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June 26, 2019

Kimberley J. Blanchard, BA, MEdes (planning), MCIP  
Senior Planner, Local Governance & Planning Division  
Department of Municipal Affairs & Environment  
Government of Newfoundland and Labrador  
P.O. Box 8700,  
St. John's, NL A1B 4J6



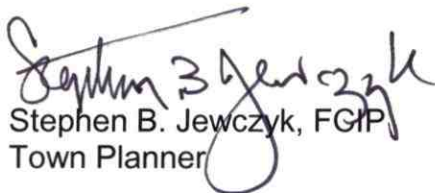
Dear Ms. Blanchard:

**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE  
DEVELOPMENT REGULATIONS AMENDMENT NO: 31, 2019**

Please find attached two signed original copies of the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment No: 31, 2019 and the affidavit. The regulation amendment did not require any amendments to the St. John's Urban Region Regional Plan or the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan.

This regulation amendment is forwarded to your attention for your review and registration.

Yours very truly,

  
Stephen B. Jewczyk, FGIP  
Town Planner

Attachments

Copy: Adele Carruthers, Town Manager  
Karen Stacey, Administrative Assistant

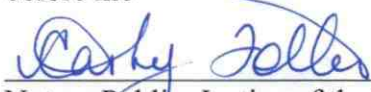
**AFFIDAVIT**

**NEWFOUNDLAND AND LABRADOR  
CANADA  
TO WIT**

I, Adele Carruthers, Town Manager of the Town of Logy Bay-Middle Cove-Outer Cove, hereby make Oath and say that:

1. In accordance with Sections 14 and 35(5), the Town Council of Logy Bay-Middle Cove-Outer Cove:
  - a. Gave notice of the intent of the proposed Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment 31, 2019 by advertisement inserted on the 12th day of June, 2019, in the Telegram newspaper;
  - b. Placed the proposed rezoning amendment on its website and on display at the Town Council Office and on its website from June 5<sup>th</sup>, 2019 to June 25<sup>th</sup>, 2019, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment; and,
  - c. Placed the proposed amendment on display at the Town Council Office and made staff available during office hours to provide information and answer questions related to the amendment.
2. No representations with respect to Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment 31, 2019 were received at the Logy Bay-Middle Cove-Outer Cove Town Office within the time stipulated in the notice.
3. The Town Council of Logy Bay-Middle Cove-Outer Cove adopted the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations Amendment 31, 2019 on the 25th day of June, 2019.
4. The attached Development Regulations Amendment 31, 2019 is a correct copy of the Development Regulations Amendment 31, 2019 adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove.

SWORN to at Logy Bay-Middle Cove-Outer Cove  
this 26 day of July, A.D. 2019  
before me

  
\_\_\_\_\_  
Notary Public, Justice of the Peace,  
Commissioner of Oaths

**CATHY L. M. FOLLETT**

A Commissioner for Oaths in and for the  
Province of Newfoundland and Labrador.  
My Commission expires on December 31, 2021.

  
\_\_\_\_\_  
Town Manager



**Town of Logy Bay-Middle Cove-Outer Cove  
Land Use Zoning, Subdivision and Advertisement  
(Development) Regulations 2005-2015  
Amendment No. 31, 2019**

**Maximum Size of Subsidiary Apartments Within A Dwelling**

Prepared by the  
Town of Logy Bay-Middle Cove-Outer Cove

June 25, 2019



conditions section of the Residential Medium Density (RMD), Residential Low Density (RLD), and Residential Estate (R-EST) Use Zones. In each of these Use Zones, the condition relating to the size of the subsidiary apartment in relation to the dwelling reads as follows:

*The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square meters, whichever is less;*

Town Council has noted that there has been confusion as to the maximum size of a subsidiary apartment as a percentage of the dwelling and wishes to clarify the size by adding both a definition of Gross Floor Area and a more accurate percentage of the size of a subsidiary apartment in relation to the gross floor area of the dwelling.

To clarify this regulation, Council wishes to amend the Development Regulations as follows:

*In Schedule A Definitions, add the following definition:*

**GROSS FLOOR AREA** means the total floor area of all floors in a building on the lot including basements and mezzanines but excluding any porches, verandas, sunrooms (unless habitable in all seasons of the year), mechanical penthouse, any floor areas used exclusively for parking area, or Amenity Space.

*In Schedule C, Use Zone Tables, in the conditions section of the **Residential Medium Density (RMD), Residential Low Density (RLD), and Residential Estate (R-EST) Use Zones.** where reference is made to the conditions respecting Subsidiary Apartments, delete the clause:*

*The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square meters, whichever is less;*

and replace the clause with the following;

*The floor area of the subsidiary apartment shall not exceed twenty five percent (25%) of the Gross Floor Area of the dwelling in which it is located, or eighty (80) square meters, whichever is less;*

## **PUBLIC CONSULTATION**

In accordance with section 14 of the *Urban and Rural Planning Act, 2000*, Council undertook the following public notification and consultation initiatives so that individuals and groups could provide input to the proposed Development Regulations Text Amendment. The Town Council:

1. Published a notice in The Telegram newspaper on June 12<sup>th</sup>, 2019 advertising the proposed amendment seeking comments or representations from the public;
2. Placed the proposed rezoning amendment on its website and on display at the Town Council Office and on its website from June 5<sup>th</sup>, 2019 to June 25<sup>th</sup>, 2019, for residents to view and to provide any comments or concerns in writing to the Council concerning the proposed amendment; and,
3. Placed the proposed amendment on display at the Town Council Office and made staff available during office hours to provide information and answer questions related to the amendment.

The Town determined that this consultation opportunity was reflective of the size, structure and complexity of planning issues under consideration and provided reasonable opportunity for interested persons, businesses and community groups to comment on the proposed amendment.

