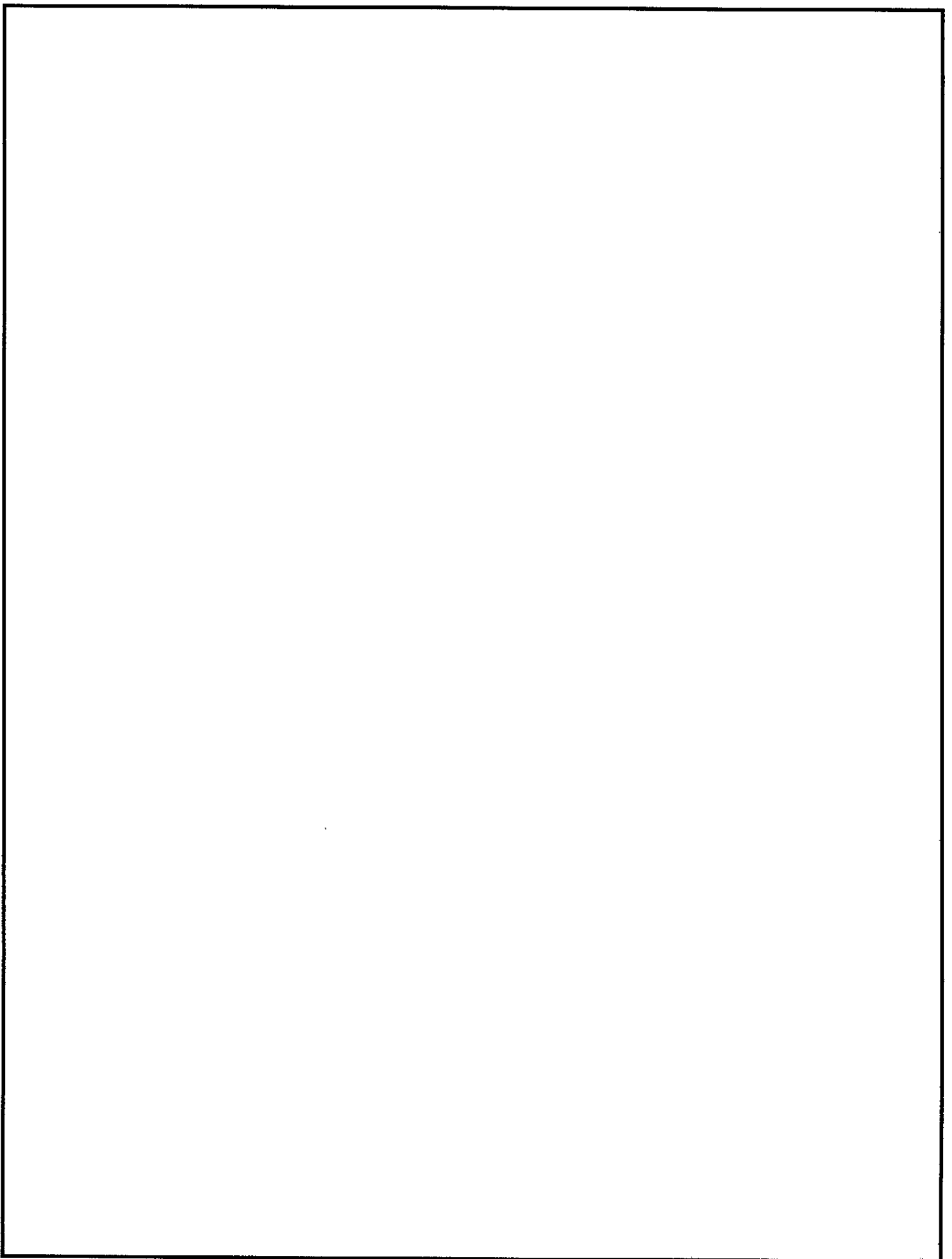


**TOWN OF LOGY BAY-MIDDLE  
COVE-OUTER COVE**

**MUNICIPAL PLAN**

**IMPORTANT:** To see if there were any changes to  
this plan since it came into effect, please refer to:

**List of Municipal Plan Amendments**



**URBAN AND RURAL PLANNING ACT**  
**RESOLUTION TO APPROVE**  
**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE**  
**MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS**  
**2005-2015**

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove.

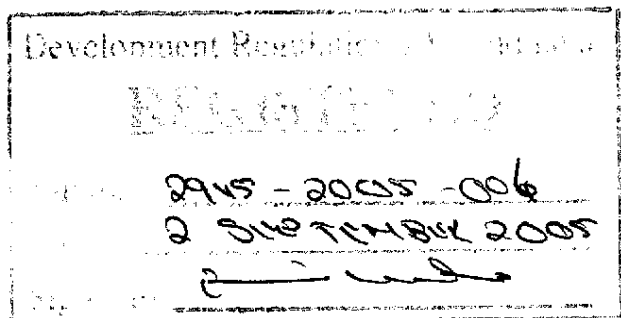
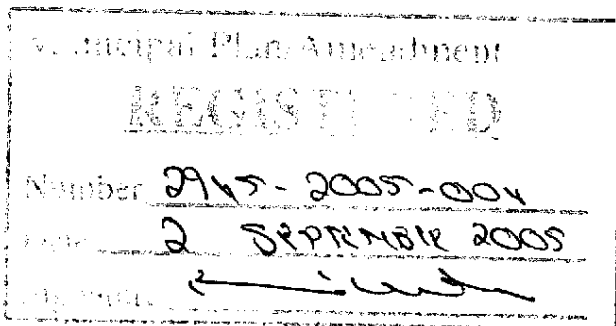
- a) Adopted the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan and Development Regulations 2005-2015 on the 14<sup>th</sup> day of June 2005.
- b) Gave Notice of the adoption of the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan and Development Regulations 2005-2015 by advertisement inserted on the 18<sup>th</sup> day and the 25<sup>th</sup> day of June 2005 in the Telegram newspaper.
- c) Set the 6<sup>th</sup> day of July at 7:30 p.m. at the Justina Community Centre, Town of Logy Bay-Middle Cove-Outer Cove, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove approves the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan and Development Regulations 2005-2015, as adopted.

SIGNED AND SEALED this 25 day of August, 2005.

Mayor: Robert P. Polo (Council Seal)

Clerk: J. H. Clark





**URBAN AND RURAL PLANNING ACT**  
**RESOLUTION TO ADOPT**  
**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE**  
**MUNICIPAL PLAN AND DEVELOPMENT REGULATIONS**  
**2005-2015**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove adopts the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan and Development Regulations 2005–2015.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the 14 day of June, 2005.

Signed and sealed this 25 day of August, 2005.

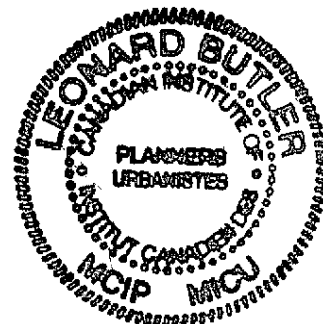
Mayor: Robert P. Rale (Council Seal)

Clerk: R. V. Clarke

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached copy of the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan and Development Regulations 2005–2015 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

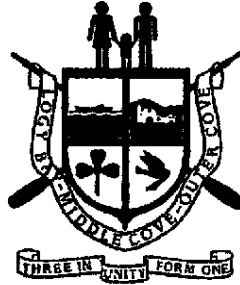
MCIP: Leonard Butley (MCIP Seal)





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**TOWN OF  
LOGY BAY-MIDDLE COVE-OUTER COVE**



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**MUNICIPAL PLAN**

**2005 - 2015**

**Prepared By:**

**PLAN-TECH**



**ENVIRONMENT**





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## **1.0 INTRODUCTION**

### **1.1 FORWARD**

This document and the maps contained with it comprise the Municipal Plan of the Town of Logy Bay-Middle Cove-Outer Cove. The maps show the Planning Area divided into various land use districts. Within each district only certain kinds of development may take place. The document presents statements regarding the kinds of development that may take place in each land use district. It also provides more general statements about other aspects of development that apply throughout the entire Municipal Planning Area. The Municipal Plan is a legal document and is binding upon Council and any person or group using or proposing to use land anywhere within the Planning Area. All new development must conform with the Plan from the date it becomes legally effective.

### **1.2 PURPOSE OF MUNICIPAL PLANNING**

A Municipal Plan guides growth and development within a Municipal Planning Area. It provides a means of preventing the kind of problems that occur when incompatible land uses take place in close proximity to each other. It directs future growth so that it occurs in a manner in which municipal services and land resources are used most efficiently, thus preventing unnecessary increases in servicing costs that would result if development became needlessly spread out. It also ensures that aspects of land development like safety, aesthetics and environmental protection are given proper consideration. The aim of planning is to protect and enhance the qualities of the Planning Area that make it a healthy, prosperous and pleasant place in which to live and work.

