



**Portugal Cove  
St. Philip's**

**PUBLIC CONSULTATION  
DEVELOPMENT REGULATIONS AMENDMENT  
No. 36, 2024**

The general public is invited to view a draft copy of the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 36, 2024.

Development Regulations Amendment No. 36, 2024 proposes to define 'Neighbourhood Oriented Services and Facilities' and develop the required standards for them to be developed as discretionary uses in the Residential Medium Density land use zone.

Council encourages residents to view the Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 36, 2024, which shall be on display from June 8, 2024 to June 21, 2024, on the Town's website at [www.pcsp.ca](http://www.pcsp.ca). The public can provide any comments or concerns on the proposed amendment to the Town Office in writing before Council considers proceeding with adoption.

The deadline for written comments shall be 4:00 pm., Friday, June 21, 2024.

For more information, please contact the Town Office.

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



**Portugal Cove  
St. Philip's**

**DEVELOPMENT REGULATIONS AMENDMENT  
No. 36, 2024**

**“Neighbourhood Oriented Facilities”**

**June 2024**

**URBAN AND RURAL PLANNING ACT, 2000**

**RESOLUTION TO ADOPT**

**TOWN OF PORTUGAL COVE-ST. PHILIP'S  
DEVELOPMENT REGULATIONS AMENDMENT No. 36, 2024  
DEVELOPMENT REGULATIONS, 2014-2024**

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. 36, 2024.

Adopted by the Town Council of Portugal Cove-St. Philip's on the ..... day of ....., 2024.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

Mayor \_\_\_\_\_

Town Clerk \_\_\_\_\_

(Council Seal)

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 36, 2024, has been prepared in accordance with the requirements of the Urban and Rural Planning Act.



MCIP: Anna Myers  
Member of Canadian Institute of Planners (MCIP)

## **Town of Portugal Cove-St. Philip's Development Regulations Amendment No. 36, 2024**

### **PURPOSE**

The Town of Portugal Cove-St. Philip's proposes to amend its Development Regulations, 2014-2024.

The Town Council of Portugal Cove-St. Philip's is in receipt of a request to allow the establishment of daycare center in the Residential Medium Density land use zone. Plan Policy RES-3 (Land Uses) identifies the list of discretionary uses available in residential designated areas to include a variety of uses that are complementary to, and serve the everyday needs of residential neighbourhoods as follows:

*Council may consider a range of discretionary uses for non-residential uses that are complementary to, and serve the everyday needs of, residential neighbourhoods. Such uses include convenience stores; take out food service, bed and breakfast operations, boarding house residential, churches, medical treatment and special care facilities, antenna and other neighbourhood-oriented services and facilities, as detailed in Schedule C of the Development Regulations.*

RES-3 enables the use of other neighbourhood-oriented services and facilities as detailed in Schedule C of the Development Regulations; however, there are no well-developed definitions and standards within Schedule C to fulfill the intent of the RES-3 policy. In addition to directly providing supports and services to residents, neighbourhood-oriented services and facilities will also provide additional business opportunities within the community. Encouraging a more diversified and balanced economic base with additional employment opportunities for residents is supported by Sections 2.1 (Community Structure & Character), 2.5 (Economy) and 2.8 (Municipal Finance) of the Municipal Plan, 2014-2024.

The purpose of this amendment is to complete a text amendment to define 'Other Neighbourhood Oriented Services and Facilities' and develop the required standards for them to be developed as discretionary uses in the Residential Medium Density land use zone in accordance with the intention of RES-3.

### **ST. JOHN'S URBAN REGION REGIONAL PLAN 1976**

Development Regulations Amendment No. 36, 2024 is comprised of text changes to the Development Regulations only. No amendment to the Regional Plan is required.

**PUBLIC CONSULTATION**

During the preparation of this amendment Council undertook the following initiative so that individuals and groups could provide input to the proposed Development Regulations Amendment. The Town Council of Portugal Cove-St. Philip's published a notice in The Telegram newspaper on ..... 2024, and the ..... edition of the Northeast Avalon Times advertising the proposed amendment and seeking comments or representations from the public. A copy of the Public Notice was also posted on the Town's website and social media. Residents were invited to view the documents on the Town's website or at the Town Hall during normal business hours, and to provide any comments or concerns in writing to Council by the ..... deadline. [Update with results of public consultation]

**DEVELOPMENT REGULATIONS AMENDMENT No. 36, 2024  
TEXT AMENDMENT**

**CHANGES TO SCHEDULE A: DEFINITIONS**

**ADD:**

**NEIGHBOURHOOD ORIENTED SERVICES AND FACILITIES:** means a variety of services and facilities that are complementary to and serve the everyday needs of residential neighbourhoods. These facilities are generally expected to be of a medium scale in central areas within residential areas or along collector corridors and will be comprised of one or more businesses whose targeted customers will be local-residents in the communities and neighborhoods. These facilities can be a variety or combination of uses that could already be generally available as home-occupations or stand-alone uses in residential designated areas.