No comments or objections were received by the Town during the public consultation period.

#### **DEVELOPMENT REGULATIONS AMENDMENT NO. 31, 2019**

The text of the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning, Subdivision and Advertisement (Development) Regulations shall be amended as follows:

1. In Schedule A Definitions, add the following definition:

**GROSS FLOOR AREA** means the total floor area of all floors in a building on the lot including basements and mezzanines but excluding any porches, verandas, sunrooms (unless habitable in all seasons of the year), mechanical penthouse, any floor areas used exclusively for parking area, or Amenity Space.

2. In Schedule C, Use Zone Tables, Condition 7(i) of the Residential Medium Density (RMD) Use Zone, Condition 11 i) of the Residential Low Density (RLD) Use Zone, and condition 13 i) of the Residential Estate (R-EST) Use Zone delete the clause:

*The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square meters, whichever is less;*

and replace the clause with the following;

*The floor area of the subsidiary apartment shall not exceed twenty five percent (25%) of the Gross Floor Area of the dwelling in which it is located,*

*or eighty (80) square meters, whichever is less;*

3. All other sections of the text of the Town of Logy Bay, Middle Cove, Outer Cove Land Use Zoning, Subdivision and Advertisement (Development) Regulations not referenced in this amendment shall retain their current wording.

The attached Schedule A and Residential Medium Density (RMD), Residential Low Density (RLD) and the Residential Estate (R-EST) Use Zones illustrate the amendments which relate to Development Regulations Amendment No. 31, 2019.



## DEFINITIONS

**ACCESS** means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street.

**ACCESSORY BUILDING** includes:

- (a) a detached subordinate building not used as a dwelling, located on the same lot as the main building or use to which it is accessory, and which has a use which is customarily incidental or complimentary to the main use of the building or land:
- (b) for residential uses: domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae,
- (c) for commercial uses: workshops, garages, and
- (d) for industrial uses: garages, offices, raised ramps and docks.

**ACCESSORY DWELLING UNIT** means a separate dwelling unit constructed within and subsidiary to the main use. The main use shall not be a single dwelling, double dwelling, row dwelling, and apartment building.

**ACCESSORY USE** means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

**ACT** unless the context indicates otherwise, means the Urban and Rural Planning Act.

**AGRICULTURE** means horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, bee keeping, the breeding or keeping of animals for food, skins, or fur, the use of land, meadow land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of the land. Agriculture includes primary processing of onsite products.

**AMUSEMENT USE** means the use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

**ANIMAL UNIT** means one of the following animals or groups:

1 Dairy Cow (or calve)	2 Sows
1 Beef Cow (or calve)	1 Hog (operation based on 15-90 kg.)
1 Bull	1 Boars
1 Horse (or foal)	30 Broiler Chickens (less than 1.5 kg)
4 Ewe sheep or lambs	20 Layer Hens (less than 2.3 kg)
10 Foxes (inc. breed females, male & litter)	10 Turkeys
10 Mink (inc. breed females, males & litter)	20 Rabbits (doe includes litter)
1 Sow (farrow to finish)	or as defined by the Council

**APARTMENT BUILDING** means a building containing three or more dwelling units, but does not include a row dwelling or a single dwelling with a subsidiary apartment.

**APPLICANT** means a person who has applied to the authority for an approval to carry out a development.

**APPEAL BOARD** means the appropriate Appeal Board established under the Act.

**ARTERIAL STREET** means the streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

**APPROVAL IN PRINCIPLE** means that Council when considering a development application shall evaluate the application to the development requirements within the Town. If the proposed development meets the development requirements of the Town an approval in principle maybe given to the application. Final approval and issuance of a permit to commence development are subject to the agreement by the applicant to meet specified conditions as outlined by Council.

**AUTHORITY** means a council, authorized administrator or regional authority.

**BACKLOT** means a lot characterized by the location of the residential lot generally at the rear of another residential lot, or otherwise separated from the public street which provides access, and by a narrower area extending from the rear residential lot to the public street.

**BED AND BREAKFAST** means a detached dwelling occupied by the property owner or the bed and breakfast host as a primary residence in which overnight accommodation and a breakfast meal are offered to registered guests for a fee.

**BOARDING HOUSE** means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

**BUFFER** means a berm, row of trees or shrubs, hedge, fence, or distance separation that provides a barrier between incompatible sites, uses or districts.

**BUILDING** means:

- (a) a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land; mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
- (b) a part of and fixtures on buildings referred to in (a) and (b), and
- (c) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (a) to (c).

**BUILDING HEIGHT** means the vertical distance, measured in metres, from 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.

**BUILDING LINE** means a line established by the Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed.



**CHILD CARE FACILITY** means a building or part of a building in which services and care are regularly provided to children or adults, but does not include a school as defined by the Schools Act.

**CORNER LOT SIGHT TRIANGLE** means a corner lot, a fence, sign, hedge, shrub, bush or tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than .9 metres (3 ft.) above grade of the streets that abut the lot within the triangular area included within the street lines for a distance of 6 metres (19.7 ft.) from their point of intersection.

**COUNCIL** means the Municipal Council of the Town of Logy Bay –Middle Cove-Outer Cove.

**DEVELOPMENT** means the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of a material change in the use, or the intensity of use of land, buildings, or premises and the:

- (a) making of an access onto a highway, road or way,
- (b) erection of an advertisement or sign,
- (c) construction of a building,
- (d) the parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation, and excludes,
- (e) the carrying out of works for the maintenance, improvement or other alteration of a building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building,
- (f) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation,
- (g) the carrying out by a local authority or statutory undertaker of works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of streets or other land for that purpose,
- (h) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of a dwelling house as a dwelling.

