

Summary of Amendments:

Schedule C: Residential Medium Density has been revised in accordance with the following amendments.

| Amendment # | Registration # | Gazetted |
|---------------------------|-----------------------|-------------------|
| 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 | 4000-2021-055 | September 3, 2021 |
| DR Amendment No. 29, 2023 | 4000-2023-063 | December 22, 2023 |
| DR Amendment No. 34, 2024 | 4000-2024-065 | March 15, 2024 |

ZONE TITLE: RESIDENTIAL MEDIUM DENSITY (RMD)

RMD USE CLASSIFICATIONS

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)

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.

RMD DEVELOPMENT STANDARDS

| RMD Fully-Serviced Lots (municipal water & municipal sewer) | | | | | | | | | |
|--|------------------|------------------------------------|--------------------|-----------------------|---------------------|----------|------------|-----------|--------------------------|
| STANDARDS | Single Dwellings | | Multiple Dwellings | | Apartment Buildings | | | | Non-Residential Building |
| | Single Dwelling | Single Dwelling with Pond Frontage | Double Dwelling | Row Dwelling | One Bdrm | Two Bdrm | Three Bdrm | Four Bdrm | |
| Min. Lot Area (m ²) | 470 | 3,000 | 377* | 350* | 200* | 200* | 250* | 300* | 500 |
| Min. Floor Area (m ²) | 80 | 80 | 80* | 65* | 40* | 40* | 50* | 60* | 80 |
| Min. Frontage (m) | 15 | 30 | 10* | 10* (See Condition 8) | 36 | | | | 15 |
| Min. Pond Frontage (m) | | 30 | | | | | | | |
| Min. Front Yard (m) | 6 | 6 | 6 | 6 | 8 | | | | 8 |
| Max. Front Yard (m) | 32 | See General Provision 10 | 32 | 32 | 32 | | | | 32 |
| Min. Side Yard (m) | 2.5 & 1 | 6 | 2.5 | 2.5 | 5 | | | | 5 |
| Min. Distance Between Dwellings (m) | 3.5 | | | | | | | | |
| Min. Rear Yard (m) | 9 | 9 | 9 | 9 | 14 | | | | 9 |
| Max. Lot Coverage (%) | 33 | 33 | 33 | 33 | 33 | | | | 33 |
| Max. Height (m) | 10 | 10 | 10 | 10 | 10 | | | | 10 |
| * per unit | | | | | | | | | |

| RMD Semi-Serviced Lots (municipal water and on-site sewer) | | | |
|---|-----------------|------------------------------------|--------------------------|
| STANDARDS | Single Dwelling | | Non-Residential Building |
| | Single Dwelling | Single Dwelling with Pond Frontage | |
| Min. Lot Area (m ²) | 1,860 | 3,000 | 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) | 6 | 9 | 8 |
| Max. Front Yard (m) | 32 | See General Provision 10 | 32 |
| Min. Side Yard (m) | 2.5 | 6 | 5 |
| Min. Rear Yard (m) | 9 | 9 | 9 |
| Max. Lot Coverage (%) | 33 | 33 | 33 |
| Max. Height (m) | 10 | 10 | 10 |

| RMD Semi-Serviced Lots (on-site water and municipal sewer) | | | |
|---|-----------------|------------------------------------|--------------------------|
| STANDARDS | Single Dwelling | | Non-Residential Building |
| | Single Dwelling | Single Dwelling with Pond Frontage | |
| Min. Lot Area (m ²) | 1,400 | 3,000 | 1,400 |
| Min. Floor Area (m ²) | 80 | 80 | 80 |
| Min. Frontage (m) | 23 | 30 | 23 |
| Min. Pond Frontage (m) | | 30 | |
| Min. Front Yard (m) | 6 | 9 | 9 |
| Max. Front Yard (m) | 32 | See General Provision 10 | 32 |
| Min. Side Yard (m) | 2.5 | 6 | 5 |
| Min. Rear Yard (m) | 9 | 9 | 9 |
| Max. Lot Coverage (%) | 33 | 33 | 33 |
| Max. Height (m) | 10 | 10 | 10 |

| 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 |

(Development Regulations Amendment No. 2, 2015)
(Development Regulations Amendment No. 13, 2019)
(Development Regulations Amendment No. 18, 2021)
(Development Regulations Amendment No. 29, 2023)
(Development Regulations Amendment No. 34, 2024)

