



**Town of
Logy Bay-Middle Cove-Outer Cove**

Development Regulations 2021

November 28, 2022



URBAN AND RURAL PLANNING ACT, 2000

RESOLUTION TO APPROVE

TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE
DEVELOPMENT REGULATIONS 2021

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

- a) Adopted the Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 on the 25th day of July, 2022.
- b) Gave notice of the adoption of the Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 by advertisement in The Telegram newspaper on September 19th, 2022, and October 8th, 2022, and in the Northeast Avalon Times on September 22nd, 2022. The advertisement was also posted on the Town's website, Facebook, Twitter platforms and Voyent Alert reminders of the public hearing.
- c) Made staff available during office hours to provide information and answer questions related to the Development Regulations.
- d) Set the 19th day of October 2022 at 7:00 pm at the Justina Centre for the holding of a public hearing to consider objections and submissions.

Now under Section 23 of the *Urban and Rural Planning Act, 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove approves the Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 on the 28th day of November 2022, as amended with the changes outlined below.

- Amend Section 5.9 - "Coastal Reservation" to read:

"5.9 Coastal Reservation



No Development or Building will be permitted within a 30 metre (m) Coastal buffer from the top edge of the steep coastlines along the shorelines of the Town or within a 30 metre Buffer established from the ordinary high-water mark of the ocean with the exception of fishery related and conservation structure, such as those designed to control flooding and erosion, as well as bridges and pathways subject to the approval of the Department of Environment and Climate Change and Council. Where fish habitat may be affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

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 metre distance measured perpendicular to the coastline and running inland from the steep coastline. From this point, a 30 metre Buffer is placed from the top edge of coastline or as identified on the Land Use Zoning Map in which no Building Development shall be permitted.”

- Amend Section 6.2 of the Development Regulations 2021 - “Animal Use”, by deleting Sections 6.2(b) and (i) which sets out the current limit of one (1) horse per 4050 square metres of land area, and replace the sections with the following clauses:

“6.(b) Where horse(s) are permitted as a pet, the following conditions shall apply:

(i) The minimum lot area and number of horses permitted on a lot or property shall be determined by Council in conjunction with the provincial Department of Fisheries, Forestry and Agriculture and the Water Resources Management Division of the Department of Environment and Climate Change.”

All other existing proposed sections of 6.2 would remain unchanged.

- Amend Appendix A(2) - “Environmental Protection Overlay” to read:

“Where a cliff’s edge exists, a 30 metre (m) Coastal Reservation will be established from the top edge of the steep cliff (‘walkable land’). For the purposes of these Regulations, the top edge of the steep coastlines shall be defined as the area of land where the slope is less than 25% for more than a 30 metre distance measured perpendicular to the coastline and running inland from the steep coastline. Where no cliff’s edge exists, the 30 metres (m) Coastal Reservation will be established from the ordinary high-water mark of the ocean.

No Development shall be permitted within a 30 metres (m) Environmental Buffer from the ocean shoreline with the exception of conservation structures, such as those designed to control flooding and erosion, as well as bridges, pathways and municipal infrastructure. All Development occurring within this Environmental Buffer is subject to the approval of

Development Regulations/Amendment

REGISTERED

Number 2945-2023-000

Date 26 JANUARY 2023

Signature J. Polanchuk



the Department of Environment and Climate Change and Council. Where fish habitat may be affected, approval shall also be required by the Federal Department of Fisheries and Oceans."

Signed and sealed this 13th day of December, 2022.

Mayor:

Denis Hickey
Denis Hickey

(Council Seal)

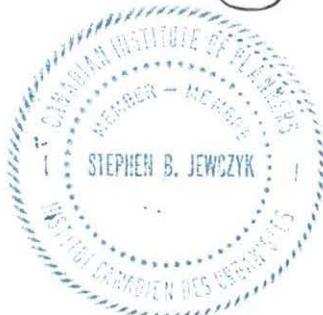
Town Manager/Clerk

Susan Arns
Susan Arns

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021 was prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Stephen B. Jewczyk
Stephen B. Jewczyk, FCIP
Urban and Regional Planner



Development Regulations
Municipal Plan/Amendment

REGISTERED

Number 2945-2023-000

Date 26 JANUARY 2023

Signature J. Polanchuk



**Urban and Rural Planning Act
Resolution to Adopt
Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021**

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 Development Regulations 2021.

Adopted by the Town Council of Logy Bay-Middle Cove-Outer Cove on the 25 th day of July, 2022.

SIGNED AND SEALED this 25th day of July, 2022.

Mayor:

Denis Hickey
Denis Hickey

Town Clerk/Manager:

Janine Walsh
Janine Walsh, P. Tech.



(Council Seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

I certify that the attached Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021, has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Stephen B. Jewczyk
Stephen B. Jewczyk FCIP
Urban and Regional Planner



(CIP Seal)



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1. APPLICATION

1.1 Title

These Regulations may be cited as the Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021.

1.2 Interpretation

Words and phrases used in these Regulations shall have the meanings ascribed to them in the *Urban and Rural Planning Act, 2000*, the Minister's Development Regulations and Sections 2 and 8 of these Regulations. These words and phrases are identified by the capitalization of the beginning of each word as they appear throughout the Regulations. Words and phrases not defined in these Regulations shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

1.3 Commencement

These Regulations come into effect throughout the Logy Bay-Middle Cove-Outer Cove Municipal Planning Area, referred to as the Planning Area, on the date of publication of a notice of registration to that effect in *The Newfoundland and Labrador Gazette*.

1.4 Municipal Code and Regulations

The Building Code including the Plumbing Code, Fire Code, Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the Development, conservation, and use of land in force in the Town of Logy Bay-Middle Cove-Outer Cove shall, under these Regulations, apply to the entire Planning Area.

All new buildings and extension or major renovations to existing buildings shall meet the energy efficiency requirements of the National Building Code.

The Town of Logy Bay-Middle Cove-Outer does not provide Building Inspection Services, therefore, compliance with the above-mentioned building codes is the responsibility of the Applicant, property owner and/or the homebuilder.



1.5 Dimensions and Measurements

In these Regulations, all dimension and measurements are in metric and the applicable metric abbreviations have also been used to identify dimensions and measurements.

1.6 Council

In these Regulations, Council means the municipal council of the Town of Logy Bay-Middle Cove-Outer Cove.

1.7 Urban and Rural Planning Act and Minister's Development Regulations

Appropriate Sections of the *Urban and Rural Planning Act, 2000*, and the full text of the Minister's Development Regulations have been incorporated into the Logy Bay-Middle Cove-Outer Cove Development Regulations and are marked as follows: ***Bold Italicized words or sentences. Where there is a conflict between these Regulations and the Minister's Development Regulations, the Minister's Development Regulations shall apply (See Schedule C). Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.***

1.8 Delegation of Authority

Where the term Council is referenced in these Regulations, Council may, pursuant to Section 109 of the Urban and Rural Planning Act, 2000 and Section 18 of the Minister's Development Regulations, delegate its authority to administer these Regulations or part thereof to an employee of Council or an agent in the employment of Council by a Resolution by Council and such delegation shall be in writing to the employee.



2. DEFINITIONS

The defined words of Section 2 are primarily intended to assist in the interpretation of specific terms utilized within these Development Regulations. Other words are defined to provide for reader clarity and additional land use understanding of planning terms and concepts supported by the Town for managing future change within the community. These defined words are capitalized in the Development Regulations for reference back to Section 2. In all instances, the definitions provided by the Minister's Development Regulations of the *Urban and Rural Planning Act, 2000*, shall take precedence over any defined terms provided by Section 2.

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:

- i) a detached subordinate building not used as a dwelling, located on the same Lot as the main building to which it is an Accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
- ii) 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,
- iii) for commercial uses, workshops, or garages, and
- iv) for industrial uses, garages, offices, raised ramps, and docks.

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, 2000*.

ADVERTISEMENT: means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or in part, for the purposes of advertisement, announcement, or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils or other local authorities, public utilities, and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.



ADULT DAY CARE USE (RESIDENTIAL) means a dwelling or part therein which daycare services and activities are regularly provided in a professionally managed care environment for older adults, particularly those with health challenges and the adults cared for are not related to the resident operator.

AGRICULTURE means an agricultural operation that is carried on for personal use or for commercial gain and includes:

- (a) the clearing, draining, irrigating or cultivation of land,
- (b) the raising of livestock, including poultry,
- (c) the raising of fur-bearing animals,
- (d) the raising of bees,
- (e) the production of agricultural field crops,
- (f) the production of fruit and vegetables and other specialty horticultural crops,
- (g) the production of eggs and milk,
- (h) the operation of agricultural machinery and equipment, including irrigation, and
- (i) storage, use or disposal of organic wastes (manure) for farm purposes, and any other agricultural activity or process prescribed by Provincial regulation that is carried on for gain or reward.

AMENITY SPACE means a common area on a property that provides benefits to the occupants, which increase the attractiveness, functionality and value of a property and which areas are dedicated to passive and active recreational Uses, exclusive of parking Lots and drive isles. Such areas can include but are not limited to patios, decks, swimming pools, paths, leisure spaces or lawns. Within a Building, hallway, elevators, stairways and exits are not considered Amenity Space.

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 any one of the following animals or groups of animals:

- 1 boar,
- 1000 broiler chickens or roasters (1.8 - 2.3 kilograms (kg) each),
- 1 bull,
- 1 cow (including calf),
- 100 female mink (including associated males and kits),
- 100 female rabbits (including associated males and litter),
- 10 foxes (includes females, males and litter),
- 7 goats (average weight per animal 64.0 kilograms (kg))
- 1 hog (based on 453.6 kilograms (kg) per animal),



- 1 horse (including foal),
- 252 laying hens (based on average weight per animal 1.8 kilograms (kg))
- 5 sheep (including lambs),
- 1 sow or breed sow (weaners and growers based on 453.6 kilograms (kg) per animal)
- 200 turkeys, ducks, geese (based on 454 kilograms (kg) = 1 Unit).

ANIMAL USE means the keeping, boarding and breeding of animals (including horses, and beekeeping) intended as domestic pets and the associated structures necessary to house them, including Kennels.

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

APPELLANT means a person or an association of persons who appeals a decision of Council to the Appeal Board in accordance with the Act.

APPLICANT means a person who has applied to an Authority for an approval or permit to carry out a Development.

ARTERIAL STREET means a public Street or road constituting a main traffic artery in the Town.

APPROVAL IN PRINCIPLE means an approval granted by Council for a Development application which meets the requirements of these Regulations and, furthermore, means an outline planning permission as set out in Section 64(g) of the Act.

AUTHORITY means the Town Council of Logy Bay-Middle Cove-Outer Cove, authorized administrator or regional authority.

AUTHORIZED ADMINISTRATOR means an authorized administrator appointed under the subsection 31 (4) of the Urban and Rural Planning Act, 2000.

AUTOMOTIVE REPAIR means a commercial use of Land or a building for the repair and maintenance of motor vehicles.

BED AND BREAKFAST means a Single-Detached dwelling in which the owner resides and supplies, for compensation, not more than four (4) bedrooms for the temporary accommodation of travellers. The establishment must be registered with and receive a rating from Canada Select and also approved by the Provincial

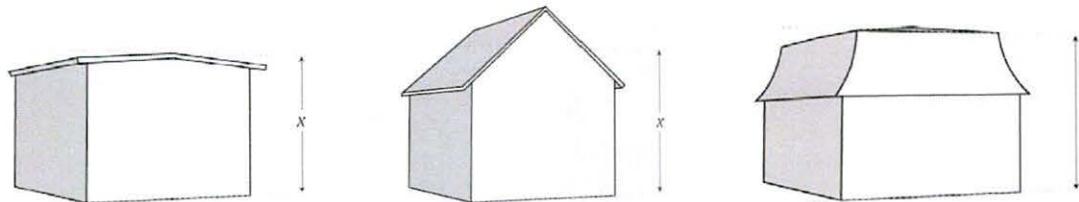
Department of Tourism, Culture, Arts, and Recreation pursuant to the *Tourist Establishments Act & Regulations*.

BUILDING means:

- (i) a structure, erection, excavation, alteration or improvement placed on, over or under land, or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial, and other similar uses,
- (iii) a part of and fixtures on buildings referred to in (i) and (ii), and
- (iv) 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 (i) to (iii).

BUILDING HEIGHT means *the vertical distance as measured in metres from the established grade to the:*

- (i) *highest point of the roof surface of a flat roof,*
- (ii) *deck line of a mansard roof, and*
- (iii) *mean height level between the eave and the ridge of a gable, hip or gambrel roof and, in any case, a Building Height shall not include mechanical structure, 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.

BUFFER means an area left in its natural state or landscaped with various plants, trees, shrubs, grasses or rocks, in order to assist in conserving a natural resource or to mitigate the impacts of one use upon another.

CEMETERY means a facility or land area reserved and dedicated to the burial of the dead and may include a mausoleum, mortuary and related maintenance facility.



Definitions

CHILD CARE CENTRE means a Building or part of a Building in which a child care service is operated in accordance with the provisions of the *Child Care Act* and is not a Child Care Family Home.

CHILD CARE FAMILY HOME means a Single-Detached Dwelling in which a child care service provider lives and operates his or her child care service on a regular basis for up to 7 children in accordance with the provisions of the *Child Care Act*.

CIVIC USE means a use providing for public assembly functions, office and governance services by federal, provincial and municipal governments, and also a school, college or library board, and may include a municipal office, varied government department offices, libraries, museums and archives, art galleries, courts of law, meeting rooms, and associated community programs such as a foodbank facility.

COASTAL RESERVATION means an area of Land along the coastline which is primarily reserved for non-Development purposes, fishery related uses and passive pathways for reasons of environmental protection and public safety.

COLD FRAME means a glass or plastic-covered frame without artificial heat used to protect plants and seedlings outdoors.

COLLECTOR STREET means a Street or road that is designed to link Local Streets with Arterial Streets and which is designated as a Collector Street in the Municipal Plan or on the Zoning Map.

COLUMBIARIUM means a room or Building with niches for funeral urns to be stored.

COMMERCIAL USE means any Use categorized as commercial.

COMMUNITY GARDEN means an outdoor space used to grow and care for vegetables, flowers, and/or annual plantings for personal consumption.

CONSERVATION means a use of Land that serves to protect, maintain, or improve an environmental resource or feature.

CONVENIENCE STORE means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediate surrounding area.



CORNER LOT means a Lot means a Lot or parcel of Land abutting upon two or more Streets at their intersection, or upon two parts of the same Street forming an interior angle of less than 135 degrees

COUNCIL means the Council of the Town of Logy Bay-Middle Cove-Outer Cove as established pursuant to *Municipalities Act, 1999*.

CREMATORIUM means a Building used for cremating human remains.

DENSITY means a measurement of the intensity of use or Development on a Lot which is typically calculated as either Lot coverage or the number of residential Dwelling Units per area of land.

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) *parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,*

and excludes the

- e) *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) *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) *carrying out by a local authority or statutory undertakers of works for the purpose of inspecting, repairing or renewing sewers, mains, pipes, cables or other apparatus, including the breaking open of Street or other land for that purpose, and*
- h) *use of a Building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.*

DEVELOPMENT AGREEMENT means a written agreement between the Council and a developer or property owner which establishes particular circumstances and



Definitions

conditions under which a Development may be carried out.

DEVELOPMENT PERMIT means a permit issued by the Town that outlines the specific conditions for the use or Development of Land.

DEVELOPMENT REGULATIONS means *the Minister's Development Regulations and these Regulations that have been enacted by Council pursuant to Sections 34 to 38 of the Urban and Rural Planning Act, 2000.*

DEVELOPMENT SCHEME means a scheme established under Section 29 of *The Urban and Rural Planning Act, 2000.*

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

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-Detached Dwelling containing a Subsidiary Apartment.

DRAINAGE PLAN means a report, prepared by a qualified professional such as an Engineer, based on a biophysical assessment of a Lot or subdivision of land to determine how surface water catchment will be managed, controlled and mitigated so as to not create the potential for flooding of buildings on the Lot or cause water runoff to adjoining land.

DRIVEWAY means a private Access for vehicles that connects a house, garage or other Building with a public street.

DWELLING UNIT means a self-contained single residential unit that consists of one or more habitable rooms that typically include a kitchen, bathroom and sleeping room, where such rooms are used or designed as the living quarters for a person or one household.

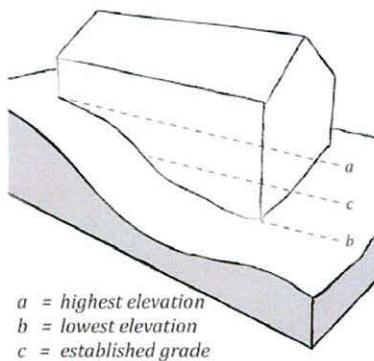
ELECTRIC VEHICLE CHARGING STATION means equipment that connects an electric vehicle to a source of electricity to recharge electric cars, electric vehicles and plug-in hybrids.

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 to the Building Line Setback of a strip of existing Buildings where an established residential Development pattern has been created along a Street which is not consistent with the current zoning in effect for that portion of the Street.

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, or*
- 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.*



FENCE means a railing, wall, line or posts, wire, boards or other similar substances used to separate or divide land or part thereof from any other parcel of Land thereof, immediately adjacent thereto or to establish a property boundary.

FIRESMART means a program aimed at reducing the risk of wildfire to homes and neighbourhoods.

FISHERY USE refers to traditional uses related to the fishing industry such as boat moorage, wharves, docks, off-loading facilities, boat repair, bait buildings, storage uses and similar supportive uses.



FLANKING STREET means the secondary Street bordering a Corner Lot.

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.

FLOODWAY means the inner portion of a Flood Corridor area where the most frequent flooding occurs, on average once in twenty years, and where the flood depths and water velocities are greatest on the basis of the 1 in 20 year (1:20) return flood period.

FLOODWAY BUFFER means the outer portion of the Floodway Fringe and the outer limit of a 15 metre (m) wide Buffer that is to be undeveloped and wherever possible retain its natural vegetation.

FLOODWAY FRINGE means the outer portion of a flood risk area, between the floodway and the outer boundary of the flood risk area, where less frequent flooding occurs on the basis of where flooding occurs up to 1 in 100 years (1:100) on average and flood waters are shallower and slower.

FLOODWAY RISK CORRIDOR means the area delineated on the Zoning Map that encompasses the Floodway, Floodway Fringe, and Floodway Buffer.

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

FORESTRY means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the domestic cutting of fuel wood and Christmas trees, as well as commercial forestry operations of cutting pulp wood, lumber, and other products.

FRONTAGE means *the horizontal distance between side Lot lines measured at the Building line.*

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 a Building or part of a Building used for the repair of equipment or self-propelled vehicles and/or trailers.

GENERAL INDUSTRY means the use of land or Buildings for the purpose of storing, assembling, altering, repairing, manufacturing, fabricating, packing, canning, preparing, breaking up, demolishing, or treating any article, commodity or substance. "Industry" shall be construed accordingly.

GENERAL SERVICE means a shop for servicing, repairing, installing or renting things and equipment, including but not limited to the following examples:

- a) radio or television service or repair shops,
- b) locksmith shops, or
- c) small appliance service or repair shops household and carpenter tool service or repair shops.

GRADE means the finished level of the ground at the exterior walls of a Building or structure.

GREENHOUSE means a Building or room, whose roof and sides are made largely of glass or other transparent or translucent material for the cultivation of plants for subsequent sale, transplanting or personal use.

GROSS FLOOR AREA means the total Floor Area of all floors in a Building or Buildings 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 Areas or Amenity Space.

GROUND FLOOR AREA means that portion of a Lot covered by a Building or structure excluding, in the case of a Dwelling, any porch, veranda, sunroom or private garage.

GROUP HOME means a dwelling accommodating up to but not more than four (4) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to the facilities called "Group Homes", "Family and Group Homes" and "Foster Homes".

HALFWAY HOUSE means a dwelling that is used as a temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counselling from support staff who are



present when residents are present, for the following purposes:

- (a) to help them recuperate from the effects of drug or alcohol addiction,
- (b) to help them re-enter society while housed under supervision while under the constraints of alternatives to imprisonment, or
- (c) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.

Residency is limited to a specific number of weeks or months.

HIGH-WATER MARK carries the same meaning and intent as Natural Boundary. Additionally, the High-Water Mark or level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both.

HOME OCCUPATION USE (HOME-BASED BUSINESS) means a small-scale business owned and operated in a main residential dwelling by at least one of the owners of the dwelling or in an Accessory Building located on the same Lot as the main dwelling, and where the home-based business is a secondary use to the primary residential use of the dwelling.

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.

HOSPITALITY HOME means a Dwelling Unit in which at least one (1) room is regularly rented, and includes the uses commonly referred to as "BED AND BREAKFAST".

IMPERVIOUS SURFACE means any material or any hard surface that prevents or hinders the absorption of water into the soil, or that causes reduced quality of runoff water, or causes water to runoff in greater quantities, or at greater flow rates than the natural surface.

INDOOR RIDING ARENA means an enclosed structure for horse riding.

INFILL LOT means a typical empty Lot or undeveloped land available between existing Buildings.



Definitions

INSPECTOR means any person appointed and engaged as an Inspector by Council or by any federal or provincial authority or the agent thereof.

KENNEL means a Building or premise where domestic household animals and birds are boarded for breeding or otherwise.

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.

LAND USE IMPACT ASSESSMENT means a report prepared by suitably qualified person(s) independent from the property owner or developer to identify and assess the impacts of a proposed Land Use or Development on the urban or natural environment and/or surrounding Lands or neighbourhood and includes recommendations and proposal to control and mitigate identified impacts.

LIGHT INDUSTRY means the use of any Land or Buildings for any general 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.

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.

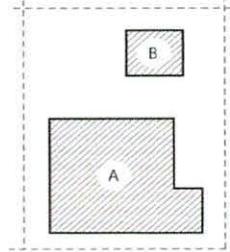
LONG-TERM CARE FACILITY means a Building and Use which provides residential care and accommodations to residents who have high care needs and require on-site professional nursing services.

LOT means a lot, tract or parcel of land which 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 the Lot.

LOT COVERAGE unless the context indicates otherwise 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.

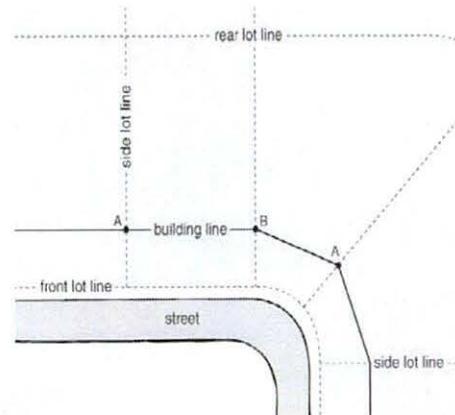
Lot Coverage = $\frac{\text{Area of A} + \text{Area of B}}{\text{Lot Area}}$



LOT FRONTAGE means the horizontal distance between side Lot lines measured at the building line (the distance between points **A** and **B** in illustration at right).

LOT LINE, REAR means the Lot line on the opposite side of the front Lot line.

LOT LINE, SIDE means the Lot lines perpendicular to the front and rear Lot lines.



LOT LINE, FLANKING means a Lot line which abuts the secondary Street on a Corner Lot.

MAIN BUILDING means any Building which is carried on for the principal purpose for which the Building Lot is used.

MARINE FACILITY means a wharf or onshore facility located in the vicinity of coastal waters for a purpose related to marine transportation or services.

MAUSOLEUM means the use of land or a building as an interment space for people.

MINERAL EXPLORATION means the search for and sampling of minerals and quarry materials where the activities involved meet the definition of "Development"



Definitions

under the *Urban and Rural Planning Act, 2000*. “Mineral” and “quarry material” for the purpose of interpreting the definition of Mineral Exploration (development) are as defined in the provincial *Mineral Act* and *Quarry Materials Act, 1998*, respectively. Mineral exploration does not include mining or mineral working (e.g. quarrying). Activities which meet the definition of mineral exploration (Development) are to be contrasted with Mineral Exploration activities that do not meet the definition of development, examples of which typically include traditional prospecting, geochemical sampling surveys (of rock, soil, sediment, water or vegetation), ground-based and airborne geophysical surveys, and the cutting of survey lines.

MINERAL WORKING means Land or Buildings used in an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (e.g., quarrying) (may involve blasting), the removal of quarry materials previously excavated, the removal of quarry material previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing) the production of civil construction material which use quarry materials in their natural form (e.g., asphalt, concrete), the reprocessing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. “Quarry material” for the purpose of interpreting the definition of mineral working as is defined in the provincial *Quarry Materials Act, 1998*. Mineral working does not include mining but may include Mineral Exploration (Development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved Development.

MINIMUM LOT SIZE means the smallest area into which a property may be subdivided for Development purposes.

MINING means an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial *Mineral Act* administered by the Department of Industry, Energy and technology. “Mineral for the purpose of interpreting the definition of mining is defined under the *Mineral Act* Mining may include, as secondary activities, Mineral Exploration (Development) and mineral working.

MINISTER means the Minister of Municipal and Provincial Affairs, unless otherwise specified.



Definitions

MODULAR/MINI HOME means a transportable factory-built Single-Detached Dwelling Unit: which complies with space standards substantially equal to those laid down in the current edition 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 codes; and which is designed to be transported to a Modular Home Lot and subsequently supported on its own foundation; and connected to on-site well and septic tank system and public utilities in order to be suitable for year-round occupancy.

MUNICIPAL INFRASTRUCTURE means the Town's use of land in its ownership or within a municipal Service Easement for the provision and maintenance of public Streets, ditching, storm drainage works, Parks, walkways and municipal buildings and structures related to the provision of a municipal service.

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

MUNICIPALITY *includes a city incorporated under the City of Corner Brook Act, the City of St. Mount Pearl Act, and the City of St. John's Act and a municipality as defined in the Municipalities Act, 1999.*

NATURAL BOUNDARY refers to the visible high-water mark of any pond, river, stream, wetland, marsh or other body of water where the presence or action of water of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the pond, river, stream, wetland, marsh or other body of water, a character distinct from that of its banks, in respect of vegetation, as well as in respect to the nature of the soil itself.

NET FLOOR AREA means eighty percent (80%) of Floor Area.