**DEVELOPMENT AGREEMENT** means a written agreement between the municipality and a developer which establishes particular circumstances and conditions under which a development may be carried out.

**DISCRETIONARY USE** means a use that is listed within the discretionary use classes established in the use zone tables of the Council's Development Regulations.

**DIRECTOR** means the Director of Urban and Rural Planning.

**DOUBLE DWELLING** means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a subsidiary apartment.

**DWELLING UNIT** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.

**ENGINEER** means an engineer who is a member of the Association of Professional Engineers and

Geoscientists of Newfoundland, employed or retained by the Council.

**ESTABLISHED BUILDING LINE** means the average distance from the street line of existing buildings in any block where more than half the frontage has been built upon in the past.

**ESTABLISHED GRADE** means:

- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of the front of that building exclusive of any artificial embankment or entrenchment;
- b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment.

**FAMILY CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for up to six (6) children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act.

**FLOODWAY** means the inner portion of a flood risk area where the risk of flood is greatest, on average once in twenty years and where the flood depths and water velocities are greatest.

**FLOODWAY FRINGE** means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where the risk of flooding is lower, on average once in one hundred years, and flood waters are shallower and slower.

**FLOOD PROOFING** means structural and/or non-structural measures incorporated in the design of a building or structure which reduce or eliminate the risk of flood damage by ensuring that the ground floor elevation is higher than the projected flood level and that the building can be exited without hindrance in the event of a flood.

**FLOOR AREA** means the total area of all floors of a building measured to the outside face of exterior walls.

**FORESTRY** means the use of land for the purpose of forest and woodland management including the felling, cutting, trimming and thinning of forest or woodland for the extraction of timber, and includes reforestation, afforestation and silviculture.

**FRONTAGE** means the horizontal distance between side lot lines measured at the buildingline.

**FRONT YARD DEPTH** means the distance between the front lot line of a lot and the front wall of the main building on the lot.

**GENERAL GARAGE** means land or buildings used for the repair, maintenance and storage of motor vehicles and may include the sale of petroleum products.

**GENERAL INDUSTRY** means the use of land or buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, preparing, processing, testing, salvaging, breaking up, demolishing, or treating any article, commodity or substance, and "Industry" shall be construed accordingly.

**GROSS FLOOR AREA** means the total floor area of all floors in a building on the lot including basements and mezzanines but excluding any porches, verandas, sunrooms (unless habitable in all seasons of the



*year), mechanical penthouse, any floor areas used exclusively for parking area, or Amenity Space.*

**GROUP CHILD CARE USE** means a building or part of a building in which services and activities are regularly provided for seven (7) or more children as defined in the Child Care Services Act, but do not include a school as defined by the Schools Act.

**GROUP HOME** means a dwelling unit accommodating not more than 6 persons, exclusive of staff, in a home-like setting where staff provide care and supervision. This definition includes, but is not limited to, the facilities called "Transition House" and "Foster Home".

**HAZARDOUS INDUSTRY** means the use of land or buildings for industrial purposes involving the use of materials or processes, which because of their inherent characteristics constitute a special fire, explosion, radiation or other hazard.

**HOME OCCUPATION** means a secondary use of a dwelling unit or its accessory building by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity, and subsidiary to a residential use. Also referred to as a "Home based Business", and classified as an "Office" use.

**HOME OFFICE** means a secondary use of a dwelling unit by at least one of the residents of such dwelling unit to conduct a gainful occupation or business activity with such occupation or business activity being restricted to office uses which do not involve visitation by clients, customers, or the general public to the site, nor the employment of non-residents, and subsidiary to a residential use. Also referred to as a "Home Based Business", and classified as an "Office" use.

**HOSPITALITY HOME** means a dwelling unit in which at least 1 room is regularly rented, and includes the uses commonly referred to as "Bed and Breakfast", and "Boarding House".

**INSPECTOR** means a person appointed as an inspector by the Council.

**LAND** includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of those buildings and structures.

**LANDSCAPING** means the development of land by altering the topography and ground cover and may include the use of turf, plants, shrubs, trees, retaining walls and fences.

**LIGHT INDUSTRY** means the use of land or buildings for industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

**LIVESTOCK OPERATION** means a livestock operation of agricultural animals confined in one location which consists of 5 or more animal units at a given point in time.

**LOCAL STREET** means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

**LOT** means a plot, tract or parcel of land that can be considered as a unit of land for a particular use or building.

**LOT AREA** means the total horizontal area within the lines of a lot.



**LOT COVERAGE** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot.

**MINERAL WORKING** means land or buildings used for the working, stockpiling or extraction of rock, mineral, peat or aggregate material, and will include a "quarry".

**MINI HOME** means a factory produced single dwelling complying with the National Building Code and having the appearance of a mobile home.

**MINISTER** shall mean the Minister of Municipal and Provincial Affairs, unless otherwise specified.

**MOBILE HOME** means a transportable factory-built single family dwelling unit, which complies with space standards substantially equal to those laid down in Part IX of the National Building Code of Canada and is in accordance with the construction standards laid down by the Canadian Standards Association and all other applicable provincial and municipal regulations, and which is designed to be transported on its own wheels and chassis to a lot, and subsequently supported on its own wheels, jacks, or posts or a permanent foundation; and connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

**MUNICIPAL PLAN** means a plan adopted by the Council as a Municipal Plan pursuant to the Urban and Rural Planning Act, 2000.

**NON-CONFORMING USE** means a legally existing use that is not listed as a permitted use or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone.

**OWNER** means a person or an organization or persons owning or having legal right to use the land under consideration.

**PERMITTED USE** means a use that is listed within the permitted use classes set out in the use zone tables of these Development Regulations.

**PLANNING AREA** means a regional planning area and a municipal planning area established under section 6 and 11 of the Act. For the purpose and context of these regulations, the Planning Area shall mean the area within the municipal boundaries of the Town of Paradise.

