

### Summary of Amendments:

Schedule C: Mixed Use has been revised in accordance with the following amendments.

<b>Amendment #</b>	<b>Registration #</b>	<b>Gazetted</b>
DR Amendment No. 2, 2015	4000-2015-045	September 4, 2015
DR Amendment No. 3, 2019	4000-2019-049	March 25, 2019
DR Amendment No. 13, 2019	4000-2019-051	February 7, 2020
DR Amendment No. 18, 2021	4000-2019-055	September 3, 2021

## ZONE TITLE: MIXED USE (MIX)

### MIX USE CLASSIFICATIONS

#### 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, 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)*

Refer to **Town of Portugal Cove-St. Philip's Municipal Plan 2014-2024**, Section 3.3: General Land Use Policies; and Section 3.4.4: Mixed Use.

### MIX DEVELOPMENT STANDARDS

MIX Fully-Serviced Lots (municipal water & municipal sewer)				
STANDARDS	Single Dwelling		Multiple Dwellings	Non-Residential Building
	Single Dwelling	Single Dwelling with Pond Frontage	Double Dwelling	
Min. Lot Area (m <sup>2</sup> )	470	3,000	390*	500
Min. Floor Area (m <sup>2</sup> )	65	65	65*	65
Min. Frontage (m)	15	30	20*	15
Min. Pond Frontage (m)		30		
Min. Front Yard (m)	6	9	6	8
Max. Front Yard (m)	32	See General Provision 10	32	32
Min. Side Yard (m)	2.5 & 1	6	2.5	5
Min. Distance Between Dwellings (m)	3.5			
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	10	10	10	10
* per unit				

MIX Semi-Serviced Lots (municipal water and on-site sewer)				
STANDARDS	Single Dwelling		Multiple Dwellings	Non-Residential Building
	Single Dwelling	Single Dwelling with Pond Frontage	Double Dwelling	
Min. Lot Area (m <sup>2</sup> )	1,860	3,000	1,400*	1,860
Min. Floor Area (m <sup>2</sup> )	65	65	65*	65
Min. Frontage (m)	23	30	23*	23
Min. Pond Frontage (m)		30		
Min. Front Yard (m)	6	9	6	8
Max. Front Yard (m)	32	See General Provision 10	32	32
Min. Side Yard (m)	2.5	6	2.5	5
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	10	10	10	10
* per unit				

MIX Semi-Serviced Lots (on-site water and municipal sewer)				
STANDARDS	Single Dwelling		Multiple Dwellings	Non-Residential Building
	Single Dwelling	Single Dwelling with Pond Frontage	Double Dwelling	
Min. Lot Area (m <sup>2</sup> )	1,400	3,000	1,400*	1,400
Min. Floor Area (m <sup>2</sup> )	65	65	65*	65
Min. Frontage (m)	23	30	23*	23
Min. Pond Frontage (m)		30		
Min. Front Yard (m)	6	9	6	9
Max. Front Yard (m)	32	See General Provision 10	32	32
Min. Side Yard (m)	2.5	6	2.5	5
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	10	10	10	10
* per unit				

MIX Un-Serviced Lots (on-site water and on-site sewer)				
STANDARDS	Single Dwelling		Multiple Dwellings	Non-Residential Building
	Single Dwelling	Single Dwelling with Pond Frontage	Double Dwelling	
Min. Lot Area (m <sup>2</sup> )	1,860	8,000	1,500*	1,860
Min. Floor Area (m <sup>2</sup> )	65	65	65*	65
Min. Frontage (m)	30	30	30*	30
Min. Pond Frontage (m)		30		
Min. Front Yard (m)	9	9	9	9
Max. Front Yard (m)	32	See General Provision 10	32	32
Min. Side Yard (m)	3	6	3	5
Min. Rear Yard (m)	9	9	9	9
Max. Lot Coverage (%)	33	33	33	33
Max. Height (m)	10	10	10	10
* per unit				

(Development Regulations Amendment No. 2, 2015)  
 (Development Regulations Amendment No. 13, 2019)  
 (Development Regulations Amendment No. 18, 2021)

**Terms & Conditions**

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

<b>Accessory Building Development Standards</b>				
<b>Standards</b>	<b>Less than 1,860m<sup>2</sup></b>	<b>1,861m<sup>2</sup> to 4,000m<sup>2</sup></b>	<b>larger than 4,000m<sup>2</sup></b>	
<b>Max. Floor Area</b>	56m <sup>2</sup> or 9% of total lot size (whichever is less)	70m <sup>2</sup>	94m <sup>2</sup>	Discretion of Council with Public Notice where the proposed size is greater than 94m <sup>2</sup>
<b>Max. Height</b>	4.0m	4.5m	5.0m	
<b>Min. Front Yard</b>	6.0m			
<b>Min. Side Yard &amp; Rear Yard</b>	1.5m			
<b>Min. Distance from Another Building</b>	3.0m			

**(Development Regulations Amendment No. 2, 2015)**

- (a) An accessory building shall be clearly incidental and secondary to the 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 m<sup>2</sup> (322.9 ft<sup>2</sup>) and one (1) residential accessory building measuring greater than or equal to 30m<sup>2</sup> on each lot. In any case, accessory buildings shall not occupy greater than 50% of the available rear and/or side 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; and
- (h) Unless otherwise approved by Council, electrical services to an accessory building shall only be provided through the same service as the main building.