### **1.3 MUNICIPAL PLAN PREPARATION**

This Municipal Plan review has been prepared in accordance with the requirements of The Urban and Rural Planning Act 2000, following surveys and studies of land use, population growth, the local economy, present and future transportation and communication needs,

public services, social services, and other relevant factors. Because of the time frame since the first Municipal Plan, this Plan has been reviewed in its entirety.

The Plan outlines the goals, objectives and policies of Council regarding the development of the Municipal Planning Area over the next ten years.

#### **1.4 PLAN APPROVAL**

For the Plan to gain full legal effect, Council must hold public consultation with area residents and concerned groups and individuals to allow for public input into the planning process. After this consultation Council must approve the draft Municipal Plan and submit the Plan to Urban and Rural planning Division, Department of Municipal and Provincial Affairs for review to ensure the Plan policies conform with provincial development policies.

Once the plan is released by Urban and Rural planning Division, Council shall appoint a qualified Commissioner to conduct a formal public hearing to consider objections and representations from the public either opposing or in favour of the Municipal Plan. The Plan in its entirety shall be placed on display for a two week period for public viewing. If written objections to the Plan are received a public hearing maybe held and the Commissioner shall conduct the hearing. The Commissioner will formally report his findings to Council as a result of the public hearing. Council may adopt the report in whole, in part, or reject the report in its entirety. Council can then formally adopt the Municipal Plan and apply to the Urban and Rural Planning Division, Department of Municipal and Provincial Affairs for registration. A notice will then appear in the Newfoundland and Labrador Gazette and a local newspaper advising the public of Council's intent. Once this notice has been published in the Gazette, the Plan is legally binding on Council and any person or party proposing to develop, or to change the use of land, anywhere within the Planning Area.

#### **1.5 PLAN REVIEW AND AMENDMENT**

Every five years from the date on which it first comes into effect, Council is required to initiate a review of the Plan. Where necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. The Plan may otherwise be amended at any other time, in whole or in part. Any such amendment will be read

together with, and become part of; the Municipal Plan and so must not conflict with any other of its policies. If circumstances do not permit a Plan Review to be undertaken within the prescribed time, the current Municipal Plan, and any amendments that had been made to it, will remain in effect until a Plan Review is completed and fully approved.

## **2.0 LOGY BAY-MIDDLE COVE-OUTER COVE MUNICIPAL PLAN**

The Town of Logy Bay-Middle Cove-Outer Cove was incorporated in 1967. The previous Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan was in effect from 1985 to 2004. This new version of the Plan updates the preceding one to accommodate various amendments that had been made to the original Plan and to incorporate new policies and regulations as deemed necessary by the Town Council and from input received from public consultation.

### **2.1 MUNICIPAL PLANING AREA**

The Logy Bay-Middle Cove-Outer Cove Municipal Planning Area, covers a very large area of land, approximately 17 square kilometers, and borders on the Cities of St. Johns and Town of Torbay. The current boundaries have not changed since the amalgamation of the three towns in September, 1986.

### **2.2 GENERAL DESCRIPTION**

The Town of Logy Bay-Middle Cove-Outer Cove is located on the north eastern Avalon Peninsula, and is located adjacent to the City of St. John's northern border. The Town is accessible by provincial highways # 30 (Logy Bay Road) and # 20 (Torbay Road). The Town is connected to the Trans Canada Highway via the Outer Ring Highway. Air services to the region are provided by the St. John's International Airport.

### **2.3 ECONOMIC BASE**

The Town of Logy Bay-Middle Cove-Outer Cove is dependent on the regional economic environment that surrounds the City of St. John's. Most of the working adults within the community are employed within the City of St. John's. The Town has several commercial



farms, riding stables, some smaller private businesses such as Veterinary Clinic, automobile garages, convenience store, as well as home based business. Future development and expansion of the local economy will be an important goal for the future development of the Town.

## 2.4 PHYSICAL FEATURES

The general topography of Logy Bay-Middle Cove-Outer Cove ranges from relatively flat rolling farm lands with large defined areas of wetlands and bogs. Towards the east coast the lands runs very steep along hillside, with most of the coastline being steep rocky cliffs. The main physical features of the Town that stands out would be the valley that runs through the Town along Logy Bay Road and Lower Road, with Outer Cove Brook at its base. The mouth of the Outer Cove Brook enters the ocean at Outer Cove. The other dominate physical feature of the Town would be Middle Cove beach and the surrounding cliffs, which makes it a very popular recreation area for locals and tourists.

## 2.5 POPULATION

The 2001 population, according to Statistics Canada, was 1872. This represented a very small decrease of 0.54 % in population during the ten year period from 1991 to 2001. Compared to the Province of Newfoundland experienced a population decrease of 7.0 % for the period 1996-2001, while Canada on the whole grew by a modest 4.0 %.

1991	1996	2001
1882	1881	1872

Population: 1991 - 2001 Town of Logy Bay-Middle Cove-Outer Cove.

## 2.6 HOUSEHOLDS

The number of private residential dwellings within the Town has increased from 580 in 1996 up to 640 in 2001, while the population has remained very steady within the Town. The average household size in the Town is 2.93 persons per dwelling (based on a total of approximately 640 dwelling units). This is down slightly from 3.24 persons per household in 1996, and compares with an average Newfoundland household size of 2.86, and a national average of 2.66 persons per dwelling for 2001.

The predominant housing type in the Town remains the single family detached dwelling, some dwelling have subsidiary basement apartments. A very limited number of duplexes exist within the Town, but none are of recent construction. Several newer residential subdivision developments have been developed in the past five years on smaller scale ranging from 8 to 14 lots. The development of these new areas has been subject to a minimum lot area of 4,050 square metres and other design considerations. The requirements for new development within the Town, as directed by the Municipal Plan, for large unserviced lots will eliminate the future needs for municipal water and sewer services in the Town.

### 3.0 GOALS AND OBJECTIVES

Goals represent desired states or conditions which the town would like to attain over the long-term and provide a foundation upon which the Plan's objectives and policies are based. The following are goals of the Logy Bay-Middle Cove-Outer Cove Municipal Plan.

#### 3.1 COMMUNITY STRUCTURE

**Goals:** Promote rural residential development at a density consistent with the rural character of the area and will not lead to the introduction of urban services.

To encourage structured growth for Logy Bay-Middle Cove-Outer Cove that will ensure orderly development between land uses.

Protect and enhance the physical and social well-being of all residents and ensure the town remains a pleasant place in which to live, work and visit.

Protect public safety and property from the risk of flooding and to reduce the requirement for flood defenses and flood damage remediation.

**Objectives:**

- Allocate land for development which will promote the efficient and orderly expansion of compatible land use activities.
- Ensure all development takes place in a logical sequence, and to best utilize the financial resources and land base of the Planning Area.
- Maintain safe and efficient movement of traffic along the Planning Area's road and highway network.
- Direct new development to areas that are not at a high risk of flooding. In lower risk areas, development shall be designed with appropriate level of protection to ensure that the risk of damage from flooding is minimized.

### 3.2 RESIDENTIAL HOUSING

**Goal:** To provide for an adequate quality, quantity and mix of housing to serve the needs of the present and future population.

**Objectives:**

- Provide appropriate buffer zones between residential and non-residential areas (i.e. commercial, industrial).
- Prevent development in residential areas which are incompatible with residential uses.

### 3.3 ECONOMY

**Goal:** To encourage diversified and balanced economic growth and promote the development and diversify the local employment base.

**Objectives:**

- Encourage diversification of the local economy through the attraction of new businesses and the support of local entrepreneurship.
- Support the development of facilities and attractions which will promote the tourism industry within the community such as historic sites, visitor information centres, and outdoor recreation sites.
- Promote the attractiveness of Logy Bay-Middle Cove-Outer Cove as a place to live, drawing upon its scenic beauty, amenities, and geographic location.

### 3.4 RECREATION AND TOURISM

**Goal:** To provide recreation facilities and develop new facilities to accommodate recreational and social needs for all age groups within the Town.

**Objectives:**

- Encourage public participation in the planning of recreational open space lands and encourage events such as festivals, sporting events, and other attractions.
- Develop public recreational areas and facilities in feasible locations which will service the maximum number of residents of the Town.
- Promote the Town as a tourist attraction and encourage travelers to visit Logy Bay-Middle Cove-Outer Cove.

