

### Summary of Amendments:

Schedule C: Residential Small Lot has been revised in accordance with the following amendments.

Amendment #	Registration #	Gazetted
DR Amendment No. 15, 2021	4000-2022-057	April 8, 2022
DR Amendment No. 33, 2024	4000-2024-064	March 15, 2024

# 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)

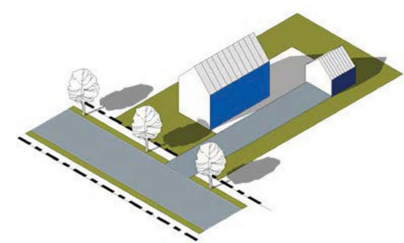
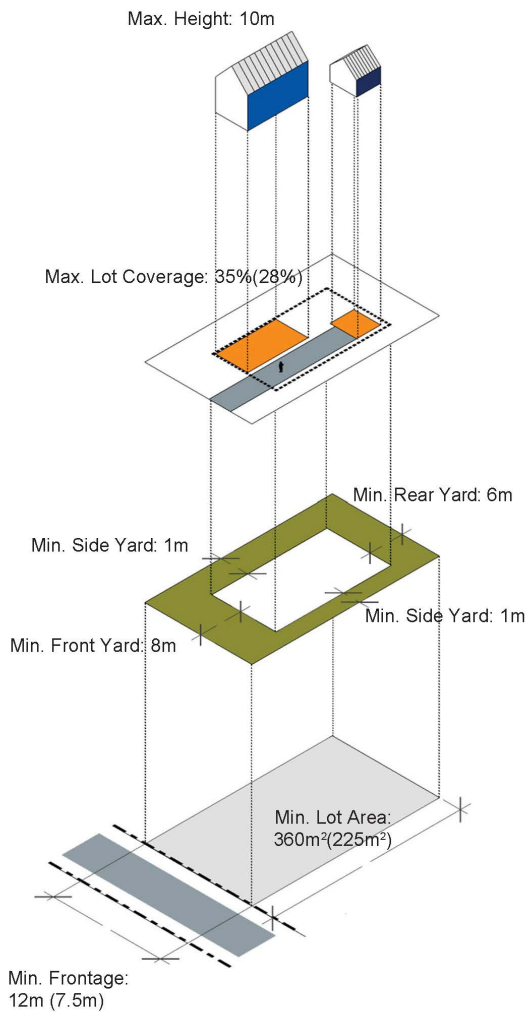
Antenna, Boarding House Residential, Child Care (home occupations only), Collective Residential, Convenience Store, Educational, Medical and Professional (home occupations only), Personal Service (home occupations only), Place of Worship  
(see Schedules A and B for definitions and examples of above 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.

