

SCHEDULE C - USE ZONES

Schedule C of these Development Regulations represents key information to the zoning management of land within Portugal Cove-St. Philip’s. The eleven distinct land use zones that apply to land within the Town’s Planning Area are introduced, including their zone acronym symbols. General zoning provisions that apply to all use zones are outlined, and each individual zone category is detailed for permitted and discretionary uses, terms and conditions for use, and where specified, prohibited uses of land.

This aspect of the Development Regulations needs to be read in unison with the Town’s Zoning Map that applies varied zone designations to property throughout the community. The overlay Schedule E: Environmental Protection Map should additionally be referenced to identify any limitations to the zoned use of land due to environmental limitations of water bodies, watercourses, steep slopes and other sensitive features to development.

The varied land use zones that apply to the Town are listed as follows:

Zone Title	Zone Symbol	Page
Residential Medium Density	RMD	93
Residential Low Density	RLD	100
Residential Rural	RR	106
Residential Development Scheme Area	RDSA	111
Traditional Community	TC	113
Mixed Use	MIX	121
Public Use	PU	128
Recreation/Open Space	ROS	130
Protected Watershed	PW	132
Agriculture	AG	134
Rural	RUR	138

The following requirements, General Provisions for all Use Zones, commence the detailed requirements for the varied land use zones.

General Provisions for all Use Zones:

(1) Occupancy and Maintenance Requirements

All properties located within the Planning Area, including all land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances shall be maintained in a state of good condition and repair, and as otherwise directed and ordered by Town Council as the enforcement authority. Failure to maintain buildings and property may necessitate remedial actions by the Municipality to address identified maintenance and occupancy issues on private property.

(2) Uses Allowed

Each property shall be used for the permitted uses outlined within the land use zone that applies to each property, and where approved by Council may utilize a discretionary use listed within the land use zone. Terms and conditions shall also apply to the allowed uses of land.

(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.

(4) Accessory Use

An accessory building or structure may not be constructed on a lot prior to the establishment of the principal building and use of the land on a property. A temporary permit may be considered by Council for a building or structure to be placed on a property to house tools, equipment, serve as an office, first aid station and lunch room for workers constructing the main building use on the property. An accessory use building shall not be used for human habitation.

(5) Siting For Buildings on Vacant Land Lots under Condominium Act

Setbacks for buildings and structures in a bare land development under Part X of the NL Condominium Act, 2007 shall be measured from the internal lot boundaries and buildings in accordance with the setback requirements of the applicable zone.

(6) Minimum Residential Floor Area

- (a) Any building to be erected and used for a single residential dwelling shall not contain less than **65.0** square metres (**700** square feet) of finished floor area of the residential building.

- (b) Any building to be erected and used for a double dwelling residential use shall not contain less than 60.0 metres (645.3 square feet) of finished floor area per dwelling unit.
- (c) Any self-contained dwelling unit to be constructed as part of a larger Apartment or Townhouse building, and used within a multi-unit development, shall not contain less than 47.0 square metres (505.9 square feet) of finished floor area.

(Development Regulations Amendment No. 3, 2019)

(7) Use of Mobile Homes and Trailers

No new building permits or occupancy permits to use or to occupy a mobile home or trailer as a dwelling unit or as living or sleeping quarters shall be permitted within the planning area of the Town. Double-Wide mobile homes that are to be placed on a permanent concrete foundation may be considered as a discretionary use within the Rural Residential Zone. Modular Homes, as defined by Schedule A, are allowed in all applicable zones as a permitted dwelling unit.

(8) Agriculture Buffer

- (a) Development proposals within the 300.0 metre (984.2 feet) buffer area (refer to Regulation 45) established for confinement operations shall be assessed in consultation with the Agriculture Division, Department of Natural Resources.
- (b) Depending on the vegetation characteristics, topography, and other natural conditions of the site, development may be limited to infilling on existing street frontages or to the rounding out of existing development.
- (c) A seller of land within the agricultural buffer areas must issue a notice to prospective purchasers concerning the existence and nature of existing and potential confinement operations in the buffer area. Purchasers must acknowledge and agree to the presence of confinement operations in writing to the Town.