### 3.5 ENVIRONMENT

**Goal:** Preserve, sustain and enhance the natural environment and scenic quality of the Planning Area for its aesthetic, recreational and resource values

**Objectives:**

- Prevent development in environmentally sensitive areas such as shoreline and waterways, flood plains, steep slopes, drainage areas and bogs.
- Council will see that a high maintenance standard is employed for municipal owned properties such as the Town Hall and Fire Station.
- Council shall encourage local residents to take pride in their property and the Town shall encourage the greening of the Town.

### 3.6 TRANSPORTATION

**Goals:** Ensure that the local transportation system adequately and safely provides access throughout the Planning Area.

**Objectives:**

- Ensure that new roads are constructed to Town standards and to reduce the number of dead-end roads.
- To pave and improve local roads on a yearly and priority basis in accordance to the Town's financial capability and Capital Works program.

### 3.7 AGRICULTURE

**Goals:** Encourage the agricultural use of lands designated as agricultural and protect agricultural lands from nonagricultural development.

**Objectives:**

- Ensure that new developments do not encroach on existing agriculture operations, limiting them in there operations.
- Agriculture uses shall be protected from other non conforming uses.

### 3.8 MUNICIPAL FINANCE

**Goal:** To manage municipal expenditures and revenues to provide municipal services within a framework of long-term financial stability.

**Objectives:**

- Manage the municipal debt load with consideration being given to expenditures over the long term.
- Encourage an enlarged economic base to generate more revenues.

## **4.0 LAND USE POLICIES**

### **4.1 POLICY STATEMENT**

All development within the Planning Area must conform to the Goals and Objectives outlined in Section 3.0 and the General Intent of the Municipal Plan expressed in Section 4.0; and with any applicable General Policy of Section 4.3, and Policies Specific to the Land Use Zone in which it is to be located as presented in Section 4.4.

### **4.2 GENERAL INTENT AND INTERPRETATION**

#### **General Intent of Municipal Plan**

The General Intent of the Municipal Plan is to ensure that the foremost consideration guiding future land use and development in the Planning Area will be the Goals and Objectives expressed in Section 3.0 of this document and the potential cumulative effect of individual development on those goals and objectives.

#### **Interpretation of Policy Statements**

- When a judgement, interpretation or choice regarding a planning issue or development proposal has to be made, Council's decision shall take foremost into account the Plan's General Intent, principles of good municipal planning and the overall best interests of the Town's residents. If necessary and appropriate, concerned residents and departments or agencies of higher levels of government shall be consulted.
- Except where there are distinct physical barriers, boundaries between different land use zones may be interpreted to provide for the reasonable development of land, provided that any variance is minor and the result does not compromise the goals and objective as stated in Section 3.0 of the Plan.



- Development which would not have been permitted within the land use designation under which it is located may continue as a Non-Conforming Use, with restrictions designed to limit its potential for replacement and. Where a Non-Conforming Use is causing a nuisance or otherwise infringing on or preventing allowable development Council will encourage its relocation or discontinuance.

### **4.3 GENERAL POLICIES**

The following policies are general in scope in that they can be applied to more than one land use designation and to different sections of the Town.

#### **1) Physical Structure**

Land uses will be allocated in accordance with the Future Land Use Map attached to this text.

Development within the Planning Area will be managed in accordance with the regulations of Council, in concert with the policies, acts, and regulations of the Province.

Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Plan is registered by the Minister of Municipal and Provincial Affairs. Where a building or use exists which does not comply with the intent of the Plan and the designated use, then it shall not be permitted to expand substantially. Minor extensions of such properties may be approved provided there will be no adverse effects on surrounding properties or the environment.

Municipal and public utility works such as telephone, pollution control and electric utility facilities are permitted uses in all use designations, provided no adverse effect on adjacent land uses is created. In this regard, the size and appearance of such works must be in keeping with adjacent uses and provision shall be made for buffering in the form of landscaped areas between uses.

**2) Subdivision Policies**

All proposed subdivision developments will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Logy Bay-Middle Cove-Outer Cove Development Regulations and shall include:

- analysis of all physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and roads shall conform to the topography;
- analysis of how the proposed subdivision will integrate with existing development, roads, services on adjacent lands, and provide for future access to undeveloped lands in the area; and
- ensure compatibility between the subdivision and surrounding land uses, both existing and future;

**3) Subdivision Agreement**

As a condition of approval, Council may require the developer to enter into a subdivision agreement with the Town.

**4) Council Assumption of Private Roads**

Existing private roads must be upgraded to Council standards before Council will take responsibility for them and before further development is allowed along the roads.

**5) Access and Public Street**

All development must front on a publicly maintained street, unless otherwise specified in this Plan.

**6) Building Setback**

Adequate building setback from roads shall be required in order to maintain road standards. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the abilities of the Towns snow clearing program. In certain circumstances where topography restricts the development of a lot, a larger setback may be permitted to accommodate the development.

**7) Municipal and Public Utility Works and Easements**

Municipal and public utility works such as electrical power, telephone, and pollution control facilities may be permitted in all land-use designations provided that no adverse effect on adjacent land uses or the environment is created. Buffering, where appropriate shall be provided in the form of a suitably landscaped area between any such works and adjacent land uses.

Where land is required for utility easements or emergency access, such land may be obtained for the appropriate agency (e.g. Newfoundland Power and/or Newfoundland and Labrador Hydro) in the course of approving subdivision or other development applications.

**8) Infill Development**

Council will monitor all infill development to ensure that appropriate standards are maintained with respect to lot size, frontages, road widening, alignments, and any other matter concerning current or future public works. In older developed sections of the Town infill lots may not meet current standards. Council shall review any proposed development on a lot by lot bases. Lots that do not meet current frontage or minimum lot area development standards may be approved for infill residential development under Council's discretionary authority provided that they meet all other development standards for the residential land use designation and have a minimum of 30 metres frontage.

## 9) Environmental Preservation and Enhancement

Council will place high importance on environmental preservation and enhancement, given its importance to residents and to Council's intention of enhancing the local environment and developing a tourism industry.

### Natural Environment

The policy of preserving the natural environment will be extended to all natural systems within the Planning Area, including natural drainage systems, wetlands, bogs, wildlife, plant and fish habitats. The preservation of watercourses and shoreline areas will be a priority within the Planning Area.

Development proposals shall include plans for grading, ditching, and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property shall not be permitted.

### Built Environment

Council will encourage partnerships and initiatives aimed at changing environmental attitudes, awareness and promoting projects which will enhance the built environment. Examples will include the following:

- preservation of trees on sites for new development (ie, to discourage the traditional practise of clearing development sites of all trees and vegetation);
- development and expansion of Kelly Park;
- development of walking trails around ponds and other areas of the Town; and
- reduction and recycling of solid waste within the Town.

**10) Soils and Drainage**

Development shall only be permitted on lands having soil and drainage conditions that are suitable to permit the proper siting and development of the proposed uses and onsite services.

**11) Removal of Topsoil**

Removal of topsoil from land will not take place unless a permit has been obtained from the Department of Natural Resources and the Council has given approval.

**12) Protection of Watercourses and Fish Habitat**

Rivers, streams, ponds, and shorelines shall be protected from pollution and development. The existing vegetation shall be maintained along banks and shorelines where possible. No development shall be permitted within 15 metres of a watercourse without approval from the Departments of Environment and Conservation and, if fish habitat is affected, from Fisheries and Oceans Canada.

Council shall encourage the preservation and protection of sensitive wetlands that are valuable wetlands for controlling flooding; habitats for water fowl or have important aesthetics value to the surrounding areas. Any development proposal within sensitive wetlands areas shall be referred to the Department of Environment and Conservation, Water Resources Division, for comments before Council approves any development.

**13) Development Criteria for Non-Residential Sites**

All built-up development of non-residential land uses will conform to the following criteria:

- (a) Each site will have direct frontage on a public road.

- (b) Development will be located and designed in a manner that minimizes the impact of traffic, noise, lighting, and signage on adjacent residential areas. Where necessary, screening will be required through the provision of trees, shrubs, banks and berms, landscaping or fencing.
- (c) Properties will be designed and maintained to a high standard with regard to safety, appearance, and compatibility with surrounding land uses.
- (d) Access points to the public street will be limited in number and designed for maximum safety for pedestrians and vehicles.
- (e) Each site will provide space for adequate off-street parking and loading facilities to meet the needs of the proposed development.
- (f) Adequate municipal services must be available to meet the needs of each proposed development.

Development must be in accordance with the Town's Development Regulations and where applicable the regulations of the Departments of Government Services; Environment and Conservation; Transportation and Works, Fisheries and Oceans; and other relevant agencies.