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

NURSING HOME means a special-care facility or residence licenced under Provincial legislation, in which the proprietor supplies lodging primarily to seniors and elderly residents and, in addition, may provide nursing, medical or similar care and treatment.



Definitions

OFF-STREET PARKING means an Accessory use for a Parking Area which is designed to accommodate motor vehicles associated with a Permitted use on a Lot.

OPEN SPACE means Land set aside to protect and conserve natural areas. Open space may include woodlands, fields, walking trails and passive recreational facilities but shall not include Structures such as Buildings, tennis courts, parking Lots.

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

PARK means an area owned by either the Town, the Province of Newfoundland and Labrador, the Government of Canada or an agency, board, commission, or wholly-owned corporation of either of the three levels of government; which is maintained substantially in its natural state and/or landscaped for the use and enjoyment of the public; and includes Play Lots, playgrounds, playing fields, campgrounds, and picnic areas; but does not include a Place of Assembly or a Private Park, golf courses and environmentally-sensitive areas.

PARKING LOT means an open area of Land other than a Street or an area within a structure for the parking of vehicles.

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

PERSONAL CARE HOME means a Building or facility designed or converted for the accommodation and care of persons with special needs.

PLACE OF WORSHIP means a Building commonly used for public worship by any religious organization and may include a rectory or manse, Place of Worship hall, auditorium, day nursery or religious school associated with, or Accessory thereto.

PLAN, unless the context indicates otherwise, means *a regional plan and a municipal plan established under section 8 or 10 of the Urban and Rural Planning Act, 2000.*

PLANNING AREA means the Logy Bay-Middle Cove-Outer Cove Municipal Planning Area as defined by Consolidated Newfoundland and Labrador Regulation 877/96.

PROHIBITED USE means *a use that is not listed in a use zone within the permitted use classes, or discretionary use classes of the Regulations, or a use that an Authority specifies as not being permitted within a use zone.*



Definitions

PUBLIC STREET means a portion of land for the purpose of a Street, road or highway, which has the following characteristics:

- a) it is designed for the passage of vehicles and pedestrians and is Accessible to fire trucks and other emergency vehicles,
- b) it includes all Street-related infrastructure, for example, the roadway itself, its shoulder, side ditches, culverts and bridges, and
- c) its maintenance is the responsibility of Council or the Provincial Department of Transportation and Infrastructure.

PUBLIC USE means Lands that are designated to provide and serve for the assembly, civic, cultural, spiritual, recreational, healthcare and educational needs of the community.

PUBLIC UTILITY means all Land and Buildings used by the municipality or a "Public Utility" (as defined in the *Public Utilities Act*), to provide services for the health, safety and convenience of the general public, and includes Land, Buildings and facilities to provide water, sewage, electricity, transportation, radio, television and telephone services.

REAR YARD DEPTH means *the distance located between the Rear Lot line and the rear wall of the main Building on the Lot.*

RECREATIONAL OPEN SPACE means a recreational use conducted outdoors that may be designed and equipped for the conduct of sports and/or leisure activities, and may include a multi-use trail, nature interpretation centre, park, playground, outdoor skating rink, picnic area, playing field, tennis court, outdoor rink or similar use.

REGULATIONS means the *Logy Bay-Middle Cove-Outer Cove Development Regulations 2021*.

RESERVATION means a distance of 15 metres (m) from the High-Water Mark of a lake, pond, river, or seashore or foreshore, restricted from Development and forming an easement for public Access and movement as required by the *Lands Act*. Council may also determine the Reservation of the East Coast Trail as a distance from either side of the Trail restricted from Development.

RETAIL STORE means a Building, or part thereof where consumer goods are displayed for sale or rent, or sold directly to the public for the purchaser's own use, and includes a garden centre, but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, a General Garage, or a Service Station.



SCREENING means a Fence, berm, trees, hedge, wall or Building used to separate areas or functions which detract from the appearance of the Streetscape and the view from the surrounding areas.

SERVICE EASEMENT means Land which is legally designated to allow the Town Council, a government authority or public utility the legal right to cross or otherwise use another's Land to construct or place and maintain drains, pipes, cables, transmission lines, etc.

SERVICE STATION: means a Building, including gas pumps and/or electrical vehicle charging stations, used for the sale of petroleum products and electrical energy, and may include general merchandise, minor Automotive Repairs, and washing of vehicles.

SETBACK: means the horizontal minimum separation distance between a Building or structure on a Lot and from a front, rear or side Lot line, or also meaning the separation distance that is to be maintained from Development from the top of bank or High-Water Mark of a watercourse, water body or from an environmentally-sensitive area.

SHED means a simple, small roofed Structure that is an Accessory use to a Dwelling and used as a storage space or a workshop.

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 shops and complementary commercial uses with an integrated and landscaped designed parking Lot and which is planned, developed and designed as a commercial Development site containing a minimum of 5 retail establishments.

SHORE WATER ZONE means the Land that is intermittently occupied by water as a result of the naturally-fluctuating surface-water level in a body of water which can be either a fresh or saltwater body and, in either case, the low-water mark and High-Water Mark of the water body defining the edges of the Shore Water Zone.

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



Definitions

SIDE YARD DEPTH means the distance between a side Lot line and the nearest side wall of a Building on the 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 1.22 metres (m) above grade of the Streets that abut the Lot within the triangular area included within the Street lines for a distance of 6 metres (m) from the point of intersection.

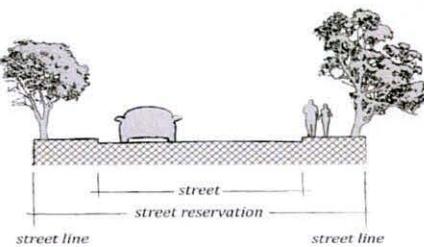
SIGN means a word, letter, model, placard, board, device, or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government,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

SINGLE-DETACHED DWELLING means one Building containing a Single-Detached Dwelling unit for the use of one family, placed on its own Lot, and can include a Subsidiary Apartment.

STREET means a Street, road, or highway or any other way designed for the passage of motor vehicles and pedestrians, and which is Accessible by fire department and other emergency vehicles.

STREET LINE means the edge of a Street Reservation as defined by the authority having jurisdiction.

STREET RESERVATION means an area determined by Council that is reserved for a Street, a future Street, or future Street improvements.





Definitions

STRUCTURE means anything that is erected, built, or constructed, the use of which requires location on the ground or attachment to something having location on the ground, but shall not include fences.

SUBDIVISION means *the dividing of land, whether in single or joint ownership into 2 or more pieces for the purpose of Development.*

SUBSIDIARY APARTMENT: means a separate Dwelling Unit constructed within and subsidiary to a Single-Detached Dwelling in which it is located. A Subsidiary Apartment is secondary in use and in Floor Area size to the main Dwelling Unit within the Single-Detached Dwelling.

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

TELECOMMUNICATION STRUCTURE AND ANTENNA means infrastructure regulated by the Federal Government that enables wireless communications including broadcast antennas, cellular phone towers including private antenna systems for Ham Radio and Citizen Band Radio, mounted on the ground or on another structure such as a rooftop.

TOWN means the Town of Logy Bay-Middle Cove-Outer Cove.

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 these Regulations.*

VENDING STAND means a Commercial Use operated for the purpose of selling, providing or offering goods or services from or at a temporary location.

VETERINARY CLINIC means an establishment used by veterinarians or practitioners in related specialties for the purpose of practicing veterinary medicine and where animals are admitted for examination or treatment, and where limited



laboratory and other diagnostic services may be offered on an outpatient basis, but excludes a kennel.

WAREHOUSE: means an industrial use where a Building, Structure or part thereof is used for the storage, distribution and wholesaling of merchandise or large quantities of goods.

WATERBODY refers to ponds, lakes and the ocean.

WATERCOURSE means the full width and length, including the bed, banks, side and shoreline, or any part, of a river, stream, spring, brook, reservoir, canal or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water, whether the flow is continuous or not.

WETLAND means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions, and includes swamps, marshes, bogs and estuaries.

WHARVES AND STAGES means a Structure affixed to land which a boat or ship may be moored to load and unload.

WORKSHOP means a Building or room where small repairs or handicrafts are carried out.

WIND TURBINE (SMALL SCALE) means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The wind turbine is comprised of the tower, rotor blades (either horizontal or vertical) and the nacelle. A small scale wind turbine is a single turbine that has a nameplate capacity which is not greater than 300 kW. It has a standalone design, either on its own foundation or supported by guy wires.

YARD means an open uncovered space on a Lot appurtenant to a Building (except a court) and unoccupied by Buildings or Structures except as specifically permitted elsewhere in these Regulations.

YARD, REAR means the distance between the rear Lot line and the rear wall of the main Building on a Lot.

YARD, SIDE means the distance between the side Lot line and the nearest side wall of a Building on the Lot.

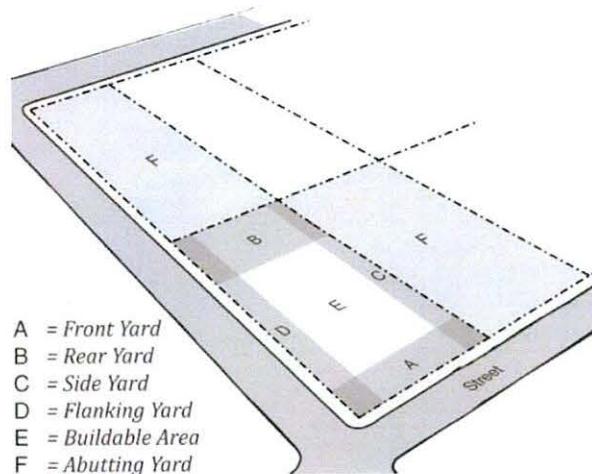


Definitions

YARD, FRONT means the distance between the front Lot line of a Lot and the front wall of the main Building on the Lot.

YARD, FLANKING means the Side Yard of a Corner Lot which Side Yard extends from the Front Yard to the Rear Yard between the Flanking Lot line and the nearest main wall of any main Building or structure.

YARD, ABUTTING means the yard of an abutting Lot which shares a Lot line of the subject property.



ZONING MAP means the map or maps that are attached to and form a part of these Regulations, and is often referred to as the Land Use Zoning Map.



3. GENERAL ADMINISTRATION REGULATIONS

3.1 Compliance with Regulations

Development shall be carried out within the Planning Area in accordance with the Municipal Plan, these Regulations, the conditions stated in an Approval in Principle, Development Permit and/or Building Permit and any other bylaw or regulation enacted by Council.

3.2 Permit Required

No person shall carry out any Development within the Planning Area except where otherwise provided in these Regulations unless a permit for the Development has been issued by Council.

3.3 Licences, Permits and Compliance with Other Regulations

Nothing in these Regulations shall exempt any person from complying with the requirements of any regulation in force within the Planning Area or from obtaining any licence, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

3.4 Permit to Develop

Subject to Regulations 3.5 and 3.7, a permit shall be issued for Development within the Planning Area that conforms to:

- a. The policies expressed in the Municipal Plan and any further Development Scheme, plan or regulation pursuant thereto,
- b. The general administration requirements set out in Section 3 of these Regulations,
- c. The general development conditions and standards of Section 5 of these Regulations,
- d. The special use Development conditions and standards of Section 6 of these Regulations,
- e. The standards set out in Section 7 of these Regulations in the case of Subdivision of Land,
- f. The conditions and standards set out in Section 8 of these Regulations in the case of Signs,
- g. The standards set out in Section 9 of these Regulations in the case of off-



- h. Street parking and loading,
- i. The Use classes, standards, requirements and conditions prescribed in Sections 10 to 25 of these Regulations for the Use Zone in which the proposed Development is located,
- j. The Environmental Protection Overlay Policies as outlined in Schedule A,
- k. The Minister's Development Regulations as set out in Schedule C, and
- l. The standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling Development, conservation and use of Land and Buildings.

3.5 Permit Not to be Issued in Certain Cases

Neither a Development Permit nor Approval in Principle shall be issued for Development within the Planning Area when, in the opinion of Council, it is premature by reason of the site lacking adequate Street Access, power, drainage, sanitary facilities or domestic water supply or being beyond the natural Development of the area at the time of application unless the Applicant contracts to pay the full cost of construction of the services deemed necessary by the Council and such cost shall attach to and upon the property in respect of which it is imposed.

3.6 Climate Change Consideration

Where, in the opinion of Council, climate change has adversely affected the safe and environmentally appropriate Development of property, a Development Permit or Approval in Principle will not be issued by Council unless it is satisfied that the Applicant has taken appropriate mitigation or adaptation measures that are satisfactory to Council to address the impact on the property.

3.7 Discretionary Powers of Council

1. In considering an application for a Development Permit or for Approval In Principle to carry out Development, the Council shall take into account the policies expressed in the Municipal Plan and any further Development Scheme, plan or Regulations pursuant thereto, and shall assess the general appearance of the Development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of



these Regulations, the Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, approve with conditions or refuse the application.

2. *A Council may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Council's regulations as discretionary, permitted or prohibited uses for that area.*

3.8 Variances

1. *Where an approval or permit cannot be given by Council because a proposed Development does not comply with the numeric Development standards set out in Development Regulations, Council may, in its discretion, vary the applicable numeric Development standard 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 if, in Council's opinion, compliance with the Development standards would prejudice the proper Development of the Land, Building or structure in question or would be contrary to public interest.*
2. *Council shall not allow a Variance from the numeric Development standards set out in Development Regulations if that Variance, when considered together with other Variances made or to be made with respect to the same Land, Building or structure, would have a cumulative effect that is greater than a 10% Variance even though the individual Variances are separately no more than 10%.*
3. *Council shall not permit a Variance from Development standards where the proposed Development would increase the non-conformity of an Existing Development.*

3.9 Notice of Variance

Where Council is to consider a proposed Variance, Council shall give written notice of the proposed Variance from Development standards to all persons whose Land is in the immediate vicinity of the Land that is the subject of the Variance, and allow a minimum period of seven (7) days for response.



3.10 Service Levy

Council may require the payment of a service levy in accordance with Section 149 (2) of the *Municipalities Act, SN, 1999*, where Development is made possible or where the density of potential Development is increased or where the value of property is enhanced by the carrying out of public works either on or off the site of the Development.

1. A service levy shall not exceed the cost, including finance charges, to Council of improving or constructing the public works that are necessary for the real property to be developed in accordance with the standards required by Council and permitted by Council on that real property.
2. A service levy shall be assessed on:
 - a. The amount of real property benefiting by the public work related to all the property benefited, and
 - b. The Density of Development made possible or increased by the public work.
3. Council may require a service levy be paid by the Owner of the property benefited and may specify the time for payment.

3.11 Financial Guarantees and Insurance

1. Council may require a developer, before commencing a Development, to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement and to enforce the carrying out of any other condition attached to a permit.
2. Building Permit securities are outlined in the Town's Fee Schedule and/or Subdivision Agreement.
3. Council may require a developer to have insurance sufficient to cover public liability relative to the Development.
4. The financial provisions pursuant to Regulation 3.11(1) may be made in the form of:
 - a. A cash deposit from the developer to be held by the Council in accordance with regulations prepared by the Town,
 - b. A guarantee by a bank or other institution acceptable to the Minister,



- for expenditures by the developer,
- c. A performance bond provided by an insurance company or a bank,
- d. An annual contribution to a sinking fund held by the Council in accordance with the regulations made by them, or
- e. Another form of financial guarantee that the Council may approve.

3.12 Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 7.12.2, for a Development that is not a Subdivision, require that the owner of the Land being developed convey to the Council for a public purpose, a portion of the Land proposed for Development in accordance with the provisions of the Act

3.13 Street Reservations and Street Improvement Lines

Council may, by resolution, establish Street Reservations, Street improvement lines, Street Lines and Building Lines to existing and proposed Streets.

3.14 Restoration of Land

Pursuant to Section 404 of *The Municipalities Act, 1999*, Council may order the developer, the site occupier and/or the Owner, to restore the site, to remove all or any Buildings or erections, to cover or fill in all wells and excavations and to close all and any Accesses or to do all of them, as the case may be, to the satisfaction of Council where:

- a. A Development Permit or Approval in Principle has not been issued by the Council,
- b. The use of Land is discontinued,
- c. A Development Permit and/or a Building Permit has been revoked by the Council,
- d. The intensity of the Use has been decreased, or
- e. A temporary Building Permit issued by the Council has expired.

3.15 Application

1. An application to carry out Development shall be made only by the Owner or person authorized by the Owner to Council, on such form as may be prescribed by Council. Every application shall include such, reports, plans, specifications and drawings as required by Council and be accompanied by the appropriate fee in accordance with the annual Fee Schedule as adopted by Council.



2. Council shall, on request, supply to every Applicant available information and requirements to comply with Section 35 (1) (f) of the Act including a copy of the application forms referred to in Regulation 3.15(1) and the plans, specifications and drawings required to be provided with the application.

3.16 Register for Application

Council shall keep a public register of all applications for Development, which shall contain a record of Council's decision and the result of any appeal from that decision.

3.17 Deferment of an Application

1. Council may defer consideration of an application with the written agreement of the Applicant.
2. An application properly submitted in accordance with these Regulations which has not been determined by the Council and on which a decision has not been communicated to the applicant within twelve (12) weeks of the receipt thereof by the Council, and on which consideration has not been deferred in accordance with Regulation 3.17.1, shall be deemed to be refused.
3. Council may defer decisions on an application within a specified area where Council has directed that a planning study or other similar study pertaining to the future Use and Development of the specified area be undertaken.

3.18 Approval in Principle

1. An application for an Approval in Principle shall be submitted to the Town in accordance with Regulation 3.15.
2. Council may issue an Approval in Principle if it determines through comprehensive review that the application conforms to the intent of the Municipal Plan and these Regulations, and attach such conditions that are required to be met prior to the issuance of a Development Permit; and, necessary to ensure the Development occurs in a manner consistent with the policies of the Municipal Plan and these Regulations.



3. An Approval in Principle shall be valid for a period of two (2) years.
4. No Development shall be carried out under an Approval in Principle.

3.19 Development Permit

1. A plan or drawing which has been approved by Council and which bears a mark and/or signature indicating such approval together with a Development Permit shall be deemed to be permission to develop Land in accordance with these Regulations but such permission shall not relieve the Applicant from:
 - a. Submitting proof of ownership of the Land or having the Land quieted under the Quieting of Titles Act if required,
 - b. Obtaining a Building Permit, permits or approvals under any other regulation or statute prior to commencing the Development,
 - c. Having the work carried out in accordance with these Regulations or any other regulations or statutes, and
 - d. Complying with all conditions imposed thereunder.
2. Council may attach to a Development Permit such conditions as it deems fit, in order to ensure that the proposed Development will be in compliance with the Municipal Plan and these Regulations.
3. A Development Permit is valid for up to two (2) years. If the Development has commenced, the Development Permit and/or Building Permit shall be renewed for an additional two years. Further renewals may be granted by Council if it is determined by Council that the progress of the work has been undertaken in a reasonable and efficient manner by the developer and the renewal is required to complete the Development. If it is determined by Council that work has not been undertaken in a reasonable and efficient manner by the developer, a new Development application will be required to be submitted for the consideration of Council.
4. No person shall erase, alter or modify any drawing or specifications upon which a Development Permit has been issued.
5. Any changes or modifications to plans or drawings shall first be approved by Council.
6. A copy of the Development Permit and the plans and specifications, shall be kept on the site until completion of the Development.



3.20 Decisions of Council

A decision made by Council with respect to a Development application under these Regulations, shall be made in writing stating:

- a. The conditions contained within the Approval in Principle or Development Permit, or
- b. The reasons for a refusal of an application, and
- c. The right to appeal the decision, in accordance with Section 42 of the Act and the requirements of Regulation 4.1.

3.21 Revoke Development Permit

Council may revoke an in Principle or Development Permit or subsequent permits for failure by the Applicant or developer to comply with the Act, the Municipal Plan, these Regulations or any condition attached to the Approval in Principle or Development Permit or where it was issued in error or was issued contrary to the applicable regulations or was issued on the basis of insufficient or incorrect information.

3.22 Correction of Errors and Remedial Work

The approval of any plans or drawings or the issuance of a Development Permit shall not prevent Council or any delegated staff or agent from thereafter requiring the correction of errors or from ordering the cessation of or remedial work on any Development being carried out in the event that the same is in violation of these or any other regulations or statutes.

3.23 Temporary Structures

A Development Permit for a temporary Structure (such as a construction or Office trailer at a construction site) may be issued for a period of up to two (2) years. This permit may be renewed for a further two (2) years upon application to the Council by the applicant.

3.24 Development Permit Fee

A fee may be charged for a Development Permit in accordance with the annual Fee Schedule as adopted by Council.

3.25 Notice of Application

1. Notice of an application must be given when;



- a. A Variance is to be considered under Regulation 3.7,
- b. An application for a residential Accessory building in the Front Yard of a property is being considered by Council under Regulation 5.4.1 (e),
- c. A change in a Non-Conforming Use is to be considered under Regulation 5.25.5,
- d. The proposed Development is listed as a Discretionary Use in the use zone tables in Sections 10 to 27, or
- e. Council determines that the public should be notified of an application.

2. Subsequent to Regulation 3.25.1, Council shall give notice of an application for a Development Permit and Approval in Principle as follows:
 - a. For an application for a Variance, a direct notification of persons that are affected by the application as specified under Regulation 3.9, and in compliance with the provisions of the Act,
 - b. For a change in a Non-Conforming Use, any proposed Development listed as a Discretionary Use, or if Council determines the public should be notified of an application, there shall be a public notice in a newspaper circulating in the area or by other means deemed appropriate by Council with a minimum seven (7) day response period, to be specified in the notice, or as specified under Section 15 of the Provincial Development Regulations, or
 - c. For a Discretionary Use, public notices will be sent to property owners whose properties are located within a minimum distance of 500 metres (m) of the proposed Development or greater if so determined by Council and such notice will be in addition to the public advertisement referred to in Regulation 3.25(2)(b).
3. Notice of an application shall be at the expense of the Applicant.
4. Notice of an application shall contain enough information to properly inform the public of the location, the proposed type of Development and activity being undertaken including parking considerations and other information deemed necessary by Council to comment on the application.

3.26 Right of Entry

Council, or an Officer of Council, in accordance with Section 105 of the Act and the *Municipalities Act, 1999*, may enter upon any public or private Land, or enter any Development or Building upon the Land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of



any Development, construction, alteration, repair or any other works whatsoever that Council is empowered to regulate.

3.27 Record of Violations

A designated official shall keep a record of each violation of these Regulations and report that violation to Council.

3.28 Stop Work Order and Prosecution

1. Where a person begins or continues a Development contrary, or apparently contrary, to the Municipal Plan and these Regulations, Council may order that person to stop the Development, and any work connected with it, pending the submission and approval of an application or a final decision in a prosecution arising out of the Development.
2. A person who does not comply with an order made under Regulation 3.28(1) is guilty of an offence under Section 106 of the *Act*.

3.29 Delegation of Powers

Council shall, where designating employees to whom a power is to be delegated to issue an order under Subsection 109(3) of the *Act*, make that designation in writing.

3.30 Land Use Impact Assessment

Council may require a Land Use Impact Assessment as part of the Development application review process to evaluate any proposed Land Use or Development that affects the policies contained in the Municipal Plan. Should Council require a Land Use Impact Assessment, the following shall apply:

- a. The Terms of Reference for a Land Use Impact Assessment shall be prepared and approved by Council,
- b. The report and any supporting studies shall be prepared at the expense of the Applicant unless otherwise determined by Council,
- c. The report shall identify significant impacts, evaluate their importance and recommend measures of control or mitigation, where appropriate,
- d. Council shall provide adequate time for public review and comment with regards to the items to be addressed in the Terms of Reference for the Land Use Impact Assessment, and



- e. Council may provide an opportunity for public review and comment on the Land Use Impact Assessment report prior to its approval.

3.31 Environmental Site Assessment and Remediation

Council may require an Environmental Site Assessment:

- a. As a condition of an Approval In Principle or Development Permit for Development of Lands where site contamination is known or reasonably believed to have occurred,
- b. Where such an assessment indicates the property to be contaminated, no Development will be permitted until the site has been remediated in accordance with relevant federal and provincial regulations regarding contaminated sites, or
- c. Where site contamination is discovered after a Development has commenced.

3.32 Archaeological Assessment

Applications for Development will be forwarded to the Provincial Archaeology Office of the Department of Tourism, Culture, Arts and Recreation for review and consideration under the *Historic Resources Act* where:

- a. Archaeological resources are known to exist or where they are likely to exist based on location or historical evidence,
- b. Where a major development is planned that involves land use or ground disturbance for review of possible historical resources within the lands to be developed and where such resources are identified appropriate measures and conditions of development approval are identified to protect the historic resources.
- c. Where they are discovered after Development has commenced and at the time of discovery of the historic resource, the Development shall cease immediately until approval; is granted to proceed by the Provincial Archaeology Office of the Department of Tourism, Culture, Arts and Recreation



4. APPEALS

4.1 Notice of Right to Appeal

Where Council makes a decision that may be appealed under Section 42 of the Act, Council shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- a. Person's right to appeal the decision to the Appeal Board,*
- b. Time by which an appeal is to be made,*
- c. Right of other interested persons to appeal the decision, and*
- d. manner of making an appeal and the address for the filing of the appeal.*

4.2 Appeal Requirements

- 1. The secretary of the Appeal Board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all Appeal Boards in the province and an appeal filed with that secretary within the time period referred to in Subsection 42(4) of the Act shall be considered to have been filed with the appropriate Appeal Board.*
- 2. The fee required under Section 44 of the Act shall be paid to the Appeal Board that hears the decision being appealed by filing it with the secretary referred to in Regulation 4.2.1 within the fourteen (14) days referred to in Subsection 42(4) of the Act.*
- 3. The Appeal Board that hears the decision being appealed shall, subject to Subsection 44(3) of the Act, retain the fee paid to the Appeal Board.*
- 4. Where an appeal of a decision and the required fee is not received by an Appeal Board in accordance with this Section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.*

4.3 Appeal Registration

- 1. Upon receipt of an appeal and fee as required under the Act and these Regulations, the secretary of the Appeal Board as referred to in Regulation 4.2.1 and 4.2.2, shall immediately register the appeal.*

2. *Where an appeal has been registered the secretary of the Appeal Board shall notify Council of the appeal and shall provide to Council a copy of the appeal and the documentation related to the appeal.*
3. *Where Council has been notified of an appeal, Council shall forward to the Appeal Board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the Applicant and other interested persons of whom Council has knowledge.*
4. *Upon receipt of the information under Regulation 4.3.3, the secretary of the Appeal Board shall publish in a newspaper circulated in the area of the appropriate Council, a notice that the appeal has been registered.*
5. *A notice published under Regulation 4.3.4 shall be published not fewer than two (2) weeks before the date upon which the appeal is to be heard by the board.*

4.4 Development Prohibited

1. *Immediately upon notice of the registration of an appeal, Council shall ensure that any Development upon the property that is the subject of the appeal ceases.*
2. *Sections 102 and 104 of the Act apply to Council acting under Regulation 4.4.1.*
3. *Upon receipt of a notification of the registration of an appeal with respect to an order under Section 102 of the Act, Council shall not carry out work related to the matter being appealed.*

4.5 Board of Appeal

1. The Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the Province over which it shall have jurisdiction, as outlined in Section 40 of the Act.
2. The Eastern Newfoundland Board of Appeal or its successor is established as the Appeal Board for the Planning Area.