**PROHIBITED USE** means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that Council specifies as not permitted within a use zone.

**REAR YARD DEPTH** means the mean distance between the rear lot line and the rear of the main building on the lot.

**RESTAURANT** means a building or part of a building, licensed for the purpose of serving meals and includes a "Snack Bar".

**ROW DWELLING** means three or more dwelling units at ground level in one building, each unit separated vertically from the others;

**SERVICE STATION** means a building, including gas pumps, used for the sale of petroleum products, and may include general merchandise, minor automotive repairs, and washing of vehicles.

**SERVICE STREET** means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

**SHOP** means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

**SHOPPING CENTRE** means a group of retail stores with integrated parking which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

**SHOWROOM** means a building or part of a building in which samples or patterns are displayed and in which orders may be taken for goods, wares or merchandise, including vehicles and equipment, for later delivery.

**SIDEYARD WIDTH** means the distance between a side lot line and the nearest side wall of a building on the lot.

**SIGN** means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement, or direction and excludes those things employed wholly as a memorial, advertisements or local government, utilities and boarding or similar structures used for the display of advertisements.

**SINGLE DWELLING** means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a subsidiary apartment.

**STREET** means a street, road, highway or other way designed for the passage of vehicles and pedestrians, and which is accessible by fire department and other emergency vehicles.

**STREET LINE** means the edge of the right of way of a street reservation as defined by the authority having jurisdiction.

**SUBDIVISION** means the dividing of land, whether in single or joint ownership, into 2 or more pieces (including lots), for the purpose of development.

**SUBSIDIARY APARTMENT** means a separate dwelling unit constructed within and subsidiary to a single dwelling.

**TAKE-OUT FOOD** means a building in which the primary purpose is the preparation and sale of meals and refreshments for consumption off the premises.

**USE** means a building or activity situated on a lot or a development permitted on a lot.

**USE ZONE or ZONE** means an area of land including buildings and water designated on the zoning map to

which the uses, standards and conditions of a particular use zone table apply.

**VARIANCE** means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage, or any other numeric requirement of the applicable use zone table of the Council's regulations.

**ZONING MAP** means the map or maps attached to and forming part of the Council's regulations.



**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>RESIDENTIAL MEDIUM DENSITY</b>	<b>(RMD)</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Single dwelling and recreational open space.		
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 33 and 90) Boarding house residential (bed and breakfast only), agriculture, veterinary, convenience store, child care (family use only), medical and professional, personal service, office, civic, place of worship, medical treatment and special care (home for the aged only), light industrial, educational, and antenna.		

**CONDITIONS****1. Development Standards**

The development standards for this zone shall be as follows:

Minimum Lot Area	2025 m <sup>2</sup>
Minimum Floor Area	80 m <sup>2</sup>
Minimum Frontage at the front lot line	38 m or
Minimum Frontage at the building line (with a minimum of 25.91m at the front lot line)	38 m
Minimum Building Line Setback	10 m or
Maximum Building Line Setback (Or the established building line in the area whichever is greater)	30 m
Minimum Sideyard Width	3 m
Minimum Rearyard Depth	10 m
Maximum Height	8 m

**2. Discretionary Uses - Site Standards**

Where permitted, a place of worship and an educational use shall conform to the following standards:

Minimum Building Line Setback	10 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	15 m
Maximum Height	15 m

**3. Convenience Stores**

Convenience stores will only be permitted as a discretionary use under the following conditions:

- i) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- ii) Adequate provision for on-site parking, loading, buffering and landscaping.

**4. Accessory Buildings**

All accessory buildings shall have a combined maximum lot coverage not exceeding 7 %, up to a maximum floor area of 90 square metres, whichever is less and a maximum height of 6.0 metres. For lots greater than 6075 sq. m., the size of the accessory building shall be determined by Council.

Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot. Accessory building shall not be closer than 2.4 metres from another building, or 3.0 metres from a property line.

Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery unless permitted by Council.

**5. Scenic Roads**

Every effort shall be made for development of all classes to retain the landscape in its natural form and to preserve the scenic value of the area.

**6. Boarding House Residential (Bed and Breakfast Only)**

A dwelling to be used for the purpose of providing room and board for tourists or the traveling public may be permitted as a discretionary use provided:

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;

**7. Subsidiary Apartments**

Subsidiary apartments may be permitted in a self-contained dwelling, subject to the following



conditions:

- i) *The floor area of the subsidiary apartment shall not exceed twenty five percent (25%) of the Gross Floor Area of the dwelling in which it is located, or eighty (80) square meters, whichever is less.*
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.
- iv) The single dwelling and apartment, if new construction, shall require the approval of onsite septic system by the Department of Government Services.

**8. Medical, Professional, Personal Services and Office Uses**

Medical, professional, personal service, and office uses may be permitted as a discretionary use in a dwelling unit in the form of doctors consulting rooms, personal services, small business services, small appliance repair, sporting goods repair service, home office and similar uses provided that:

- i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out.
- ii) Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, or inconvenience and are not a nuisance to occupants of adjoining residences.
- iii) No more than forty (40) percent of the total floor area of the dwelling up to a maximum of eighty (80) square metres is devoted to the use.

- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) There will be no storage of unsightly materials or waste outdoors;
- vi) No change will be made in the type, class, intensity or extent of the business or service without a permit; and
- vii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

**9. Child Care (Family Only)**

A day care or day nursery (i.e. a child care operation in which services are regularly provided up to six children), is subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The use will only be permitted in a residential dwelling;
- iii) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- iv) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- v) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- vi) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses.

These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;

- viii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Town of Logy Bay-Middle Cove-Outer Cove.