#### **14) Designated Flood Plain**

The flood risk area for Outer Cove Brook has been identified as 1:20 year floodway. There currently is no 1:100 year floodway fringe area identified at this time, but may be in the future. These designations are established to identify flood risk areas to reduce the risk of future damages as result of flooding. It is the prime responsibility of the property owner to avoid development in areas of flood risk and, in instances where development already exists or is permitted, to undertake appropriate flood proofing. The following policies shall apply to Flood Plain:

**Floodway**

## (a) Within a floodway,

- (i) new development is restricted to non-building uses such as roads and associated structures, agriculture, open space and recreation, service corridors and to minor structures related to utilities and marine activities;
- (ii) the placement of imported fill is prohibited unless it is specifically required as a flood proofing measure or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk;
- (iii) Within the floodway, existing buildings or structures damaged beyond economic repair shall not be replaced unless:
  - (a) the replacement building or structure has no greater floor area than the original building or structure at or below the defined flood proofing elevation;
  - (b) the replacement building or structure is flood proofed; and
  - (c) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.
- (iv) Within the floodway, existing uses, such as residential, commercial, industrial and institutional buildings, are encouraged to undertake flood proofing measures to reduce the risk of flood damage or relocate.
- (v) Any expansion of existing buildings and structures must be balanced against the risks to human safety and property and the possibility of exacerbating upstream and downstream flooding. Any expansion of existing buildings and structures in the floodway must not increase the area of the structure at or below the defined flood proof elevation.

- (vi) Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the Water Resources Act.

### **Floodway Fringe**

(b) Within a floodway fringe:

- (i) New buildings and structures, provided they are floodproofed, may be permitted, except for
  - (a) residential institutions such as hospitals, senior citizen homes, homes for special care and any other use where flooding could pose a significant threat to the safety of residents if evacuation becomes necessary,
  - (b) police stations, fire stations and other facilities that may provide emergency services during a flood including government offices,
  - (c) schools, and
  - (d) uses associated with the storage, warehousing or the production of hazardous materials including gas stations.
- (ii) The placement of imported fill shall be limited to that required for floodproofing, flood risk management or for public infrastructure provided that appropriate studies are carried out and show that these structures will not be damaged by flooding, impede water flows or contribute to an increase in flood risk.



- (iii) Development in the floodway, floodway fringe and in a 15 metre buffer around these zones as well as any area known to be subject to flooding must obtain prior written approval of the Minister of Environment and Conservation in accordance with section 48 of the Water Resources Act.

## 15) Noise Exposure Forecast

Due to the close proximity of the St. John's Airport to the Planning Area, approaches to existing runways affect the lands within the Planning Area. As a result, measures must be taken to ensure that incompatible development not be permitted in potentially high noise areas and whenever possible proper acoustical measures be included in buildings to reduce noise from the Airport.

The most current Noise Exposure Forecast zones for the St. John's Airport, as provided by Transport Canada, are identified on the Future Land Use Plan Map. The following policies apply to lands identified within each zone.

### Policies

1. That no noise sensitive uses, particularly residential ones (others include daycare, senior homes, etc), be permitted in existing and future high noise impact areas.
2. New residential development in noise impact areas between the 30 NEF contour and the 35 NEF contour shall include sufficient sound insulation as recommended by the Canada Mortgage and Housing Corporation.
3. That structures and landscaping on land in high noise areas be designed to also act as noise barriers or absorbers.
4. That the change of use from noise-sensitive uses to noise-tolerant (office, light industrial, etc.) ones be encouraged in high noise impact areas.

5. That noise levels, noise level forecasts and airport developments be monitored and that the land use policies of this plan be reviewed on the basis of variations or forecasts variations.
6. The volume and frequency of helicopter movements be monitored with a view to considering with the appropriate federal, provincial, and industry authorities, the establishment of helicopter corridors to provide for safe operation with minimum impact on noise sensitive uses.
7. Make necessary amendments on the Plan when conditions of the community change, and undertake a review of the Plan every five years.

**16) Property Maintenance**

All development shall be landscaped. The exteriors of buildings, particularly commercial properties, restaurants, shops and stores, or any business catering to tourists, shall be properly finished and maintained to the satisfaction of Council. Owners of dilapidated structures shall be required to repair or remove them if they present a safety hazard.

Council will ensure that buildings and property owned by the Town be well maintained and landscaped as a general example to the community.

Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned in front or side yards, nor where it may be in general public view.

**17) Heritage Structures**

Houses and other buildings and structures which were built in a traditional or distinctive architecture style (or otherwise are deemed to have historic or aesthetic value by Council, or a department or agency of higher levels of government) shall be considered heritage structures. It is Council's intention to protect heritage structures for aesthetic and historic reasons and for their economic value as tourist attractions. Council may enact regulations for such purposes.

**18) Referral of Applications**

All development applications will be referred to appropriate government departments or agencies or other organizations and their recommendations will be taken into account in the decision process. The positions of bodies having legislated responsibilities will be respected in any decision of Council.

**19) East Cost Trail**

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay-Middle Cove-Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council is committed to the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail. Council in issuing any development permits shall encourage landowners/developers to take into considerations the effects of their developments on the preservation of the East Coast Trail and the scenic beauty of the landscape along the Towns coastlines.

**20) Coastal Reservation**

Along the shoreline of the Town there are very steep coastlines with numerous areas that are rock cliffs. The Town would like to ensure that development does not encroach too close to the steep coastlines or rock cliffs. To ensure that development is setback sufficiently to protect both the developer/user of the land and the environment, no building development shall be permitted within a 30 m buffer from the top of the steep coastlines along the shorelines of the Town. The definition of this buffer shall be provided within the Town's development regulations, as well as identified on the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning Map.

#### 4.4 SPECIFIC LAND USE POLICIES

The lands within the Logy bay-Middle Cove-Outer Cove municipal planning area shall be managed according to the designations shown on Future Land Use Maps 1 and 2 and the policies of this Municipal Plan.

Future Land Use Maps 1 and 2 divide the Planning Area into the following designations:

1. Residential
2. Commercial
  - Commercial Local
  - Commercial Tourism
3. Mixed Development
  - 1) Agriculture
  - 2) Open Space/Conservation
  3. Coastal Maine
4. Public Use
5. Rural
  - 3) Scenic Route
  - 4) Transportation
  - 5) Services

#### 4.4.1 Residential

The purpose of the Residential designation is to preserve the amenity and character of existing residential areas and to reserve lands for future residential use throughout the Planning Area. The Town does not have any municipal services and shall promote residential of a low density that can accommodate onsite services. Infill development on existing roads shall be encouraged to increase the density of development along existing roads and to make municipal services such as snow clearing and garbage collection more efficient and reduce operating costs.

##### Policies:

#### 1. Land Designations

The Residential designation will be divided into three zones in the implementing Development Regulations. The Residential Medium Density will be for unserved development with 2025 m<sup>2</sup> lot size requirements that reflect the existing development patterns for existing roads in the older areas of the Town. In Residential Low Density zones, will also be for unserved development with 4050 m<sup>2</sup> lot sizes set at larger size to reflect the rural nature of development within new areas of the Town. In Residential Estate, development will be unserved and the lot size is set at minimum 20,250 m<sup>2</sup> to reflect large country estate development. This designation is limited within the planning area. Residential subdivisions may be developed in Residential designated lands, subject to policy 4.1.1.14., and in accordance with the requirements of the zone in which they are to be developed

#### 2. Land Uses

Within lands designated Residential single-family detached dwellings shall be permitted. Complementary uses such as child care, office, home office, bed and breakfast, medical treatment and special care, medical, personal and professional services, convenience store, veterinary, place of worship, civic, educational, service station, home office, light industrial, agriculture, and forestry may be permitted throughout the area under the discretion of the Council.

**3. Density of Development**

Residential development shall be of a low density type development consistent with large lot rural environment, although limited areas of traditionally higher density, such as Lower Road, may be considered for a somewhat higher density.

**4. Environmental Aesthetics**

Residential development, as well as, other discretionary uses that are developed shall preserve the scenic quality of the community, with emphasis on building design and landscaping of new development and with tree cutting limited to that necessary for construction, space around the building, and for the installation of a septic field.

**5. Recreation Uses**

Compatible recreation uses such as small children playground may be located within Residential areas provided that adequate screening from nearby properties is provided, and safe setback distances from the roads can be obtained.

**6. Medical Treatment and Special Care**

Medical Treatment and Special Care shall be limited to only homes for the aged. The development maybe in the form of a residence for seniors may be permitted, provided that adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

**7. Bed-and-Breakfast**

Bed-and-breakfast operations must clearly be subsidiary to the residential use and must not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

**8. Office Use**

Office use (including home office) shall be limited to a home based business which may be permitted if contained inside the residence, is clearly subsidiary to the residential use, and there shall be no open storage of materials, equipment or products, and do not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations.