4.6 Appeals

1. A person or an association of persons aggrieved of a decision that, under the Regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:
 - a. An application to undertake a Development,
 - b. A revocation of an approval or a permit to undertake a Development,
 - c. The issuance of a stop work order, or
 - d. A decision permitted under the Act or another Act to be appealed to the board.
2. A decision of Council to adopt, approve or proceed with a Municipal Plan, a Development Scheme, Regulations, and amendments and revisions of them is final and not subject to an appeal.
3. An appeal shall be filed with the Appeal Board not more than fourteen (14) days after the person who made the original application appealed from has received the decision being appealed.
4. An appeal shall be made in writing and shall include:
 - a. A summary of the decision appealed from,
 - b. The grounds for the appeal, and
 - c. The required fee.
5. ***An Appeal Board may meet as often as it considers necessary to conduct its work in an expeditious manner.***
6. A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
7. An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
8. A decision of the Appeal Board must comply with the Municipal Plan, Development Scheme or Regulations that apply to the matter that has been appealed to the Appeal Board.

9. In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct Council to carry out its decision or make the necessary order to have its decision implemented.
10. Notwithstanding Regulation 4.6.1, where Council may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision of Council.
11. The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
12. The Appeal Board shall, in writing, notify the appellant and Council of the decision of the Appeal Board.

4.7 Hearing Notice and Meetings

The Appeal Board shall notify the Appellant, Applicant, Council and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than seven (7) days before the date scheduled for the hearing of the appeal.

4.8 Hearing of Evidence

1. ***The Appeal Board shall meet at a place within the area under its jurisdiction and the Appellant and other persons notified under Regulation 4.7 or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.***
2. ***The Appeal Board shall hear an appeal in accordance with Section 43 of the Act and these Regulations.***
3. ***A written report submitted under Subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.***
4. ***In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.***



Appeals

4.9 Appeal Board Decision

A decision of the Appeal Board must comply with the Municipal Plan, Development Scheme or Regulations that apply to the matter that has been appealed to that board.

4.10 Return of Appeal Fee

Where an appeal made by an appellant under Section 42 of the Act, is successful, an amount of money equal to the fee paid by that Appellant under Regulation 4.2(2) shall be paid to the Appellant by Council.



5. GENERAL DEVELOPMENT STANDARDS

The following Regulations in Section 5 shall apply throughout the Planning Area.

5.1 Accesses and Service Streets

1. Access shall be located to the specification of Council so as to ensure the greatest possible convenience and safety of the Street network system, and Council may prescribe the construction of service Streets to reduce the number of Accesses to Collector Streets.
2. No driveway Access shall be closer than 12 metres (m) to the Street Line of any Street intersection, driveway or other entryway to a parcel of Land.
3. One Access per Lot or property is permitted. An additional Access may be considered by Council based upon site-specific conditions. Where there is more than one Access permitted by Council, a minimum separation distance of 7.5 metres (m) between Accesses shall be maintained along the front of the property.
4. Joint use of a single Access by two property owners shall not be permitted unless otherwise determined by Council.
5. An Access shall be located along the front property line where optimal sight distance can be achieved.
6. Access width shall be a minimum of 6 metres (m) and a maximum of 9 metres (m).
7. The Access shall have a length of sufficient distance to ensure that a parked vehicle in the Access shall not extend into the Street right-of-way.
8. Council may require, at the developer's expense, installation of traffic control devices as may be necessary to ensure vehicular and pedestrian safety as a result of a Development.
9. In addition to all municipal requirements, all Development located adjacent to Marine Drive and Marine Lab Road shall require an access permit from the provincial Department of Transportation and Infrastructure to be submitted to the Town prior to Development commencing on the property or lot.



5.2 Accessory Buildings: General Conditions

1. Accessory Buildings shall be clearly incidental and complementary to the use of the main Buildings in character, use and size, and shall be contained on the same Lot. Accessory Buildings, except for an Accessory Building used for agricultural purposes or a temporary Building for on-site construction drawings, equipment, and tools storage as approved by Council, shall not be erected on a property before the Main Building is constructed.
2. A metal storage container shall not be permitted as an Accessory Building.
3. An Accessory Building shall not be used as a dwelling or for human habitation.
4. No Accessory Building shall be located closer to the Street line than the main Building.
5. Accessory Buildings shall be restricted to the Side and Rear Yards and be located at or behind the Building Line.
6. No Accessory Building shall be located closer than 2.4 metres (m) from another Building on the Lot and 3 m from any property line.
7. Accessory Buildings shall not be erected or placed upon a disposal field or service/utility any easements, drainage swale, septic system or right-of-way.
8. Where a structure is attached to the main wall or Main Building on the Lot by a roof, a common wall or foundation, it is considered a part of the Main Building and not an Accessory Building.
9. The installation of an electrical service to the Accessory Building is permitted subject to the approval and conditions of provincial Digital Government and Service NL.



5.3 Accessory Buildings: Commercial or Industrial Lot

1. An Accessory Building on a Commercial or Industrial Lot Use shall be permitted subject to the following requirements:
 - a. Located behind the Building Line of the Main Building on the Lot.
 - b. The installation of water and sewer services to the Accessory Building is permitted and such services are approved by Service NL, and,
 - c. The cumulative total of the Ground Floor Area of Accessory Building(s) Area shall not exceed seven percent (7%) of the Lot Area.

5.4 Accessory Buildings: Residential Lot

1. An Accessory Building on a Residential Lot shall be permitted subject to the following requirements:
 - a. The Commercial Use of an Accessory Building associated with a residential dwelling may be used for uses that are non-intrusive to residential uses such as a personal service use, an arts-and-crafts studio or shop, shall not be used for any other Commercial or Light Industrial Use, and shall be restricted to one person who is the resident of the Single-Detached Dwelling.
 - b. Non-commercial vehicle maintenance and repairs are permitted within an Accessory Building provided that there is no outside storage of parts or vehicles in disrepair and that the vehicle maintenance and repair does not create noise, odour or vibration nuisances to abutting properties,
 - c. The installation of water and sewer services to the Accessory Building is permitted but is limited to two plumbing fixtures located on the ground floor of the Accessory Building and such services are approved by Service NL,
 - d. The installation of an electrical service to the Accessory Building is permitted subject to the approval and conditions of Service NL,
 - e. Notwithstanding Regulation 5.2(5), the Council may, pursuant to Regulations 3.7 and 3.25, approve the location of an Accessory Building closer to the Street Line than is the location of the main dwelling where the Council considers that the physical features of the Lot would prohibit the location of an Accessory Building in the rear or Side Yards and would pose a severe inconvenience or hazard, provided that the location of the Accessory Building would not pose a threat to Street safety. In these circumstances, public notice will be circulated in accordance with



Regulation 3.25 prior to Council's consideration of the application,

- f. The cumulative total of the Ground Floor Area of all residential Accessory Buildings on a Lot or property shall not exceed seven percent (7%) of the Lot Area,
- g. The maximum Ground Floor Area of an Accessory Building shall not exceed 180 metres square (m^2) or seventy-five (75%) of the Ground Floor Area of the dwelling located on the Lot,
- h. The Building Height of a residential Accessory Building shall be the lesser of 6 metres or the Building Height of the dwelling situated on the property or Lot,
- i. With the exception of greenhouses, gazebos, cold frames, vegetable storage cellar and communication antennae, Accessory Buildings shall be similar in appearance to the main dwelling on the property or Lot in terms of design, colour and material, and
- j. Notwithstanding this section, residential swimming pools will also be subject to Regulation 5.36.

2. A residential Lot may be permitted to have more than one residential Accessory Building. For example, a residential Lot may have a domestic garage, tool shed, fuel shed, greenhouse, etc. Only one Accessory Building of the same type (i.e., not more than one garage) is permitted on a residential Lot.

5.5 Accessory Sport Structure: Residential Uses

An Accessory Sport Structure associated with a residential use shall be permitted subject to the following requirements:

- a. Notwithstanding the definition of Accessory Building, for the purposes of this section, an Accessory Sport Structure shall include the construction or placement of an impervious surface for the purpose of accommodating hockey rinks, basketball courts, tennis courts and similar sport courts,
- b. An Accessory Sport Structure shall not be used for commercial purposes,
- c. The Accessory Sport Structure shall:
 - i. be located in the rear yard and in the case of a corner lot not within the flanking Street side yard,
 - ii. be setback a minimum of 3 metres from property boundaries,
 - iii. not be constructed, located or placed on an easement,



- iv. not be constructed or placed over a septic tank disposal field, and
- v. not be enclosed or have a roof.

- d. Where it is determined by Council to be necessary,
 - i. the application for an Accessory Sport Structure shall include drainage plans that ensures that any water from the structure does not drain onto adjacent properties, and
 - ii. fencing shall be required in accordance with Council's requirements to ensure the enjoyment, safety and convenience of adjacent property owners.
- e. Any lighting associated with the Accessory Sport Structure shall be directed onto the Structure itself and not be directed or spillover onto adjacent properties, and
- f. The cumulative total of the ground floor area of all residential Accessory Buildings and Accessory Sport Structures on a lot or property shall not exceed seven percent (7%) of the lot area.

5.6 Aircraft Noise Exposure Corridor

- 1. The Noise Exposure Forecast (NEF) Contours of the St. John's Airport are identified as an Overlay on the Zoning Map.
- 2. No new residential Development shall be permitted above the 35 Noise Exposure Forecast (NEF) Contour of the St. John's Airport, the bounds of which are delineated on the Land Use Zoning Map as part of these Development Regulations.
- 3. All residential Development located between the 30 NEF and 35 NEF Contours shall comply with Canada Mortgage and Housing Corporation (CMHC) acoustic insulation requirements. All Building permit applications for this area must include drawings stamped and certified by a qualified engineer or architect that indicates these requirements are incorporated into the Building design.
- 4. A seller of land above the 30 NEF contour is required to issue a notice to prospective purchasers concerning the restrictions on Development in these areas. Council will not approve a subdivision of land in any area above the 30 NEF contour unless it receives a written undertaking from the



owner that prospective purchasers will be notified of these Development restrictions by way of a Notice placed upon the title of the subject properties.

5. The Town shall ensure the height limit of buildings, structures including radar, navigational aids or telecommunications towers around the airport within the area of the NEF Overlay is in accordance with the requirements of the St. John's International Airport Authority and Transport Canada for airplane safety.

5.7 Buffer Strip

1. Where any industrial, commercial or institutional Development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a Street only, the owner of the site of the Development shall provide a Buffer strip which may incorporate noise attenuation features not less than 10 metres (m) wide between any residential activity and the industrial, commercial or institutional area.
2. Where it is determined by Council that a Buffer is required between non-residential land uses, the size and height of the Buffer including screening materials and noise attenuation features shall be as determined by Council.
3. The Buffer shall include the provision of such natural or structural barrier or screening as may be required by Council and shall be constructed and maintained by the owner or occupier to the satisfaction of Council.

5.8 Building Line and Setback

1. Council, by resolution, may establish a Building line on a public Street and may require new Buildings to be located on that Building line, whether or not the Building line conforms to the standards set out in Sections 11-27 of these Regulations.
2. Council may exempt an individual Building from having to locate on the Building Line if physical, heritage or other conditions make this location unsafe or impractical, or more in keeping with the character of the immediate neighbourhood.



5.9 Coastal Reservation

No Development or Building will be permitted within a 30 metre (m) Coastal buffer from the top edge of the steep coastlines along the shorelines of the Town or within a 30 metre Buffer established from the ordinary high-water mark of the ocean with the exception of fishery related and conservation structure, such as those designed to control flooding and erosion, as well as bridges and pathways subject to the approval of the Department of Environment and Climate Change and Council. Where fish habitat may be affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

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 metre distance measured perpendicular to the coastline and running inland from the steep coastline. From this point, a 30 metre Buffer is placed from the top edge of coastline or as identified on the Land Use Zoning Map in which no Building Development shall be permitted.

5.10 Conservation of Natural Environment and Aesthetic Areas

Council may, in considering a proposed Development, require agreements to preserve sensitive environmental or natural features on a site. Such agreements may include designating areas within a site for conservation, for the maintenance of tree cover within a Development as a natural feature, the protection of steep slopes or as a Buffer along rivers, streams and shorelines.

5.11 Corner Lot Sight Triangle

On a corner Lot, a Fence, sign, hedge, shrub, bush, tree or any other structure or vegetation shall not be erected or permitted to grow to a height greater than 1.22 metres (m) above grade of the Streets that abut the Lot within the triangular area included within the Street Lines for a distance of 6 metres (m) from their point of intersection.

5.12 Development Adjacent to a Public Right-of-Way or Street Reservation

1. Land Development and the erection of Buildings and Structures shall not be permitted on any site where the Development would impede public passage on a public right-of-way or public Street reservation or interfere with any legal right of Council to develop or improve the right-of-way or Street reservation for public Access and recreation.



2. A minimum setback or other terms and conditions may be required for a proposed Development in the vicinity of a public right-of-way or public Street reservation to ensure the Development will not obstruct or otherwise impede public passage along the right-of-way.

5.13 Development Over Easements

No permanent Building shall be constructed over any known easement, whether that easement has been assigned to the Council, a department of the provincial or federal government or a utility company.

5.14 East Coast Trail

The East Coast Trail Association has developed and is continuing to developing a natural walking/hiking trail within the Planning Area along the coastline of Atlantic Ocean as part of their much larger regional coastal trail system. As part of the development review process, the Council will encourage the creation of a minimum 2.5 metres (m) wide corridor incorporating a trail with abutting natural vegetation through acquisition, easements or agreements with property owners relating to the trail corridor and to ensure that future Development does not negatively impact the trail. The location of the existing and future trail corridor is identified on the Zoning Map.

5.15 Environmental Protection

1. Designated flood risk areas, water bodies, watercourse and wetlands and Land located within 15 metres (m) of the High-Water Mark of watercourses, flood risk areas and wetlands; 30 metres (m) of high-water mark of waterbodies and coastlines shall be identified as Environmental Buffers.
2. No Development will be permitted within the Environmental Buffers with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways and public services. All Development occurring within these limits is subject obtaining a permit pursuant to Section 48 of the Water Resources Act from the Department of Environment and Climate Change, Water Resources Management Division and the approval of Council.
3. Any Development that is adjacent to an Environmental Buffer or may impact the lands identified in Map 2: the Environmental Protection Overlay Map



(“Environmental Protection Map”) may only be permitted subject to the terms and conditions as stated in Schedule A of these Development Regulations.

5.16 Fences

No Fence shall be erected, replaced or repaired unless a permit for construction has been issued by the Council in accordance with the *Town of Logy Bay-Middle Cove-Outer Cove Fence Regulations*.

5.17 Heat Pumps

Open-looped groundwater-sourced heat pumps are not permitted.

5.18 Height Exceptions

The height requirements prescribed in Sections 11 to 25 of these Regulations may be waived in the case of radio and TV antennae, flagpoles, water towers, spires, belfries, wind generators or chimneys, but any such waiver which results in an increase of more than ten percent (10%) in the permitted height of the structure shall only be authorized under the provisions of Regulation 3.7.

5.19 Irregular Lots

Where the configuration of a Lot is irregular, Council will determine which area of the Lot is the Front, Rear and Side Yards and the relevant Development standards of the Use Zone in which that Lot is located shall apply to the designated Yards.

5.20 Lot Area

1. No Lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any Building or structure on such Lot shall have a Lot coverage that exceeds or a Front Yard, Rear Yard, Side Yard, Frontage or Lot Area that is less than that permitted by these Regulations for the zone in which such Lot is located.
2. Where any part of a Lot is required by these Regulations to be reserved



as a Yard, it shall continue to be so used regardless of any change in the ownership of the Lot or any part thereof, and shall not be deemed to form part of an adjacent Lot for the purpose of computing the area thereof available for Building purposes.

5.21 Lot Area and Size Exceptions

Council may approve Development of a Building on a Lot that exists at the time of coming into effect of these Regulations that has insufficient Frontage or area to permit the Owner or purchaser of the Lot to comply with the provisions of these Regulations where there is evidence that the Lot had received approval from Council within 3 years prior to the coming into effect of these Regulations; and the Development can meet the minimum standards for Lot Coverage, Yards and Floor Area set out in the applicable Use Zone in which it is located.

5.22 Lot Frontage

Except where specifically provided for in the Use Zone Tables in Section 11-27 of these Regulations, no new residential, commercial, public Building or other main Building shall be erected on a Lot that does not front directly on a public Street or forms part of a Comprehensive Development Scheme.

5.23 Marine Drive and Marine Lab Road Scenic Route View Plane

The Marine Drive and Marine Lab Road Scenic Route View Plane is identified on the Zoning Map as an Overlay. Development and the use of land within the scenic view plane shall be subject to the following conditions:

- a. No wide-scale cutting of trees or mineral working operations shall be permitted that is visible from the scenic route.
- b. Whenever possible and subject to FireSmart principles, existing trees shall be maintained on properties within the view plane. Only selective cutting of trees on the Lot will be permitted to accommodate new Development.
- c. The storage of outside material shall be limited to residential-related uses and shall be located in the Rear Yard of the properties or Lot and, if visible, within the view plane and where possible, be screened by a vegetation Buffer or berm.
- d. Site plans prepared by a professional designer shall be required to be submitted as part of the Development application process for the review



and approval of the Council prior to issuance of a Development/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.

- e. Signage shall be sensitive and complementary to the scenic nature of the area. Signage such as billboards and electronic digital signs shall not be permitted within the Scenic View Plane.
- f. Where lands are identified by Council as having significant scenic value within the view plane, the Council may restrict or prohibit the use or Development of land that would either detract or limit the scenic view.

The area of the designated view plane is illustrated on the Zoning Map in Map 1.

5.24 Mineral Working

1. The minimum Buffer adjacent to a Mineral Working shall be:

Zone or Feature	Buffer All Uses
From a Rural Residential and Residential Subdivision Development Area Use Zone	300 metres (m)
From a Rural Residential and Residential Subdivision Development Area Use Zone Where Blasting Occurs	1000 metres (m)
From a Commercial Local, Mixed Development or Civic Use	50 metres (m)
From any Street	30 metres (m)
From any body of water, water course or wetland	50 metres (m)

2. Mineral Workings shall comply with the terms and conditions of a permit and/or licence issued under *the Quarry Materials Act and Regulations*.
3. All blasting activity shall be carried out in accordance with Provincial Occupational Health and Safety Act and Regulations.



5.25 Non-Conforming Use

1. Notwithstanding the Municipal Plan, Development Scheme or Regulations made under the Act, Council shall, in accordance with Regulations made under this Act, allow a Development or Use of land to continue in a manner that does not conform with the Municipal Plan, Development Scheme or Regulations that applies to that land provided that the non-conforming use legally existed before the registration under Section 24 of the Act, the Municipal Plan, Development Scheme or Regulations made with respect to that kind of Development or use.
2. Mineral Workings at quarry sites established before a zoning or other planning decision which restricts or disallows Mineral Working shall be considered a non-conforming use as per Section of the *Urban and Rural Planning Act, 2000*, and allowed to continue accordingly.
3. ***Notwithstanding Regulation 5.25.1 and pursuant to Regulation 108(2) of the Act, a right to resume a discontinued non-conforming use of land shall not exceed twelve (12) months after that discontinuance.***
4. A non-conforming Building, Structure or Development under the Act that is allowed to continue under Regulation 5.25.1:
 - a. Shall not be internally or externally varied, extended or expanded unless otherwise approved by Council,
 - b. Shall not be structurally modified except as required for the safety of the Building, Structure or Development,
 - c. Shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that Building, Structure or Development has been destroyed, except as provided for in Regulation 5.25.3(h),
 - d. May have the existing use for that Building, structure or Development varied by Council to a use that is, in Council's opinion, more compatible with the Municipal Plan and Regulations applicable to it,
 - e. May have the existing Building extended by approval of Council where, in Council's opinion, the extension is not more than fifty percent (50%) of the existing Building,
 - f. Where the non-conformance is with respect to the standards included in these Regulations, shall not be expanded if the



- g. expansion would increase the non-conformity,
- g. Where a Building, Structure or Development does not meet the Development standards included in Development regulations, the Building, structure or Development shall not be expanded if the expansion would increase the non-conformity, and an expansion must comply with the Development standards applicable to that Building, structure or Development, and,
- h. Where the Building or Structure is primarily zoned and used for residential purposes, may, in accordance with the Municipal Plan and Regulations, be repaired or rebuilt where fifty percent (50%) or more of the value of that Building or structure is destroyed.

5. *Where a residential Building or Structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the Municipal Plan and Regulations, applicable to that Building or Structure where 50% or more of the value of that Building or Structure is destroyed.*

6. *Where considering a non-conforming Building, structure or Development under 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming Building, structure or Development, Council, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming Building, Structure or Development and shall consider any representations or submissions received in response to that advertisement.*

5.26 Non-Conformance With Standards

Where a Building, Structure or Development does not meet the Development standards that are included within the Development Regulations, the Building, Structure or Development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the Development standards applicable to that Building, Structure or Development.

5.27 Non-Conforming Use (Discontinuance)

1. In determining whether a legal Non-Conforming Use has been



discontinued, or in evaluating proposals for a change from one Non-Conforming Use to another Non-Conforming Use, Council shall take into consideration a fair balance between the individual landowner's interest and the community's interest.

2. A Non-Conforming Use shall be considered to be discontinued where the scale or intensity of the activity can be considered to bring about a change in the type of use; or if the addition of new activities or the modification of old activities is, in the opinion of Council, considered remote from previous activities.

5.28 Non-Residential Buildings (Adjacent to Residential Areas)

1. The following conditions shall apply to a Development containing a commercial, office, industrial or public Building that adjoins a residential Lot or Zone:
 - a. The views from habitable rooms of dwellings and the amenity of outdoor spaces shall be respected in the design and siting of the proposed non-residential Building,
 - b. Landscaping of the non-residential property shall screen outdoor parking, shipping and storage areas directly visible from adjacent dwellings,
 - c. Snow piling areas shall be provided away from common Fences with residential properties and away from Streets, and,
 - d. Parking Lots and motor vehicle circulation areas for commercial Uses shall be situated to minimize the impact on adjoining residential properties.
2. A Land Use Impact Assessment Report may be required to assess the impact of shading and shadow effects on surrounding residential properties. Council may require Building Height, and Side or Rear Yards to be modified to prevent shading and shadow effect of the proposed Building on adjoining residential properties.

5.29 Offensive and Dangerous Uses

No Building or Land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an



unpleasant effect on the senses unless its use is authorized by Council through consideration of the land uses of Sections 11 to 27 and Council's potential consideration of a report and recommendations on the proposed use prepared by a qualified consultant engaged by the Development applicant, and such use is allowed by any other authority having jurisdiction.

5.30 Off-Street Parking Requirements

1. For every Building, Structure or Use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-Street parking spaces sufficient to accommodate the proposed use and/or Building, and to ensure that the flow of traffic on Adjacent Streets is not impeded by the on-Street parking of vehicles associated with that Building, Structure or Use.
2. The number of parking spaces to be provided for any Building, Structure, Use of occupancy shall conform to the standards outlined in Section 9 - Off-Street Parking and Loading of these Regulations.
3. Each parking space, except in the case of Single-Detached dwellings, shall be made Accessible by means of a hard surfaced right-of-way at least 3 metres (m) in width. Parking for Single-Detached dwellings shall be provided in the driveway area on the same Lot as the dwelling.
4. Parking facilities shall, except in the case of single and attached double dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a Street.
5. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the Development use is situated and not more than 200 metres (m) distant from the use concerned.
6. Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - a. A parking space shall mean an area of land, not less than 15 metres square (m²) in size, capable of being used for the parking of a vehicle without the need to move other vehicles on Adjacent areas;
 - b. The Parking Area shall be constructed and maintained to the specifications and terms and conditions of the Development Permit approval by Council;

- c. The lights used for illumination of the Parking Area shall be so arranged as to divert the light away from Adjacent Development;
- d. A Structure, not more than 3 metres (m) in height and more than 5 metres square (m²) in area may be erected in the Parking Area for the use of attendants in the area;
- e. Except in zones that permit a service station, no gasoline pump or other service station equipment shall be located or maintained on a Parking Area;
- f. No part of an off-Street Parking Area shall be closer than 1.5 metres (m) to the front Lot line in any zone;
- g. Access to Parking Areas in non-residential zones shall not be by way of a residential zone;
- h. The driving surface of a driveway Access to a Parking Area from a public Street shall not be less than 6 metres (m) in width;
- i. Where a Parking Area is located within or abuts a residential zone, Council may require a natural or structural barrier at least 1.5 metres (m) high be erected and maintained along all Lot lines between the Parking Area and the Adjacent residential property; and,
- j. Where strict application of the above parking requirements is impractical or undesirable, Council may require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a Parking Area, and the full amount of the levy shall be used by Council for the provision and upkeep of alternative parking facilities within the vicinity of the Development.