(9) Complementary Yard Setbacks

To maintain the rural and neighbourhood character of the community, where a site development of a higher density is to be sited adjacent to a lower density development with specific natural features such as trees and vegetation on side lot lines, through the development permit approval consideration process for the higher density use of land, additional landscaping and separation buffers may be required between the side lot lines of the two land uses.

(10) Development with Pond Frontage

- (a) Development shall be sited and landscaped to minimize the visual impact of buildings viewed from the pond and from other land fronting on the pond. Council shall require

landscaping to meet this aim. The required landscaping may include selective retention of trees and shrubs between shoreline and buildings and appropriate planting.

- (b) Council may require a plan of subdivision or a development application to be accompanied by a professionally prepared landscape drawing or similar quality plan showing vegetation to be retained, areas to be graded, and areas of planting, including plants to be used.
- (c) Council may require a landscape deposit to ensure the approved landscape proposal is carried out to its satisfaction.
- (d) The front yard setback may be established anywhere upland from the pond setback standard of 30.0 metres (98.4 feet) provided the on-site septic system is approved by Services NL. The 30-metre buffer around the pond (refer to Schedule E) shall remain in place to protect water quality. No further subdivision of this approved lot will be allowed whereby a backlot situation may be created. Council will review each application based on its own merits.

(11) East Coast Trails & Inland Community Trails

The East Coast Trail Association (ECTA) is developing a natural walking/hiking trail within the Town along the coastline as part of a larger coastal trail system. Much of the East Coast Trail will be protected through the thirty (30.0) metre (98.4 feet) coastal buffer established in Schedule E. This buffer will help protect the natural landscape and views from the trail, and ensure that future development does not negatively impact the trail.

Connections will also be encouraged between the East Coast Trail and the network of existing community walking and hiking trails further inland to create a community-wide linear park system. Where new developments intersect with existing or potential trails and trail connectors, as identified on the Land Use Zoning Map, Council shall encourage trail access through and adjacent to the development. Appropriate buffers will also be pursued to protect the Town's trails network.

Where trails pass through or near existing built up areas of the town, Council may seek to establish narrower trail buffers. In the less developed or rural areas of the Town, Council may establish wider trail buffers that will protect the natural character and integrity of the trail system.

(12) Environmental Protection

- (a) All permitted and discretionary uses in the following use zones are subject to the terms and conditions contained in Schedule E. The Terms and Conditions of Schedule E for a specific property will supersede the requirements listed in each use zone of Schedule C.

- (b) Lot Frontage and Access on a Public Street or Road (refer to Regulation 47, Part II – General Development Standards)
- (c) Each newly created lot shall front onto a publicly-owned and maintained street and access to the lot is to be obtainable from a publicly-maintained street, unless the subject lot has such other access, such as an easement or right of way that is approved by Council on the basis of terrain, geographical or other similar limitations to the lot access.

(13) New Streets

New streets, as referenced in the Use Zone development standards, include new extensions to existing streets.

(14) Water and Sewer Services

(a) Municipal Services

On streets serviced with municipal water and/or sewer infrastructure services, no residential lot or new dwelling will be approved that is not connected to these services.

(b) On-Site Services

In areas not accessible to municipal services (more than 500.0 metres (1,640.4 feet)):

- i) No residential lot, new dwelling or other new development will be approved that does not have on the same lot a private drinking water source and sewage treatment system that has received the necessary Provincial approvals and that meets the requirements set out in the Town’s Development Regulations; and,
- ii) Private domestic water wells and sewage treatment systems serving two or more homes located on separate lots will not be permitted.

(15) Wind Turbines - Private

Where permitted at the discretion of Council, the development of a private wind turbine (refer to definition in Schedule A) shall conform to the site development standards and conditions outlined in Regulation 71 of Part II – General Development Standards, as well as to conform to all additional terms and conditions that may be required by Council pursuant to its approval consideration of the private wind turbine on the basis of the specific site circumstances and neighbourhood character.

The following discussion of the Development Regulations introduces and details the eleven distinct land use zones that apply to the Town's Planning Area.