**9. Family Childcare**

Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Any Family Childcare business shall operated in accordance with provincial Child Care Services Act and all applicable Regulations.

**10. Agricultural Uses**

Small scale traditional hobby and subsistence agricultural uses that are compatible with adjoining residential development, and their accessory uses may be permitted in Residential areas, unless otherwise specified in this Plan. A typical operation of this type could consist of vegetable gardens or a small barn housing a designated number of animals to be determined by Council in consultation with the Department of Natural Resources; and Department of Environment and Conservation. The minimum lot area requirement for such an agriculture use would be determined in consultation with the Provincial Agricultural Division and could depend on a number of factors such as; topography, tree cover, soil and drainage characteristics and the type and location of adjoining land uses, number of animals and type of uses.

Council will monitor all such uses carefully in consultation with the Agriculture Division to ensure that they are not enlarged beyond the intent of this Plan, i.e., strictly for hobby or subsistence purposes. Upgrading to commercial operations will not be permitted except by amendment to this Plan, which would require a careful evaluation of impacts and effects.



**11. Light Industrial Uses**

Light industrial uses shall be limited to small scale self employed bases business, such as autobody shop, automotive repair, small engine repair, furniture repair, or other light non intrusive type uses such as workshops. The number of persons working at the enterprise shall be limited to one person and that person shall be a resident living at that residential property where the discretionary use is permitted. The use shall be carried out in a separate accessory building from the residence and the size and scale is to remain minor to the main permitted use of a residence. There shall be no outdoor storage of equipment or materials. Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference. Council will ensure that adequate parking is available for the use, and that no vehicles are stored on the property, dismantled or left onsite for extended periods of time. The requirements for buffering shall be determined by Council at the time of reviewing the application. Council shall give considerable attention to the type of use, the hours of operations, buffering, parking and effects on surrounding residents in permitting any such uses within residential designated lands.

**12. Convenience Store**

Within the Residential designated lands, new convenience stores may be permitted as a subsidiary use to a residential dwelling or as a separate structure on its own lot. Council shall encourage the even distribution of convenience stores in appropriate areas throughout the Town. Development standards shall ensure that the size of the convenience store is limited so that it will not interfere with neighbouring residential uses.

Council will consider the following factors when reviewing applications for a new or expanded convenience store: access to the site; amount of parking to be provided; any adverse impacts upon adjoining neighbours or the neighbourhood in general, and effects of the business on traffic flow.

### **13. Residential Subdivisions**

In order to ensure efficient use of land and future provision of services, avoid a proliferation of individual cul-de-sacs that are costly to service, and ensure that development is properly located so as not to interfere with optimal future development of adjacent lands, subdivision proposals will be considered only if they conform to an area concept plan that accounts for the development of lands abutting the site or for a much large development area and has been approved by Council (See Policy 14. Area Concept Plans).

A priority for development in residential subdivision areas will be the preservation of natural characteristics and aesthetics. This will be achieved by the designation of essential conservation areas, strict enforcement of minimum recreational open space requirements, and special provisions in development permits such as subdivision agreements which contain requirements for maintenance of tree cover along lot frontages and lot boundaries.

Building permits will not be issued except for lots fronting onto public streets for which a road agreement has been reached between the Town and the developer. Services (roads, storm drainage, etc.) will normally be installed at the expense of the developer.

Subdivision Plans, engineering site plans, and building designs must meet the approval of Council. Building permits will not be issued unless the Department of Government Services has approved the on-site water supply and sewage disposal system for each lot. Lot layouts and the sighting of buildings must follow development standards of the Town.

### **14. Area Concept Plans**

The development of a new residential subdivision will be subject to an area concept plan that has been approved by Council. Area concept plans are required in order to ensure that subdivision development proceeds in an orderly and efficient fashion that makes optimal use of land and municipal services. Generally, area concept plans must be for areas large enough to show the relationship between adjacent

parcels of land and proposed roads. Concept plans that deal with individual cul-de-sacs proposed on single parcels of property will not be approved unless it can be proven the development will not interfere with the optimal development potential of surrounding lands.

An area concept plan will address all needs pertinent to planning and development of the area concerned, including:

- Conformity to the goals, objectives, and policies of this Municipal Plan;
- A description of the subject lands;
- Proposed use of all land in the area concerned, taking into account Council's aim to promote orderly development and the economical use of municipal services;
- Access to the site and internal road layout, taking into account the existing road network in the vicinity;
- Consideration of land ownership as it will affect the design and development of streets and subdivisions with adjacent lands;
- Description of impacts on adjacent land uses;
- Assessment of possible impacts on the natural environment of the area;
- Phasing scheme for the proposed subdivision development;

When reviewing area concept plans, Council shall seek public input from town residents early as possible in the pre approval process. The area concept plan would provide opportunity for local residents to view any proposed development plans and provide comments to the developer and the Town. Council shall seek input from the public during the pre approval stage of the area concept plans for new subdivision development.

If Council judges that information already provided in an area concept plan is sufficient, and has been reviewed by the public, it may not require the same information to be provided in a subdivision development plan in the same area, nor will it required a second public consultation.

## 15. Subdivision Development Plans

Whereas area concept plans will address development of relatively large areas and will account for the physical relationships between a number of adjoining parcels of land, subdivision development plans will address specific proposals for development of a site in a relatively short time frame. The subdivision plan will be more detailed and will address all needs pertinent to development of the site, including:

- Conformity to the goals, objectives, and policies of this Municipal Plan;
- Conformity to an area concept plan as approved by Council, which accounts for the development of lands abutting the site;
- A description of the subject lands;
- Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- Access to the site from existing roads and internal road layout;
- Demonstration the long-term viability of any proposed on-site servicing system through soil analysis and other appropriate site evaluation. A site assessment in this regard that has been carried out as part of a area concept plan may suffice if Council is satisfied that it accurately depicts the conditions of the proposed subdivision site;
- Phasing scheme;
- Provision for lotting;
- Provision for 10% recreation lands or alternative measures if requested by Council;
- Adherence to the Town's engineering development standards for streets designs, grades, storm drainage, building lines, accesses, landscaping, buffers, development standards for each lot, etc.;
- Other information that Council may require.

**16. Open Space Requirements**

The provision for open space within a residential subdivision development shall be the responsibility of the developers if required, shall dedicate a maximum of 10 percent of suitable land in new residential areas for recreational open space or alternatively, Council may required the developer to pay a sum of money equal to 10 percent of the assessed value of the area of land before any development of the subdivision begins.

#### **4.4.2 Commercial**

This Plan establishes two land use designations to accommodate present and future commercial activity:

- a) Commercial Local
- b) Commercial Tourism

##### **4.4.2.1 Commercial Local**

The Commercial Local designation shall accommodate commercial activities that are developed primarily as retail outlets and service activities oriented toward local residents and highway users. Commercial Local designated areas require locations with good visual exposure to passing traffic and efficient, safe vehicular access.

#### **Policies**

##### **1. Location**

At the time of writing this Municipal Plan, Council had not specifically identified any areas of land within the Town, nor designated any lands on the Municipal Plan maps. The Commercial Local designations intent is to accommodate future commercial uses that would service the needs of local residents and traveling public.

##### **2. Land Use**

The Commercial Local designation shall accommodates individual businesses and small shopping areas that cater primarily to local residents. The uses permitted include; child care, office, medical and professional, personal service, shop, and convenience store. Other compatible uses may be permitted include; catering, general service, take-out food service, light industry, outdoor market, and service station.

### **3. Site Plans**

The Council may require developers to provide comprehensive site plan for proposed developments, indicating building locations, delivery areas, parking spaces, accesses, landscaping and buffer areas, and where other development components are to be located. In assessing proposals, Council will be primarily concerned with aesthetic factors, scale and conformity with the desired character of the area, and compatibility with other land uses in the vicinity.

#### 4.4.2.2 Commercial Tourism

The purpose of the Commercial Tourism designation is to accommodate a mix of commercial uses that cater to the traveling public/tourists. The designation is designed to accommodate a mix of uses that are directly related to providing services to tourists and traveling public such as a restaurant, gift and craft shops, information center/museum. It may also provide outlet for other uses that are indirectly related to tourists such as light industrial uses that are primarily associated with the manufacture and retail of crafts and traditional goods. Further more any commercial tourism business requires lands that either provide good visual exposure to tourist/travelers and/or is close to major tourist attractions.

#### Policies

##### 1. Location

The Council has designated an area of land located north of Marine Drive, and located between Middle Cove and Outer Cove, and is commonly known as Ship Cove Point, as Commercial Tourism designated lands.