5.31 Off-Street Loading Requirements

- 1. For every Building, Structure or Use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a Street comprised of one or more loading spaces, 15 metres (m) long, 4 metres (m) wide, and having a vertical clearance of at least 4 metres (m) with direct Access to a Street or with Access by a driveway of a minimum width of 6 metres (m) to a Street.
- 2. The number of loading spaces to be provided shall be determined on the basis of the size of the proposed Building on the Development site where one loading space is to be provided for Development sites with Building floor area space greater than 500 metres square (m²), and two loading



spaces to be provided for Buildings with a floor area space greater than 2000 metres square (m²).

3. The loading facilities required by this Regulation shall be so arranged that trucks or loading vehicles can manoeuvre clear of any Street and so that it is not necessary for any loading vehicle to reverse on to or from a Street.

5.32 On-Site Water and Wastewater Systems

1. All Development shall have their water and wastewater services designed by an "Approved Designer" licenced by the Department of Digital Government and Service NL. The Department of Digital Government and Service NL shall approve the on-site services designs before a permit to build will be granted by the Town of Logy Bay-Middle Cove-Outer Cove. If the minimum Lot Area prescribed in the standards above is deemed by the appropriate agency to be insufficient to ensure adequate on-site sanitary water supply and sewage disposal, the Town of Logy Bay-Middle Cove-Outer Cove will require a larger Lot Area as prescribed by the agency.
2. Where Development is on the basis of a number of on-site wells, an assessment of groundwater quantity and quality may be required in accordance with the Provincial Department of Environment and Climate Change and Environment Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells, 2009.
3. Where there is insufficient groundwater yield to support any Development proposed on the basis of a well, Council shall refuse the Development.

5.33 Public Parks and Playgrounds and Conservation Uses

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of public Parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be unsafe and hazardous to their use, are not operated for commercial purposes, and are within the financial resource capacity of the Town for any future potential ongoing maintenance costs.



A hierarchy of recreational open spaces and interconnecting trails shall be established through the preparation and approval on an Open Space and Trail Plan. Prior to the approval of the Open Space and Trail Plan, the ongoing Development and Subdivision of Land will take into account the emerging development of a recreational and open space network as part of the development application review process and the location and development of recreational open spaces and trails shall be in accordance with the standards of the Town.

5.34 Relocation of Development Outside the Limits of Flood Zones, Wetlands and Buffers

Where it is determined by Council that where an existing Development is situated within or immediately adjacent to a designated flood zone, Floodway Buffer or wetland and a relocation on the property or Lot can be accommodated outside of the designated flood zone, Floodway Buffer or wetland which would serve the best interest of both the Council and the property or lot owner from a health and safety perspective, Council may consider the relocation of the Development on the property outside of the designated flood zone, Floodway Buffer or wetland and determine the development standards that shall be met by the Development.

5.35 Traditional Agricultural Use

- a. The agricultural use of a Residential Lot shall be limited to traditional small-scale agricultural uses and hobby farms including the propagation, cultivation or harvesting of plants including cereals, flower, fruits, vegetables, turf and orchards and the keeping of poultry, small farm animals including goats and rabbits, and beekeeping on a residential Lot subject to the following conditions:
 - i. The Use will be undertaken in a manner that will not create a nuisance or environmental health impact to adjacent property owners. Where Council is of the view that there may be an environmental health concern, Council shall refer the agricultural use or activity to the provincial Department of Fisheries, Forestry and Agriculture and the Water Resources Management Division of the Department of Environment and Climate Change for comment,
 - ii. All manure must be stored in an appropriate composting storage area or be contained within a fully-sealed container and removed from the Lot on a regular basis,

- iii. Any feed shall be stored within a fully-sealed container,
- iv. Where animals are maintained on a residential Lot, the property shall be fenced appropriately to contain the animals within the Lot.
- v. Keeping of Poultry shall meet the following requirements:
 - 1. Include no more than ten (10) chickens, ducks or turkeys
 - 2. The property shall be Fenced; and,
 - 3. The coop used to house the poultry shall be located as follows:

Standard	
Minimum distance from a side or rear Lot Line	3 metres (m)
Minimum distance from a dwelling on an Adjacent Lot	7.5 metres (m)
Minimum distance from any well	30 metres (m)

- b. Traditional Agricultural Uses which include the keeping of livestock (farm animals) or large animals as pets shall be at the discretion of Council. The minimum Lot Area for the keeping of livestock or large animals shall be determined by Council in conjunction with the provincial Department of Fisheries, Forestry and Agriculture and the Water Resources Management Division of the Department of Environment and Climate Change.

5.36 Residential Swimming Pools

Swimming Pools, as a residential Accessory Building, shall meet the following requirements:

- a. It shall be located in the Rear Yard of the residential property,
- b. Shall not encroach upon any easements,
- c. Shall not be located under any overhead power lines,
- d. Shall have a minimum set back of 2 metres (m) from any property boundary,
- e. The area surrounding the Swimming Pool and pool deck shall be fully enclosed by a Fence to prevent people, especially children, from unauthorized Access to the pool area, in accordance with the *Town of Logy Bay-Middle Cove-Outer Cove Fence Regulations*, and
- f. The first draw of water required to fill up of the pool shall be on the basis of supplied water being trucked on to the property and shall require a permit from Council.



5.37 Screening and Landscaping

Council may, in the case of existing unsightly Development of Land that is not kept tidy in accordance with the *Occupancy and Maintenance Regulations*, order the owner or occupier to clean up the property or provide adequate and suitable landscaping or screening. The provision of adequate and suitable landscaping or screening may be made a condition of any Development Permit where, in the opinion of Council, the landscaping or screening is desirable to preserve amenity or protect the environment.

5.38 Public Services, Infrastructure and Public Utilities

1. The Council may within any zone permit land to be used in conjunction with the provision of public services, public infrastructure and public utilities if the use of that Land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any Development of any Land so used is, in the opinion of the Council, adequate to protect the character and appearance of the area.
2. Underground electrical utility services to service new Development shall be placed in concrete encasement within the Town's Street rights-of-way.

5.39 Sensitive Development Areas

Prior to any development proceeding in an area identified as a Sensitive Development Area on Map 2, the Environment Protection Overlay Map, a Level II Groundwater Assessment will be required to be prepared by a qualified professional on behalf of a developer or property owner prior to any rezoning of land for consideration of Council and the Lot Area will be based on the recommendations of the Assessment or the minimum Lot Area of 8090 m² whichever is greater.

5.40 Side Yards

A Side Yard, which shall be kept clear of obstruction and shall be provided on the exposed sides of every Building in order to provide Access for the maintenance of that Building, and to provide separation distance to an adjacent property. On a Corner Lot in any zone, no part of any Building or Accessory Building shall be erected closer to the Lot line of the flanking Street than the Front Yard requirement of the zone.



5.41 Signs

Signs shall not be erected or displayed except in accordance with Section 8 of these Regulations.

5.42 Soil Removal and Deposit and Site Grading

1. A Development Permit is not required for removal, deposit or grading of soil, sand, gravel, rock or other aggregate material if the activity is part of an approved Development project or affects less than 125 cubic metres (m^3) of material.
2. No other excavation, removal or depositing of material or site grading, shall be carried out unless a Development Permit under these Regulations has been issued by Council.
3. Any excavation, removal and depositing of soil, sand, gravel and rock, that requires a Development Permit may be issued a temporary permit provided the work is based on a grading plan, will result in an improved site for Permitted Uses, while retaining as much of the natural features of the land as possible. The following conditions shall be met:
 - a. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighbouring developed areas,
 - b. Resulting slopes shall be kept stable and free of hazards,
 - c. When the work is completed, areas in which natural vegetation has been removed shall be covered with topsoil and other necessary material for vigorous plant growth and planted with appropriate vegetation, and
 - d. Stormwater management and drainage is provided to a standard appropriate to the site, and as approved by the Council, so as to not impair existing surface drainage or create erosion either on the site or on adjacent sites.

5.43 Stormwater Management

1. Development will not be permitted on any property where it would otherwise be permitted under these Regulations when, in the opinion of Council, the Development will create or aggravate adverse stormwater



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impacts such as excessive runoff onto adjacent properties, soil erosion, scouring and silt deposition of streams or reduction of surface or groundwater quality. Council may require the developer to engage a qualified consultant engineer with expertise in hydrology and stormwater management design to address site Development issues to its satisfaction.

2. New Development shall be required to implement stormwater measures to manage and control stormwater runoff with the objective of wherever possible achieving zero net runoff with respect to on-site stormwater runoff and there is "no net increase" in stormwater runoff as a result of the proposed Development.
3. Each Developer shall be required to submit a drainage plan as part of the Development Permit.
4. The grading of land, excavation of ditches and erection of Buildings or structures shall not be undertaken in a manner that significantly increases stormwater runoff and erosion onto adjacent properties, into nearby watercourses or on to Streets.
5. Where Development occurs at a higher elevation than the Street, measures such as driveway crowning or drainage grills shall be required to reduce excessive water runoff from driveways on to Streets.
6. Should runoff disperse off property, the runoff will be required to conform to the requirements of the province's *Environmental Control water and Sewage Regulations* in addition to the Town's conditions of Development Permit.
7. Where Development proposes any storm drainage works that discharges water into a wetland, waterbody or watercourse such discharge shall be designed and constructed in accordance with the requirements and conditions prescribed by the Council and prior to any construction commencing a permit is to be obtained pursuant to Section 48 of the Water Resources Act from the Water Resources Division of the provincial Department of Environment and Climate Change.



5.44 Street Construction Standards

A new Street may not be constructed except in accordance with the Street design, specifications and standards as outlined in Section 7 of these Regulations and the Town's Development Design Manual.

5.45 Street Hierarchy

For the purpose of these Regulations, Streets in the Planning Area are classified as shown on the Zoning Map on Map 1.

5.46 Unsubdivided Land

Development is not permitted on unsubdivided Land unless sufficient area is reserved to satisfy the Yard and other allowances called for in the Use Zone in which it is located and the allowances shall be retained when the adjacent Land is developed.

5.47 Water Crossings and Related Infrastructure

Council shall require that water crossings, bridges, culverts, stream diversions and stormwater management devices, are planned, designed and constructed so as to ensure that fish habitat and passage are preserved and where possible, enhanced.

5.48 Wharves, Boathouses, Slipways and Breakwaters

The placement of fill or concrete works or the dredging work associated with Wharves, Boathouses, Slipways, Breakwaters or other works in any body of water shall require the written approval of the provincial Minister of Environment and Climate Change in accordance with Section 48 of the *Water Resources Act* and the federal Department of Oceans and Fisheries where federal jurisdiction applies prior to the issuance of a Development Permit by Council.

5.49 Wind Turbine (Small Scale)

1. The Development of a private wind turbine on a Lot shall be for the primary use of the property owner.



2. A Wind Turbine (Small Scale) shall be located a distance equivalent to 1.5 times its height from any Lot Line; For the purpose of this Section, the height of a Wind Turbine (Small Scale) shall be measured from grade to the highest point of the turbine rotor blade when in rotation.
3. All Development shall meet applicable Federal and Provincial regulatory requirements, in particular those applying to safety and environmental concerns.
4. The Development of the wind turbine shall not create hazards or negative impacts on neighbouring properties. In cases where there are potential conflicts or impacts between a proposed Development and neighbouring property, the turbine developer may be required to provide to Council a qualified consultant report with recommendations to ensure that adequate Buffers or screening are maintained to reduce the potential impacts on adjoining properties and to provide for other mitigation measures that may be necessary to reduce the impacts.
5. Wind turbine tower shall be located on a Lot with minimum visual impacts on neighbouring properties.
6. The sweep area of the rotor blades on a wind turbine shall not cross over property lines.
7. Wind turbine shall not be permitted in front of the Building line.
8. Wind turbine tower shall be designed and constructed to meet design loads for operational requirements including ice buildup. The blades shall either have de-icing capabilities or be constructed of a material (e.g., polycarbonate composite) that resists ice buildup.
9. Should the wind turbine cease operations for a period longer than two (2) years, the turbine, towers and any related infrastructure shall be removed from the property.



6. SPECIAL USE DEVELOPMENT

The following Regulations in Section 6 shall apply to the specific use where permitted within a Use Zone within the Planning Area.

6.1 Adult Day Care Use (Residential)

An Adult Day Care Use (Residential) shall be subject to the following conditions:

- a. The Use shall comply with all pertinent provincial and municipal regulation,
- b. The Use shall occupy a maximum of forty percent (40%) of the Floor Area of the Dwelling Unit,
- c. The Use shall have a maximum of seven (7) Adult Day Care users present at any time,
- d. A minimum of 5 metres square (m²) of Net Floor Area per person shall be provided for use by Adult Day Care users, this aggregate floor space shall be utilized for the purpose of group amenity areas and individual rest areas.
- e. On-site parking is provided in accordance with Section 8 of these Regulations,
- f. The operator of the Use shall maintain the dwelling in which the Use is located as his/her primary residence,
- g. A maximum of one (1) person, other than the operator, shall be employed in the Adult Day Care Use,
- h. The Use shall be clearly subsidiary to the residential Use,
- i. The Use shall be compatible with nearby Uses,
- j. The Use shall operate only during the full daytime period between 7:00 a.m. and 6:00 p.m., and
- k. Service NL must approve a drilled well and septic system, designed by an approved designer.

6.2 Animal Use

Where permitted, Animal Uses shall be subject to the following conditions:

- a. Animals, other than usual domestic household pets, are permitted as a discretionary use only and will be limited to kennels and similar uses,
- b. Where horse(s) are permitted as a pet, the following conditions shall apply:
 - i. The minimum lot area and number of horses permitted on a lot or



property shall be determined by Council in conjunction with the provincial Department of Fisheries, Forestry and Agriculture and the Water Resources Management Division of the Department of Environment and Climate Change;

- ii. Property owners must submit a Manure Management Plan that outlines how animal wastes will be stored and removed from the site;
- iii. All horses must be kept inside secured stable and Fenced areas.
- iv. Fencing must be constructed of materials of sufficient design and strength and a minimum of 2 metres (m) in height to secure the horse(s).
- v. Electrical and barbwire fencing shall be in accordance with the Town of Logy Bay-Middle Cove-Outer Cove Fence Regulations;
- vi. The keeping of stallions shall not be permitted;
- vii. The residential property shall not be used for commercial purposes such as riding lessons, boarding or other associated Use without the approval of Council, and
- viii. The use is approved by the applicable provincial agencies.

6.3 Automotive Sales

Where permitted, an Automotive Sales Use shall be subject to the following conditions:

- a. Submission of a site Development plan that shows;
 - i. The number and location of parking spaces,
 - ii. Ingress and egress of the parking Lot,
 - iii. Motor vehicle circulation pattern within the Lot,
 - iv. Location of Buildings on the Lot,
 - v. Areas to be landscaped and screened and the type of landscaping to be used, and
 - vi. Customer parking in accordance with Section 9 of these Regulations.
- b. The Automotive Sales Use shall have a Main Building on the Lot in which the business is conducted,
- c. The Automotive Sales Lot shall be paved and shall provide drainage, lighting, curbs and landscaping in accordance with the requirements of Council,
- d. The Automotive Sales Use shall be licenced under the *Automotive Dealers Act* prior to the Use commencing, and
- e. Service NL must approve a drilled well and septic system, designed by an approved designer.



6.4 Bed and Breakfast

Where permitted, a Bed and Breakfast shall be subject to the following conditions:

- a. The use does not detract from the residential character of the Neighbourhood,
- b. The approved occupant load shall be posted in a prominent position within the Bed and Breakfast,
- c. Except for a Sign, there shall not be any change to the exterior appearance of the residence,
- d. Provision for off-Street parking for each guest will be required in accordance with Section 9 of these Regulations and shall be in the Side Yard and Rear Yard of the property,
- e. Department of Digital Government and Service NL must approve a drilled well and septic system, designed by an approved designer, and
- f. The Bed and Breakfast Use shall be licenced under the provincial *Tourist Establishment Act and Regulations*.

6.5 Child Care Centre

Where permitted, a Child Care Centre shall be subject to the following conditions:

- a. The operation is in accordance with all applicable provincial laws and regulations,
- b. The Building shall be designed so that its type, massing and visual appearance fits into the Street on which it is located,
- c. A limit of one (1) Daycare or day nursery will be permitted on any cul-de-sac,
- d. Any on-site, outdoor play space will have a Fence erected around its perimeter, with a gate in case of emergency,
- e. On-site parking is provided in accordance with Section 9 of these Regulations,
- f. The drop off and pick up of children will not interfere with the free flow of vehicular traffic,
- g. The Use is not located Adjacent to or near hazardous, dangerous, or incompatible Uses as determined by Council, and
- h. Department of Digital Government and Service NL must approve a drilled well and septic system, designed by an approved designer.

6.6 Child Care Family Home

Where permitted in a Dwelling Unit or Family Home, a Child Care Family Home use shall be subject to the following conditions:

- a. The operation is in accordance with the *Child Care Services Act and Regulations*,
- b. The number of children cared for is limited to seven (7),
- c. The use will not occupy more than 80 metres square (m²) or forty percent (40%) of the floor area, whichever is less,
- d. Any on-site, outdoor play space will have a Fence erected around its perimeter, with a gate in case of emergency,
- e. On-site parking is provided in accordance with Section 9 of these Regulations,
- f. The drop off and pick up of children will not interfere with the free flow of vehicular traffic,
- g. 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, nightclubs and amusement uses, and
- h. Where required, a licence to operate shall be obtained from the applicable provincial department.

6.7 Convenience Store

Where permitted, a Convenience Store shall be subject to the following conditions:

- a. The Convenience Store will not form a part of a single-detached dwelling,
- b. The Convenience Store shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties, and,
- c. The Development will have adequate provision for on-site parking, loading, Buffering and landscaping.

6.8 Group Home

Where permitted in a Dwelling Unit, a Group Home use shall be subject to the following conditions:

- a. The dwelling shall be of adequate size to accommodate the number of persons living in the group, inclusive of staff,
- b. The appearance and use of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences or the neighbourhood in which it is located,



- c. The Council may require special Access and safety features to be provided for the occupants before occupancy is permitted,
- d. The Group Home does not include a Halfway House, and
- e. On-site parking will be determined by Council.

6.9 Home Office Use

Where permitted in a Dwelling Unit, a Home Office Use shall be subject to the following conditions:

- a. Shall not occupy than twenty-five percent (25 %) of the total floor area of the Dwelling Unit,
- b. Have no exterior open storage or display of goods, materials or equipment,
- c. Shall not be a home occupation use,
- d. Must have no employees other than a resident of the Dwelling Unit, and
- e. On-site signs shall be non-illuminated with a maximum sign face area of 2000 centimetres square (cm²) and shall meet the requirements of the Council in terms of shape and material construction.

6.10 Livestock Structures

Where permitted, the construction of Buildings designed to house animals as part of a Commercial Agriculture enterprise including the boarding of horses that contains more than five (5) Animal Units shall be subject to the following conditions:

- a. The Building or Structure shall be at least 300 metres (m) from a residence, (except a farm residence or a residence which is a non-conforming use) in any zone in which agriculture is a Permitted Use class in the Use Zones set out in Sections 11 to 27 and from an area designated for residential use in an approved Plan, and from a Provincial or Federal Park,
- b. The Building or Structure shall be at least 60 metres (m) from the boundary of the property on which it is to be erected,
- c. The Building or Structure shall be at least 90 metres (m) from the center line of a Street,
- d. The Building or structure shall be subject to any other applicable Provincial act and/or regulation and approved by the appropriate provincial authorities,
- e. No development for residential use shall be permitted within 300 metres (m) of an existing structure designed to contain more than five (5) animal units unless the development is first approved by the Town and the



- f. appropriate provincial authorities, and
- f. A residential Lot(s) in existence on the date of the registration of these Regulations, which cannot meet the required minimum distance separation, shall be permitted where they meet all other provisions of these Regulations.

6.11 Marine-Related Use

Where permitted, a Marine-Related Use including docks and wharves shall be subject to the following requirements:

- a. Wharves and docks will require approval from the provincial Department of Environment and Climate Change and the federal department of Fisheries and Oceans,
- b. Where any boathouse, wharf or dock is proposed to be constructed in an area identified as a high or medium hazard area, the Town may require a site-specific study in the form of a Land Use Impact Assessment, prepared by suitably qualified person(s) to evaluate the level of hazard risk, taking into consideration the susceptibility of the proposed Development to storm surges, coastal erosion or flooding,
- c. For commercial, industrial or other non-residential Development located in areas identified as High Hazard Environmental Areas, the Town shall require a site specific study in the form of a Land Use Impact Assessment, prepared by suitably qualified person(s) to evaluate the level of hazard risk, taking into consideration the susceptibility of the proposed Development to storm surges, coastal erosion or flooding. Such studies will consider elevation, topography and geomorphology; Development, where permitted in any area identified as moderate or high hazard, may also be required to assess the biophysical impact on the coastal ecosystem including the potential to contaminate (hazardous materials storage), harmful disruption of natural habitats and disruption of natural coastal processes such as littoral drift,
- d. The Council may require additional engineering design or other measures to mitigate identified hazards as a condition of Development or may refuse Development where, in the opinion of Council, identified hazards cannot be mitigated, and
- e. On-site parking will be determined by Council.



6.12 Service Stations, Gas Bars and Electric Charging Stations

Where permitted, Service Stations, Gas Bars and Electric Charging Stations shall be subject to the following conditions:

- a. All gasoline pumps shall be located on pump islands designed for such purpose and to which automobiles may gain Access from either side,
- b. Pump islands shall be set back at least 4 metres (m) from the front Lot line,
- c. Where electric charging stations are situated in a service station, the charging station shall be clearly designated and marked,
- d. Accesses shall not be less than 7 metres (m) wide and shall be clearly marked,
- e. Where a Service Station is located on a corner Lot, the minimum distance between an Access and the intersection of Street lines at the junction shall be 20 metres (m) unless otherwise determined by Council, and the Lot line between entrances shall be clearly indicated,
- f. Surface runoff shall be directed to an oil/water separator before discharging into any storm sewer or surface or sub-surface drainage system,
- g. On-site parking is provided in accordance with Section 9 of these Regulations, and
- h. Department of Digital Government and Service NL must approve a drilled well and septic system, designed by an approved designer.

6.13 Subsidiary Apartment

Where permitted, a Subsidiary Apartment shall be subject to the following conditions:

- a. One Subsidiary Apartment shall be permitted within a Single-Detached Dwelling,
- b. 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 80 m², whichever is less,
- c. The appearance of the main Single-Detached Dwelling is maintained,
- d. 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,
- e. The number of additional off-Street parking spaces required shall be determined by Council, and
- f. Department of Digital Government and Service NL shall determine water and septic tank requirements for the Subsidiary Apartment and a permit will be issued subject to its approval.



6.14 Telecommunication Structures and Antennas

Where permitted, a Telecommunication Structure or Antenna shall comply with all applicable Provincial and Federal government regulations and follow Council's public consultation process for discretionary uses for community consultation. Council shall provide input to Industry Canada regarding the impact of proposed structure or antenna and its potential impact on the community. Telecommunications facility shall be subject to the following conditions:

- a. Telecommunications Structures and Antennas shall not be permitted within rural residential and public use zones, within 150 metres (m) of rural residential zones or the area identified as the Marine Drive and Marine Lab Road Scenic View Plane;
- b. New Telecommunication Structures and Antennas that are not located within rural residential and public use zones, within 150 metres (m) of rural residential zones or the area identified as the Marine Drive and Marine Lab Road Scenic View Plane shall be encouraged to be design with co-location capacity;
- c. Notwithstanding 6.14.a. and b., new Telecommunications Structure and Antenna with a height of less than 15 metres (m) is exempt from this Section;
- d. A fall zone whose radius is equal to the height of the Telecommunication Structure and Antenna emanating from the base of the structure or antenna shall be established from existing or future built development.
- e. The design of the Telecommunications Structures and Antennas should be sympathetic to the surrounding landscape;
- f. Safety features such as locked gates and fencing shall be incorporated into the site design of the structure or antenna
- g. Lighting of Telecommunications Structures and Antennas shall not be permitted unless required by Transport Canada.



Special Use
Development

6.15 Veterinary Clinic

Where permitted, a Veterinary Clinic shall be subject to the following conditions:

- a. The Use shall be for the treatment/care of small animals,
- b. Overnight accommodation for small animals may only be permitted inside the Veterinary Clinic provided such accommodation is soundproofed and does not exceed fifteen percent (15%) of the Gross Floor Area of the Main Building,
- c. Where day care is provided for small animals, soundproofing may be required to reduce impacts on adjoining Uses,
- d. Outdoor animal runs associated with these Uses shall not be permitted,
- e. On-site parking is provided in accordance with Section 9 of these Regulations.



7. SUBDIVISION OF LAND

The following Regulations in Section 7 shall apply to the Subdivision of Land where permitted within a Use Zone within the Planning Area.

7.1 Permit Required

No Land in the Planning Area shall be subdivided unless a Development Permit is first obtained from Council.

7.2 Subdivision Subject to Zoning

The Subdivision of Land shall be permitted, only in conformity, with the Use Zones delineated on the Zoning Map.

7.3 Subdivision Design

No permit shall be issued for the Development of a Subdivision unless the design of the Subdivision conforms to the requirements of these Regulations, the Town's Development Design Manual.

7.4 Services to be Provided

No permit shall be issued for the Development of a Subdivision until Council is satisfied that:

- a. The proposed Lots front onto a public Street designed to the Council's standards,
- b. There is verification of a safe supply of drinking water of sufficient quantity and a properly designed sewage disposal system as approved by the Department of Digital Government and Service NL,
- c. The need for and location of dry hydrants have been determined by Council and the dry hydrants have been designed to Council's standards,
- d. The external services, Streets and infrastructure to the Subdivision can accommodate the proposed Subdivision or is to be upgraded as part of the Subdivision Development, and
- e. A stormwater drainage system and Lot grading plan designed to Council's standards.



7.5 Building Permit Required for Each Lot

Notwithstanding the approval of a Subdivision by Council, a separate Building Permit is required for each Building proposed to be erected within the Subdivision. No Building Permit shall be issued until the developer has complied with all the provisions of these Regulations with respect to the Development of the Subdivision.