**10. Lot Frontage**

Notwithstanding the definition *frontage* in Schedule A, for the purpose of this zone, lot frontage, may be met at the front lot line, or, at the building line.

**11. Medical Treatment and Special Care (Home for the Aged Only)**

The use class will be limited to a residential home for the aged.

**12. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone shall be as follows:

**Advertisement on Building**

- i) The sign on the building shall be inconspicuous and blend in with the residential property and the general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building.
- ii) Sign on building shall be constructed of materials as required by the Council.
- iii) Illumination of sign on building will be specified by the Council.
- iv) Advertising for onsite business on residential building shall be no greater than 1 square metre.

**Advertisement on Site**



- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential- medium density zone.
- iii) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- iv) Signs shall blend into the residential area and landscaping.
- v) No advertisement shall exceed 1.5 square metres in area.

**13. Buffer (around waterways)**

No development will be permitted within 15 metres of the high-water mark of rivers or streams or within 30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. The only exception is the buffer for Jones Pond shall be 50 metres to allow for the development of passive recreation trails. All development occurring within these limits is subject to the approval of Council.

**14. Agricultural Use**

Traditional small-scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens or a small number of animals, the number of such animals and the development requirements for barns, lot area, will be determined by Council in consultation with the Provincial

Agriculture Division and Department of Environment and Conservation.

**15. East Coast 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 will encourage 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.

**16. Floodway**

Development within the Floodway designation shall be restricted to:

- i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- ii) Non-structural uses such as open space recreation, agriculture, service corridors and minor structures related to utilities and marine activities.
- iii) Placement of fill is prohibited unless required as a flood proofing measure or for public infrastructure. Fill shall not impede water flows or contribute to an increase in flood risk.
- iv) Development in the Floodway, Floodway Fringe and in the 15 metre buffer around these zones shall require the approval of the Water Resources Division, Department of Environment and Conservation.

**17. Floodway Fringe**

Development in the Floodway Fringe shall include public utilities, roads, bridges, marine related uses, industrial, commercial, residential, open space recreation uses. Development within the Floodway fringe designation shall meet the following conditions:

- i) The ground floor elevation of the structure is higher than the 1:100-year flood level;
- ii) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- iii) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exits from the building can be safely used without hindrance in the event of a flood; and
- iv) The proposed use of the facility and site will not involve any storage of hazardous materials such as fuels, chemicals, pesticides, etc.
- v) Within the Floodway Fringe the following uses shall be prohibited from being developed: 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, police stations, fire stations and other facilities that may provide emergency services during a flood including government offices and schools.
- vi) Development in the Floodway, Floodway Fringe and in the 15 metre buffer around these zones shall require the approval of the Water Resources Division, Department of Environment and Conservation.

#### **18. Coastal Reservation**

No building development will be permitted within 30 m buffer from the top of the steep coastlines along the shorelines of the Town. For the purposes of these regulations, the top edge of the steep coastline shall be defined as the area of land where the slope is less than 25% for more than a 30 m distance measured perpendicular to the coastline and running inland from the steep coastline.

From a point located 30 m from the steep coastline edge another 30 m buffer is placed which no building development shall be permitted or as identified by the Town on the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning Maps during the permitting of any development near the steep coastline.

### **19. Light Industrial**

These uses shall be small scale light industrial uses such as workshops and repair shops;

- i) Activities associated with the use shall be carried on inside the accessory building.
- ii) The use does not detract from the residential character of the neighbourhood and 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;
- iii) No outdoor storage of equipment, materials or waste outdoors.
- iv) Adequate on-site parking, loading, buffering and landscaping is provided.
- v) The use is carried out by a resident of the main dwelling and that person shall be the only one employed in the business.
- vi) Retail sales are incidental and subsidiary to the approved use.
- vii) No change will be made in the type, class, intensity or extent of the business or service without a permit; and
- viii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.



**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>RESIDENTIAL LOW DENSITY</b>	<b>(RLD)</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Single dwelling and recreational open space.		
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 33 and 90) Boarding house residential (bed and breakfast only), agriculture, veterinary, convenience store, child care (family use only), medical and professional, personal service, office, service station, place of worship, medical treatment and special care (home for the aged only), light industrial, educational, and antenna.		

**CONDITIONS****1. Development Standards**

The development standards for this zone shall be as follows:

<b>Development Standard</b>	<b>RLD Zone</b>	<b>Doran's Lane<sup>1</sup></b>
Minimum Lot Area	4050 m <sup>2</sup>	8100 m <sup>2</sup>
Minimum Floor Area	80 m <sup>2</sup>	80 m <sup>2</sup>
Minimum Frontage at the front lot line	45 m	45 m or
Minimum Frontage at the building line (With a minimum of 25.91m at the front lot line)	45 m or	45 m
Minimum Building Line Setback	15 m or	15 m or
Maximum Building Line Setback (or the established building line in the area, whichever is greater)	30 m	134 m

Minimum Sideyard Width	3 m	3 m
Minimum Rearyard Depth	10 m	10 m
Maximum Height	11 m	11 m

<sup>1</sup> Along an eastern portion of Doran's Lane, where the land use zone is extended deeper than the normal building lot depth, the land owner/developer can choose to build either 1-acre lot or 2-acre lot. This is to accommodate residential development on lots having steeper slopes or having other limiting a development factors and/or offer exceptional scenic views.

(DRA-2006-1 and NL Gazette)

(DRA-2012-19 and NL Gazette)

## 2. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

## 3. Discretionary Uses - Site Standards

Where permitted, a place of worship and an educational use shall conform to the following standards:

Minimum Building Line Setback	10 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	15 m
Maximum Height	15 m

**4. Scenic Roads**

Every effort shall be made for development of all classes to retain the landscape in its natural form and to preserve the scenic value of the area.