##### 2. General Intent and Land Uses

The Commercial Tourism designated areas shall accommodate uses that provide services for tourist and the traveling public. Uses that shall be permitted include; cultural and civic, and shop. Other uses which are complementary to permitted uses may be permitted include; catering, light industry, and outdoor markets.

##### 3. Civic and Cultural

The intent of this permitted use is to allow for the development of a tourist related centre that would provide cultural information to the tourist/traveling public. Such uses would be a museum or culture attraction such as an interruption centre that portrays local history of the Town.



**4. Catering**

Catering shall be for a restaurant or coffee shop, no lounges or bar shall be permitted within the Commercial Tourism designation.

**5. Light Industry**

The Light Industrial uses that are primarily associated with the manufacture and retail of crafts and traditional goods may be permitted provided it is complementary to a permitted use. The use shall be secondary to the permitted use and shall not have any outside storage of materials, create any nuisances such as noise, smoke, dust, odour that would detract from the site or interfere with adjoining properties.

Council shall review any application for light industrial use to ensure that it fits into the overall development scheme for the site, is complimentary to the site, and is of a scale and nature that would not detract form the area or cause any negative impacts on the adjoining lands or the Town.

**6. Site Plan**

The Town Council shall require developers to provide a comprehensive Development Scheme be submitted for the consideration of Council before the issuing of any development permits. Comprehensive development scheme shall provide dimensional layouts for all structures, indicating location, scale, uses, and design of proposed facilities, and phasing of development; details on landscaping, material used, trail development, lookouts points , and scenic buffers; parking areas and road access points off Marine Drive. In assessing a proposal, Council will be primarily concerned with aesthetic factors, scale of proposal, conformity and compatibility with the desired character for the area, and overall appearance to the scenic landscape of the coastal lands.

**7. Shop**

The permitted use of Shop shall be limited to commercial activities that are directed towards tourists/traveling public such as a craft store that sells traditional hand crafts, food products, clothing, souvenirs and other goods.

**8. Outdoor Markets**

Outdoor markets shall be limited to those where selling of hand crafts and/or food produce/products. Auto sales, animal markets, and flea markets (such as used furniture, household items, auto parts, etc.) are not permitted.

#### **4.4.3 Mixed Development**

Residential development along Logy Bay Road is characterized by a number of commercial uses, some of which are associated with residential uses while other businesses are stand alone buildings. In particular, along the section of Logy Bay Road from the Marine Drive intersection north to Snow's Land intersection. It is the intent of this Plan to permit limited commercial, small-scale industrial uses, and residential uses along this section of the Logy Bay Road. The Mixed Development designation shall incorporate both limited commercial development and residential development, while at the same time ensuring the protecting of existing residential development along this section of Logy Bay Road.

#### **Policies:**

##### **1. Location**

The Mixed Development designation is located along Logy Bay Road from intersection of the Outer Ring Road and Logy Bay Road to south of the intersection of Coakers Brook and Logy Bay Road.

##### **2. Land Uses**

Within the Mixed Development area, single dwelling use and recreation open space shall be permitted. Other uses may be permitted such as family child care, home based business, bed and breakfast, home for the aged, medical, personal and professional services, office, veterinary, convenience store, service station, general and light industry, and agriculture may be permitted throughout the area under the discretion of the Council provided they are compatible with the residential character of the area and do not cause a nuisance by virtue of excessive noise, dust, odour, increased traffic or hours of operation.

**3. Adverse effects**

Adverse effects of any proposed development on adjacent residential uses shall be prevented or minimized through proper site layout, scale of development, and buffering.

**4. Access to Street**

Access points to the public street shall be limited in number and properly designed, in order to keep the street safe and efficient for both vehicles and pedestrians.

**5. Parking Requirements**

Adequate off-street parking and loading facilities shall be provided.

**6. Office Use**

Office use may be permitted as a home based business. The Office use, if located within the home, shall be subsidiary to the residential use. The Office use may be located in an accessory building on the same lot as the residence. There shall be no open storage of materials, equipment or products, and the use does not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises, and similar considerations. Provisions for parking shall meet the standards as prescribed by Council.

**7. Bed-and-Breakfast**

Bed-and-breakfast operations must clearly be subsidiary to the residential use and must not adversely affect the residential quality of the area through excessive traffic, noise, or parking of an excessive number of vehicles.

**8. Medical Treatment and Special Care**

Medical Treatment and Special Care shall be limited to only homes for the aged in the form of residence for seniors may be permitted, provided that adequate pedestrian and vehicular access and parking can be provided. The size and scale of the development shall be reviewed by the Council in any decision to permit this form of development within a residential area.

**9. Family Childcare**

Family Childcare use must not adversely affect the residential quality of an area through excessive traffic, noise, or similar considerations that may be associated with the business. Any Family Childcare business shall operated in accordance with provincial Child Care Services Act and all applicable Regulations.

**11. General and Light Industrial Uses**

General industrial uses shall be small scale light industrial uses such as small workshops and warehouses, and autobody repair shops. The use shall be carried out in a separate building from any residence. There shall be no outdoor storage of equipment or materials. Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference.

#### **4.4.4 Agriculture**

The Agricultural designation has been placed on those lands identified by the Department Natural Resources as part of the St. John's Urban Region Agricultural Development Area. It is intended that the lands designated Agriculture will protect and encourage agricultural usage and agricultural related development. Residential development associated with the agricultural use of the lands will also be permitted.

##### **Policies:**

#### **1. Land Uses**

No development will be permitted within this designation unless it is directly connected with or ancillary to agriculture uses or unless it is approved by the Land Development Advisory Authority, Agriculture Branch, Department of Natural Resources. Non agricultural uses, including single dwelling, conservation, recreation or other types of rural uses may be considered by Council, provided it can be demonstrated that there will be no adverse impact upon agricultural uses.

#### **2. Preservation of Agriculture Activities**

New development shall not adversely affect existing agricultural uses or activities within the Agricultural designation. Encroachment of non compatible use shall not result in the limiting or discontinuance of a permitted agricultural use.

#### **3. New Development**

The Council shall give due regard to the impact of new agricultural development or uses on existing adjacent development and to other development in close proximity to the proposed agricultural development but which is located outside the Agricultural designation.

**4. Buffers for Livestock Operations**

New animal confinement operations shall not be allowed to locate within 610 metres of an existing or planned residential area. Environmental considerations such as the impact of effluent on water quality will also be given close scrutiny.

**5. Non-conforming Agricultural Uses**

Within other land use designations, existing agricultural uses may continue to operate, but can not be expanded.

#### **4.4.5 Open Space/Conservation**

The intent of the Open Space/Conservation designation areas is to protect certain lands within the Town which by reason of their intrinsic character, are sensitive, vulnerable, or ecologically significant, or have natural or recreation values. They include wetlands, watercourses, bodies of water, shoreline frontages, steep cliffs, and a portion of the East Coast Trail along the shoreline, recreation fields, playgrounds, cemeteries, as well as, open natural spaces such as woodlands, green belts, buffers, natural trails, areas of scenic attraction for public enjoyment, etc. Other sensitive areas may be designated Conservation in the future under an amendment to this Municipal Plan, provided that an environmental assessment indicates the need for same, and such an assessment is adopted by Town Council

##### **Policies:**

#### **1. Land Uses**

The Conservation designation shall protect and conserve environmentally sensitive and important lands from adverse development. Development associated with conservation shall be permitted. Passive recreational uses such as walking trails may be permitted, provided that they will have no adverse effect on the site. Uses that are complimentary to a recreational open space use may also be permitted at Council's discretion.

#### **2. Compatible Uses**

Within the designated Open Space/Conservation areas, recreational open space such as parks, playgrounds, places of public recreation, and their accessory uses may be permitted. Uses that are complementary to a recreational open space use may also be permitted at the Council's discretion.



### **3. Recreation Uses**

Additional recreational facilities will be provided in areas where they are needed and when the Town's financial resources permit. Since most of the regional and local recreational facilities are less accessible to the older age groups, the provision of additional facilities will give special consideration to these groups.

### **4. East Coast Trail**

An appropriate buffer along the route of the East Coast Trail will be established in order to facilitate its development. The Town will ensure that natural topography and vegetation will be maintained as much as possible along the Trail. The Council shall take into considerations the preservation of the Trail and surroundings buffers in issuing any development permits and encourage landowners/developers to take it into considerations in their plans for site development.

### **5. Conservation Buffer Waterbodies**

Along the shore of a water body, the Conservation area includes all land within 30 metres of the shoreline with the exception of Jones Pond the conservation area includes all land within 50 metres of the shoreline. Along watercourses the Conservation area includes all land within distance of 15 metres from the shoreline.