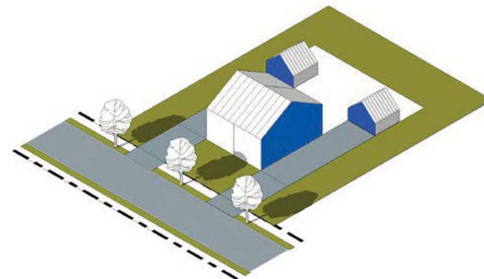
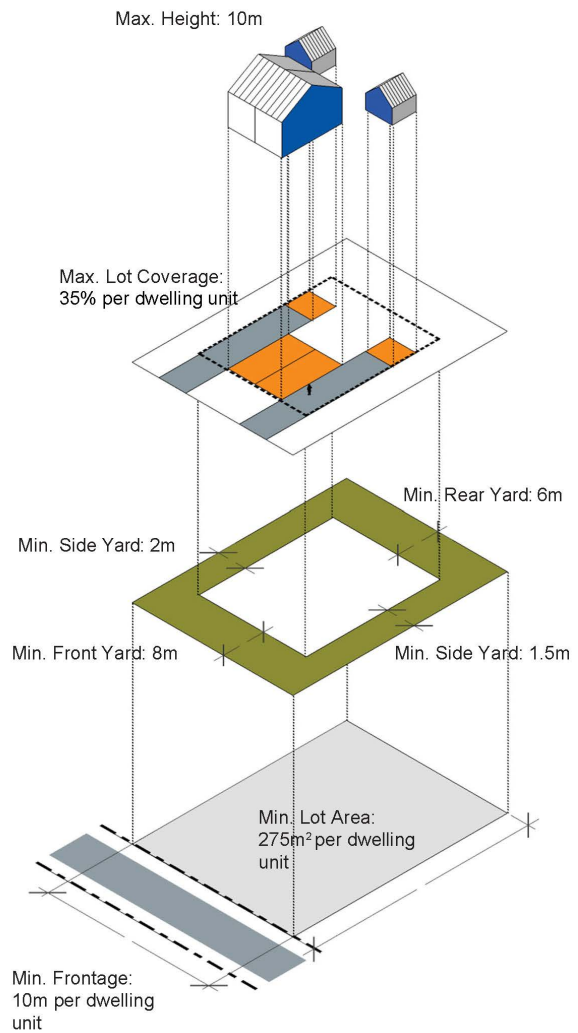
## RSL DEVELOPMENT STANDARDS

RSL Fully-Serviced Lots (municipal water & municipal sewer)								
STANDARDS	Single Dwellings	Single Dwellings (Mini Homes)	Double Dwelling	Multi Dwelling	Apartment Building			
					One Bdrm	Two Bdrm	Three Bdrm	Four Bdrm
Min. Lot Area (m²)	360	225	275*	200*	170*	210*	230*	250*
Min. Floor Area (m²)	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								