**5. Light Industrial**

These uses shall be small scale light industrial uses such as workshops and repair shops:

- i) Activities associated with the use shall be carried on inside the accessory building;
- ii) The use does not detract from the residential character of the neighbourhood and 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;
- iii) No outdoor storage of equipment, materials or waste outdoors;
- iv) Adequate on-site parking, loading, buffering and landscaping is provided;
- v) The use is carried out by a resident of the main dwelling and that person shall be the only one employed in the business;
- vi) Retail sales are incidental and subsidiary to the approved use;
- vii) No change will be made in the type, class, intensity or extent of the business or service without a permit; and,
- viii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

**6. Convenience Stores**

Convenience stores will only be permitted as a discretionary use under the following conditions:

- i) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- ii) Adequate provision be made for on-site parking, loading, buffering and landscaping.

**7. Buffer (around waterways)**

No development will be permitted within 15 metres of the high-water mark of rivers or streams or within 30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. The only exception is the buffer for Jones Pond shall be 50 metres to allow for the development of passive recreation trails. All development occurring within these limits is subject to the approval of Council.

**8. Accessory Buildings**

All accessory buildings shall have a combined maximum lot coverage not exceeding 7 %, up to a maximum floor area of 90 square metres, whichever is less and a maximum height of 6.0 metres. For lots greater than 6075 sq. m., the size of the accessory building shall be determined by Council.

Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot. Accessory building shall not be closer than 2.4 metres from another building, nor 3.0 metres from a property line.

Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this



use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no Person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery unless permitted by Council.

**9. Service Station**

A Service Station may be permitted only in the form of pump islands to dispense motor vehicle fuel and only in conjunction with a Convenience Store on the same site.

**10. Lot Frontage**

Notwithstanding the definition *frontage* in Schedule A, for the purpose of this zone, lot frontage, may be met at the front lot line, or, at the building line.

**11. Subsidiary Apartments**

Subsidiary apartments may be permitted in a self-contained dwelling, subject to the following conditions:

- i) ***The floor area of the subsidiary apartment shall not exceed twenty five percent (25%) of the Gross Floor Area of the dwelling in which it is located, or eighty (80) square meters, whichever is less.***
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.
- iv) The single dwelling and apartment shall require the approval of onsite septic system by the Department of Government Services

**12. Medical, Professional, Personal Services and Office Uses**

Medical, professional, personal service, and office uses may be permitted as a discretionary use in a dwelling unit in the form of doctors consulting rooms, personal services, small business services, small appliance repair, sporting goods repair service, home office and similar uses provided that:

- i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out;
- ii) Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, or inconvenience and are not a nuisance to occupants of adjoining residences;
- iii) No more than forty (40) percent of the total floor area of the dwelling up to a maximum of eighty (80) square metres is devoted to the use;
- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) There will be no storage of unsightly materials or waste outdoors;
- vi) No change will be made in the type, class, intensity or extent of the business or service without a permit; and,
- vii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

**13. Medical Treatment and Special Care**

The use class will be limited to a residential home for the aged.

**14. Agricultural Use**

Traditional small-scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens or a small number of animals, the number of such animals and the development requirements for barns, lot area, will be determined by Council in consultation with the Provincial Agriculture Division and Department of Environment and Conservation.

**15. Boarding House Residential (Bed and Breakfast Only)**

A dwelling to be used for the purpose of providing room and board for tourists or the traveling public may be permitted as a discretionary use provided:

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;
- vi) Signage is permitted as per condition #18.

**16. Child Care (Family Care)**

A Family day care or day nursery (i.e. a child care operation in which services are regularly provided up to six children), is subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;



- ii) The use will only be permitted in a residential dwelling;
- iii) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- iv) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- v) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- vi) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- viii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Town of Logy Bay-Middle Cove-Outer Cove.

**17. East Coast 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 will encourage 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.

**18. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site

occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

**Advertisement on Building**

The sign on the building shall be inconspicuous and blend in with the residential property and the general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building.

- i) Sign on building shall be constructed of materials as required by the Council
- ii) Illumination of sign on building will be specified by the Council.
- iii) Advertising for on-site business on residential building shall be no greater than 1 square metre.

**Advertisement on Site**

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential- medium density zone.
- iii) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- iv) Signs shall blend into the residential area and landscaping.
- v) No advertisement shall exceed 1.5 square metres in area.

**19. Coastal Reservation**

No building development will be permitted within 30 m buffer from the top of the steep coastlines along the shorelines of the Town. For the purposes of these regulations, the top edge of the steep coastline shall be defined as the area of land where the slope is less than 25% for more than a 30 m distance measured perpendicular to the coastline and running inland from the steep coastline. From a point located 30 m from the steep coastline edge another 30 m buffer is placed which no building development shall be permitted or as identified by the Town on the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning Maps during the permitting of any development near the steep coastline.

**20. Floodway**

Development within the Floodway designation shall be restricted to:

- i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- ii) Non-structural uses such as open space recreation, agriculture, service corridors and minor structures related to utilities and marine activities.
- iii) Placement of fill is prohibited unless required as a flood proofing measure or for public infrastructure. Fill shall not impede water flows or contribute to an increase in flood risk.
- iv) Development in the Floodway, Floodway Fringe and in the 15 metre buffer around these zones shall require the approval of the Water Resources Division, Department of Environment and Conservation.

**21. Floodway Fringe**

Development in the Floodway Fringe shall include public utilities, roads, bridges, marine related uses, industrial, commercial, residential, open space recreation uses. Development within the



Floodway fringe designation shall meet the following conditions:

- i) The ground floor elevation of the structure is higher than the 1:100 year flood level;
- ii) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- iii) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exits from the building can be safely used without hindrance in the event of a flood; and,
- iv) The proposed use of the facility and site will not involve any storage of hazardous materials such as fuels, chemicals, pesticides, etc.
- v) Within the Floodway Fringe the following uses shall be prohibited from being developed: 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, police stations, fire stations and other facilities that may provide emergency services during a flood including government offices and schools.
- vi) Development in the Floodway, Floodway Fringe and in the 15 metre buffer around these zones shall require the approval of the Water Resources Division, Department of Environment and Conservation.