7.6 Application for Subdivision

Application for a Minor or Major Subdivision of Land shall be as follows:

7.6.1 Minor Subdivisions

Application for the Subdivision of Land that fronts on an existing public Street shall include the following information:

- a. The location of the property of Land to be subdivided, legal description, plot plan, and proposed Use(s) within the Subdivision,
- b. The physical features of the site, including but not limited to, the location of mature vegetation, identification of areas of potential hazard, drainage, watercourses, wetlands, floodplains and topography,
- c. The location and type of any Existing Buildings on the property being subdivided,
- d. The relationship of the Subdivision to existing Development, Streets and trails,
- e. Proposed access points of properties to be subdivided,
- f. Proposed public open spaces and pedestrian trails,
- g. The proposed servicing, including water and sewage disposal methods, dry hydrants, stormwater management and utilities,
- h. A Lot grading plan, and
- i. Such further information as required by the Council.

7.6.2 Major Subdivisions

Application for the Subdivision of Land resulting in the creation of new Streets and extensions to an Existing Street or the upgrading and improvements to existing public infrastructure shall include a report prepared by the appropriate design professionals, including a professional engineer, shall include the following information:

- a. The location, legal description, plot plan and proposed Use(s)



- within the Subdivision,
- b. The physical features of the site, including but not limited to, the location of mature vegetation, identification of areas of potential hazard, drainage, watercourses, wetlands, floodplains and topography,
- c. The layout of proposed Lots and Streets,
- d. The relation of the Subdivision to existing Development, Streets, and trailways,
- e. Proposed access points of properties to be subdivided,
- f. The provision for future Access to adjacent undeveloped lands particularly those future Accesses identified in the Municipal Plan or the Regulations for future Development,
- g. The compatibility between the Subdivision and surrounding Uses, both existing and potential,
- h. The volume and type of vehicular and pedestrian traffic that will be generated by the Subdivision,
- i. The proposed servicing, including water and sewage disposal methods, dry hydrants, stormwater management and utilities;
- j. The landscape plan which shows the location of dedicated open space,
- k. A general grading plan that indicates areas of cut and fill relative to Lots, Streets, natural areas and planned open space, and
- l. A Land Use Impact Assessment Report or other report concerning the proposed Development, may be required by Council to satisfy some or all of the information requirements of Regulation 7.6.2; and,
- m. such further information as required by the Council.

7.7 Subdivision Application Fee

A Subdivision Application Fee shall be paid at the time of application in accordance with the Fee Schedule adopted by Council from time to time. This fee shall be in addition to any other fee and be nonrefundable.

7.8 Development Fee

A Development Fee shall be paid for each new Lot in a Subdivision. The Development Fee applicable to the entire Subdivision Development shall be paid prior to the final approval of the Subdivision and shall be in accordance with the Fee Schedule adopted by Council from time to time. This fee shall be in addition to any other fee and be non-refundable.



7.9 Permit to Subdivide Subject to Considerations

A Development Permit shall not be issued when, in the opinion of Council, the Development of a Subdivision does not contribute to the orderly growth of the Planning Area and does not demonstrate sound design principles. In determining an application, Council shall consider:

- a. The location of the land and the proposed number of Lots to be subdivided,
- b. The availability of and the demand created for municipal services and utilities,
- c. The provisions of the Municipal Plan and Development Regulations affecting the site,
- d. The land use, physical form and character of the proposed site and the Adjacent neighbourhood,
- e. The resulting traffic densities to be generated from the site Development, the proposed subdivision Street network, the potential need for off-site transportation improvements and how the subdivision will address pedestrian mobility, including the provision of right-of-way connections to existing and Adjacent trail systems,
- f. The relationship of the project to existing or potential sources of nuisance,
- g. soil and subsoil characteristics of the parent property,
- h. The topography of the site and its drainage, and proposed stormwater management; natural features on or Adjacent to the site such as ponds, streams, rivers, wetlands, topsoil, trees and other vegetation, and any walkway or trail provision for continued public Access to ponds,
- i. Prevailing winds,
- j. Visual quality and scenic views,
- k. Availability of community facilities and schools to service the site,
- l. Energy conservation and other sustainable planning initiatives,
- m. Environmental impacts of the proposed subdivision Development with respect to watercourses, wetlands, steep slopes, drainage patterns, coastal resources, protected species and loss or fragmentation of natural habitat and proposed environmental management approach to the site to address potential impacts,
- n. Assessment of ongoing capital and municipal financial costs related to the provision and maintenance of Streets other infrastructure and services resulting from the subdivision,
- o. Probable effects on the sustainability of important resource lands, particularly agricultural land, forestland and aggregate resources,
- p. Proposed open space provision, and
- q. Such other matters as may affect the proposed Development.



7.10 Groundwater Supply Assessment and Reporting

A Groundwater Supply Assessment Report shall be required to be completed and submitted by the subdivision development applicant to the Town as part of the subdivision approval process where a minimum sized subdivision is to be serviced by individual wells. The Groundwater Supply Assessment Report must be prepared in accordance with the Department of Environment and Conservation's *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells*.

7.11 Subdivision Agreement

As a condition of a Development Permit for a Subdivision Development of land, Council may require a developer to enter into a Subdivision agreement with the Town. Such agreements shall include specifications for fees, detailed plans for Lot layout, access connections, infrastructure, open space, grading and landscaping, utility easements, Streetlights, fill management and neighbourhood mailboxes where required.

7.12 Conveyance of Land for Public Purpose

The following lands shall be conveyed to the Town as outlined below:

7.12.1 Public Streets, Rights-of-Way, Easements

As a prerequisite of acceptance by the Town of Phase 1 work as defined in the Town's Development Design Manual, the applicant shall convey to the Town for the nominal consideration of \$1.00 all lands as determined by the Town to be required for public Streets, rights-of-way, stormwater management systems such as detention ponds and easements.

7.12.2 Public Open Space and Recreation

1. Subject to Section 37 of the Act, Council may require the developer to convey to Council title to an area of Land for public Use equal to, but not exceeding 10% of the gross land area to be developed, provided the location and suitability of the Land conveyed is acceptable to Council.



2. In lieu of the conveyance of Land, Council may accept a sum of money equal to the value of the land. The money shall be reserved for the acquisition and Development of Land for public Use.
3. Land conveyed for public Use may be sold, leased or otherwise disposed.

7.13 Service Levies and Securities

7.13.1 Service Levies and Other Charges

With the exception of permits to excavate, no Building Permit shall be issued for the Development of a Subdivision until an agreement has been reached for the payment of all fees levied by Council for connection to services, utilities and Streets deemed necessary for the proper Development of the Subdivision and the surrounding lands.

7.13.2 Subdivision Security

Prior to the issuance of final approval for the Subdivision, Security in an amount as stipulated by the Town's Development Design Manual shall be deposited with the Town. Such Security shall be in the form of a bank draft, certified cheque or irrevocable letter of credit and shall be refunded to the applicant or their designate upon completion and acceptance by the Town of the Subdivision in relation to which it was paid. No interest shall be paid on the refunded Subdivision Security.

7.13.3 Maintenance Security

1. Prior to the issuance by the Town of a Letter of Acceptance certifying satisfactory completion of the Subdivision Development work as defined in the Town's Development Design Manual, the applicant shall deposit, with the Town, a Maintenance Security. Such Maintenance Security shall be in the form of a bank draft, certified cheque or irrevocable letter of credit and shall be in an amount as stipulated by the Town's Development Design Manual. Maintenance Security shall be refunded to the applicant or their designate not less than one (1) year after acceptance of the Subdivision Development by the Town provided there are no outstanding deficiencies in the sole opinion of the Council



otherwise the Maintenance Security assessed by the Town shall be forfeit. No interest shall be paid on Maintenance Security.

2. It shall be the sole responsibility of the applicant to call for an inspection upon expiry of the maintenance period. Any deficiencies identified by the Town at an inspection shall be deemed to have occurred during the maintenance period.

7.14 Structure In Street Reservation

The placing within any Street Reservation of any Structure (for example, a hydro pole, telegraph or telephone pole, fire hydrant, mailbox, fire alarm, sign post, Street name sign) shall receive the prior approval of the Council which shall be satisfied on the question of safe construction and relationship to the adjoining Buildings and other Structures within the Street Reservation.

7.15 Subdivision Design Standards

No permit shall be issued for the subdivision Development of Land under these Regulations unless the design of the subdivision conforms to the following standards:

- a. The finished grade of Streets shall not exceed ten percent (10 %),
- b. New Subdivisions shall have Street connections with an Existing Street or Streets,
- c. Street intersections shall be designed and constructed at a right angle and this alignment shall be maintained for 30 metres (m) from the intersection,
- d. Other intersection types, such as roundabouts, may also be considered,
- e. The center line of a Street intersection shall not be closer than 60 m to the center line of another Street intersection,
- f. No more than four Streets shall join at any Street intersection,
- g. No residential Streets block shall be longer than 490 metres (m) between Street intersections,
- h. Where Streets within the Subdivision Development connect with future Streets of adjacent properties, the Street will be designed and built as required by the Council to the edge of the property boundary and ownership of the Street and Street right-of-way shall be conveyed to the Council,
- i. Required public Street Reservations shall be conveyed to the ownership of Council,
- j. Council may require any existing natural, historical or architectural



feature or part thereof to be retained when a subdivision is developed,

k. Land shall not be subdivided in such a manner as to inhibit the Development and Subdivision of adjoining Land, and

l. Unless specified otherwise in any Municipal Plan, Development Scheme or the Development Design Manual, Streets in Subdivisions shall be designed to conform the following minimum standards;

Street Type	Street Reservation (metres)	Pavement Width (metres)	Walkway/Sidewalk Number and Width
Collector	20 m	7.3 m	As determined by Council
Local	18 m	7 m	As determined by Council

7.16 Cul-de-Sac Streets

Within a residential Subdivision Development, cul-de-sac Streets shall be limited to areas where Street connections are not possible. Where permitted, a cul-de-sac Street shall meet the following standards:

- a. The maximum length of a cul-de-sac shall be 300 metres (m) unless another Access can be provided to an Existing Street,
- b. The length of a cul-de-sac Street shall be measured from the Street Line of the Street it intersects with to the end of the Street, excluding the area of the turning circle,
- c. A cul-de-sac shall not terminate or appear to terminate, a Collector Street;
- d. Every cul-de-sac head shall be provided with a turning circle having a minimum driving surface of 30 metres (m), and
- e. An emergency Access for a cul-de-sac:
 - i. have a right-of-way width of not less than 6 metres (m),
 - ii. shall connect directly with an Adjacent public Street,
 - iii. shall be no longer than the total length of the cul-de-sac,
 - iv. shall be constructed to a standard specified by the Council, and
 - v. shall be conveyed to the ownership of Council.

7.17 Open Space Areas

1. All public open space areas to be conveyed to the Town shall be graded with suitable fill material in accordance with the approved Subdivision site grading plan.



2. Minimum Landscaping of the recreational open space area shall be topsoil and grass sods or hydro seed and, in accordance with the Subdivision Agreement, must be completed prior to conveyance to the Town.
3. All trails shall be developed to the Council's standards.

7.18 Building Lines

Council may establish Building Lines for any Subdivision Street and require any new Buildings to be located on such Building Lines.

7.19 Lot Grading

1. Subdivision design and Lot layout shall take into consideration natural topography and stormwater drainage.
2. Drainage design shall not create flooding or result in excessive stormwater flow for adjoining Lots or downstream properties. Retaining walls shall be avoided where possible and grading plans shall take into consideration the differences in dwelling elevation on adjoining Lots.
3. The Town reserves the right to require a drainage easement of a minimum of 6 metres (m) in width that is not part of any required effective minimum side or Rear Yard.

7.20 Engineer to Design Works and Certify Construction Layout

1. Plans and specifications for all public infrastructure, dry hydrants, ditching, stormwater management works and all appurtenances thereto and all Streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by Council to service the area proposed to be developed or subdivided shall be designed, prepared and certified by the Developer's engineer. Such designs and specifications shall, upon approval by Council, be incorporated in the plan of Subdivision.
2. Upon approval by Council of the proposed Subdivision, the Developer's engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at the Developer's cost and in accordance with the approved designs and specifications and the



construction layout certified by the Developer's engineer, of all such public infrastructure, dry hydrants, on-site storm management works, external public works if required to accommodate the Subdivision and all appurtenances and of all such Streets and other works deemed necessary by Council to service the said area.

7.21 Developer to Pay Engineer's Fees and Charges

The developer shall pay to Council all the Engineer's fees and charges for the Council preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Fee Schedule recommended by the Professional Engineers and Geoscientist, Newfoundland and Labrador and., in effect, at the time the work is carried out.

7.22 Street Works May be Deferred

The construction and installation of all Street works including pathways and paving specified by Council as being necessary, may be deferred upon approval by Council until a later stage of the work on the Development of the subdivision but, if such deferment is granted, the developer shall deposit with Council before approval of its application, an amount estimated by the Council as reasonably sufficient to cover the cost of construction and installation of the works. In the later stage of the work of Development, Council shall call for tenders for the work of construction and installation of the works and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to Council the amount of the excess. If the contract price is less than the deposit, Council shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with Council by the developer shall be placed in a separate account in a bank and all interest earned thereon shall be credited to the developer.

7.23 Transfer of Streets and Infrastructure Works to Council

1. The developer, following the approval of the subdivision of Land and upon request of Council, shall transfer to Council by formal written agreement, at no cost to Council, and clear of all liens and encumbrances:



- a. All Lands in the area proposed to be developed or subdivided which are approved and designated by Council for public uses as public Streets, future public Street reservations, public rights-of-way or for other public use, and
- b. All infrastructure services or public works, including Streets, water supply and distribution, sanitary sewers, and storm drainage systems installed in the dedicated public areas of the Subdivision, which are normally owned and operated by Council.

2. Before Council shall accept the transfer of lands, infrastructure services, or public works of any Subdivision Development, the Town Engineer shall, at the cost to the developer, test the Streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
3. Council shall not provide maintenance for any Street, service or public work in any Subdivision until such time as such Street, service or public work has been transferred to and accepted by Council.

7.24 **Restriction on Sale of Lots**

The developer shall not develop or dispose of any Lot within a subdivided area for the purposes of Development and no Building permit shall be issued until Council is satisfied that:

- a. The Lot can be served with a satisfactory water supply and an approved sewage disposal system and,
- b. Safe and engineered Access to a public Street is provided for the Lots.



8. SIGNAGE

8.1 Signs

Signs shall not be erected or displayed except in accordance with these Regulations.

8.2 Definitions

For the purpose of these Regulations, the following definitions apply to Signs;

BANNER SIGN means a Sign composed of lightweight, non-rigid material such as cloth, canvas or similar material that is attached to a Building, but does not include a Canopy Sign.

BENCH SIGN means a Sign painted or a metal plaque, located on or attached to any part of the surface of a bench, seat or chair placed Adjacent to a public place or Street.

BILLBOARD means a Sign displaying only third-party advertising.

BUILDING FACE means the total area between the finished surface of the ground and the eaves of a Building.

CANOPY SIGN means a Sign that has a structure of rigid or non-rigid material on a framework sheltering an area or forming a sheltered walk.

CHANGEABLE MESSAGE BOARD means any Sign that has a sign face that includes an internal light source capable of displaying words or symbols that can be electronically changed by remote or automatic means, and which can be part of a Ground or Wall Sign.

DIRECTORY SIGN means a Sign with more than one (1) establishment and which displays only a listing of the names of these businesses or organizations without advertising copy, except a business logo.

ELECTION SIGN means any Sign used to promote a candidate or party during an election for public office.

ELECTRICAL SIGN means a Sign that utilizes an electrical source.



GROUND SIGN means a Sign supported by one or more uprights placed permanently in the ground.

GROUP SIGN means a Sign that identifies the names and locations of tenants in a multi-tenant Building or in a Development made up of a group of Buildings.

HOME-BASED BUSINESS SIGN means a Sign indicating a business within the premises or parcel that has been approved under these Regulations as a Home-Based Business.

ILLUMINATED SIGN means a Sign that emits artificial light or is illuminated by a light focused upon, or chiefly directed at, the surface of the Sign.

INFLATABLE SIGN means a Sign or display that is capable of being expanded by air or other gas and used as a temporary basis to advertise a product or event.

MARQUEE means any permanent roof like structure projecting beyond a Building or extending along and projecting beyond the wall of a Building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN means a Sign printed upon or attached to a Marquee.

MENU BOARD means a Sign erected as part of a drive-through facility and used to display and order products and services available in association with a drive-through business.

NEW DEVELOPMENT SIGN means a Temporary Sign that:

- a. Includes, in whole or in part, information promoting a Development.
- b. Relates to or advertises the location, construction or sale of a Building or structure in the process of being constructed on a premises.
- c. Promotes a plan of Subdivision or the construction of a Building or Building complex on the premises or Land during Development, and indicating the names of the owner, designer, developer or contractor for the Development.

OFF-SITE DIRECTIONAL SIGN means a Sign indicating direction to a property, business or event that is located on a property that is not the same as the property to which the Sign relates but does not include a Billboard.

ON-SITE SIGN means any Sign (permanent or temporary) located wholly within the confines of the Owner's property.



PORTABLE SIGN means a Sign designed to be mobile and not located permanently in a fixed location.

PROJECTING SIGN means any Sign that is wholly or partly dependent upon a Building for support and projects from the wall or face of a Building or structure.

REAL ESTATE SIGN means a Sign pertaining to the sale or lease of the premises or portion of the premises on which the Sign is located.

ROOF SIGN means a Sign fixed, placed upon or supported by the roof of a Building.

SIDEWALK SIGN means a freestanding Sign placed on but not permanently anchored in the ground, and may include Signs commonly referred to as A-frame, T-frame, sandwich boards, but does not include any other Sign defined in these Regulations.

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.

SIGN FACE AREA means the total area in height and width of the entire advertising device, excluding posts and includes any framing or border around the actual lettering or graphics. Irregular-shaped Signs shall have their area determined by the maximum dimensions of the sign face. Where a Sign has two faces or more, the maximum area is permitted for each of the two faces.

SIGN HEIGHT means the vertical distance measured at right angles from the highest point of the Sign or sign structure to the finished grade directly below.

SPONSORSHIP SIGN means a Sign which recognizes by name or logo, crest, insignia, trademark or emblem only a sponsor of a recreational, cultural or educational facility or programme.

TEMPORARY SIGN means a Sign, not permanently installed or in a fixed position, that advertises a business, site, event or activity for a limited period of time.



Signage

VEHICLE SIGN means a Sign which is attached to a vehicle where the principle purpose of the vehicle is to serve as a Sign or sign structure.

WALL SIGN means a Sign which is painted on or attached directly against the surface of a Building.

8.3 Permit Required

Unless otherwise noted in these Regulations, no Sign shall be erected or displayed in the Planning Area unless a permit for the sign is first obtained from Council.

8.4 Provincial Highway Sign Regulations

All Signs to be erected within the Planning Area must be approved in accordance with *the Highway Sign Regulations*. Where provisions of the *Town of Logy Bay-Middle Cove-Outer Cove Development Regulations 2021* are inconsistent with the Highway Sign Regulations respecting signs on or near public highways, the more restrictive regulations shall apply. For the purposes of these Regulations, the Marine Drive and Marine Lab Road are identified provincial highways administered by the provincial Department of Transportation and Infrastructure. *Permits from both the Government Service Centre, Department of Digital Government and Service NL and the Town will be required for Signs along these Streets.*

Pursuant to the *Highway Sign Regulations*, Changeable Message and illuminated Signs are not permitted along the Marine Drive and Marine Lab Road.

8.5 Form of Application

Application for a permit to erect or display a sign shall be made to Council in accordance with Section 3.15.



8.6 Prohibited Signs

1. A Billboard Sign is not permitted within the Planning Area.
2. Notwithstanding the provisions of this Section, Council may refuse any Sign that, in the opinion of Council, is considered hazardous to Street traffic by reasons of its siting, colour, animation, illumination or structural condition or is considered detrimental to the visual appearance of the surrounding area.

8.7 Removal of Signs

Notwithstanding the provisions of these Regulations, Council may require the removal of any Sign that, in its opinion, is:

- a. Hazardous to vehicular and pedestrian traffic by reason of its sitting, colour, illumination or structural condition,
- b. Not maintained to the satisfaction of Council, or
- c. Has been erected without a permit.

8.8 Signs Prohibited in Street Reservation

No sign shall be permitted, to be erected or displayed within, on or over any highway or Street Reservation.

8.9 Sight Triangle

Unless otherwise determined by Council, no Sign shall be permitted to be located within the area identified by Council as the Sight Triangle at the intersection of Streets.

8.10 Easements

With the exception of Portable Signs, Signs shall not be permitted to locate upon or project within the limits of utility or municipal service easements. Any Sign located Adjacent to a utility or municipal Service Easement shall be located in accordance with the requirements of the easement owner.

8.11 Signs Exempt from Control

The following Signs may be erected or displayed in the Planning Area without application to Council:



- a. On a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 2000 centimetres square (cm^2) in area.
- b. On an agricultural holding or farm, a notice board not exceeding 1 metre square (m^2) in area and relating to the operations being conducted on the land.
- c. On land used for forestry purposes, Signs or notices not exceeding 1 metre square (m^2) in area and relating to forestry operations or the location of logging operations conducted on the land.
- d. On land used for mining or quarrying operations, a notice board not exceeding 1 metre square (m^2) in area relating to the operation conducted on the land.
- e. On a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 2000 centimetres square (cm^2) in area in connection with the practice of a professional person carried on in the premises.
- f. On any site occupied by a place of worship, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 metre square (m^2) in area.
- g. On the principal facade of any commercial, industrial or public Building, the name of the Building or the name of the occupants of the Building, in letters not exceeding one-tenth of the height of that facade or 3 metres (m), whichever is the lesser.
- h. On any parking Lot directional Signs and one Sign not exceeding 1 metre square (m^2) in size, identifying the parking Lot.
- i. Temporary Sign Limited to Signs associated with federal, provincial and municipal public works.
- j. Public Notices Limited to notices required by regulation to be posted.
- k. Regulatory, Warning, directional, guide or Informational Limited to federal, provincial or municipal authority, or a community group approved by Council.
- l. Utility Sign Limited to those of a utility company to indicate danger.
- m. Real Estate Sign Limited to non-illuminated Signs not larger than 4650 metres square (m^2) advertising the sale or rent of a Building or Lot upon which the Sign is located.
- n. One (1) New Development Sign not exceeding 9 metres square (m^2) mounted on or fastened to 15.24 centimetres (cm) by 15.24 centimetres (cm) posts related to a Development, located on the site of the Development proposal, to be well maintained and removed upon completion or at a time determined by Council.



Signage

8.12 Signage Along the Scenic Route

Special consideration will be given to signage along the Scenic Route to ensure that they are in keeping with Council's intention to support the scenic beauty of the scenic view plane and that the sign does not detract or degrade the scenic viewscape.

8.13 Sign Associated with a Non-Conforming Use

Notwithstanding the provisions for Signs permitted in a Use Zone, a permit may be issued for the erection and display of a Sign for a Non-Conforming Use, provided the Sign does not exceed the size and type of Sign which could be permitted if the Development was in a Use Zone appropriate to its Use.

8.14 Non-Conforming Sign

A Sign that legally exists at the date of coming into effect of these Regulations which is not in accordance with the standards of these Regulations may continue to exist provided the Sign is maintained and in good repair and does not pose a safety hazard. It may be modified or replaced provided such modification or replacement is in accordance with these Regulations.

8.15 Application

This Section shall apply to signs where permitted in the Use Zone Schedules in Sections 11-27.

8.16 Number of Signs

1. There should be no more than one (1) freestanding premises Sign per property.
2. Freestanding premises Signs may include a Changeable Message Sign, a Ground Sign or a Group Sign and may include a sign for more than one (1) business operating from the property.

8.17 Banner Signs

A Banner Sign shall not be suspended across any Street unless Council grants its approval. A Banner Sign attached to a face of a Building, Fence or other structure shall be considered in a like manner to a Wall Sign.



8.18 Canopy Sign

A Canopy Sign shall meet the following conditions:

- a. The Sign may extend the full length of a building and the Sign shall not extend beyond the end of the wall to which it is attached,
- b. The minimum vertical clearance beneath the Sign to above the surface of the ground shall be 2.2 metres (m),
- c. The Sign does not project more than 3 metres (m) from the wall of the building or structure to which it is attached,
- d. The canopy or awning does not abut a residential Lot or Zone,
- e. The Sign shall not extend over public Land or Streets except where approved by Council,
- f. The Sign shall not extend over a driving area or parking surface except where approved by Council, and
- g. The Sign shall be anchored or secured to the building in accordance with the requirements of Council.

8.19 Changeable Message Signs

A changeable message board as part of the Sign face is subject to the following conditions:

1. A Changeable Message Sign face may be permitted as a sign face on a Ground Sign, Marquee Sign, Menu Board, On-site Sign, Portable Sign and Wall Sign subject to the conditions for such Signs set out in these Regulations.
2. The Changeable Message Sign face shall:
 - a. Have a maximum illumination level of 1,500 lumens between sunrise and sunset and a maximum illumination of 28 lumens between sunset and 11 pm. and be equipped with technology that automatically adjusts the brightness accordingly,
 - b. Be turned off between 11 p.m. and 6 a.m. daily,
 - c. Have a maximum transition time from one image or format to the next of two (2) seconds, without transitions that include scrolling, sliding or rolling,
 - d. Have a minimum image display time of ten (10) seconds,
 - e. Be shielded to reduce glare in a manner acceptable to Council.
 - f. Have a positive contrast orientation,
 - g. Not have lights in a colour or combination of colours which, in the opinion of Council, may be misinterpreted as an emergency/ warning device or vehicle or other traffic control device, and
 - h. If possible, to display a black screen in the event of an error.



