

ZONE TITLE: RURAL (RUR)

RUR USE CLASSIFICATIONS

Permitted Use Classes

(see Regulation 101)

Agriculture, Conservation, Forestry, Recreational Open Space

(see Schedules A and B for definition and examples of above Class)

Discretionary Use Classes

(see Regulation 33 and 102)

Animal, Antenna, Cemetery, Commercial Residential (tourist cottage only), General Industry (resource-based only), Light Industry (resource-based only), Mineral Working, Outdoor Assembly, Single Dwelling, Veterinary, Private and Commercial Wind Turbines

(see Schedules A and B for definition and examples of above Class)

Refer to **Town of Portugal Cove-St. Philip's Municipal Plan 2014-2024**, Section 3.3: General Land Use Policies; and Section 3.4.9: Rural.

Terms & Conditions

(1) Animal

The establishment of a new kennel in the RUR zone will be subject to the following:

- (a) It will be permitted only on a lot of one (1.0) hectare or more; and
- (b) It must adhere to such other terms and conditions set by Council aimed at minimizing or mitigating potential noise or other impacts on neighbouring land uses.

(2) Development Criteria

A development will be subject to the following criteria:

- (a) It must meet the terms and conditions of the zone and adhere to the minimum development standards for the proposed use;
- (b) It must be located and designed to minimize the impact of traffic, noise, dust, lighting, and signage on surrounding rural uses. Where necessary, Council may require screening through the retention and provision of trees, shrubs, berms, landscaping, or fencing, and for resource uses, potential limitation on hours of operation;
- (c) It must be designed and maintained to a high standard with regard to environmental impacts, safety, appearance, and compatibility with surrounding land uses;

- (d) Permission to develop will be in accordance with a development permit issued by Council; and
- (e) No change in the type or scale of the use will be permitted except in accordance with a development permit.

(3) Mineral Working Uses

3.1 Mineral Working Sites

A mineral working use will be subject to the following, unless otherwise required by the Department of Environment and Conservation of Province of NL and authorized by Council:

- (a) No new mineral working operation will be developed without the required approvals from the Province of NL and a development permit issued by Council. The development, operation, termination, and rehabilitation of the mineral working site will only be carried out in accordance with terms and conditions specified in the development permit. The development permit will be revoked if the operator does not comply with the terms and conditions of the development permit;
- (b) No extraction will take place in a wetland;
- (c) No extraction will take place within 50.0 metres of high water mark of a watercourse or wetland;
- (d) No extraction will take place within 50.0 metres of a public street or highway;
- (e) No extraction will take place within 200.0 metres of a residential, commercial, or public building, or the boundary of any of the following zones:
 - i. Residential Medium Density
 - ii. Residential Low Density
 - iii. Residential Rural
 - iv. Residential Development Scheme Area
 - v. Traditional Community
 - vi. Mixed Use
 - vii. Public Use
- (f) An undisturbed buffer strip will be maintained at least 30.0 metres wide between the final perimeter of a pit or quarry and the boundary of the lot on which it is located. Council may permit this buffer width to be reduced by up to 50% with the written consent of the adjacent property owner;
- (g) Topsoil removed prior to extraction will be appropriately stockpiled for future rehabilitation of the site;
- (h) Where a proposed mineral working site is located in the vicinity of a public street or highway, or an existing or proposed residential, commercial, or recreational area, Council

- will require the owner to provide for natural or artificial screening to obstruct visibility of the site;
- (i) No mineral working shall create excessive drainage or erosion onto adjacent properties or into nearby watercourses. An access road to a mineral working site shall be ditched, bridged, and culverted in accordance with the regulations of the Department of Environment and Conservation;
 - (j) No mineral working activity shall cause the accumulation or ponding of water in any part of the site. Settling ponds will only be permitted with approval from the Department of Environment and Conservation;
 - (k) The mineral working site shall be kept clean of refuse, abandoned vehicles, abandoned equipment and derelict buildings;
 - (l) During seasonal or other extended periods of shutdown, the slope of any sand or gravel embankment shall not have a gradient steeper than 60% for the full depth thereof; and
 - (m) Other such conditions as Council considers necessary upon detailed review of the proposal and the proposed site location.

3.2 Mineral Working Processing Plant

- A. Council, at its discretion, may permit a mineral working processing plant (e.g. washing and screening plant, crusher) provided that the use will not significantly affect surrounding land uses by reason of noise, vibration, fumes, dust, odour, water drainage, unsightly storage of materials, or general appearance.
- B. Council may specify a minimum separation distance between a processing plant and an existing residential, commercial, public, or recreational area.