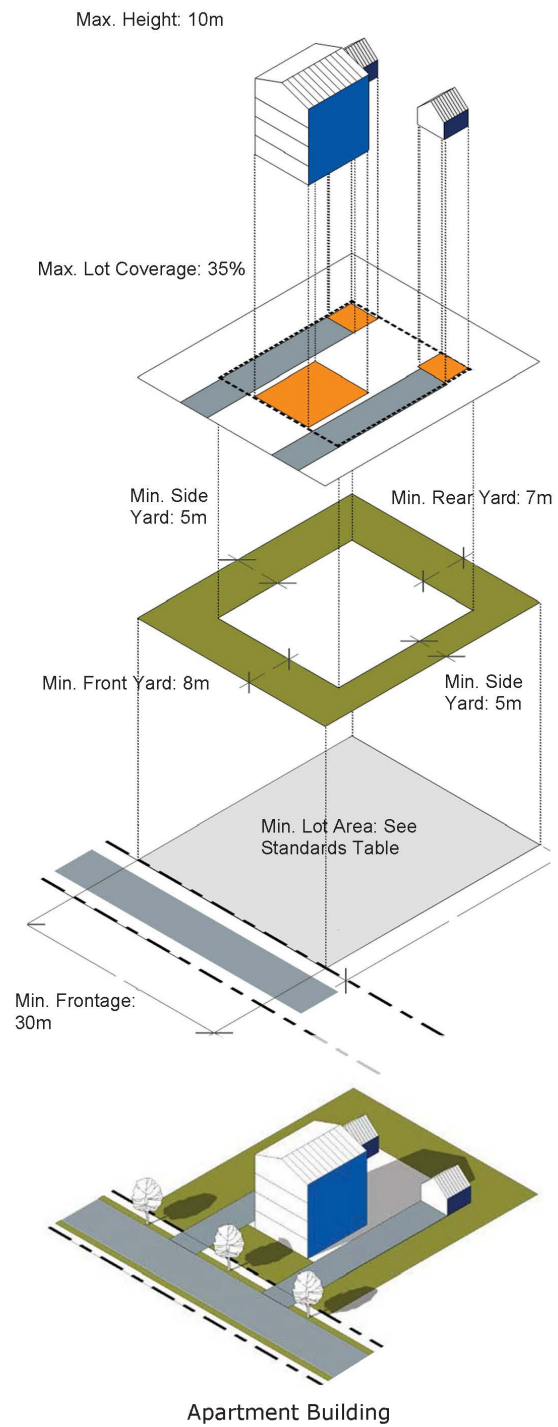
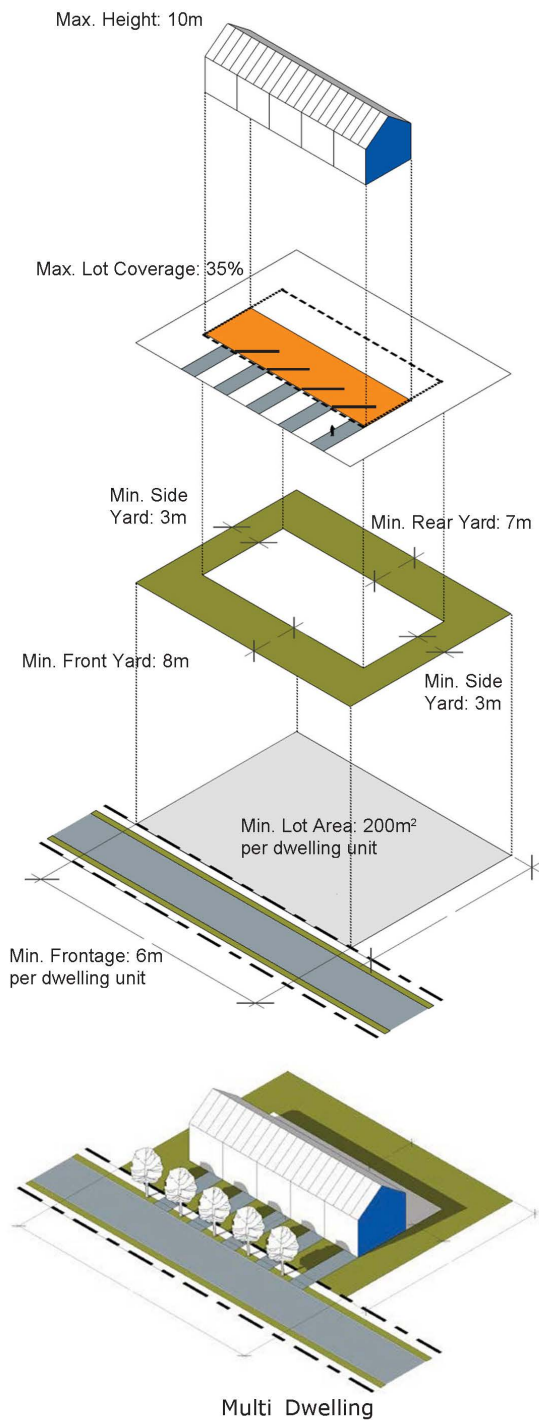
See illustrations below:



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 m<sup>2</sup> (322.9 ft<sup>2</sup>) and one (1) residential accessory building measuring greater than or equal to 30 m<sup>2</sup> 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 0.2m<sup>2</sup> (2.15 ft<sup>2</sup>) 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<sup>2</sup> (2.15 ft<sup>2</sup>) 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<sup>2</sup> (484 ft<sup>2</sup>); or,
  - b. 45 m<sup>2</sup> (484 ft<sup>2</sup>) 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<sup>2</sup> (2.15 ft<sup>2</sup>) 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.

**(Development Regulations Amendment No. 15, 2021)**

#### **(12) Stormwater Management**

In addition to the requirements outlined in Regulation 67 of these Development Regulations and any other specifications and standards adopted by Council, stormwater management infrastructure for new subdivisions shall be designed by a professional engineer and constructed to address the water quality impacts of development (i.e. contaminants, pollutants), in addition to water quantity control (i.e. zero net-run off).

**(Development Regulations Amendment No. 33, 2024)**