Terms & Conditions

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

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

(Development Regulations Amendment No. 2, 2015)

- (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 30m² 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) 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-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;**
- (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) One third or less AU of rabbits, ducks, chickens, turkeys and geese | 1,860m ² | 9m |
| (b) One or less AU of rabbits, ducks, chickens, turkeys and geese | 4,000m ² | 18m |
| (c) One or less AU of Horses | 8,000m ² | 30m |
| (d) Two or less AU of all species | 10,000m ² | 30m |

*Note: Refer to definition of Animal Unit (AU) in Schedule A
(Development Regulations Amendment No. 3, 2019)*

(3) Animal and Kennels

Animals, other than usual domestic household pets, are permitted as a discretionary use only and will be limited to kennels and similar uses. Horses (maximum one) may be permitted as a pet, provided there are sufficient lands available for stable and exercising area. The establishment of a new kennel will be subject to the following:

- (a) It will be permitted only as a home occupation;
- (b) It will be permitted only on a lot of one (1) hectare or more; and,
- (c) It must adhere to such other terms and conditions established by Council aimed at minimizing or mitigating potential noise, order or other impacts on neighbouring land uses.

(4) Boarding House Residential

A 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) The use shall not detract from the residential character of the neighbourhood in terms of height, scale or exterior design;
- (b) The use shall not result in increased traffic congestion in the area;
- (c) One additional parking space shall be provided for each guest room on the lot;

- (d) The maximum number of guest rooms shall be six (6);
- (e) 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;
- (f) Off-street parking for a catered dining facility shall provide one space for every three (3) persons that may be accommodated at one time;
- (g) No wholesale sales or storage of goods shall be carried out and any retail sales shall be incidental to the approved use;
- (h) On-site advertisements shall be non-illuminated, with a maximum sign face area of 0.2m² and, shall meet all other requirements of Council in terms of shape and construction material; and,
- (i) The establishment must be registered by Canada Select and approved by the Provincial Department of Tourism, Culture and Recreation.

(5) Convenience Stores and Take-out Food Services

A convenience store or take-out food service permitted at Council's discretion will be subject to the following conditions:

- (a) The use may form part of, or be attached to, a self-contained single dwelling unit or stand on a separate lot;
- (b) **A freestanding convenience store or take-out food service on a separate lot shall comply with the development standards table established for non-residential buildings;**
- (c) The use shall be subsidiary to the residential character of the area and shall not detract from the residential amenities of adjoining properties;
- (d) Provision for off-street parking must meet the parking standards specified in Schedule D;
- (e) In considering an application, Council will pay particular attention to site access and the effects of the uses on traffic flow; and,
- (f) A convenience store or take-out food service 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.

(Development Regulations Amendment No. 18, 2021)

(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:

- (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 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.

(7) Places of Worship

Where permitted at the discretion of Council, a place of worship shall conform to the development standards for a single dwelling contained in this use zone, including: frontage, building line setback, side yard, rear yard, lot coverage and height requirements.

(8) Townhouse Dwellings and Apartment Buildings

- (a) Council will pay particular attention to the location and siting of higher density residential townhouse dwellings and apartment buildings. Preferred locations shall include those adjacent to major traffic corridors, near public use and commercial facilities, and on large site area corner lots.
- (b) Where a townhouse development is proposed to be constructed on one (1) parcel of land (which may be subject to the provincial *Condominium Act, 2009*, as amended), a total minimum frontage of 15 m will be required to provide adequate access to the building (as opposed to a per unit measurement).
- (c) Where possible, parking for a townhouse residential use will be provided in the side or rear yard. Parking in the front may be considered at the discretion of Council. Accessory buildings for individual dwellings units shall only be allowed in the side or rear yard where each dwelling unit is independently owned and contained within its own legal property survey. Townhouse

developments may utilize innovative housing layouts and may include multi-user accessory buildings.

(Development Regulations Amendment No. 34, 2024)

(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.

(Development Regulations Amendment No. 3, 2019)

(10) Subsidiary Apartments (see also Regulation 60, Part II – General Development Standards)

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 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.

(11) Wind Turbines - Commercial

Commercial wind turbines shall not be permitted in the Residential Medium Density (RMD) zone.