**(Development Regulations Amendment No. 3, 2019)**

## **(2) Advertisements**

### **2.1 Free-Standing Ground and Pylon Signs**

- A. A ground sign means a sign supported by one or more upright poles or braces placed permanently on the ground;
- B. A pylon sign means a ground sign that is greater in height than 2.75 metres;
- C. One freestanding sign shall be permitted per lot. Additional freestanding signs may be permitted at the discretion of Council;
- D. A ground or pylon sign is subject to the following conditions:
  - (a) The sign will not impair the visual or aesthetic quality of the lot or area;
  - (b) The sign will not create an obstruction for vehicular traffic entering or
  - (c) exiting the lot;
  - (d) The sign is processed in accordance with Part III of the General Regulations;
  - (e) The sign will have a maximum area of five (5.0) square metres.

### **2.2 Mobile Signs**

- A. A mobile sign is an illuminated or non-illuminated sign mounted upon a trailer chassis transported by towing attached to a motorized vehicle;
- B. A mobile sign is subject to the following conditions:
  - (a) The sign must be equipped with retractable stabilizers and weighted down to prevent turning over due to wind loading;
  - (b) The trailer must be registered at the Motor Vehicle Registration Division of the Department of Works, Services and Transportation and must be in compliance with all regulations governing trailers;
  - (c) The maximum sign face area will be nine (9.0) square metres;
  - (d) The maximum overall height of a mobile sign from ground level will be
  - (e) three (3.0) metres;
  - (f) A mobile sign must not encroach upon easements, right-of-ways or abutting private properties;
  - (g) A mobile sign must not impair visibility of traffic or pedestrians.

### **2.3 Projecting Signs**

- A. A projecting sign is a sign that attaches and is perpendicular to the principal façade of a building;
- B. A projecting sign is subject to the following conditions:
  - (a) It will have a maximum vertical clearance beneath the sign to the ground of three (3.0) metres;

- (b) It will have a maximum overall projection from the building wall of two (2.0) metres;
- (c) It will not project above or below the fascia of the building.

#### **2.4 Wall-Mounted Signs**

- A. A wall sign is a sign that attaches to and is parallel to any principal façade of a building.
- B. A wall sign is subject to the following conditions:
  - (a) It will have a maximum width equal to 20% of the mean height of principal façade and a maximum length of 50% of the mean length of principal façade.
  - (b) The sign is not to project above or below the fascia of the building.

### **(3) Compatibility of Residential and Non-Residential Uses**

Buffering will be required between non-residential and residential uses. Developers shall be required to retain vegetation where possible and/or plant new vegetation within the buffer or erect a structural barrier or other hard landscaping features to adequately separate the residential and non-residential uses.

Outdoor storage will not be permitted in front yards unless it can be clearly demonstrated that such storage is vital to the operation. Storage may be permitted in side yards and/or rear yards. Council may require fencing or other forms of screening for storage areas. The following additional criteria will be included in a review of any development proposal:

- (a) Uses shall not be intrusive in terms of noise, odour and appearance; and
- (b) Uses shall not result in traffic flow or parking problems for adjoining residents.

### **(4) Home Occupations (Home-Based Businesses) - Child Care, General Service, Light Industry, Medical and Professional, Nursing Home and Personal Service**

The aforementioned uses that fall 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 (45m<sup>2</sup>);

- (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 daycare service and 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.

#### **(5) Non-Residential Development**

A non-residential development permitted as a discretionary use will be subject to the following conditions:

- (a) Council may require special conditions to ensure it enhances, or does not detract from, the neighbourhood residential character of surrounding homes and properties;
- (b) **A freestanding convenience store or take-out food service on a separate lot shall comply with the development standards tables established for non-residential buildings;**
- (c) It must be located and designed to minimize the impact of traffic, appearance, noise, odour, lighting and signage on surrounding residential uses;
- (d) It must be designed and maintained to a high standard with regard to safety, building design, landscaping, site layout appearance, and compatibility with surrounding land uses;
- (e) It must provide for adequate off-street parking in accordance with Schedule D;
- (f) Outdoor storage associated with the use will not be permitted in the front yard unless otherwise authorized by Council in the review consideration of individual applications. Storage may be permitted in side and rear yards subject to terms and conditions aimed at reducing potential visual impacts on neighbouring properties and from public view of passing motorists;
- (g) A non-residential development may be required to establish significant spatial buffers and/or screening (e.g. fencing) between the development and abutting residential uses;
- (h) Permission to develop the non-residential use will be in accordance with a development permit issued by Council; and
- (i) No change in the type or scale of the use will be permitted except in accordance with the development permit.

**(Development Regulations Amendment No. 18, 2021)**

## **(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 (2.0) 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 (2.0) metres in height) to prevent people, especially children, from unauthorized access to the pool area.

**(Development Regulations Amendment No. 3, 2019)**

## **(7) Subsidiary Apartments**

A subsidiary apartment will be subject to the following:

- (a) The subsidiary apartment will be clearly secondary to the single unit residential dwelling or a permitted commercial use;
- (b) Only one subsidiary apartment type will be permitted in a single unit residential dwelling or a single commercial building;
- (c) The subsidiary apartment will be completely self-contained, with facilities for cooking, sleeping and bathing; and,
- (d) The subsidiary apartment will be limited in floor area size to a maximum of 35% of floor area size of the single unit residential dwelling or the applicable commercial building.

## **(8) Wind Turbines**

Commercial wind turbines shall not be permitted in the Mixed Use (MIX) zone.