3. Where a Changeable Message Sign that is part of a freestanding Sign to be used primarily for advertising, the Lot or property on which the Sign is to be located shall:
 - a. Have a minimum Frontage of 38 metres (m) and the sign face shall not exceed 7 metres square (m²),
 - b. Have an overall height of the Sign from the surface above the ground to the top of the Sign of no greater than 5 metres (m),
 - c. Be set back a minimum distance of 20 metres (m) from the intersection of Streets,
 - d. Not be located closer than 2 metres (m) to the front or flanking Street Lot Line,
 - e. Not be located closer than 2 metres (m) to a side Lot Line,
 - f. Not be located within the limits of a utility or municipal service easement,
 - g. Have a minimum separation distance of 100 metres (m) between Signs when on the same side of the Street and in the same line of sight or visual plane,
 - h. Not interfere or obstruct Access to or from a Lot or create a visual obstruction to the travelling public,
 - i. Not be located within 60 metres (m) of a residential Zone and shall not be oriented such that it faces an abutting residential Zone or residential Lot, and
 - j. Not have lighting that will adversely affect neighbouring areas.
4. Where a Changeable Message Sign is part of a Wall Sign, the Lot or property on which the Sign is to be located shall:
 - a. Have a minimum Frontage of 38 metres (m) and the sign face shall not exceed 7 metres square (m²),
 - b. The maximum overall height of the Sign from the surface above the group to the top of the Sign shall be 5 metres (m),
 - c. Not be located closer than 2 metres (m) to the front or flanking Street Lot Line,
 - d. Not be located closer than 2 metres (m) to a side Lot Line,
 - e. Not be located on a Building such that the Sign faces an abutting residential Zone or residential Lot,
 - f. Not have lighting that will adversely affect neighbouring areas, and
 - g. Council may require a Land Use Impact Assessment to determine the impact of a Sign proposed to include a Changeable Message Sign face where, in the opinion of Council, the Sign, by virtue of its size or location, could have an impact on surrounding residences or could create a traffic hazard.



Signage

8.20 Election Signs

Election Signs shall be subject to the following conditions:

1. The erection of Election Signs are for a temporary period and such signs are deemed to be temporary signs.
2. One permit is required to be obtained by a candidate, the candidate's official agent or representative or district association for standard size Election Signs (less than 3 metres square (m²) in size) prior to the placement or erection of election signs throughout the Planning Area.
3. A condition of the permit is the submission of a \$250.00 deposit which is refundable upon the removal of the Election Signs within thirty-six (36) hours after the close of polls on Election Day and shall ensure that the site is cleaned up. If the Candidate fails to remove his or her election signs within seven (7) days after the date of the election, Council will remove and destroy the signs, the \$250.00 deposit will be forfeited to Council and the Candidate shall be responsible for the cost of the removal and disposal of such signs.
4. Permission of the Owner is required for placement on private property.
5. The Sign does not cause an obstruction to neighbouring properties.
6. Election Signs may be permitted on vacant Land owned by Council, provided they do not cause an obstruction to the travelling public or the work of Council, and are not located within the far limits of the Street at any Street intersection.
7. Election Signs shall not be affixed or attached to existing municipal Buildings, structures or Signs.
8. Council reserves the right to remove, without notice, any Election Signs placed where such placement is not permitted or where their placement causes an obstruction to the travelling public.

8.21 Electrical or Illuminated Signs

Every Electrical or Illuminated Sign shall be approved by a certified organization that is accepted by the Province of Newfoundland and Labrador



and the Standards Council of Canada. A licenced electrician shall undertake the electrical hookup of the Sign and the electrical certification's approval sticker shall be displayed on the Sign.

8.22 Ground Sign

1. Ground Signs shall be subject to the following conditions:
 - a. The maximum area for the Sign Face shall be 48 metres square (m^2) exclusive of the sign's supports and mounts,
 - b. The sign shall have a maximum overall horizontal length 6 metres (m),
 - c. The Sign shall have a maximum overall vertical height 8 metres (m) above the surface of the ground,
 - d. There shall be one (1) Ground Sign permitted on a Lot or property,
 - e. No more than one (1) Ground Sign per 30 metres (m) along any Street,
 - f. The Sign shall be set back a minimum distance of half the height of the Sign from the property's Front Lot Line,
 - g. The Sign shall be set back a minimum distance of 1 metres (m) from the property's side Lot Line, and
 - h. The Sign shall be anchored and constructed in accordance with the engineering drawings approved by Council.
2. Separation Distances (Min):
 - a. The sign shall have a minimum separation distance of 3 metres (m) from a dwelling, apartment, school or Place of Worship,
 - b. A minimum separation distance of 15 metres (m) shall be maintained between Ground Signs on abutting Lots,
 - c. There shall not be any electrical component of the sign within 1 m above the surface of the ground.

8.23 Marquee Sign

1. Marquee Signs shall be subject to the following conditions:
 - a. The width of the Sign shall be no greater than the Marquee to which it is attached,
 - b. The minimum vertical clearance beneath the Sign to above the surface of the ground shall be 3 metres (m), and
 - c. The Sign shall be anchored or secured to the building in accordance with the requirements of Council.



2. A Marquee Sign shall not extend over public Land or Street except where approved by Council.

8.24 Off-Site Directional Sign

1. Off-site Directional Signs intended to direct traffic to a commercial or industrial site or Use shall not be permitted.
2. Off-site Directional Signs related to a charitable, non-profit or municipally-sponsored event, which direct traffic to a community facility, may be permitted provided only one (1) Sign is erected per Street Frontage, the Sign is erected for the duration of the event and the location, size and construction of the Sign conforms to the requirements of Council.

8.25 Portable Sign

1. A Portable Sign shall be subject to the following conditions:
 - a. The Sign shall have a maximum of two sign faces,
 - b. The maximum Sign Face area shall be 9 metres square (m^2) for each sign face,
 - c. The maximum overall height of the Sign from ground level to the top of the Sign shall be 3 metres (m),
 - d. The Sign shall be set back a minimum distance of 1.5 metres (m) from a Lot line. Where the Sign is on a Corner Lot, the Sign shall not be located within the sight triangle, and
 - e. Not more than one Sign is permitted at any one time on any property.
2. The Sign must be located on the property on which the business is located.
3. The Sign shall not interfere or obstruct Access to or from a Lot.
4. If the Sign is illuminated, the Sign shall be of a design approved by the Canadian Standards Association (CSA) and bear the CSA approval decal on the Sign.
5. The Sign shall be constructed and anchored in accordance with engineered drawings approved by Council.
6. The Portable Sign permit shall be valid for a period of one (1) year from the date of issue by Council. Upon expiration of the Sign permit, the Sign



Signage

is to be removed or a new Sign application submitted to Council and such permit may be renewed an annual basis.

7. Every Portable Sign or advertisement shall display, in a manner acceptable to Council, the name and phone number of the design contractor.

8.26 Projecting Sign

A Projecting Sign shall meet the following conditions:

- a. The minimum vertical clearance beneath the Sign above the surface of the ground shall be 3 metres (m),
- b. The maximum overall projection of the Sign from the building shall be 3 metres (m),
- c. The Sign is a rigid Sign and its design and construction does not permit it to swing in the wind,
- d. A Projecting Sign shall not extend over public Land or Streets except where approved by Council,
- e. A Projecting Sign shall not extend over a driving area or parking surface except where approved by Council, and
- f. The Sign shall be anchored or secured to the building in accordance with the requirements of Council.

8.27 Real Estate Sign

Real Estate Signs shall be subject to the following conditions:

- a. No Real Estate Sign shall be affixed to any utility pole or municipal Building, structure or Sign or be erected or placed on publicly-owned Land without the permission of the property Owner,
- b. There shall be a limit of one (1) double-faced Sign per property,
- c. A Corner Lot may carry two (2) double-faced Signs, one (1) Sign for each Street,
- d. Portable real estate open house Signs shall also be permitted provided their placement does not obstruct vehicular or pedestrian movement and the duration of such placement is limited to the time of the actual open house, and
- e. A Real Estate Sign marking that the property is "sold" may appear for a limit of two (2) weeks from the date of the closing of the transaction.



8.28 Wall Sign

1. A Wall Sign shall meet the following conditions:
 - a. The total area of all Wall Signs on any one architectural elevation of a building shall not exceed twenty percent (20%) of the building face,
 - b. The length of the Sign shall not be longer than the horizontal measurement of the wall or building façade to which it is attached and the sign shall not extend beyond the end of the wall to which it is attached,
 - c. The minimum vertical clearance of the Wall Sign shall be 3 metres (m) above ground surface. A Wall Sign shall not project more than 30 centimetres square (cm^2) from the wall of the building,
 - d. Wall Signs shall not immediately face a residential Lot, and
 - e. The Sign shall be anchored and secured in accordance with the requirements of the Town.
2. A permit for a Wall Sign on the primary facade is not required for a new Building that has been approved by Council.

8.29 Engineering Design Requirements

1. Signs shall be designed, constructed and erected to withstand the ice, snow and wind load requirements as determined by Council.
2. The following types of Signs will require plans that are signed and sealed by a Professional Engineer of the Association of Professional Engineers and Geoscientists, Newfoundland and Labrador:
 - a. Changeable Message Sign,
 - b. Ground Sign or Pylon Sign greater than three metres (3 m) in height,
 - c. Marquee Sign, and
 - d. Portable Sign.



9. OFF-STREET PARKING AND LOADING

9.1 Off-Street Parking Requirements

1. The off-Street parking requirements for uses in the various use classes outlined in Schedule B shall be as defined in the following table.
2. In the case of Developments including uses in more than one use class, these standards shall be regarded as cumulative.

9.2 General Parking Requirements

The number of parking spaces to be provided for any Building, Structure, Use or occupancy shall conform to the following requirements:

CLASS ASSEMBLY USES	
Amusement	One space for every 10 metres square (m ²) of gross floor area.
Catering	One space for every 3 persons that may be accommodated at one time.
Child Care	One space for every 20 metres square (m ²) of gross floor area.
Cultural and Civic	One space for every 50 metres square (m ²) of gross floor area.
Educational	K-12: Three spaces for every classroom. Other facilities - One space for every 5 persons using the facilities (students, faculty and staff).
Indoor Assembly	One space for every 10 persons that may be accommodated at one time.
Outdoor Assembly	As specified by the Council.
Place of Worship	Two spaces for every 5 seats.



Off-Street Parking and Loading

CLASS BUSINESS AND PERSONAL SERVICES	
Communications	As specified by the Council.
General Service	One space for every 20 metres square (m ²) of gross floor area.
Home Occupation	Minimum of one space per non-resident employee.
Office	One space for every 20 metres square (m ²) of gross floor area.
Personal Service	One space for every 20 metres square (m ²) of gross floor area.
Professional Service	One space for every 20 metres square (m ²) of gross floor area.

CLASS COMMERCIAL USES	
Convenience Store	Minimum of two spaces plus 1 space for every 20 metres square (m ²) of gross floor area.
Outdoor Market	As specified by the Council.
Service Station	One space for every 20 metres square (m ²) of gross floor area.
Shop	Minimum of two spaces plus one space for every 20 metres square (m ²) of gross floor area.
Shopping Centre	One space for every 20 metres square (m ²) of gross floor area.
Vending Stand	Minimum of two spaces plus additional spaces as specified by the Council.
Take-Out Food	Minimum of two spaces plus 1 space for every 15 metres square (m ²) of gross floor area.

CLASS INDUSTRIAL USES	
General Industry	One space for every employee, plus 3.
Hazardous Industry	One space for every employee, plus 3.
Light Industry	One space for every employee, plus 3.



Off-Street Parking and Loading

CLASS INSTITUTIONAL USES	
Medical Treatment and Special Care	One space for every 20 metres square (m ²) of gross floor area
Special Care	One space for every bed.

CLASS NON-BUILDING USES	
Agriculture	As specified by Council
Animal Use	Minimum of two spaces plus one space for every 20 metres square (m ²) of gross floor area.
Cemetery	As specified by the Council.
Conservation	As specified by the Council.
Outdoor Recreation	As specified by the Council.
Transportation	As specified by the Council.

CLASS RESIDENTIAL USES	
Double Dwelling	Two spaces for every dwelling unit.
Hospitality Home	As specified by the Council.
Single-Detached Dwelling	Two spaces for every dwelling unit.
Subsidiary Apartment	One space for every apartment unit.

9.3 Unspecified Parking Standards

For every Use, Building or Structure not specified in Regulation 9.2, the requirement shall be as determined by Council.

9.4 Non-Residential Parking Areas

1. Where permitted, Parking Areas for more than four (4) vehicles shall meet the following requirements:
 - a. The Parking Areas shall be arranged so that it is not necessary for



Off-Street Parking and Loading

- b. any vehicle to reverse onto or from a Street,
- b. The Parking Area and an adjoining driveway shall be paved and provide drainage, lighting, curbs and Landscaping in accordance with requirements of Council,
- c. The lights used for illumination of the Parking Area shall be so arranged as to divert the light away from Adjacent Development,
- d. A Structure, not more than 3 metres (m) in height and more than 5 metres square (m^2) in area, may be erected in the Parking Area for the use of attendants in the area,
- e. No part of any off-Street Parking Area shall be closer than 1.5 metres (m) to the Front Lot Line in any Zone, and
- f. Where a Parking Area is in or abuts a residential Zone, a natural or structural barrier at least 1.8 metres (m) in height may be required along the abutting Lot Lines.

- 2. Walkways that cross a parking Lot or driveway shall be clearly marked through the use of paint or a change in paving materials, distinguished by their colour, texture or height.
- 3. A continuous pedestrian walkway with a minimum width of 1.5 metres (m) shall be provided along the full length of all Building facades featuring a customer entrance and/or customer parking Lot.

9.5 Accessible Parking

For any Development which has a Parking Area, there shall be at least one Accessible parking space or six percent (6%) of the total number of parking spaces, whichever is greater, designed and designated for use by persons with disabilities in accordance with the requirements of the *Buildings Accessibility Act* and Regulations administered by the Province of Newfoundland and Labrador.

9.6 Electric Vehicle Charging Stations

For new Development, five percent (5%) of required off-Street parking shall be reserved for Electric Vehicle charging stations for Developments that require twenty (20) or more off-Street parking spaces.



9.7 Parking Relief

At the discretion of Council, an Applicant may be relieved of all or part of the parking required under Regulation 9.2 provided the Applicant is able to show that, because of the particular characteristics of the Development, the actual parking requirements within the foreseeable future are expected to be lower than those required by Council.

9.8 Drop-off and Pick-up Areas

Adequate off-Street provision for drop-off and pick-up of persons shall be provided in Developments where determined by Council to be required.

9.9 Off-Street Loading Requirements

Loading facilities shall be provided where Land is used or a Building or portion of a Building is erected, placed, altered or used, involving the frequent loading, shipping or unloading of animals, goods, merchandise, persons or wares, subject to the following conditions:

- a. Each on-site loading space shall have a minimum width of 3.5 metres (m), a minimum depth of 15 metres (m) and a minimum height clearance of 4.2 metres (m),
- b. Unless otherwise determined by Council, no loading space shall be located in the required Front or Flanking Yard of the Lot or be located in any required Yard abutting a Lot in a residential Zone,
- c. All loading spaces shall be so arranged that vehicles can manoeuvre clear of any Street and so that it is not necessary for any vehicle to reverse on to or from a Street, and
- d. Council may require loading spaces to be visually screened from nearby Streets or residential Use by berm, Building, Landscaping, solid Fence, wall, or any other similar structure.



Use Zones

10. USE ZONES

10.1 Identification of Zones

For the purpose of these Regulations, the Planning Area is divided into Use Zones which are illustrated on Map 1: the Zoning Map forms part of these Regulations.

10.2 Identification of Zone Boundaries

Boundaries between Zones shall be determined as follows:

- a. Where a Zone boundary is indicated as following a Street, the boundary shall be the center line of the Street unless otherwise indicated.
- b. Where a Zone boundary is indicated as approximately following Lot Lines the boundary shall follow the Lot Lines.
- c. Where an electric transmission line right-of-way serves as a Zone boundary, the center line of the right-of-way shall be considered the boundary between the Zones unless otherwise indicated.
- d. Where a Zone boundary is indicated as following the edge of a watercourse, the Zone shall follow any change in the boundary of that watercourse.

10.3 Classification of Land Uses and Buildings

Schedule B contains a table listing classes of Uses and provides examples of specific Uses for each Use class. Where a Use is proposed that is not listed as an example, Council may interpret that Use as being included in a Use class for the purposes of determining whether it is a Permitted, Discretionary or Prohibited Use in the applicable Use Zone.

10.4 Interpretation Within Use Zones

If ambiguity arises concerning the context, application or interpretation of the use, standards, requirements and conditions applicable in a Use Zone, or where such specific information is not included within the Use Zone Tables, Town staff, where necessary, shall interpret the Use Zone Tables to address an inquiry based upon the intent of meaning within Schedules A, B, C and Maps 1 and 2 as applicable and, if such interpretation is not accepted, Town staff shall provide the relevant background information and their interpretation in a recommendation for Town Council. Council shall consider the findings and



interpretation of Town staff and render a final decision and interpretation on the matter.

10.5 Permitted Uses

Subject to these Regulations, the Uses that fall within the Permitted Use classes set out in the appropriate Use Zones shall be permitted by Council in that Use Zone.

10.6 Discretionary Uses

Subject to these Regulations, the Uses that fall within the Discretionary Use classes set out in the appropriate Use Zones may be permitted in that Use Zone, if Council is satisfied that the Development, would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan or any further Development Scheme or plan or regulation pursuant thereto, and to the public interest, and if Council has given notice of the application and has considered any objections or representations which may have been received on the matter.

10.7 Prohibited Uses

Uses that do not fall within the Permitted or Discretionary Use class of any Use Zone, or are specifically identified as a Prohibited Use, shall not be permitted in that Zone.

10.8 Uses Permitted in All Zones

The following Uses shall be permitted in any Use Zone:

- Conservation
- Municipal Infrastructure and Public Utilities
- Public Open Space
- Traditional Agricultural Uses (subject to Regulation 5.35)

10.9 Standards and Conditions

In addition to the requirements of these Regulations, the standards and conditions for Development in each Use Zone are listed in the Use Zone tables. Where standards, requirements and conditions applicable in a Use Zone are not set out in these Regulations, Council may determine the standards, requirements and conditions which shall apply.



Use Zones

10.10 Use Zones

The following Land Use Zones are set out in these Regulations. The abbreviations listed have been used to identify individual Use Zones on the Zoning Map.

Land Use Zone	Zone Symbol
Rural Residential 1	RR1
Rural Residential 2	RR2
Rural Residential 3	RR3
Rural Residential 4	RR4
Residential Subdivision Area	RSA
Commercial Local	CL
Mixed Development	MD
Coastal Marine	CM
Public Use	PUB
Open Space/Recreation	OSR
Cemetery	C
Agriculture 1	A1
Agriculture 2	A2
Rural	RUR
Conservation	CON

10.11 Environmental Protection Overlay

In order to identify special environmental considerations, conditions and requirements, an Environmental Protection Overlay Map, identified as Map 2, has been prepared under these Regulations and is further described in Regulation 5.15.



Rural Residential
One (RR1)

11. RURAL RESIDENTIAL ONE (RR1)

11.1 Purpose

To accommodate Rural Residential Lots on the basis of a minimum Lot Area of 2025 metres square (m²) with on-site services.

11.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Community Garden
- Home Office (subject to Regulation 6.9)
- Recreational Open Space
- Single-Detached Dwelling
- Subsidiary Apartment (subject to Regulation 6.13)

11.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal Use (subject to Regulation 6.2)
- Bed and Breakfast (subject to Regulation 6.4)
- Child Care Family Home (subject to Regulation 6.6)
- Commercial Use of an Accessory Building (subject to Regulation 5.3)
- Convenience Store (subject to Regulation 6.7)
- Personal Care Home
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



Rural Residential
One (RR1)

11.4 Zone Standards

Standard	Single-Detached Dwelling
Minimum Lot Area	2025 metres square (m ²)
Minimum Frontage at the Front Lot Line	38 metres (m)
Minimum Frontage at the Building Line of an Irregular Lot with a minimum frontage of 25.91 m at the Front Lot Line	38 metres (m)
Minimum Building Line Setback	10 metres (m)
Maximum Building Line Setback (or the Established Building Line in the area whichever is greater)	30 metres (m)
Minimum Side Yard Depth	3 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

11.5 Signage

Where a Home Office is approved within a Dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office, shall be permitted on the premises.



Rural Residential
Two (RR2)

12. RURAL RESIDENTIAL TWO (RR2)

12.1 Purpose

To accommodate Rural Residential Lots on the basis of a minimum Lot Area of 4050 metres square (m²) with on-site services.

12.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Community Garden
- Home Office (subject to Regulation 6.9)
- Recreational Open Space
- Single-Detached Dwelling
- Subsidiary Apartment (subject to Regulation 6.13)

12.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal Use (subject to Regulation 6.2)
- Bed and Breakfast (subject to Regulation 6.4)
- Child Care Family Home (subject to Regulation 6.6)
- Commercial Use of an Accessory Building (subject to Regulation 5.3)
- Convenience Store (subject to Regulation 6.7)
- Personal Care Home
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



Rural Residential
Two (RR2)

12.4 Zone Standards

Standard	Single-Detached Dwelling
Minimum Lot Area	4050 metres square (m ²)
Minimum Frontage at the Front Lot Line	45 metres (m)
Minimum Frontage at the Building Line of an Irregular Lot with a minimum frontage of 25.91 m at the Front Lot Line	45 metres (m)
Minimum Building Line Setback	15 metres (m)
Maximum Building Line Setback (or the Established Building Line in the area whichever is greater)	30 metres (m)
Minimum Side Yard Depth	3 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

12.5 Signage

Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office, shall be permitted on the premises.



Rural Residential
Three (RR3)

13. RURAL RESIDENTIAL THREE (RR3)

13.1 Purpose

To accommodate Rural Residential Lots on difficult terrain on the basis of a minimum Lot Area of 4050 m² with on-site services.

13.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Community Garden
- Home Office (subject to Regulation 6.9)
- Recreational Open Space
- Single-Detached Dwelling
- Subsidiary Apartment (subject to Regulation 6.13)

13.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal Use (subject to Regulation 6.2)
- Bed and Breakfast (subject to Regulation 6.4)
- Child Care Family Home (subject to Regulation 6.6)
- Commercial Use of an Accessory Building (subject to Regulation 5.3)
- Convenience Store (subject to Regulation 6.7)
- Personal Care Home
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



13.4 Zone Standards

Standard	Single-Detached Dwelling
Minimum Lot Area	4050 metres square (m ²)
Minimum Frontage at the Front Lot Line	45 metres (m)
Minimum Frontage at the Building Line of an Irregular Lot with a minimum frontage of 25.91 m at the Front Lot Line	45 metres (m)
Minimum Building Line Setback	15 metres (m)
Maximum Building Line Setback (or the Established Building Line in the area whichever is greater)	134 metres (m)
Minimum Side Yard Depth	3 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

13.5 Extended Lot Area

The land use zone boundaries have been extended in this Use Zone to accommodate residential Development on Lots that have steeper slopes or having other limiting factors. Council will determine the Lot Area on the basis of the topographic information presented to Council by the applicant.

13.6 Signage

Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office shall, be permitted on the premises.



Rural Residential
Four (RR4)

14. RURAL RESIDENTIAL FOUR (RR4)

14.1 Purpose

To accommodate Rural Residential Estate Lots with on-site services characterized by larger Lots and increased Building Setbacks.

14.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Community Garden
- Home Office (subject to Regulation 6.9)
- Recreational Open Space
- Single-Detached Dwelling
- Subsidiary Apartment (subject to Regulation 6.13)

14.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Animal Use (subject to Regulation 6.2)
- Bed and Breakfast (subject to Regulation 6.4)
- Child Care Family Home (subject to Regulation 6.6)
- Commercial Use of an Accessory Building (subject to Regulation 5.3)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)

14.4 Groundwater Assessment Required

Prior to any development proceeding in this Use Zone, a Level II Groundwater Assessment will be required to be undertaken by a Professional Hydrogeologist or Professional Engineer with formal training in groundwater science, and who is a member of Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL) for consideration of Council and the Lot Area will be based on the recommendations of the Assessment or the minimum Lot Area of 8090 metres square (m²) whichever is greater.



Rural Residential
Four (RR4)

14.5 Zone Standards

Standard	Single-Detached Dwelling
Minimum Lot Area	To be determined by Groundwater Assessment but no less than 8090 metres square (m ²)
Minimum Frontage	60 metres (m)
Minimum Building Line Setback	15 metres (m)
Maximum Building Line Setback (or the Established Building Line in the area whichever is greater)	30 metres (m)
Minimum Side Yard Depth	6 metres (m)
Minimum Rear Yard Depth	9 metres (m)
Maximum Height	11 metres (m)

14.6 Signage

Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office, shall be permitted on the premises.



Residential
Subdivision Area
(RSA)

15. RESIDENTIAL SUBDIVISION AREA (RSA)

15.1 Purpose

To identify areas for future planned residential Development.

15.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted prior to the preparation of an Area Concept Plan:

- Agriculture
- Community Garden
- Forestry
- Open Space

15.3 Discretionary Use

The following Use may be permitted, subject to the requirements of these Regulations:

- Mineral Exploration

15.4 Conditions of Development

15.4.1 Agriculture, Community Garden, Forestry and Open Space Uses

Agriculture, Community Garden and Forestry Uses shall be restricted to non-Building uses.

15.4.2 Area Concept Plan

Prior to any Development commencing in the RSA Use Zone beyond those uses identified in Regulation 15.2, an Area Concept Plan shall be developed for proposed Subdivision Development and shall include adjacent lands within the area defined on the Zoning Map as a Residential Subdivision Area. The requirements for an Area Concept Plan are outlined in the Municipal Plan in Section 5.7.11. The Area Concept Plan shall be advertised within a local newspaper, on social media and shall be placed on public display for seven (7) days at the Town Hall, during regular businesses hours, for public viewing so that



Residential Subdivision Area (RSA)

residents may be provided the opportunity to provide comments on the proposed Development to Council in writing. Council shall review all written submissions and take these submissions into consideration when reviewing the Area Concept Plan and any Development Regulations Amendment to rezone the Residential Subdivision Area to the appropriate land use zones on the Zoning Map. Once the Area Concept Plan is approved by Council and the Development Regulations Amendment is adopted by Council, the amendment shall be forwarded to the Department of Environment, Climate Change and Municipalities for registration and publishing in *The Newfoundland and Labrador Gazette*.

15.4.3 Subdivision Development Plan

A Subdivision Development in this zone will be considered only if it is in accordance to the requirements outlined in the Municipal Plan in Section 5.7.11. The Subdivision Development Plan shall conform to the general design and layout of the Area Concept Plan and is required to be submitted to the Council for Development approval and the issuing of any Development Permits.