Proposed developments affecting water bodies or watercourses, such as stream crossings, watercourse alterations, and other public works, may be permitted in limited circumstances where it is shown they will have minimal adverse impact. The number and size of such activities will be minimized. Any such proposed development shall be referred for review and approval to the Department of Environment and Conservation, the Department of Fisheries and Oceans, and other relevant agencies.

**6. Preservation of Natural landscape**

It is also essential that all the visual amenities and undevelopable areas such as the shoreline, rivers, brooks, streams, flood plains, steep slopes, and rock outcrops are preserved and retained in their natural state. This can add to the open space system and complement the rural development patterns. Areas of scenic attraction and with recreational potential shall be preserved and protected.

**7. Open Space School Areas**

Wherever possible, greater provision will be made to open space in areas adjacent to schools.

**8. Buffering of Recreation Areas**

The development and operation of recreation facilities shall not impose adverse effects on adjacent residential and other uses in terms of noise, traffic, and hours of operation.

**9. Town Recreation Facilities**

Existing recreational facilities owned by the Town shall be properly equipped and maintained. New playgrounds and recreation areas will be developed by both land developers and the Council to meet the future recreational needs of the community.

**10. Private Land Ownership**

Where any lands designated for Open Space/Conservation are under private ownership, this Plan does not indicate that the lands will necessarily remain as Open Space/Recreational indefinitely, nor shall it be construed as implying that these Open Spaces/Conservation areas are free and open to general public or will be purchased by Council. If proposals to develop any such lands are made and Council does not wish to purchase such lands in order to maintain the Open Space/Conservation designation, their applications for re-designation of such lands for other purposes may be given due consideration by Council.

#### **4.4.6 Coastal Marine**

The Coastal Marine designation has been placed on waterfront lands to protect them for fishing and other marine-related uses that require a waterfront location and direct access to the ocean.

#### **Policies**

##### **1. Location**

The area designated for Coastal Marine is located along shoreline and cove area of Logy Bay and Outer Cove. These lands are located north of the overpass on Marine Drive and Outer Cove Brook.

##### **2. Permitted Uses**

The permitted uses are restricted to development and land uses related to the fishery and/or marine-related uses, educational (marine related), open space recreational uses and their accessory uses. Uses that are complementary to these uses may also be permitted at the Council's discretion.

##### **3. Building Setbacks**

Restrictions on the use of land and building setbacks may be imposed in order to minimize the risk of flood damage.

#### **4.4.7 Public Use**

A number of sites in Logy Bay-Middle Cove-Outer Cove are designated as Public Use in order to accommodate existing and future uses.

#### **Policies**

##### **1. Land Use**

Lands are designated Public Use to permit their general or limited use by the residents of Logy Bay-Middle Cove-Outer Cove. Within the Public Use designation, the predominant use of land shall be for community-oriented facilities such as schools, places of worship, child care, government offices, recreation buildings, and their accessory uses.

Complementary uses may be permitted, provided that they will not conflict with the satisfactory operation of existing facilities or the future development of public uses. The complementary uses may include recreational open space such as parks and playing fields, cemetery, office, and home for the aged.

##### **2. Compatibility with Residential Uses**

The development and operation of new facilities and buildings for public use will not impose adverse effects on adjacent residential areas in terms of traffic, noise, and hours of operation.

#### **4.4.8 Rural**

The Rural designation has been placed on those lands that are intended to be used primarily for rural resource and recreational open space uses. It is intended that the lands so designated shall generally retain their present rural character with no development permitted within this designation except those associated with agriculture, forestry, outdoor recreation, resource conservation or other uses as may be outlined in this Plan.

Uses that may be allowed at the discretion of Council include outdoor assembly uses and rural industrial activity associated with the resource base. This will apply particularly to uses that need to be located close to resources or for some other reason cannot be located close to the built up areas of the Town. Such activities include outdoor assembly uses like playground, sports fields, hockey rinks, etc.

Also other areas that are environmentally or hydrologically sensitive or for other reasons not conducive to development or active recreational uses will be protected under the Rural designation. Examples are steep or unstable slopes, drainage areas, bogs and ravines. In these areas, protective rather than development measures shall take priority.

Activity concerning electric power transmission, other public utilities or road construction and maintenance, consistent with the objective of retaining the qualities of the rural environment, may also be permitted.

#### **Policies:**

##### **1. Land Uses**

The uses permitted in the designated Rural areas include agricultural, forestry and conservation uses; public or private recreational uses characterized by large areas of open space, provided they do not detract from the rural character of the area;

## **2. Compatible Uses**

Other uses that are compatible with permitted uses may also be permitted at the discretion of Council. These uses may include; single dwelling, rural industrial use, service station, mineral workings, cemetery, outdoor markets, veterinary, and sports fields and playgrounds.

## **3. Rural Industry**

Rural industry may be permitted under discretion of Council where it is demonstrated that a rural rather than urban location is necessary or desired for the development of the industry, and where it will have no detrimental affect on adjacent uses or the rural and scenic environment.

## **4. Residential Use**

Single residential dwelling use shall only be permitted in conjunction with a permitted or discretion uses.

## **5. Mineral Working**

Mineral workings include the extraction, exploration, processing or storage of gravel, sand, rock or any other mined material, concrete and asphalt making, rock crushing, quarrying, sand and gravel pits and other types of mining in general. Council will prohibit all but very small scale mineral workings and related activities from taking place within general view of roads and developed areas and will not allow development of new mineral workings activity at any location in the Planning Area where it would create a negative impact on the scenic route or other visual amenities. The mineral development shall be limited visually from highways or local roads or developed areas by buffers.

**5. Restrictions**

Dust, smoke, noise, truck and heavy equipment traffic, long and short term blemishes on the landscape and potential spills of oil, gas and other chemicals stored on-site are among the negative aspects of mineral working development. No mineral workings or related activity (at any scale) anywhere within the Planning Area shall be allowed if it will, or may potentially pollute the environment, inconvenience or endanger residents, create unsightliness or prevent the site or surrounding area from eventually being used for other development.



#### **4.4.9 Scenic Route**

The lands along Marine Lab Road and Marine Drive are identified as Scenic Route. These lands shall be developed or used in such a manner as to ensure that the scenic beauty of the area is maintained. In particular the visual view plane from Marine Drive looking northwards along the Outer Cove Brook valley and all lands within that view plane are considered by Council to form part of the Scenic Route of Marine Drive. It is intended that special attention will be given to site preparation and architectural design of buildings and structures within the area identified as the Scenic Route. Also Council will try to have property owners along the scenic route to maintain their properties in a clean and neat fashion. The storage of materials outside shall be limited.

#### **Policies**

##### **1. Location**

The Scenic Route along Marine Drive and Marine Lab Road, as well as, the and scenic view plane off Marine Drive are indicated on the Future Land Use Maps.

##### **2. Retention of Natural Vegetation**

Whenever possible, existing trees shall be maintained on residential lots. Only selective cutting of trees on the lot will be permitted.

##### **3. Visibility**

No wide scale cutting of trees or mineral working operations shall be permitted that is visible from the scenic route.

**4. Building Development**

Site plans shall require the approval of the Council prior to issuance of the building permit. Site plans must include the location of structures on the site, areas in which the natural vegetation is to be retained and the contours of the site amongst other requirements as specified by the Council.

**5. Design of Building**

Buildings and structures must be architecturally designed so that they reflect the scenic beauty of the traditional character of the area. Such plans shall be reviewed and approved by the Council to ensure the design enhances and is characteristic of the area.

**6. Restriction on Development**

Where lands are identified as having significant scenic value, the Council may restrict or prohibit the use or development of land that would either detract or limited the scenic view.

#### **4.4.10 Transportation**

The existing and proposed roads in the Planning Area are in three classifications, and are subject to the following policies:

##### **Policies**

#### **4.4.10.1 Collector Roads**

1. Logy Bay Road is classified as a Collector Road. This is intended to collect traffic from local roads to arterial, or distribute it from the arterial or local road network.
2. Direct access to abutting properties is permitted in accordance with the Authority's standards.

#### **4.4.10.2 Scenic Roads**

1. Marine Lab Road and Marine Drive are classified as Scenic Roads. These roads are intended primarily to be scenic routes.
2. Direct access to the abutting land is permitted in accordance with the Council's standards.
3. The Council shall continue to seek the cooperation of the Department of Transportation to develop roadside parking areas in conjunction with development of the proposed scenic outlooks.

