards		
Animal Units (AU)	Minimum Lot Size	Minimum Setback from all Lot Lines
(a) one (1) or less AU rabbits, ducks, chickens, turkeys and geese	0.4 hectares	18m
(b) two (2) or less AU of all species other than in (a)	1 hectare	30m
(c) > two (2) to four (4) AU of all species	2 hectares	50m
(d) > four (4) to six (6) AU of all species	3 hectares	70m
(e) > six (6) to eight (8) AU of all species	4 hectares	85m
(f) > eight (8) to ten (10) AU of all species	5 hectares	100m
Note: see definition of Animal Unit (AU) in Schedule A		
See Regulation 45 for development standards of livestock facilities containing more than ten (10) AU		

(7) Wind Turbines – Private and Commercial

Where permitted at the discretion of Council, the development of a private and/or a commercial wind turbine (see definition in Schedule A) shall meet applicable Federal and Provincial regulatory requirements, in particular those applying to safety and environmental concerns, and to Regulation 71 of these Development Regulations, as well as to all potential additional terms and conditions that may be required by Council upon their review of a proposal, and upon evaluation of the site and

neighbourhood character and nearby existing land uses, as part of discretionary use approval consideration.

(8) Forestry

A forestry use, which may be considered to be permitted as a discretionary use upon review by the Province and by Council, will be limited to activities that are approved and receive applicable permits by external agencies and are deemed to be environmentally acceptable with relation to potential impacts on the existing agricultural operations