Commercial -
Local (CL)

16. COMMERCIAL - LOCAL (CL)

16.1 Purpose

To identify sites for local commercial services with on-site services that cater to local needs.

16.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Child Care Centre (subject to Regulation 6.5)
- Convenience Store
- Medical and Professional
- Office
- Personal Service
- Recreational Open Space
- Shop

16.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Catering (No Bars or Lounges)
- General Service (subject to condition 16.5.1)
- Light Industry (subject to condition 16.5.2)
- Outdoor Market
- Mini-Mall
- Service Station, Gas Bar and Electric Charging Station (subject to Regulation 6.12)
- Veterinary Use (subject to Regulation 6.15)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



Commercial -
Local (CL)

16.4 Zone Standards

Standard	All Uses
Minimum Lot Area	4050 metres square (m ²)
Minimum Frontage at the Front Lot Line	45 metres (m)
Minimum Building Line Setback	8 metres (m)
Minimum Side Yard Depth	5 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

16.5 Conditions of Development

16.5.1 General Service

General Service uses shall be small workshops and repair shops in this zone;

- a. Activities associated with the Use shall be carried on inside the Building,
- b. 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,
- c. No outdoor storage of equipment or materials, and
- d. Adequate on-site parking, loading, Buffering and landscaping is provided.

16.5.2 Light Industrial Uses

These uses shall be small-scale light-industrial Uses such as workshops and repair shops, indoor storage and warehouses in this zone;

- a. Activities associated with the Use shall be carried on inside the Building,
- b. 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,
- c. No outdoor storage of equipment or materials, and



Commercial -
Local (CL)

- d. Adequate on-site parking, loading, Buffering and landscaping is provided.

16.5.3 Signage

Only the following types of Signs are permitted within this zone and these signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign,
- f. Portable Sign,
- g. Projecting Sign, and
- h. Wall Sign.



Mixed Development (MD)

17. MIXED DEVELOPMENT (MD)

17.1 Purpose

To identify Lands that accommodate a mix of rural residential, commercial and light-industrial Buildings and Uses with on-site services.

17.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Community Garden
- Child Care Centre (subject to Regulation 6.5)
- Child Care Family Home (subject to Regulation 6.6)
- Home Office (subject to Regulation 6.9)
- Single-Detached Dwelling
- Subsidiary Apartment (subject to Regulation 6.13)

17.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Adult Day Care (Residential) (subject to Regulation 6.1)
- Animal Use (subject to Regulation 6.2)
- Automotive Sales (subject to Regulation 6.3)
- Bed and Breakfast (subject to Regulation 6.4)
- Catering (No bars or lounges)
- Convenience Store (subject to Regulation 17.6.1)
- Funeral Home
- General Industry (subject to Regulation 17.6.4)
- Group Home (subject to Regulation 6.8)
- Light Industrial (subject to Regulation 17.6.4)
- Long-term Care Facility (subject to Regulation 17.6.2)
- Medical, Professional, Office and Personal Services (subject to Regulation 17.6.3)
- Personal Care Home
- Service Station, Gas Bar and Electric Charging Station (subject to Regulation 6.12)
- Shop



Mixed Development (MD)

- Telecommunication Structure and Antenna (subject to Regulation 6.14)
- Veterinary Use (subject to Regulation 6.15)
- Wind Turbine - Small Scale (subject to Regulation 5.49)

17.4 Single-Detached Dwelling: Development Standards

Standard	Single-Detached Dwelling
Minimum Lot Area	2025 metres square (m ²)
Minimum Frontage at the Front Lot Line	38 metres (m)
Minimum Frontage at the Building Line of an Irregular Lot with a minimum frontage of 25.91 m at the Front Lot Line	38 metres (m)
Minimum Building Line Setback	10 metres (m)
Maximum Building Line Setback (or the Established Building Line in the area whichever is greater)	30 metres (m)
Minimum Side Yard Depth	3 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

17.5 Commercial and Light Industrial Use: Development Standards

Standard	All Uses
Minimum Lot Area	4050 m ²
Minimum Frontage at the Front Lot Line	45 metres (m)
Maximum Building Line Setback (or the Established Building Line in the area whichever is greater)	15 metres (m)
Minimum Side Yard Depth	5 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)



Mixed
Development (MD)

17.6 Conditions of Development

17.6.1 Convenience Stores

Convenience stores will only be permitted as a Discretionary Use under the following conditions:

1. The retail Use shall be subsidiary to the residential character of the area and shall not affect residential amenities of adjoining properties, and
2. The adequate provision of on-site parking, loading, Buffering and landscaping.

17.6.2 Long-Term Care Facility

The Use is limited to a residential home that provides living accommodation, supervised care and professional health services for the wellbeing of seniors.

17.6.3 Medical, Professional, Office and Personal Service Uses

Where a Medical, Professional, Office or Personal Service Use may be permitted as a Discretionary Use, the following conditions shall be met:

1. No wholesale sales or storage of goods is carried out, and
2. Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes or inconvenience and are not a nuisance to the occupants of adjoining residences.

17.6.4 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 in this zone, shall be restricted to developed residential Lots, provided that;

- a. The Use shall constitute entirely or partly the livelihood of a person living in the specified dwelling,
- b. Activities associated with the Use shall be carried on inside the dwelling or in Building separate from the dwelling,
- c. One Building only, separate from the dwelling, and located in the rear or Side Yard a minimum of 2 metres (m) from any Lot line, and having a maximum floor area of 75 square metres (m²) and a height



Mixed
Development (MD)

of no more than 6 metres (m), may be used in connection with the industrial use,

- d. 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,
- e. Retail sales are incidental and subsidiary to the approved Use and there is no outdoor storage of equipment or materials,
- f. No change is made in the type, class or extent of the Use without a permit, and
- g. Adequate on-site parking, loading, Buffering and landscaping is provided.

17.6.5 Signage

Only the following type of Signs are permitted within this zone and these Signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign,
- f. Portable Sign,
- g. Projecting Sign,
- h. Wall Sign, and
- i. Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office use, shall be permitted on the premises.



Coastal Marine
(CM)

18. COASTAL MARINE (CM)

18.1 Purpose

To identify land to accommodate marine and Fishery Uses.

18.2 Permitted Zones

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Educational (subject to condition 18.4.1)
- Fishery
- Marine-Related Use (subject to Regulation 6.11)
- Recreational Open Space
- Telecommunication Structure and Antenna (subject to Regulation 6.14)
- Transportation (subject to condition 18.4.2)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)

18.3 Zone Standards

Standard	All Uses
As determined by Council	

18.4 Conditions of Development

18.4.1 Educational

Educational Use shall be restricted to marine-related institutional facilities.

18.4.2 Transportation

Transportation Use shall be restricted to docks, harbours, Wharves and Stages, slipways and other such marine-related structures.



Coastal Marine
(CM)

18.4.3 Signage

Only the following type of Signs are permitted within this zone and these signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign,
- f. Portable Sign,
- g. Projecting Sign, and
- h. Wall Sign.



Public Use (PUB)

19. PUBLIC USE (PUB)

19.1 Purpose

To identify institutional Lands for municipal Buildings and facilities, places of worship and schools.

19.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Child Care Centre (subject to Regulation 6.5)
- Community Garden
- Clubs and lodges
- Educational
- General Assembly
- Place of Worship
- Recreational Open Space

19.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Adult Day Care
- Indoor Assembly
- Medical Treatment and Special Care
- Office
- Outdoor Assembly
- Personal Care Home
- Vending Stand (subject to Regulation 19.5.1)
- Telecommunication Structure and Antenna (subject to Regulation 6.14)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



19.4 Zone Standards

Standard	All Uses
As determined by Council	

19.5 Conditions of Development

19.5.1 Vending Stand

Where a Vending Stand may be permitted as a Discretionary Use, the Vending Stand shall meet the following conditions:

- a. Handling of food requires the approval from Service NL,
- b. All vending operations are required to provide waste-disposal containers within 6 metres (m) of the Vending Stand,
- c. All waste receptacles shall be maintained in a clean state and shall be removed from the business location and emptied each night, and
- d. All Vending Stands shall be self-contained and will not be permitted to connect to any utility service for electricity.

19.5.2 Signage

Only the following type of Signs are permitted within this zone and these Signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign,
- f. Portable Sign,
- g. Projecting Sign,
- h. Wall Sign, and
- i. Notwithstanding Section 8.19.4 of these Regulations, a Changeable Message Sign may be permitted at the discretion of Council.



Open Space /
Recreation (OSR)

20. OPEN SPACE/RECREATION (OSR)

20.1 Purpose

To identify Lands for parks and recreation use.

20.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Community Garden
- Recreation Open Space

20.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Catering (Take-Out Food)
- Cultural and Civic
- Indoor Assembly
- Outdoor Assembly
- Vending Stand (subject to Regulation 20.5.2)
- Wind Turbine - Small Scale (subject to Regulation 5.49)

20.4 Zone Standards

Standard	All Uses
As determined by Council	

20.5 Conditions of Development

20.5.1 Accessory Uses

Accessory Uses such as Parking Areas and washroom facilities related to the open space recreation shall be permitted.



Open Space /
Recreation (OSR)

20.5.2 Vending Stand

Where a Vending Stand may be permitted as a Discretionary Use, the Vending Stand shall meet the following conditions:

- a. Handling of food requires the approval from Service NL,
- b. All vending operations are required to provide waste-disposal containers within 6 metres (m) of the Vending Stand,
- c. All waste receptacles shall be maintained in a clean state and shall be removed from the business location and emptied each night, and
- d. All Vending Stands shall be self-contained and will not be permitted to connect to any utility service for electricity.

20.5.3 Signage

Only the following Signs are permitted within this zone and these signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign,
- f. Portable Sign,
- g. Projecting Sign, and
- h. Notwithstanding Section 8.19.4 of these Regulations, a changeable message sign may be permitted at the discretion of Council.



21. CEMETERY (C)

21.1 Purpose

To identify land for burial purposes.

21.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Accessory Building or Use Associated with a Cemetery Use
- Cemetery
- Columbarium
- Mausoleum
- Open Space (subject to Regulation 21.4.1)

21.3 Zone Standards

Standard	All Uses
As determined by Council	

21.4 Conditions of Development

21.4.1 Open Space

Open space uses will be restricted to passive uses such as trails, reflective spaces and to uses that enhance the natural vegetation and aesthetics of the cemetery.

21.4.2 Buffer

A minimum 6 m wide Buffer shall be maintained between any Lot Line of the cemetery and areas designated for burial purposes and, within this Buffer, trees and shrubs are to be planted to provide a landscaped screen between the cemetery uses and abutting properties.



Cemetery (C)

21.4.3 Fencing

A Fence shall be constructed and erected along all property boundaries of the cemetery in accordance with the Town's Fence Regulations.

21.4.4 Streets

All Streets within the cemetery shall be paved.

21.4.5 Proximity to Water Sources

Cemeteries shall be a minimum of 75 m from all fresh water sources, including wells, whether they are used as a source of drinking water or not.

21.4.6 Provincial Government Approvals

A cemetery use shall receive the approval from the appropriate provincial authorities.



22. AGRICULTURE ONE (A1)

22.1 Purpose

To identify land for agricultural activities and uses.

22.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Agriculture
- Animal Use (subject to Regulation 6.2)
- Community Garden
- Domestic Forestry Use (subject to Regulation 22.6)
- Home Office within existing Dwelling (subject to Regulation 6.9)
- Indoor Riding Arena
- Recreational Open Space
- Single-Detached Dwelling (subject to Regulation 22.5.2)
- Subsidiary Apartment (subject to Regulation 6.13)

22.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Outdoor Market
- Rural Industry
- Veterinary Use (subject to Regulation 6.15)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



22.4 Zone Standards

Standard	All Uses
Minimum Lot Area	4050 metres square (m ²)
Minimum Frontage	45 metres (m)
Minimum Building Line Setback	15 metres (m)
Maximum Building Line Setback	30 metres (m)
Minimum Side Yard Depth	3 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

22.5 Conditions of Development

22.5.1 Discretionary Uses

The Discretionary Use classes listed in this table may be permitted, at the discretion of Council, provided they are complementary to uses under the Permitted Use classes and they have been determined by the Land Development Advisory Authority to have minimal impact upon Agriculture.

22.5.2 Single-Detached Dwelling

A Single-Detached Dwelling shall only be permitted subject to the following conditions:

- a. The Single-Detached Dwelling has received the approval of the Land Development Advisory Authority, Department of Fisheries Forestry and Agriculture,
- b. The Single-Detached Dwelling shall be related to or associated with a farm unit or agricultural land tenure or shall have been determined by the Land Development Advisory Authority to have minimal impact upon Agriculture, and



- d. The Lot or farm unit on which the Single-Detached Dwelling is located shall have direct Access and Frontage on a Street or publicly-maintained Street.

22.6 Domestic Forestry Use

The traditional practice of cutting of wood on private property for personal domestic purposes and not for commercial purpose shall be permitted subject to the following conditions:

- a. Only selective cutting of trees of trees is permitted,
- b. The cutting of trees for residential, public or commercial building purpose is permitted, and
- c. Clearcutting of trees on property is not permitted especially on lands which have steep slopes or are identified as waterways, wetlands or waterbodies and their associated Buffers.

22.7 Signage

Only the following type of Signs are permitted within this zone and these signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign, and
- f. Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm^2) in area in connection with the Home Office, shall be permitted on the premises.



23. AGRICULTURE TWO (A2)

23.1 Purpose

To identify land for agricultural activities and uses within a Sensitive Development Area.

23.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Agriculture
- Animal Use (subject to Regulation 6.2)
- Community Garden
- Domestic Forestry Use (subject to Regulation 23.6.3)
- Home Office within existing Dwelling (subject to Regulation 6.9)
- Indoor Riding Arena
- Recreational Open Space
- Single-Detached Dwelling (subject to Regulation 23.6.2)
- Subsidiary Apartment (subject to Regulation 6.13)

23.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Outdoor Market
- Rural Industry
- Veterinary Use (subject to Regulation 6.15)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)

23.4 Groundwater Assessment Required

Prior to any Development proceeding in this use zone, a Level II Groundwater Assessment will be required to be undertaken by a Professional Hydrogeologist or Professional Engineer with formal training in groundwater science and who is a member of Professional Engineers and Geoscientists of Newfoundland and Labrador for consideration of Council, and the lot area will be based on the recommendations of the Assessment or the minimum lot area of 8090 metres square (m²) whichever is greater.



23.5 Zone Standards

Standard	All Uses
Minimum Lot Area	To be determined by Ground Water Assessment but no less than 8090 metres square (m ²)
Minimum Frontage	45 metres (m)
Minimum Building Line Setback	15 metres (m)
Maximum Building Line Setback	30 metres (m)
Minimum Side Yard Depth	3 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

23.6 Conditions of Development

23.6.1 Discretionary Uses

The Discretionary Use classes listed in this table may be permitted at the discretion of Council provided they are complementary to uses under the Permitted Use classes and they have been determined by the Land Development Advisory Authority to have minimal impact upon Agriculture.

23.6.2 Single-Detached Dwelling

A Single-Detached Dwelling shall only be permitted subject to the following conditions:

- a. The Single-Detached Dwelling has received the approval of the Land Development Advisory Authority, Department of Fisheries Forestry and Agriculture;
- b. The Single-Detached Dwelling shall be related to or associated with a farm unit or agricultural land tenure or shall have been determined by the Land Development Advisory Authority to have minimal impact upon agriculture, and
- c. The Lot or farm unit on which the Single-Detached Dwelling is



located shall have direct Access and Frontage on a Street or publicly-maintained Street.

23.6.3 Domestic Forestry Use

The traditional practice of cutting of wood on private property for personal domestic purposes and not for commercial purpose shall be permitted subject to the following conditions:

- a. Only selective cutting of trees of trees is permitted,
- b. The cutting of trees for residential, public or commercial building purpose is permitted, and
- c. Clearcutting of trees on property is not permitted especially on lands which have steep slopes or are identified as waterways, wetlands or waterbodies and their associated Floodway Buffers.

23.6.4 Signage

Only the following type of Signs are permitted within this zone and these signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign, and
- f. Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office, shall be permitted on the premises.



Rural (RUR)

24. RURAL (RUR)

24.1 Purpose

To identify and retain Lands for rural and rural resource uses.

24.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Agriculture
- Animal Use (subject to Regulation 6.2)
- Community Garden
- Domestic Forestry Use (subject to Regulation 22.6)
- Home Office within existing Dwelling (subject to Regulation 6.9)
- Mineral Working (subject to Regulations 5.24 and 24.6.2)
- Subsidiary Apartment (subject to Regulation 6.13)

24.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Cemetery
- Indoor Riding Stable
- Outdoor Assembly
- Outdoor Market
- Recreational Open Space
- Rural Industry
- Single-Detached Dwelling (subject to Regulation 24.6.1)
- Telecommunication Structure and Antenna (subject to Regulation 6.14)
- Veterinary Use (subject to Regulation 6.15)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)



Rural (RUR)

24.4 Rural Development Standards

Standard	All Uses
Minimum Building Line Setback (or the Established Building Line in the area whichever is greater)	20 metres (m)
Minimum Side Yard Depth	5 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

24.5 Single-Detached Dwelling Development Standards

Standard	Single-Detached Dwelling
Minimum Lot Area	4050 metres square (m ²)
Minimum Frontage	45 metres (m)
Minimum Building Line Setback	20 metres (m)
Minimum Frontage at the Building Line of an Irregular Lot with a minimum frontage of 25.91 m at the Front Lot Line	45 metres (m)
Minimum Side Yard Depth	5 metres (m)
Minimum Rear Yard Depth	10 metres (m)
Maximum Height	11 metres (m)

24.6 Conditions of Development

24.6.1 Single-Detached Dwelling

Where a rural resource Use has been established on Land and it has been demonstrated to Council that a Single-Detached Dwelling is required as a residence for the property owner for security purposes, a Single-Detached Dwelling may be permitted as a Discretionary Use and is subject to the following conditions:



Rural (RUR)

- a. The Single-Detached Dwelling shall be related to or associated with the rural resource Use, and
- b. The property or Lot on which the Single-Detached Dwelling is located shall have direct Access and Frontage on a Street or publicly maintained Street.

24.6.2 Mineral Working

Mineral Working activities shall be subject to the terms and conditions for Development, operation and rehabilitation included in permits and approvals issued by provincial government agencies, including a quarry permit or quarry lease issued under the *Quarry Materials Act, 1998*.

24.6.3 Domestic Forestry Use

The traditional practice of cutting of wood on private property for personal domestic purposes and not for commercial purpose shall be permitted subject to the following conditions:

- a. Only selective cutting of trees of trees is permitted,
- b. The cutting of trees for residential, public or commercial building purpose is permitted, and
- c. Clearcutting of trees on property is not permitted especially on lands which have steep slopes or are identified as waterways, wetlands or waterbodies and their associated Floodway Buffers.

24.6.4 Signage

Only the following Signs are permitted within this zone and these signs are permitted in accordance with Section 8 of the Regulations:

- a. Banner Sign,
- b. Canopy Sign,
- c. Ground Sign or Pylon Sign,
- d. Inflatable Sign,
- e. Marquee Sign,
- f. Portable Sign,
- g. Projecting Sign,
- h. Wall Sign, and
- j. Where a Home Office is approved within a dwelling, one nameplate, not exceeding 2000 centimetres square (cm²) in area in connection with the Home Office, shall be permitted on the premises.



Conservation
(CON)

25. CONSERVATION (CON)

25.1 Purpose

To provide a natural Buffer around waterways, waterbodies, wetlands, coasts and environmentally-sensitive lands.

25.2 Permitted Uses

The following Uses shall, subject to the requirements of these Regulations, be permitted:

- Conservation
- Open Space Recreational

25.3 Discretionary Uses

The following Uses may be permitted, subject to the requirements of these Regulations:

- Agriculture (subject to Regulation 25.5.1)
- Docks and Wharves
- Recreation Open Space Uses (walking trails)
- Wind Turbine (Small Scale) (subject to Regulation 5.49)

25.4 Zone Standards

Standard	All Uses
As determined by Council	

25.5 Conditions of Development

25.5.1 Agriculture Use

Agriculture Use shall be restricted to non-Building Uses which do not adversely impact waterways, waterbodies, wetlands, coasts and environmentally-sensitive lands.



SCHEDULE A

ENVIRONMENTAL PROTECTION OVERLAY

Intent

The intent of this Schedule is to preserve the environmental integrity of the Town of Logy Bay-Middle Cove-Outer Cove Groundwater, Waterways, Waterbodies and Wetlands from the negative impacts and influences of development. It is also the intent of this Schedule to delineate the flood risk areas associated with Kennedy's Brook, Outer Cove Brook, Coaker's River, Druken's River and Soldier's Brook, and provide controls for the development and use of lands within these flood risk areas to reduce potential damage to property and threats to life due to flooding.

This Schedule, and its companion Environmental Protection Overlay Map, provides Council with additional specific controls over environmental protection as part of the Town's Development Regulations. Schedule A allows Council to impose conditions on the use of land related to environmentally-sensitive areas without affecting the underlying Zone or creating an entirely new Zone. This Schedule also provides flexibility for minor changes to the environmental protection overlay without requiring property owners to go through a rezoning process.

All Use Zones, as defined in Regulation 10.9 of the Town's Development Regulations and identified on the Zoning Map, are subject to the terms and conditions of this Schedule. Where any property and land in an area are designated as environmentally-sensitive on Map 2: Environmental Protection Overlay Map, the following terms and conditions shall apply:

Environmental Protection Overlay Map

Map 2: the Environmental Protection Overlay Map is a GIS-based topographic map and includes the following layers:

- (1) Sensitive Development Areas as identified by the Municipal Groundwater Flow Modelling Study (2019) prepared by Stantec Consulting Ltd.
- (2) A 30 metre (m) coastline Buffer,
- (3) A 15 metre (m) Buffer for Watercourses and Wetlands,
- (4) A 30 metre (m) Buffer for waterbodies showing on 1:50,000 scale mapping,



- (5) Watercourses, Waterbodies and Wetlands as identified on 1:50,000 scale mapping and the Logy Bay-Middle Cove-Outer Cove Wetlands, Waterbodies and Waterways Study 2020 as prepared by CBCL Engineering Consultants, and
- (6) Designated Flood Risk Areas as defined by the Department of Environment and Climate Change and Conservation and identified in the Town's CBCL Study.

When a change to Map 2: the Environmental Protection Overlay Map, is required to reflect field verification that has taken place, Council shall notify the public of the proposed revision through the insertion of a public notification into a local newspaper. The notification shall state the place and time during which the proposed revision can be inspected and provide seven (7) days for the public to provide written feedback on the revision. After considering public comment, Council may choose to pass a motion, by a majority of its members, to adopt the map revision.

(1) Sensitive Development Areas

The Municipal Groundwater Flow Modelling Study has identified four areas within the Town in which larger lot sizes may be more appropriate in more sensitive areas (i.e., along Marine Drive near Stack's Point, north of the Marine Drive-Middle Cove Road intersection, the end of Doran's Lane, and the area southeast of Cobbler Crescent) to further minimize changes in groundwater levels. These areas are identified on the Environmental Protection Overlay Map. Where there is a desire to develop Lots at in these areas, a Level II Groundwater Assessment will be required which will determine the lot area of the lots or a minimum lot area of 8090 metres square (m²) whichever is greater. If the assessment indicates that the groundwater supply will not be adversely affected by the proposed lot sizes, the map will be refined and, if required, Map 1 the Zoning Map will be amended pursuant to the Urban and Rural Planning Act to accommodate the Lot sizes proposed.

(2) Coastlines

Where a cliff's edge exists, a 30 metre (m) Coastal Reservation will be established from the top edge of the steep cliff ('walkable land'). For the purposes of these Regulations, the top edge of the steep coastlines shall be defined as the area of land where the slope is less than 25% for more than a 30 metre distance measured perpendicular to the coastline and running inland from the steep coastline. Where no cliff's edge exists, the 30 metres (m) Coastal Reservation will be established from the ordinary high-water mark of the ocean.



No Development shall be permitted within a 30 metres (m) Environmental Buffer from the ocean shoreline with the exception of conservation structures, such as those designed to control flooding and erosion, as well as bridges, pathways and municipal infrastructure. All Development occurring within this Environmental Buffer is subject to the approval of the Department of Environment and Climate Change and Council. Where fish habitat may be affected, approval shall also be required by the Federal Department of Fisheries and Oceans.

Development such as Wharves, Slipways, Breakwaters or other works shall not proceed within the Shore Water Zone without the prior written approval of the provincial Minister of Environment and Climate Change in accordance with Section 48 of the Water Resources Act and the federal Department of Oceans and Fisheries prior to the issuance of a Development Permit by Council.

(3) Watercourses

Watercourses include Waterways such as creeks, streams and rivers. An Environmental Buffer of 15 metres (m) from the High-Water Mark of all Watercourses showing on 1:50,000 scale mapping has been established in the Environmental Protection Overlay Map. No Development shall be permitted within this Environmental Buffer without approval from the Department of Environment and Climate Change and, if fish habitat is affected, from Fisheries and Oceans, Canada.

Where there is uncertainty regarding the existence of a watercourse identified on Map 2, the Environmental Protection Overlay Map, field verification by a qualified consultant whose team includes a habitat biologist, will be required to be undertaken at the expense of the developer or land owner. If the qualified consultant determines that the size and area extent of the Watercourse needs to be adjusted or that the Watercourse does not exist, the Buffer established in Map 2: the Environmental Protection Overlay Map, will either be refined, or the Environmental Buffer shall not apply, and the land will be subject to the terms and conditions of the Use Zone indicated in Map 1, the Zoning Map.

(4) Waterbodies

An Environmental Buffer of 30 metres (m) from the High-Water Mark of Waterbodies, such as ponds and lakes, showing on 1:50,000 scale mapping has been established in Map 2, the Environmental Protection Overlay Map.



No Development shall be permitted within the Environmental Buffer without approval from the Department of Environment and Climate Change and Conservation and, if fish habitat is affected, from Fisheries and Oceans, Canada.

(5) Wetlands

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, perform varied integral ecological functions such as collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones and provide unique habitat for plants and animals.