#### 4.4.10.3 Local Roads

1. The remaining roads within the Planning Area are classified as Local Roads.
2. Direct access is permitted to abutting properties.
3. The development of new Local Roads or extensions to existing roads, may be permitted in the Planning Area to facilitate permitted development where;
  - a) The road is part of a detailed plan of subdivision which shows the relationship between the proposed road, lots and surrounding land uses;
  - b) As an extension to an existing road, the existing road is substantially built up;
  - c) The development does not result in a dead end road which exceeds the limits considered acceptable for ensuring public health and safety in unserviced areas;
  - d) The extension is along an existing public right-of-way which is of adequate width and which is owned and maintained by the Town prior to any residential development being permitted;
  - e) The road is constructed to the design standards as required by Council at the expense of the developer, ensuring proper width, road reservation, turning circle and layout in order to avoid future demands on limited public funds for road upgrading. The municipal road system is meant to facilitate the efficient movement of people and goods throughout the Planning Area.

#### **4.4.11 SERVICES**

##### **4.4.11.1 Water Supply and Sanitary Sewerage**

Development within the Planning Area will continue to require on-site water supply and sewage disposal systems. As a prerequisite to any development, a site assessment by a Town Official shall be conducted to determine suitability for onsite water and sewage disposal capabilities, as well as, other development limitations. A site shall have a sewage disposal design approved by the Department of Government Services; and installed accordingly; and approved by Department of Government Services.

##### **Policies**

1. All lands proposed for development shall require a site assessment by the Town and onsite septic design approved by the Department of Government Services indicating that the lot is suitable for development.
2. Prior to the issuance of a building permit, the onsite water supply and sewage disposal system shall be approved by the Department of Government Services.

##### **4.4.11.2 Storm Drainage**

New subdivision development shall be required to meet standards for storm drainage as established by Council.

##### **Policies**

1. Prior to approving any development application, the Council -shall be satisfied that adequate storm drainage is provided to a suitable outlet.

2. The provision of on-site and off-site storm drainage works to adequately service the proposed development shall be the responsibility of the developer and shall be provided to the Council standards. Where the storm drainage works include disposal to an open watercourse, adequate easements for maintenance and operations shall be provided and necessary approvals obtained from the appropriate authorities having jurisdiction.

#### **4.4.11.3 Fire Protection**

##### **Policies**

1. In order to ensure that adequate fire protection is available in the Planning Area, water supply sources shall be developed. In the absence of a municipal water supply or a municipal water supply system with fire protection capacity, ponds and rivers with suitable access for fire equipment may be identified and developed for this purpose.

## **5.0. IMPLEMENTATION**

The Municipal Plan will be implemented over the next ten years through decisions of Council and affected agencies such as the Departments of Municipal and Provincial Affairs; Transportation and Works; Environment and Conservation; Government Services; and Natural Resources. Of particular importance to Council are the following:

- effective administration of the Plan;
- the adoption of annual capital works program;
- adopting land use zoning, subdivision and advertisement regulations;
- adopting development schemes; and
- the procedure for considering amendments to the Plan

### **5.1 ADMINISTRATION OF THE PLAN**

For the purpose of administering the Plan, Council shall read the Future Land Use Maps together with the goals, objectives and policies outlined in this document.

The boundaries of land use designations shown on the Future Land Use maps are meant to be general, except where they coincide with roads or other prominent physical features, where they define the exact limits. No amendment of this Plan is required to permit minor adjustments to these boundaries. Other than such minor changes, no development shall be permitted that does not conform to this Plan.

Once Council has determined that a development proposal conforms to the Plan, Council will review the proposal and circulate it to all affected public departments and agencies. Council's decision on a proposal will be based on the desire to guide the development of Logy Bay-Middle Cove-Outer Cove in the best long-term interests of its residents.

All persons wishing to develop land for any purpose within the Logy Bay-Middle Cove-Outer Cove Municipal Planning Area shall apply to Council for permission through the established procedure. Council may approve the application, approve it with conditions, or refuse it. Any person who is dissatisfied with the decision may appeal to the appropriate Appeal Board.

Before major land developments are approved, Council shall require the developer to sign a development agreement. The agreement shall set the conditions for development and shall be binding to both parties. Conditions may also be attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan comes into effect, although their expansion, alteration, or conversion may be limited in order to achieve the intent of this Plan.

## **5.2 DEVELOPMENT REGULATIONS**

Development Regulations ensure that development takes place in accordance with the framework of the land use policies of the Municipal Plan. The manner in which the Regulations are drafted and the form in which they appear must comply with the requirements of the Urban and Rural Planning Act, 2000. Like the Municipal Plan, these Regulations are binding upon the Council and all other persons and organizations. They consist of five parts: General Regulations, General Development Standards, Advertisement, Subdivision of Land, and Land Use Zones. The first four are similar for all towns and communities in the province. However, the Land Use Zone section (Schedule C), is tailored individually for each municipality.

### **I. General Regulations**

Among other things, the General Regulations govern matters relating to the power and council of a municipality to regulate development within its Planning Area and establish conditions relating to the issuing of permits.



## **II. General Development Standards**

The General Development Standards relate to such matters as the siting of buildings on building lots, building height, setback from the street, buffers between certain types of development, parking and access requirements, non-conforming uses and other related matters.

## **III. Advertisement**

Advertisement regulations control the size, shape, location, siting, illumination and material construction of advertisements for the protection of the safety and convenience of the general public and neighbouring properties and the general aesthetics of the Planning Area.

## **IV. Subdivision of Land**

Subdivision regulations govern the development and division of larger parcels of land into individual building lots. They include standards for street improvements, lot sizes and lot layouts, procedures for dedicating land for public purposes and other necessary requirements.

## **V. Land Uses Zones**

Zoning is a means of ensuring that development conforms with the Plan, and that it is properly situated and does not conflict with or adversely affect neighbouring uses.

It can ensure that new growth is concentrated within or adjacent to developed areas, promoting a compact form to make the most efficient use of public services and utilities. Land Use Zone tables are presented in Schedule C of the Development Regulations. For each land use district a list of Permitted and Discretionary uses is presented as well as conditions to which development must conform before it may take place.

### 5.3 DEVELOPMENT CONTROL

The Plan is a legal document which is binding upon all persons, groups, or organizations, including the municipal Council. Before any land development can take place, an application must first be made to Council. Development may take place only after Council has reviewed the application and granted approval. Anyone who fails to follow the required application process or who otherwise violates the Plan or Regulations can be prosecuted and ordered to remove any illegal structure and restore the site and buildings on it to their original state.

Day-to-day administration of both the Plan and Development Regulations are the responsibility of Council and its staff. It is their duty to implement the Municipal Plan through the Development Regulations, to make recommendations to Council regarding compatibility of development proposals with Plan policies, refer development applications to outside agencies and to issue all required permits when approval is granted.

An application to develop must be made on the proper application form prescribed by Council. All applications must show as accurately as possible the location of the proposed development and include a plot plan showing the location of existing and proposed buildings and structures on the proposed site. Council will examine the application and determine whether or not it conforms to the requirements of the Development Regulations, and the policies of the Municipal Plan. Development applications will be referred to appropriate government departments or agencies or other organizations. Approval of the application will be subject to their recommendations. If the proposed development conforms to all requirements then Council will approve the application and inform the applicant and state any conditions that may apply. If the proposed development does not conform to the Plan or Regulations, the application must be refused. Any applicant who is dissatisfied with the decision of Council may appeal to an Appeal Board. The Appeal Board shall either confirm the decision or determine that Council's decision be varied or reversed.

#### **5.4 CAPITAL WORKS**

Capital works programs must conform to applicable policies and land use designations of the Municipal Plan. Capital works projects must not contribute to sprawl, since that would conflict with the Plan's goal of promoting compact development. It should be recognized that extensions to roads/new roads required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments. Improvements to local roads should be undertaken in accordance with the town's financial capability (and in conformity with the Municipal Plan) on a priority basis. Local roads are generally in good condition. The Town intends to maintain and upgrade them as necessary and as funding becomes available. The development of additional recreational facilities should also be carried out on a year-to-year basis subject to the town's financial capabilities.

#### **5.5 MUNICIPAL PLAN AMENDMENT PROCEDURE**

This Plan has been prepared with the intent that no amendment be required during the next five years, at the end of which another Plan Review will be undertaken. Major changes in economic conditions or in policy direction, unforeseen at this time, could however occur during the Planning Period.

Should an amendment need to be considered, it will be given the same evaluation and approval procedure as this Plan, including a public hearing with a Commissioner appointed by Council. Evaluation of the proposed amendment will be compiled into a Background Report. The proposed amendment will include policy statements and an accompanying Future Land Use Map. Any such amendment shall be read together and form part of this Plan.

