

PUBLIC CONSULTATION DEVELOPMENT REGULATIONS AMENDMENT No. 3, 2019

The general public is invited to view a draft copy of the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 3, 2019.

The purpose of Development Regulations Amendment No. 3, 2019 is to make changes to reflect the intent of Council with respect to the application of the Development Regulations 2014-2024 and to make grammar edits to the conditions found in the Development Regulations 2014-2024. This amendment also proposes to amend the Development Regulations Map to correct errors identified resulting in the creation of non-conforming properties.

Council encourages residents to view the Portugal Cove-St. Philip's Development Regulations Amendment No. 3, 2019, which shall be on display from February 9 to February 19, 2019, during normal business hours at the Town Office, Portugal Cove-St. Philip's and on the Town's website at www.pcsp.ca. The public can provide any comments or concerns on the proposed amendment to the Town Office in writing before Council proceeds with adoption.

The deadline for written comments shall be 4:00 pm, February 19, 2019.

For more information please contact the Town Office.

Mr. Les Spurrell Planning and Development Coordinator Town of Portugal Cove-St. Philip's 1119 Thorburn Road Portugal Cove-St. Philip's, NL A1M 1T6

Tel: 895-8000 Fax: 895-3780 E-mail: les.spurrell@pcsp.ca

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



DEVELOPMENT REGULATIONS AMENDMENT No. 3, 2019

JANUARY 2019



URBAN AND RURAL PLANNING ACT RESOLUTION TO ADOPT TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 3, 2019

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. 3, 2019.

	Adopted by the Town Council of Portugal Cove-St. Philip's on the day of, 2019.
	Signed and sealed this day of, 2019.
Mayor	: (Council Seal)
Clerk:	

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 3, 2019, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.



TOWN OF PORTUGAL COVE-ST. PHILIP'S DEVELOPMENT REGULATIONS AMENDMENT No. 3, 2019

BACKGROUND

The Town of Portugal Cove-St. Philip's proposes to implement Development Regulations Amendment No. 3, 2019. In 2014, the Portugal Cove-St. Philip's Development Regulations 2014-2024 came into effect. These new Development Regulations rescinded and replaced the 1994-2004 Development Regulations. In implementing the Development Regulations, the Town has become aware of some discrepancies with the Development Regulations.

The purpose of this Amendment is to make changes to reflect the intent of Council with respect to the application of the Development Regulations 2014-2024 and to make grammar edits to the conditions found in the Development Regulations 2014-2024. This amendment also proposes to amend the Development Regulations Map to correct errors identified resulting in the creation of non-conforming properties.

St. John's Urban Region Regional Plan

The proposed Development Regulations Amendment No. 3, 2019 consists of changes to 2014-2024 Development Regulations and conforms to the St. John's Urban Region Regional Plan. It is concluded that no Regional Plan Amendment is required.

DEVELOPMENT REGULATIONS AMENDMENT No. 3, 2019

The Town of Portugal Cove-St. Philip's Development Regulations are amended by **Deleting** with highlighted strikeout, and/or Adding the following text to the following conditions and standards as shown below:

DEVELOPMENT REGULATIONS

- A) Adding the following to Development Regulation 39, Accessory Buildings:
 - (5) The following accessory building types do not require permit approval (except where located within an environmentally sensitive area identified within Schedule E) but must comply with all applicable external Provincial approvals, as required:

- (a) Accessory buildings measuring 2.3 m² (25 ft²) or less; and
- (b) Greenhouses for residential purposes measuring 14 m² (150 ft²) or less that are temporary in nature and are constructed using wood or metal framing, plastic sheeting, and has no constructed flooring.
- B) Deleting with highlighted strikeout and Adding the following to Development Regulation 70 (3), Soil Removal and Deposit and Site Grading:
 - (d) When the work is completed, areas in which natural vegetation has been removed shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation; and
 - (e) storm water management and drainage is provided to a standard appropriate to the site, and as approved by the Town Engineer, so as to not impair existing surface drainage or create erosion either on the site or on adjacent sites; and
 - (f) Council may, at its discretion, allow activity or grading on land with a slope of greater than 25% when the property was developed prior to the registration of these Regulations and when such work is required for the safety and protection of the existing property to prevent such things as erosion, instability, etc.