## **22. On Site Services**

Development Standards for 8100m<sup>2</sup> within the Residential Low-Density Zone for on-site services shall be designed, certified and installed by a registered installer. On site services shall take into account existing steep slopes, surface and subsurface drainage, soils, vegetation, all other

development on the lot, and be designed to meet any site-specific requirements of each individual lot. All on site services designs shall comply with standards established by the Department of Government Services in addition to any standards established by the Authority.

**(DRA-2006-1 and NL Gazette)**

**23. Private Driveway**

The access to a single residential development on lots with steep slopes shall be established as a private driveway. The private driveway on lots with steep slopes shall be designed and built to ensure that storm water drainage is controlled and managed so that any surface water runoff does not cause soil erosion or flooding. Runoff from the property shall not be channeled or discharged onto other adjoining lands unless it is an existing natural runoff course. Environmentally friendly control measures shall be applied to reduce soil erosion, and washouts as a result of road construction and usage in particular on steep slopes along Doran's Lane area.

**(DRA-2006-1 and NL Gazette)**

**24. Landscaping Plan**

The Authority shall require on 8100 m<sup>2</sup> lots on steep slopes the development of a Landscaping Plan, which shall be submitted for approval before a development permit is issued. The landscaping of the lot shall be completed within one year of completion of the main residential structure and all on site services. The long-term control of soil erosion and surface water runoff is important to maintaining the scenic attraction of the area. Landscaping Plan shall take into account steep slopes, mature trees and other vegetation and try to preserve and replace as necessary during and after the development of the lands. Trees and other vegetation may be removed when they become dangerous because of age, disease, or proximity to a building, if they are overcrowded, and unduly inhibit light and air circulation or for landscaping purposes and building occupancy; or if they will unduly obstruct construction.

**(DRA-2006-1 and NL Gazette)**

**25. Soil Removal and Deposit, and Site Grading**

The removal or deposit of soil, or the excavation and removal of excavated material or grading of

the site requires a development permit under these Regulations. Before a development permit is issued a finished Site Grading Plan shall be submitted and approved by the Authority for development on lots with steep slopes such as Doran's Lane area. The following conditions shall be met before a development permit will be issued;

- a) Land intended for the activity or grading shall have a slope of less than 40%;
- b) Finished slopes or grades are stable and without hazards;
- c) When the earth works are completed, the area affected is covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation; and,
- d) Drainage is provided to the satisfaction of the Authority, and designed so as not to impair existing surface drainage nor to create soil erosion either on site or on adjacent lands or to cause the flooding of any adjacent lands.

**DRA-2006-1 and NL Gazette**

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**USE ZONE TABLE**

<b>ZONE TITLE</b>	<b>RESIDENTIAL ESTATE</b>	<b>(R-EST)</b>
<b>PERMITTED USE CLASSES</b> - (see Regulation 89) Single dwelling, recreational open space.		
<b>DISCRETIONARY USE CLASSES</b> - (see Regulations 33 and 90) Boarding house residential (bed and breakfast only), agriculture, veterinary, child care (family use only), medical and professional, personal service, office, place of worship, medical treatment and special care (home for the aged only), light industrial, educational, and antenna.		

**CONDITIONS****1. Development Standards**

Lot area (m <sup>2</sup> ) minimum	20,250 m <sup>2</sup>
Floor area (m <sup>2</sup> ) minimum	80 m <sup>2</sup>
Frontage (m) minimum	90 m
Minimum Building Line Setback	30 m
Maximum Building Line Setback (Or the established building line in the area whichever is greater)	60 m
Sidyard Width (minimum)	6 m
Rearyard Depth (minimum)	10 m
Height (maximum)	8 m



**2. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses.

**3. Discretionary Uses - Site Standards**

Where permitted, a place of worship and an educational use shall conform to the following standards:

Minimum Building Line Setback	10 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	15 m
Maximum Height	15 m

**4. Accessory Buildings**

All accessory buildings shall have a maximum floor area of 90 square metres and a maximum height of 6.0 metres. Council may increase the size of accessory buildings under its discretion provided that certain conditions are met as to location of accessory buildings, intended uses, height, and visual sighting of the buildings from public roads. Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

An accessory building may be permitted in front of a building line if the lot has physical features that prohibit the development in the rear or side yard of the lot. Accessory building shall not be closer than 2.4 metres from another building, nor 3.0 metres from a property line

Accessory buildings are to be used strictly for ancillary purposes to the permitted uses listed in this use zone. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Aside from minor vehicle maintenance, no Person shall use an accessory building for the purpose of performing major repairs, painting, dismantling, or scrapping of vehicles or machinery.

**5. Coastal Reservation**

No building development will be permitted within 30 m buffer from the top of the steep coastlines along the shorelines of the Town. For the purposes of these regulations, the top edge of the steep coastline shall be defined as the area of land where the slope is less than 25% for more than a 30 m distance measured perpendicular to the coastline and running inland from the steep coastline. From a point located 30 m from the steep coastline edge another 30 m buffer is placed which no building development shall be permitted or as identified by the Town on the Town of Logy Bay-Middle Cove-Outer Cove Land Use Zoning Maps during the permitting of any development near the steep coastline.

**6. Scenic Roads**

Every effort shall be made for development of all classes to retain the landscape in its natural form and to preserve the scenic value of the area.