**CHANGES TO SCHEDULE C: GENERAL PROVISIONS**

**FROM:**

**(3) Principal Buildings Per Lot**

Within single and double dwelling residential zones, only one principal building may be permitted on a lot or property. Other use zones may allow more than one principal use building on a property but such siting shall be regulated by site layout and requirements for setback to property lines, parking, landscaping and buffers, environmental limitations, and other separation distance provisions.

**TO:**

**(3) Principal Buildings Per Lot**

Within single and double dwelling residential zones, only one principal residential building may be permitted on a lot or property. Where a lot or property within a residential zone is to be used for purposes other than a residential use, the lot or property may contain multiple buildings, as long as the buildings all contain the same use. Other use zones may allow more than one principal use building on a property but such siting shall be regulated by site layout and requirements for setback

to property lines, parking, landscaping and buffers, environmental limitations, and other separation distance provisions. Where more than one principal use building is contained within a single lot or property, the buildings must maintain a minimum separation distance between buildings of three (3) metres (or greater where required by the National Building Code or other provisions within these Regulations).

## CHANGES TO SCHEDULE C: RESIDENTIAL MEDIUM DENSITY

### FROM:

#### **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)*

### TO:

#### **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 occupation 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, Neighborhood-Oriented Services and Facilities, 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)*

**FROM:**

<b>RMD Un-Serviced Lots (on-site water AND on-site sewer)</b>			
<b>STANDARDS</b>	<b>Single Dwellings</b>		<b>Non-Residential Building</b>
	<b>Single Dwelling</b>	<b>Single Dwelling with Pond Frontage</b>	
<b>Min. Lot Area (m<sup>2</sup>)</b>	1,860	8,000	1,860
<b>Min. Floor Area (m<sup>2</sup>)</b>	80	80	80
<b>Min. Frontage (m)</b>	23	30	23
<b>Min. Pond Frontage (m)</b>		30	
<b>Min. Front Yard (m)</b>	9	9	9
<b>Max. Front Yard (m)</b>	32	See General Provision 10	32
<b>Min. Side Yard (m)</b>	3	6	5
<b>Min. Rear Yard (m)</b>	9	9	9
<b>Max. Lot Coverage (%)</b>	25	25	33
<b>Max. Height (m)</b>	10	10	10

**TO:**

<b>RMD Un-Serviced Lots (on-site water AND on-site sewer)</b>			
<b>STANDARDS</b>	<b>Single Dwellings</b>		<b>Non-Residential Building</b>
	<b>Single Dwelling</b>	<b>Single Dwelling with Pond Frontage</b>	
<b>Min. Lot Area (m<sup>2</sup>)</b>	1,860	8,000	1,860
<b>Min. Floor Area (m<sup>2</sup>)</b>	80	80	80
<b>Min. Frontage (m)</b>	23	30	23
<b>Min. Pond Frontage (m)</b>		30	
<b>Min. Front Yard (m)</b>	9	9	9
<b>Max. Front Yard (m)</b>	32	See General Provision 10	32*
<b>Min. Side Yard (m)</b>	3	6	5
<b>Min. Rear Yard (m)</b>	9	9	9
<b>Max. Lot Coverage (%)</b>	25	25	33
<b>Max. Height (m)</b>	10	10	10

\*May be adjusted at the discretion of Council

**FROM:****(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 (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 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.

**TO:**

**(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 (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 care 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.
- (k) Uses that may be permitted as home occupations may also be considered as stand-alone businesses in accordance with General Condition 12.

**ADD:**

**(12) Other Neighborhood-Oriented Services and Facilities**

Other Neighborhood-Oriented Services and Facilities may be permitted at Council's discretion subject to the following conditions:

- (a) The use may form part of, or be attached to, a self-contained single dwelling or stand on a separate lot;



- (b) A freestanding building 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;
- (f) A freestanding building will comply with applicable requirements of Service NL, including but not limited to, building accessibility and fire & fire safety; and
- (g) A freestanding building shall have frontage, and vehicular access from a publicly maintained road.