SCHEDULE C

- C) Deleting with highlighted strikeout and Adding the following to Schedule C: General Provisions, Condition 6(a), Minimum Residential Floor Area:
 - (a) Any building to be erected and used for a single residential dwelling shall not contain less than 79.0 65.0 square metres (850.3 700 square feet) of finished floor area of the residential building.
- D) Deleting with highlighted strikeout and Adding the following to the Residential Medium Density (RMD) Land Use Zone Terms and Conditions, Schedule C:
 - (1) Accessory Buildings:
 - (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 rear and/or side yard area 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 will not occupy more than 50% of the available rear and side yard areas of a lot:
- (g)(f) An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;
- (h)(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; and
- (i)(h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.
- E) Deleting with highlighted strikeout and Adding the following to the Residential Medium Density (RMD) Land Use Zone Terms and Conditions, Schedule C:
 - (2) Agriculture
 - (a) Agriculture, if permitted as a Discretionary Use, will be limited to **small scale**, **non-commercial** land use activities that Council deems to be compatible with the adjacent neighbourhood and surrounding areas;
 - (b) The construction of new buildings for agricultural uses and the clearing of new cropland will be limited to small-scale, nonne-commercial developments as determined by Council;
 - (c) The keeping of livestock, if permitted, will be limited to a maximum of two (2) animal units;
 - (d) Horses (maximum of one animal unit) may be permitted as a pet, provided there are sufficient lands available for stable and exercising area;
 - (d)(e) The following development standards will apply to livestock facilities:

Livestock Facilities – RMD Development Standards

Animal Units (AU)		Minimum Lot Size	Minimum Setback from any Lot Line
(a) d	One third or less AU of rabbits, lucks, chickens, turkeys and geese	1,860 m²	9 m
(b) c	One or less AU of rabbits, ducks, hickens, turkeys and geese	4,000m ²	18m
(c)	One or less AU of Horses	8,000 m ²	30 m
(d)	Two or less AU of all other species	10,000m ²	30m

Note: Refer to definition of Animal Unit (AU) in Schedule A

- F) Deleting with highlighted strikeout and Adding the following to the Residential Medium Density (RMD) Land Use Zone Terms and Conditions, Schedule C:
 - (1)(3) Animal and Kennels
 - (3)(4) Boarding House Residential
 - (4)(5) Convenience Stores and Take-out Food Services
 - (5) (6) Home Occupations (Home-Based Businesses) Child Care, General Service, Light Industry, Medical and Professional, Nursing Home, Office, and Personal Service
 - (6) (7) Places of Worship
 - (8) Townhouse Dwellings and Apartment Buildings
- G) Deleting with highlighted strikeout and Adding the following to the Residential Medium Density (RMD) Land Use Zone Terms and Conditions, Schedule C:
 - (8) (9) 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 in height) to prevent people, especially children, from unauthorized access to the pool area.
- H) Deleting with highlighted strikeout and Adding the following to the Residential Medium Density (RMD) Land Use Zone Terms and Conditions, Schedule C:
 - (9) (10) Subsidiary Apartments
 - (10) (11) Wind Turbines Commercial

Deleting with highlighted strikeout and Adding the following to the Residential Low Density (RLD) Land Use Zone Terms and Conditions, Schedule C:

(1) Accessory Buildings:

- (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 rear and/or side yard area 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 will not occupy more than 50% of the available rear and side yard areas of a lot;
- (g)(f) An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;
- (h)(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; and
- (i)(h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.
- J) Deleting with highlighted strikeout and Adding the following to the Residential Low Density (RLD) Land Use Zone Terms and Conditions, Schedule C:

(2) Agriculture

- (a) Agriculture, if permitted as a Discretionary Use, will be limited to **small scale**, **non-commercial** land use activities that Council deems to be compatible with the adjacent neighbourhood and surrounding areas;
- (b) The construction of new buildings for agricultural uses and the clearing of new cropland will be limited to small-scale, nonne-commercial developments as determined by Council;
- (c) The keeping of livestock, if permitted, will be limited to a maximum of two (2) animal units;
- (d) Horses (maximum of one animal unit) may be permitted as a pet, provided there are sufficient lands available for stable and exercising area;

(d)(e) The following development standards will apply to livestock facilities:

Livestock Facilities – RLD Development Standards

Animal Units (AU)		Minimum Lot Size	Minimum Setback from any Lot Line
(a) a	One third or less AU of rabbits, ducks, chickens, turkeys and geese	1,860 m²	9 m
(b)	One or less AU of rabbits, ducks, chickens, turkeys and geese	4,000m ²	18m
(c)	One or less AU of Horses	8,000 m ²	30 m
(d)	Two or less AU of all other species	10,000m ²	30m

Note: Refer to definition of Animal Unit (AU) in Schedule A

K) Adding the following to the Residential Low Density (RLD) Land Use Zone Terms and Conditions, Schedule C:

(8) 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 in height) to prevent people, especially children, from unauthorized access to the pool area.
- L) Deleting with highlighted strikeout and Adding the following to the Residential Rural (RR) Land Use Zone Terms and Conditions, Schedule C:

(1) Accessory Buildings:

- (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 rear and/or side yard area 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 will not occupy more than 50% of the available rear and side yard areas of a lot;
- (g)(f) An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;
- (h)(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; and
- (i)(h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.
- M) Deleting with highlighted strikeout and Adding the following to the Residential Rural (RR) Land Use Zone Terms and Conditions, Schedule C:
 - (2) Agriculture
 - (a) Agriculture, if permitted as a Discretionary Use, will be limited to **small scale**, **non-commercial** land use activities that Council deems to be compatible with the adjacent neighbourhood and surrounding areas;
 - (b) The construction of new buildings for agricultural uses and the clearing of new cropland will be limited to small-scale, *non*ne-commercial developments as determined by Council;
 - (c) The keeping of livestock, if permitted, will be limited to a maximum of two (2) animal units;
 - (d) Horses (maximum of one animal unit) may be permitted as a pet, provided there are sufficient lands available for stable and exercising area;
 - (d)(e) The following development standards will apply to livestock facilities:

Livestock Facilities - RR Development Standards

Animal Units (AU)		Minimum Lot Size	Minimum Setback from any Lot Line
(a) c	One or less AU of rabbits, ducks, hickens, turkeys and geese	4,000m ²	18m
(b)	One or less AU of Horses	8,000 m ²	30 m
(c)	Two or less AU of all other species	10,000m ²	30m

Note: Refer to definition of Animal Unit (AU) in Schedule A

N) Adding the following to the Residential Rural (RR) Land Use Zone Terms and Conditions, Schedule C:

(7) 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 in height) to prevent people, especially children, from unauthorized access to the pool area.
- O) Deleting with highlighted strikeout and Adding the following to the Traditional Community (TC) Land Use Zone Terms and Conditions, Schedule C:
 - (1) Accessory Buildings:
 - (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 rear and/or side yard area 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 will not occupy more than 50% of the available rear and side yard areas of a lot;
 - (g)(f) An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;
 - (h)(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; and
 - (i)(h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.
- P) Adding the following to the Traditional Community (TC) Land Use Zone Terms and Conditions, Schedule C:
 - (10) 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 in height) to prevent people, especially children, from unauthorized access to the pool area.
- Q) Deleting with highlighted strikeout the following to the Mixed Use (MIX) Land Use Zone Terms and Conditions, Schedule C:

Permitted Use Classes

(see Regulation 101)

Double Dwelling, 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)

Amusement, Antenna, Boarding House Residential, Catering, Cemetery, Child Care(home occupations also), Club and Lodge, Commercial Residential, Convenience Store, Cultural and Civic, Double-Dwelling, Educational, Funeral Home, General Assembly, General Industry, General Service (home occupations also), Group Home (with Single Dwelling), Indoor Assembly, Indoor Market, Light Industry (home occupations also), Medical and Professional (home occupations also), Medical Treatment and Special Care, Nursing Home, Office, Outdoor Assembly, Outdoor Market, Passenger Assembly, Personal Service(home occupations also), Place of Worship, Retail, Service Station, Shop, Subsidiary Apartment, Take-out Food Service, Theatre, Veterinary, Private Wind Turbines

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

- R) Deleting with highlighted strikeout and Adding the following to the Mixed Use (MIX) Land Use Zone Terms and Conditions, Schedule C:
 - (1) Accessory Buildings:
 - (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 rear and/or side yard area 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 will not occupy more than 50% of the available rear and side yard areas of a lot;
- (g)(f) An accessory building on a residential lot shall not be used for non-residential purposes unless otherwise authorized by Council;
- (h)(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; and
- (ii)(h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.
- S) Adding the following to the Mixed Use (MIX) Land Use Zone Terms and Conditions, Schedule C:

(6) 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 in height) to prevent people, especially children, from unauthorized access to the pool area.
- T) Deleting with highlighted strikeout and Adding the following to the Environmental Protection Overlay Terms and Conditions, Schedule E:

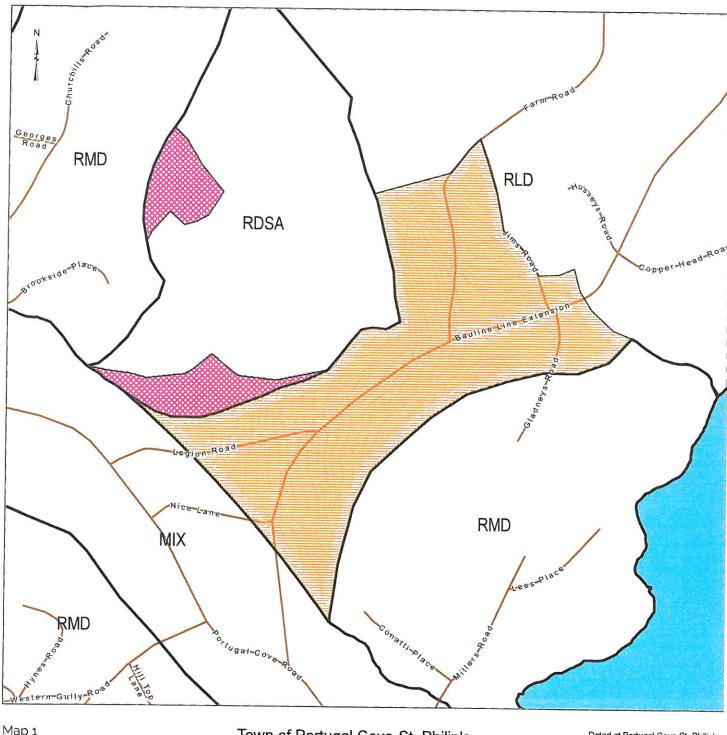
(4) Steep Slopes:

No buildings, structures or placement or removal of fill will be permitted on any lands designated as Restricted by the St. John's Urban Region Regional Plan, or within ten (10.0) metres of the top or bottom of slopes that exceed twenty-five percent (25) over a distance of five (5.0) or more metres. Council may, at their discretion, allow activity or grading work required in these areas for the safety and protection of existing properties in accordance with Regulation 70.

Development may be permitted within ten (10.0) metres of the top or bottom of slopes that exceed twenty-five percent (25%) over a distance of five (5.0) or more metres at the discretion of Council.

Areas designated as steep slopes are identified on the Environmental Protection Overlay Map.

- Changing an area of land from "Residential Development Scheme Area" and "Residential Low Density" to "Residential Medium Density" as illustrated on the attached section of the Town of Portugal Cove-St. Philip's Development Regulations Map identified as "Map 1".
- V) Changing an area of land from "Residential Development Scheme Area" to "Residential Medium Density" as illustrated on the attached section of the Town of Portugal Cove-St. Philip's Development Regulations Map identified as "Map 2".
- W) Changing an area of land from "Residential Rural" to "Residential Low Density" as illustrated on the attached section of the Town of Portugal Cove-St. Philip's Development Regulations Map identified as "Map 3".
- X) Changing an area of land from "Residential Development Scheme Area" to "Residential Medium Density" as illustrated on the attached section of the Town of Portugal Cove-St. Philip's Development Regulations Map identified as "Map 4".