Where Council deems that a proposed Development may involve or may affect a Wetland and its Buffer as identified on the Environmental Protection Overlay Map, it shall be a policy of Council to, at its discretion:

- (a) Require the developer to have the Wetland delineated by a qualified consultant whose team includes a habitat biologist and to consult with the Department of Environment and Climate Change with regard to the requirements of the Water Resources Act and for compliance with the Policy for Development within a Wetland,
- (b) This work is to be submitted to the Town and undergo a peer review by a likewise qualified consultant,
- (c) Establish a sufficient Floodway Buffer from the edge of the Wetland in which Development will not be permitted as based upon the qualified consultant's recommendations and further as based upon consultation with the Water Resources Management Division of the Department of Environment and Climate Change,
- (d) Require other conditions or restrictions to protect the Wetland, and/or
- (e) Refuse to approve the Development if it believes that identified impacts cannot be sufficiently minimized or mitigated.

If the qualified consultant and the Province determines that the size and area extent of the Wetland needs to be adjusted, or that the Wetland does not exist, the Buffer area established in the Environmental Protection Map will either be refined, or where the Wetland does not exist, the Floodway Buffer area shall not apply, and the land will be subject to the terms and conditions of the Use Zone indicated in Map 1, the Zoning Map.



(6) Designated Flood Risk Corridors

The Town of Logy Bay-Middle Cove-Outer Cove has identified Flood Risk Corridors in which flood risk areas are identified by the provincial Department of Environment and Climate Change. The Flood Risk Corridors and associated flood risk areas are identified on Map 2: the Environmental Protection Overlay Map. Kennedy's Brook, Outer Cove Brook, Coaker's River, Druken's River and Soldier's Brook are the designated flood risk corridors within the Town. Development within the Flood Risk Corridors shall be in accordance with the Water Resources Management Division of the Department of Environment and Climate Change Policy for Floodplain Management W.R. 96-1 and the *Water Resources Act*.

Lands that are likely to be flooded once in any twenty-year interval are "designated Floodways," while lands likely to be flooded once in any hundred-year interval are identified as "Floodway Fringe" areas.

A permit is required under Section 48 of the *Water Resources Act* for any activities in or within 15 metres (m) of these Designated Flood Zones.

Development within the Floodway shall be restricted to public uses and public works, minor structures related to utilities and watercourse- or waterbody-related activities and any proposed use of a facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc. 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.

Within the Floodway, existing uses are encouraged to undertake Flood Proofing measures to reduce the risk of flood damage or relocate and the expansion of existing buildings and structures in the floodway shall not increase the area of the structure at or below the defined flood proof elevation.

Existing buildings or structures within the Floodway that are damaged beyond economic repair shall not be replaced unless:

- (a) There is no location on the Lot or property outside of the Floodway limits in which the building or structure can be located which can meet the Development standards of the Use Zone in which the property is located,



- (b) the replacement building or structure has no greater floor area than the original building or structure at or below the defined Flood Proofing elevation,
- (c) the replacement building or structure is Flood Proofed, and
- (d) the replacement building or structure does not impede water flows or contribute to an increase in flood risk.

Development within the Floodway Fringe shall be restricted to non-residential, commercial and institutional uses and may be permitted pursuant to the uses and standards of the Use Zone in which the property is located provided the Development is Flood Proofed and subject to the following uses which are not permitted within the Floodway Fringe:

- (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, schools and
- (c) uses associated with the storage, warehousing or the production of hazardous materials including gas stations.

Development within the Floodway Fringe designation shall meet the following conditions:

- (a) the ground floor elevation of the structure is higher than the 1:100-year flood level,
- (b) the structure will not interfere with flow of water or displace water such that it creates a worse flooding situation for other properties,
- (c) the structure and associated utilities must be designed and constructed in accordance with approved Flood Proofing guidelines of the Province, and entrances and exits from the building can be safely used without hindrance in the event of a flood, and
- (d) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides, etc.



SCHEDULE B

CLASSIFICATION OF USES AND BUILDINGS

This Schedule is intended to assist in the interpretation of the types of Uses within the Use classes listed in the Use Zone tables in Section 10.

Division	Use Classes	Examples
Assembly	Adult Day Care	Adult Day Care
	Civic	Art Gallery Convention Centre Court House Interpretation Centre Library Municipal Office Museum Tourist Chalet
	Educational	College Private School School University
	General Assembly	Auditorium Bowling Alleys Community Halls Dance Halls Gymnasium Lodge Halls
	Place of Worship	Church, Synagogue, Temple and Similar Place of Worship with or without an Associated Hall
	Catering	Lounges (includes nightclubs and bars) Restaurant/Smack bar Take-Out (no seating)
	Funeral Homes	Crematorium Funeral Home
	Child Care	Child Care Family Home or Day Nursery Child Care Centre or Daycare Centre Preschool



Division	Use Classes	Examples
Assembly	Adult Day Care	Adult Day Care
	Amusement	Bingo Hall Electronic Games Arcade Paintball Establishment Poolroom Youth Centre
	Indoor Assembly	Arena Auditorium Dance Studio (Aerobics) Gymnasium Rink Shooting Range Sports Stadium Swimming Pool
	Outdoor Assembly	Amusement Park Bleachers Commemorative Sites Drive-in Theatre Exhibition Ground Fairground Grandstand Rink R.V. Camping Parks Sports Field Swimming Pool



Division	Use classes	Examples
Residential	Single-Detached Dwelling	Single-Detached Dwelling
	Double Dwelling	Duplex Dwelling Family and Group Homes Semi-Detached Dwelling
	Collective Residential	Convents and Monasteries Nurses and Hospital Residences Residential Colleges and Schools University and College Halls of Residence
	Boarding House Residential	Bed & Breakfast Home Boarding House Hospitality Home Lodging House Tourist Home
	Seasonal Residential	Hunting and Fishing Cabins Recreational Cabin Summer Home & Cottage
	Mobile Homes	Mini Home Mobile Home Modular Homes



Division	Use Classes	Examples
Business and Personal Services	Office	Bank Financial Service Home Office Office Office Building
	Medical & Professional	Dental/Denturist Legal Office Medical Office Optometrist Professional Office Travel Agency Veterinary Clinic
	Personal Service	Arts & Crafts Instruction Barber Beauty Salon Fitness Gym Hairdresser Health Spa Manicurist Tailor
	General Service	Dry Cleaner Laundry Small Tool and Appliance Rentals/Repair Upholstery
	Communications	Radio Station Telephone Exchange Telecommunication Facility TV Station
	Police Station	Police Stations Without Detention Quarters
	Taxi Stand	Taxi Stands with Waiting Areas
	Take-Out Food Service	Take-Out Food Service
	Veterinary	Veterinary Surgeries



Division	Use Classes	Examples
Commercial	Shopping Centre	Mini Mall (5 Units or less) Shopping Mall Strip Mall (5 Units or more)
	Shop	Building Supply Store Convenience Store Crafts Store Department Store Gift Store Outlet for retailing of a general range of Merchandise Pharmacy Retail Store Showroom Video Store
	Service Station	Gas Bars Gasoline Service Stations (not including general repair garages) Electric Vehicle Charging Station
	Indoor Market	Auction Hall Flea Market Market Hall
	Outdoor Market	Animal Market Flea Market Market Grounds Vehicle Sales Lot & Automotive Sales Lots
	Convenience Store	Confectionary Stores Corner Stores Specialty Stores



Division	Use Classes	Examples
Industrial	Hazardous Industry	Auto Body Shop Bulk Storage of hazardous liquids and substances Chemical Plant Distillery Feed Mill Fibreglass Fabrication Foundry Lacquer, Paint, Varnish, and Rubber Factory Pulp & Paper Mill Recycling Plant
	General Industry (Uses involving limited hazardous substances and processes)	Cold Storage Plant Factory Fish Processing Plant Freight Depot General Garage Marine Service Centre Warehouse Welding Shop
	Light, Non-hazardous or Non-intrusive Industrial Uses	Automotive Repair Indoor Storage Light Industry Parking Garages Warehouses Workshops



Division	Use Classes	Examples
Institutional	Long-Term Care Facility	Children's Home Convalescent and Care Homes Hospitals Infirmarys Nursing Home Orphanages Personal Care Homes Psychiatric Hospitals Sanitorium



Division	Use Classes	Examples
Non-Building	Agriculture	Dairy Bees Crop Farm Dairy Farm Fruit Farm Fur Farm Green House Hobby Farm Hydroponics Market Garden & Nursery Orchards Piggery Poultry Farm Primary Processing Facility
	Animal Use	Animal Husbandry Animal Pound Commercial Kennel Riding/ Boarding Stable Veterinary Clinic
	Cemetery	Cemetery Graveyard
	Community Garden	Community Garden
	Conservation	Architectural, Historical and Scenic Site Buffer Strip Nature Park/ Sanctuary Steep Slope Walking and Hiking Trails Watershed
	Forestry	Silviculture Tree Farming Tree Harvesting Tree Nursery
	Mineral Exploration	Geophysical Sampling Surveys Traditional Prospecting Ground-Based and Airborne Geophysical Surveys Cutting of Survey Lines



Mineral Working	Mine Oil Well Peat Extraction Pit and Stockpiling Quarry and Stockpiling Topsoil Extraction and Composting
Mining	Mineral Exploration Mineral Extraction
Recreational Open Space	Amusement Park Bumper Boats Camping Park Day Park Go-Cart Track Golf Course Mini Golf Paint Ball Range Play Area (No Building) Playground Playing Field Recreational Area (No Building) Recreational Trailer Park Shooting Range Sports Grounds Theme Park Walkways and Trails Waterslide
Scrap Yard	Automotive Recycle Car Wrecking Yard Junk Yard Scrap Yard
Solid Waste	Sewage Treatment Plant Solid Waste Transfer Station Solid Waste Recycling Centre
Telecommunications Structure and Antenna	TV, Radio & Communications Transmitting, Receiving Masts, Dishes & Antennae



Transportation	Airfield Breakwater Car Park Dock and Harbour Helipad Slipway Wharf
Vending Stand	Vending Stand
Wind Turbine	Wind Turbine



SCHEDULE C

MINISTER'S DEVELOPMENT REGULATIONS

NEWFOUNDLAND AND LABRADOR REGULATION 3/01

*Development Regulations
under the
Urban and Rural Planning Act, 2000*

(Filed January 2, 2001)

Under the authority of section 36 of the Urban and Rural Planning Act, 2000, I make the following regulations.

Dated at St. John's, January 2, 2001.

Joan Marie Aylward
Minister of Municipal and Provincial Affairs



MINISTER'S REGULATIONS

Analysis

1. Short Title
2. Definitions
3. Application
4. Interpretation
5. Notice of Right to Appeal
6. Appeal Requirements
7. Appeal Registration
8. Development Prohibited
9. Hearing Notice and Meetings
10. Hearing of Evidence
11. Board Decision
12. Variances
13. Notice of Variance
14. Residential Non-conformity
15. Notice and Hearings on Change of Use
16. Non-conformance with Standards
17. Discontinuance of Non-conforming Use
18. Delegation of Powers
19. Commencement



SHORT TITLE

1. These regulations may be cited as the *Development Regulations*.

DEFINITIONS

2. In these regulations,
 - a) "Act," unless the context indicates otherwise, means the *Urban and Rural Planning Act, 2000*;
 - b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a Development;
 - c) "authority" means a council, authorized administrator or regional authority; and
 - d) "Development regulations" means these regulations and regulations and by-laws respecting Development that have been enacted by the relevant authority.

APPLICATION

3.
 - (1) These regulations shall be included in the Development regulations of an authority and shall apply to all planning areas.
 - (2) Where there is a conflict between these regulations and Development regulations or other regulations of an authority, these regulations shall apply.
 - (3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

INTERPRETATION

4.
 - (1) In Development regulations and other regulations made with respect to a planning area the following terms shall have the meanings indicated in this section.



- (a) "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;
- (b) "Accessory building" includes:
 - (i) a detached subordinate building not used as a dwelling, located on the same Lot as the main building to which it is an Accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "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;
- (d) "Building Height" means the vertical distance, measured in metres from the established grade to the
 - (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof, and in any case, a Building Height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a Street line and is set at the closest point to a Street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's Development regulations;
- (g) "established grade" means,
 - (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
 - (ii) 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;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "Frontage" means the horizontal distance between side Lot lines measured at the building line;
- (j) "Lot" means a Lot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "Lot Area" means the total horizontal area within the lines of the Lot;
- (l) "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;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the Development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's Development regulations;
- (p) "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 an authority specifies as not permitted within a use zone;
- (q) "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 of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "Rear Yard depth" means the distance between the rear Lot line and the rear wall of the main building on a Lot;
- (s) "Side Yard depth" means the distance between the side Lot line and the nearest side wall of a building on the Lot;
- (t) "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;
- (u) "Street line" means the edge of a Street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a Lot or a Development Permitted on a Lot;
- (w) "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;

(x) "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 authority's regulations; and

(y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations (Land Use Zoning Map).

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

NOTICE OF RIGHT TO APPEAL

5. Where an authority makes a decision that may be appealed under Section 42 of the Act, that authority shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- person's right to appeal the decision to the board;
- time by which an appeal is to be made;
- right of other interested persons to appeal the decision; and
- manner of making an appeal and the address for the filing of the appeal.

APPEAL REQUIREMENTS

6.

- The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, NL, A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in Regulation 42(4) of the Act shall be considered to have been filed with the appropriate board.
- Notwithstanding Regulation (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's may appoint an appeal board under Regulation 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.



- (3) The fee required under Section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in Regulation (1) or (2) within the 14 days referred to in Regulation 42(4) of the Act.
- (4) The board that hears the decision being appealed shall, subject to Regulation 44(3) of the Act, retain the fee paid to the board.
- (5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

APPEAL REGISTRATION

7.

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in Regulations 6(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.
- (3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.
- (4) Upon receipt of the information under Regulation (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.
- (5) A notice published under Regulation (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.



DEVELOPMENT PROHIBITED

8.

- (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any Development upon the property that is the subject of the appeal ceases.
- (2) Sections 102 and 104 of the Act apply to an authority acting under Regulation (1).
- (3) Upon receipt of a notification of the registration of an appeal with respect to an order under Section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

HEARING NOTICE AND MEETINGS

9.

- (1) A board shall notify the appellant, applicant, authority and other persons affected by
 - (a) the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.
- (2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

HEARING OF EVIDENCE

10.

- (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under Regulation 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.
- (2) A board shall hear an appeal in accordance with Section 43 of the Act and these regulations.



- (3) A written report submitted under Regulation 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.
- (4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

BOARD DECISION

- 11.** A decision of the board must comply with the plan, scheme or Development regulations that apply to the matter that has been appealed to that board.

VARIANCES

- 12.**
 - (1) Where an approval or permit cannot be given by an authority because a proposed Development does not comply with Development standards set out in Development regulations, an authority may, in its discretion, vary the applicable Development standards to a maximum of 10% if, in the authority's opinion, compliance with the Development standards would prejudice the proper Development of the land, building or structure in question or would be contrary to public interest.
 - (2) An authority shall not allow a variance from Development standards set out in Development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.
 - (3) An authority shall not permit a variance from Development standards where the proposed Development would increase the non-conformity of an existing Development.



NOTICE OF VARIANCE

13. Where an authority is to consider a proposed variance, that authority shall give written notice of the proposed variance from Development standards to all persons whose land is in the immediate vicinity of the land that is the subject of the variance.

RESIDENTIAL NON-CONFORMITY

14. A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and Development regulations applicable to that building or structure.

NOTICE AND HEARINGS ON CHANGE OF USE

15. Where considering a non-conforming building, structure or Development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or Development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or Development and shall consider any representations or submissions received in response to that advertisement.

NON-CONFORMANCE WITH STANDARDS

16. Where a building, structure or Development does not meet the Development standards that are included within the Development regulations, the building, structure or Development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the Development standards applicable to that building, structure or Development.

DISCONTINUANCE OF NON-CONFORMING USE

17. An authority may make Development regulations providing for a greater period of time than is provided under Regulation 108(2) of the Act with respect to the time by which a discontinued nonconforming use may resume operation.



DELEGATION OF POWERS

18. An authority shall, where designating employees to whom a power is to be delegated under Regulation 109(3) of the Act, make that designation in writing.

COMMENCEMENT

19. These regulations shall be considered to have come into force on January 1, 2001.

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MAP 1
LAND USE ZONING MAP

**Town of Logy Bay-Middle Cove-Outer Cove
Development Regulations 2021
Land Use Zoning - Map 1**

Land Use Zones	
RR1	Rural Residential 1
RR2	Rural Residential 2
RR3	Rural Residential 3
RR4	Rural Residential 4
RSA	Residential Subdivision Area
CL	Commercial Local
MD	Mixed Development
CM	Coastal Marine
PUB	Public Use
OSR	Open Space Recreation
C	Cemetery
A1	Agriculture 1
A2	Agriculture 2
RUR	Rural
CON	Conservation

Municipal and Planning Area Boundary
Coastal Reservation (30m)
Street Hierarchy
Local Street
Collector Street
East Coast Trail
Scenic Road

Proposed North-South Collector Road
Notes Exposure Forecast (NEF) Contour
Scenic Route View Plane Boundary
Flood Risk Corridor Limits
Agricultural Buffer (300m)

Development Regulations Registration

Number _____

Date _____

Signature _____

Dated at Town of Logy Bay-Middle Cove-Outer Cove, Newfoundland and Labrador

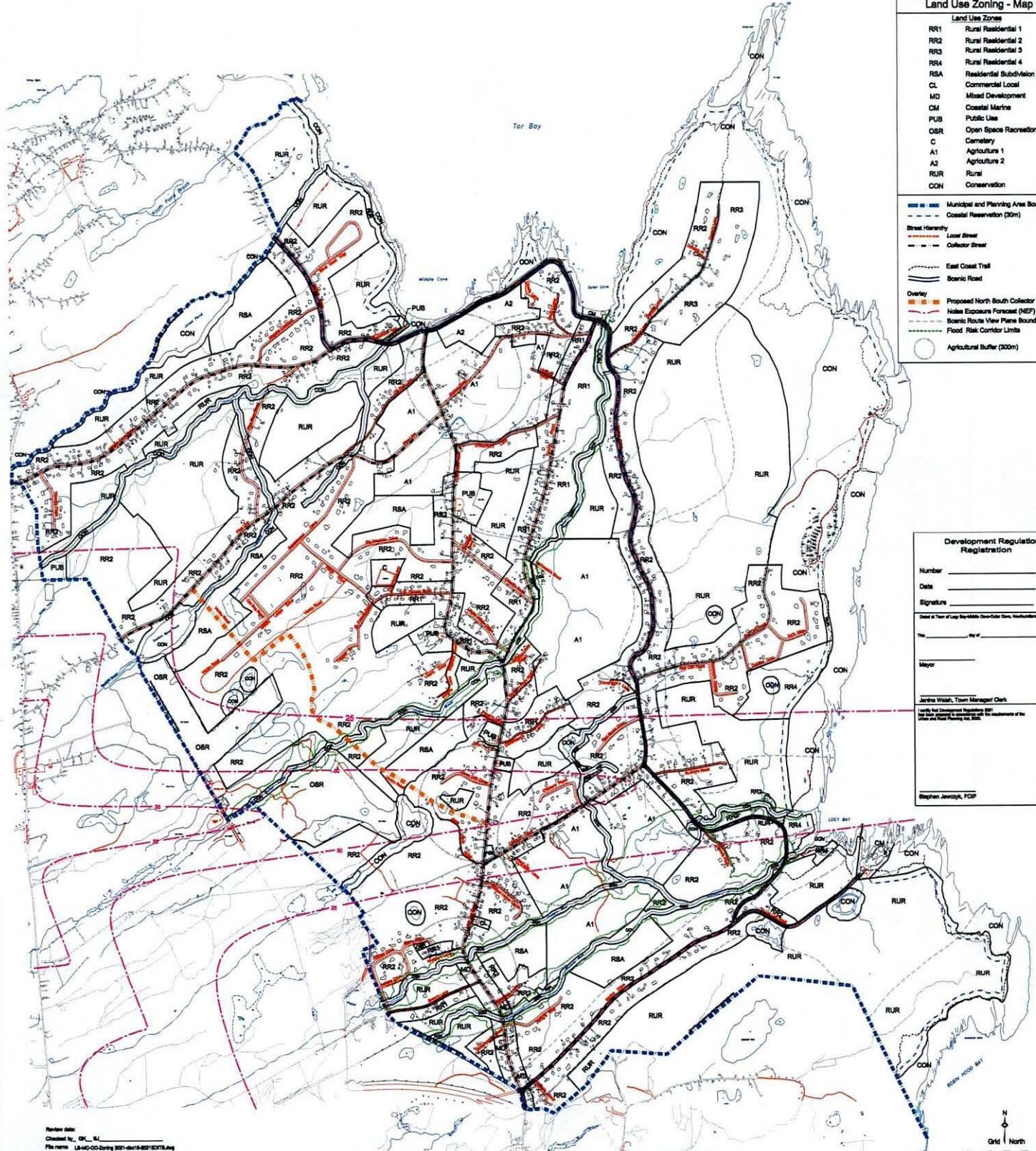
The _____ day of _____, 2021

Mayor _____

Jeanne Wilson, Town Manager/Clerk

I certify that Development Regulations 2021
are being applied in accordance with the requirements of the
Land Use and Planning Act, 2002.

Stephen Jewett, FCP



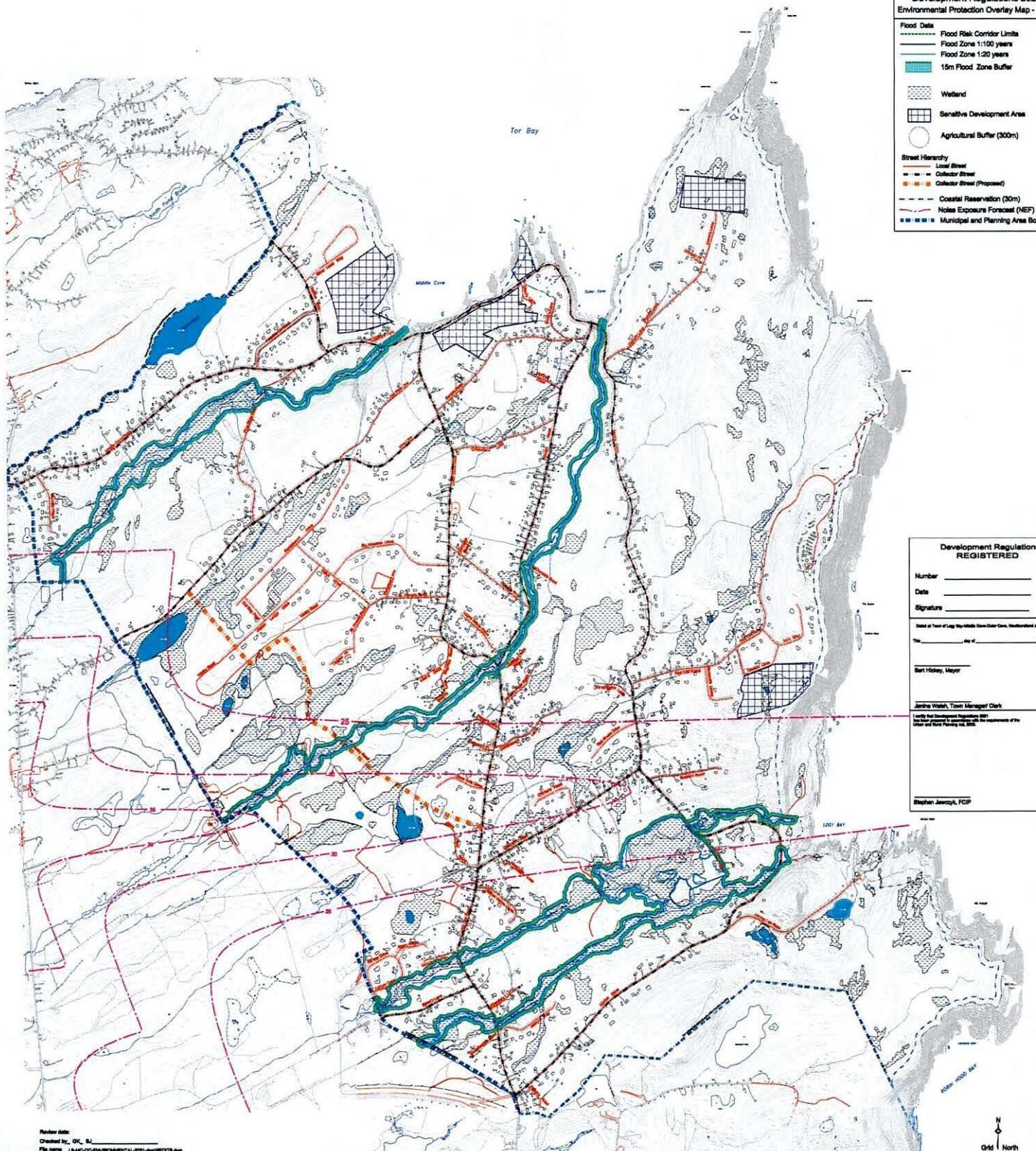


MAP 2

ENVIRONMENTAL PROTECTION OVERLAY MAP

Town of
Logy Bay-Middle Cove-Outer Cove
Development Regulations 2021
Environmental Protection Overlay Map - Map 2

Flood Data	
-----	Flood Risk Corridor Limits
-----	Flood Zone 1:100 years
-----	Flood Zone 120 years
-----	15m Flood Zone Buffer
Wetland	
Sensitive Development Area	
Agricultural Buffer (300m)	
Street Hierarchy	
Local Street	
-----	Collector Street
-----	Collector Street (Proposed)
-----	Coastal Reservation (30m)
-----	Noise Exposure Forecast (NEF) Contour
-----	Municipal and Planning Area Boundary



Development Regulations
REGISTERED

Number	_____
Date	_____
Signature	_____
Seal of Town of Logy Bay-Middle Cove-Outer Cove, Newfoundland and Labrador	_____
The _____ day of _____, 2021	_____
Bert Hickey, Mayor	_____
Jessica Walsh, Town Manager Clerk	_____
I certify that these Regulations 2021 have been drawn up according to the requirements of the Urban and Rural Planning Act 2002.	
Stephen Jowsey, FCIP	