**7. Lot Frontage**

Notwithstanding the definition *frontage* in Schedule A, for the purpose of this zone, lot frontage, may be met at the front lot line, or, at the building line.

**8. Buffer (around waterways)**

No development will be permitted within 15 metres of the high-water mark of rivers or streams or within 30 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services.

The only exception is the buffer for Jones Pond shall be 50 metres to allow for the development of passive recreation trails. All development occurring within these limits is subject to the approval of Council.

**9. Agricultural Use**

Traditional small-scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens or a small number of animals, the number of such animals and the development requirements for barns, lot area, will be determined by Council in consultation with the Provincial Agriculture Division and Department of Environment and Conservation.

**10. East Coast 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 will encourage 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.

**11. Medical, Professional, Personal Services and Office Uses**

Medical, professional, personal service, and office uses may be permitted as a discretionary use in a dwelling unit in the form of doctors consulting rooms, personal services, small business services, small appliance repair, sporting goods repair service, home office and similar uses provided that:

- i) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the approved use and that no repairs to vehicles or heavy equipment are carried out;
- ii) Activities associated with the use are not hazardous and do not cause noticeable noise,

odor, dust or fumes, or inconvenience and are not a nuisance to occupants of adjoining residences;

- iii) No more than forty (40) percent of the total floor area of the dwelling up to a maximum of eighty (80) square metres is devoted to the use;
- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) There will be no storage of unsightly materials or waste outdoors;
- vi) No change will be made in the type, class, intensity or extent of the business or service without a permit; and,
- vii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

## **12. Medical Treatment and Special Care**

The use class will be limited to a residential home for the aged.

## **13. Subsidiary Apartments**

Subsidiary apartments may be permitted in a self-contained dwelling, subject to the following conditions:

- i) ***The floor area of the subsidiary apartment shall not exceed twenty five percent (25%) of the Gross Floor Area of the dwelling in which it is located, or eighty (80) square meters, whichever is less.***
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.



- iii) The number of additional off-street parking spaces required shall be determined by Council.
- iv) The single dwelling and apartment shall require the approval of onsite septic system by the Department of Government Services.

**14. Boarding House Residential (Bed and Breakfast Only)**

A dwelling to be used for the purpose of providing room and board for tourists or the traveling public may be permitted as a discretionary use provided:

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;
- vi) Signage is permitted as per condition #16.

**15. Child Care (Family Care)**

A Family day care or day nursery (i.e.: a child care operation in which services are regularly provided up to six children), is subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;

- ii) The use will only be permitted in a residential dwelling;
- iii) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- iv) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- v) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- vi) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- viii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Town of Logy Bay-Middle Cove-Outer Cove.

**16. Advertisements Relating to Onsite Uses**

The conditions which shall apply to the erection or display of an advertisement on any lot or site occupied by a use permitted or existing as a legal non-conforming use in this use zone, shall be as follows:

**Advertisement on Building**

The sign on the building shall be inconspicuous and blend in with the residential property and the

general amenities of the surrounding area. The sign shall not rise above the roof line or be situated on the roof of a building.

- i) Sign on building shall be constructed of materials as required by the Council
- ii) Illumination of sign on building will be specified by the Council.
- iii) Advertising for on-site business on residential building shall be no greater than 1 square metre.

**Advertisement on Site**

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Free standing portable illuminated signs ("yellow" or "Light Up Portable Signs") will not be allowed in the residential- medium density zone.
- iii) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- iv) Signs shall blend into the residential area and landscaping.
- v) No advertisement shall exceed 1.5 square metres in area.

**17. Light Industrial**

These uses shall be small scale light industrial uses such as workshops and repair shops;

- i) Activities associated with the use shall be carried on inside the accessory building.
- ii) The use does not detract from the residential character of the neighbourhood and 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;
- iii) No outdoor storage of equipment, materials or waste outdoors.
- iv) Adequate on-site parking, loading, buffering and landscaping is provided.
- v) The use is carried out by a resident of the main dwelling and that person shall be the only one employed in the business.
- vi) Retail sales are incidental and subsidiary to the approved use.
- vii) No change will be made in the type, class, intensity or extent of the business or service without a permit; and
- viii) The development and operation of uses will be subject to conditions outlined in a permit issued by the Council.

**18. Floodway**

Development within the Floodway designation shall be restricted to:

- i) Temporary alterations in a buffer zone, a designated floodway or the body of water itself.
- ii) Non-structural uses such as open space recreation, agriculture, service corridors and minor structures related to utilities and marine activities.



- iii) Placement of fill is prohibited unless required as a flood proofing measure or for public infrastructure. Fill shall not impede water flows or contribute to an increase in flood risk.
- iv) Development in the Floodway, Floodway Fringe and in the 15 metre buffer around these zones shall require the approval of the Water Resources Division, Department of Environment and Conservation.

**19. Floodway Fringe**

Development in the Floodway Fringe shall include public utilities, roads, bridges, marine related uses, industrial, commercial, residential, open space recreation uses. Development within the Floodway fringe designation shall meet the following conditions:

- i) The ground floor elevation of the structure is higher than the 1:100-year flood level;
- ii) The structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;
- iii) The structure and associated utilities must be designed and constructed in accordance with approved flood proofing guidelines of the Department of Environment and Conservation, and entrances and exits from the building can be safely used without hindrance in the event of a flood; and
- iv) The proposed use of the facility and site will not involve any storage of hazardous materials such as fuels, chemicals, pesticides, etc.
- v) Within the Floodway Fringe the following uses shall be prohibited from being developed:

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, police stations, fire stations and other facilities that may provide emergency services during a flood including government offices and schools.

- vi) Development in the Floodway, Floodway Fringe and in the 15 metre buffer around these zones shall require the approval of the Water Resources Division, Department of Environment and Conservation.