Map 1

Town of Portugal Cove-St. Philip's Development Regulations

Amendment No. 3, 2019

Dated at Portugal Cove-St. Philip's

Residential Development Scheme Area to Residential Medium Density

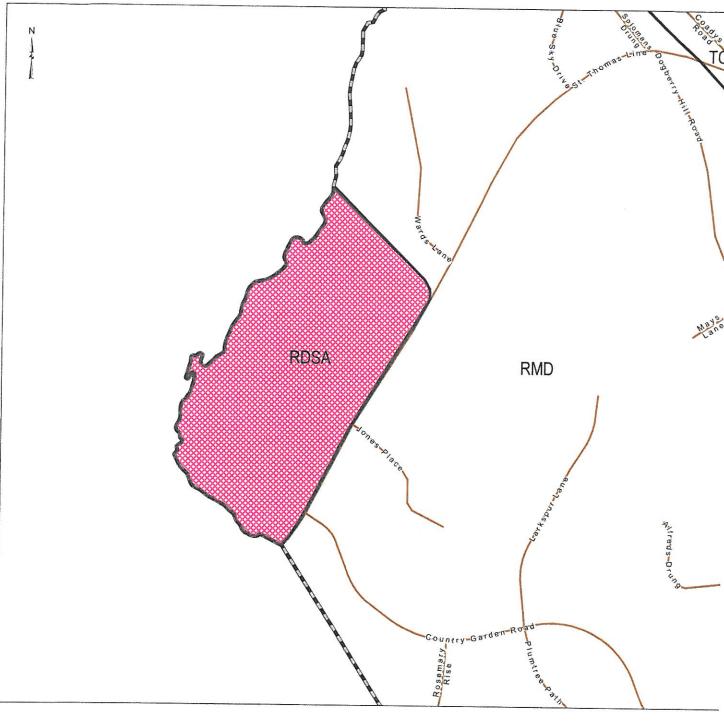
Town Manager

Mayor

Residential Low Density to Residential Medium Density

I CERTIFY THAT THE DEVELOPMENT REGULATIONS AMENDMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN AND RURAL PLANNING ACT, 2000.

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Town of Portugal Cove-St. Philip's **Development Regulations**

Dated at Portugal Cove-St. Philip's

Amendment No. 3, 2019

Mayor

Residential Development Scheme Area to Residential Medium Density

Town Manager

I CERTIFY THAT THE DEVELOPMENT REGULATIONS AMENDMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN AND RURAL PLANNING ACT, 2900.

, MCIP



Мар 3

Town of Portugal Cove-St. Philip's **Development Regulations**

Amendment No. 3, 2019

Dated at Portugal Cove-St. Philip's

This ____ day of __

Mayor

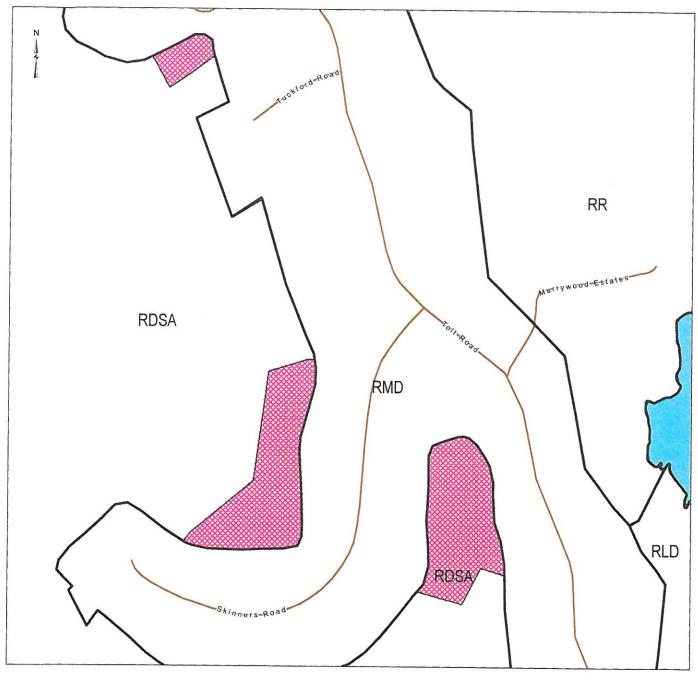
Town Manager

I CERTIFY THAT THE DEVELOPMENT REGULATIONS AMENDMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN AND RURAL PLANNING ACT, 2000

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Residential Rural to Residenital Low Denisty



Map 4

Town of Portugal Cove-St. Philip's **Development Regulations**

Dated at Portugal Cove-St. Philip's

This ____ day of _

Amendment No. 3, 2019

Residential Development Scheme Area to Residential Medium Density

Mayor

Town Manager

I CERTIFY THAT THE DEVELOPMENT REGULATIONS AMENDMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE URBAN AND RURAL PLANNING ACT, 2000.

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