3.3 Site Rehabilitation

- A. A development application for a new mineral working site will not be approved unless it includes an acceptable plan for site reclamation and rehabilitation;
- B. Council will require the reclamation and rehabilitation work to be implemented either after the termination of the mineral working operation or at progressive stages of excavation;
- C. Upon full completion of the mineral working, the following work shall be carried out by the operation:
 - (a) All buildings, machinery and equipment shall be removed;
 - (b) All pit and quarry banks shall be graded to a slope of less than 60 percent;
 - (c) The entire excavated area will be rehabilitated in accordance with the reclamation and rehabilitation plan;

- (d) The access road to the site will be decommissioned or barricaded to the satisfaction of Council.

(4) Minimum Distance Separations for Commercial Livestock Facilities

- A. New development and expansions of livestock facilities located near residential and other non-agricultural uses will be subject to the minimum separation distance requirements specified in Regulation 45 of the Development Regulations.
- B. New development and expansions of residential and other non-agricultural uses located near livestock facilities will be subject to the minimum separation distance requirements specified in Regulation 45 of the Development Regulations.

(5) Single Dwellings

A. Subsidiary Dwelling

At Council's discretion, a single dwelling may be permitted as a subsidiary use to a commercial agricultural operation, horse boarding stable, or kennel, subject to the following:

- (a) It is clearly demonstrated to Council that the operation is a bona fide farm, horse boarding, or commercial kennel operation from which the owner derives a major portion of his or her income;
- (b) It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the agricultural operation, horse boarding stable, or kennel; and
- (c) The dwelling must have a minimum floor area of 65 m² and a minimum building line setback of 10 metres.

B. Single Dwelling Not Subsidiary to a Main Use

Council may consider single dwellings as a discretionary use within the Rural designated areas where the proposed dwelling is not subsidiary to a primary use, based upon the following indicative criterion:

- (a) The single dwelling development cannot be located on lands with potential for forestry, agriculture, mineral extraction, conservation and recreation, or within protected water supply areas;
- (b) The proposed site for single dwelling development is not environmentally sensitive, and the site can accommodate the development with minimal impact on the natural landscape;
- (c) The site has adequate soil conditions and groundwater supply; and,
- (d) The single dwelling development is not intended for seasonal residential or cottage use.

- (e) Only if Council is satisfied that it will not have an adverse impact on existing or future development of the surrounding area for uses listed in the Permitted or Discretionary Use Classes;
- (f) Only if the proposed lot fronts directly on an existing public street, and
- (g) Only if it meets the same standards for single dwellings as specified for the Residential Rural zone.

(Development Regulations Amendment No. 2, 2015)

(6) Small Livestock Facilities – Lot Size and Setback

A. No new livestock facility, planned to accommodate ten animal units or less, shall be developed except in accordance with the following lot and setback standards:

Small Livestock Facilities RUR Development Standards		
Animal Units (AU)	Minimum Lot Size	Minimum Setback from all Lot Lines
(a) one (1) or less AU rabbits, ducks, chickens, turkeys and geese	0.4 hectares	18m
(b) two (2) or less AU of all species other than in (a)	1 hectare	30m
(c) > two (2) to four (4) AU of all species	2 hectares	50m
(d) > four (4) to six (6) AU of all species	3 hectares	70m
(e) > six (6) to eight (8) AU of all species	4 hectares	85m
(f) > eight (8) to ten (10) AU of all species	5 hectares	100m
Note: see definition of Animal Unit (AU) in Schedule A		
See Regulation 45 for development standards of livestock facilities containing more than ten (10) AU		

(7) Wind Turbines – Private and Commercial

Where permitted at the discretion of Council, the development of a private and/or a commercial wind turbine (refer to definition in Schedule A) shall meet applicable Federal and Provincial regulatory requirements, in particular those applying to safety and environmental concerns, and to Regulation 70 of these Development Regulations, as well as to all potential additional terms and conditions that may be required by Council upon their review of a proposal, and upon evaluation of the site and neighbourhood character and nearby existing land uses, as part of discretionary use approval consideration.

(8) Forestry

A forestry use, which is a permitted use within the Rural zone, will be limited to activities that are approved and receive applicable permits by external agencies and are deemed to be environmentally acceptable with relation to potential impacts on the existing agricultural operations, environmentally sensitive and existing residential neighbourhoods.