

**TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS
AMENDMENT NO. 2, 2023**

**Text Amendment
Development Standards
Building Height, sideyards – Harbourfront Use Zone
Rear yard reduction- Residential Use Zone
Definition Bed and Breakfast Establishment**

**Prepared by:
Mary Bishop, FCIP
February, 2023**

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF PETTY HARBOUR - MADDOX COVE
DEVELOPMENT REGULATIONS AMENDMENT NO. 2, 2023**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Petty Harbour - Maddox Cove adopts Development Regulations Amendment No. 2, 2023.

Adopted by the Town Council of Petty Harbour - Maddox Cove on the 15th day of May, 2023.

Signed and sealed this 15th day of May, 2023.

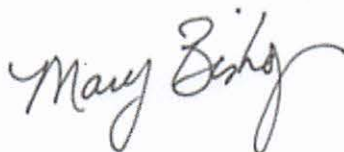
Mayor: 
Ron Doyle

Clerk: 
Stephanie Stack



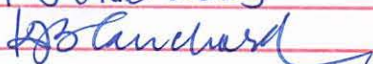
CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Development Regulations Amendment has been prepared in accordance with the requirements of the *Urban and Rural Planning Act 2000*.



Mary Bishop, FCIP



Development Regulations/Amendment	
REGISTERED	
Number	<u>3760-2023-001</u>
Date	<u>7 JUNE 2023</u>
Signature	<u></u>

TOWN OF PETTY HARBOUR - MADDUX COVE DEVELOPMENT REGULATIONS AMENDMENT NO. 2, 2023

BACKGROUND

The Town of Petty Harbour-Maddox approved its current Municipal Plan and Development Regulations in 2015. In implementing the Development Regulations since that time, Council and staff have identified several areas where changes to the Development Regulations would improve interpretation, administration and control of development.

This report has been prepared to describe the proposed changes and to serve as a basis for consideration by the general public before it is approved by Council and submitted to the Minister of Municipal and Provincial Affairs for registration.

Municipal Plan

The Municipal Plan sets out policies that guide Council decision-making on growth and development in the community and identifies broad land use categories where different types of development can occur. The standards for development in these areas are set out in the Development Regulations.

Changes can be made to the Development Regulations without an amendment to the Municipal Plan, provided they are consistent with the intent and policies of the Plan.

Development Regulations

Council is proposing to make the following changes to the Development Regulations:

1. Adding a limit on building height and setting a minimum sideyard for new development in the Harbourfront zone.

The Municipal Plan sets out the following objectives for the Harbourfront area:

- To enhance the harbourfront as the Town Centre and community gathering place.
- To continue to support the fishing industry of Petty Harbour.
- To encourage economic activity around the harbour

Policy H-2 of the Plan deals with new development in the Harbourfront area as follows:

1. Any development in the area shall be reasonably compatible with residential uses surrounding the harbour. Council may require siting or operation to reduce

or eliminate expected negative impacts such as night lighting, noise, odour, fumes, or dust.

2. In considering proposals for development adjacent to the harbour, Council will require that existing access to the harbour and parking for fishing-related activities are retained.

3. In accordance with Policies G-10 and G-11, Council will manage development in accordance with the Provincial Floodplain Policy and ensure that where permitted, development is designed and constructed to reduce vulnerability to flooding.

With increased interest in development around the harbour, staff have recommended that the Town consider adding a maximum height for new buildings in the Harbourfront zone to ensure that development does not occur that is out of scale with the existing buildings that are currently found there. At the present time there is no restriction on the height of buildings in this zone.

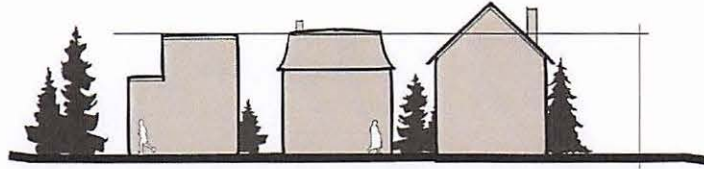
Buildings in the harbourfront, particularly on the north side of the harbour are characterized by small, mostly single story buildings such as fishing sheds and small businesses enterprises. On the south side, there is a mix of small and several larger, 2 storey buildings.



Having reviewed the matter, Council is proposing that any new buildings, or changes to existing buildings, have a height no greater than 4m. Height is defined in the Development Regulations as the vertical distance, measured in metres, from the Established Grade to the:

- a. highest point of the roof surface of a flat roof.
- b. deck line of a mansard roof; and
- c. mean height level between the eave and ridge of a gable, hip or gambrel roof, and

in any case, a Building Height shall not include mechanical structures, smokestacks, steeples, and purely ornamental structures above a roof.



Council also proposes to add a requirement for a minimum sideyard of 1.5 m to be provided in any new development on lots in the Harbourfront land use zone to provide a separation distance between buildings.

2. Reducing the required rearyard for residential building lots in the Residential land use zone.

Since the Plan was prepared, the Town has reviewed a number of applications for residential building lots. Council has also introduced a program to map all properties within the community. Through these processes, staff have identified a number of existing vacant properties which have the required lot size, but cannot be developed due to a lack of depth on the lot for the required rearyard. In the Residential zone, the required rearyard is 10m for single, double and row dwellings.

The Town is proposing to reduce the minimum required rear yard in the Residential land use zone, from 10m to 7m, for single, double and row dwellings.

3. Revising the definition of Bed and Breakfast Establishment

Council is proposing to revise the definition of Bed and Breakfast Establishment in the Development Regulations to clarify that owner occupancy of the dwelling is not required.

The current definition in Section 2 of the Regulations states:

Bed and Breakfast Establishment means a single dwelling unit in which the resident supplies for compensation, bedrooms for the temporary accommodation of travelers.

The proposed change would read:

Bed and Breakfast Establishment means an owner-occupied or owner-managed establishment in a dwelling, where temporary sleeping accommodations, with or without meals, are provided for a fee to members of the public.

PUBLIC CONSULTATION

A notice of the proposed changes was published in the March 16 edition of the Telegram with a deadline of March 29 for comments. Notices were also posted on the Town's website March 14, and distributed to residents by mail and email on March 15. Two submissions were received by the deadline for comments, one in support of the amendment, the other objecting to the limit on building height, particularly on the south side of the harbour. Council considered the submissions at a regular meeting April 17 and decided to proceed with the amendment as proposed.

AMENDMENT

The Petty Harbour - Maddox Cove Development Regulations shall be amended as follows:

1. Adding, as Section 8.8.4 Lot Requirements, a maximum building height of 4m, and a minimum sideyard requirement of 1.5 m to the Harbourfront land use zone, and renumbering the following sections accordingly; The new Section to read:

8.8.4 Lot Requirements

Minimum Sideyard 1.5 m

Maximum Building Height 4m

2. Reducing the required rearyard standard for single, double and row dwellings in the Residential land use zone to 7m in Section 8.7.3
3. Revising the definition of Bed and Breakfast Establishment in Section 2, Definitions to read:
Bed and Breakfast Establishment means an owner-occupied or owner-managed establishment in a dwelling, where temporary sleeping accommodations, with or without meals, are provided for a fee, to members of the public.