

TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE

SCHEDULE "C"

USE ZONE TABLES

NOTE

This schedule contains tables showing the use classes which may be permitted or which may be treated as discretionary use classes for the purposes of these Regulations. The tables also indicate the required standards of development and may also include conditions affecting some or all of the use classes.

The schedule contains tables for the following Use Zones:

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Amendment No. 20, 2013

USE ZONE TABLE

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

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

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

2. Discretionary Uses - Site Standards

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

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

3. Convenience Stores

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

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

4. Accessory Buildings

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

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

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

5. Scenic Roads

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

6. Boarding House Residential (Bed and Breakfast Only)

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

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

7. Subsidiary Apartments

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

- i) The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square meters, whichever is less.
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.
- iv) The single dwelling and apartment, if new construction, shall require the approval of onsite septic system by the Department of Government Services.

8. Medical, Professional, Personal Services and Office Uses

Medical, professional, personal service, and office uses may be permitted as a discretionary use

in a dwelling unit in the form of doctors consulting rooms, personal services, small business services, small appliance repair, sporting goods repair service, home office and similar uses provided that:

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

9. Child Care (Family Only)

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

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

10. Lot Frontage

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

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

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

12. Advertisements Relating to Onsite Uses

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

Advertisement on Building

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

Advertisement on Site

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.

- ii) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential- medium density zone.
- iii) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- iv) Signs shall blend into the residential area and landscaping.
- v) No advertisement shall exceed 1.5 square metres in area.

13. Buffer (around waterways)

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

14. Agricultural Use

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

15. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

16. Floodway

Development within the Floodway designation shall be restricted to:

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

17. Floodway Fringe

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

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

18. Coastal Reservation

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

19. Light Industrial

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

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

USE ZONE TABLE

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

CONDITIONS

1. ~~Development Standards~~

~~The development standards for this zone shall be as follows:~~

Minimum Lot Area	4050 m²
Minimum Floor Area	80 m²
Minimum Frontage at the front lot line	45 m or
Minimum Frontage at the building line	45 m
(With a minimum of 25.91m at the front lot line)	
Minimum Building Line Setback	15 m or
Maximum Building Line Setback	30 m
(Or the established building line in the area whichever is greater)	
Minimum Sideyard Width	3 m
Minimum Rearyard Depth	10 m
Maximum Height	8 m

1. *Development Standards*

<i>Development Standard</i>	<i>RLD Zone</i>	<i>Doran's Lane (only)</i>
<i>Minimum Lot Area</i>	<i>4050 m²</i>	<i>8100 m²</i>
<i>Minimum Floor Area</i>	<i>80 m²</i>	<i>80 m²</i>
<i>Minimum Frontage at the front lot line</i>	<i>45 m or</i>	<i>45 m or</i>
<i>Minimum Frontage at the building line (With a minimum of 25.91m at the front lot line)</i>	<i>45 m</i>	<i>45 m</i>
<i>Minimum Building Line Setback</i>	<i>15 m or</i>	<i>15 m or</i>
<i>Maximum Building Line Setback</i>	<i>30 m</i>	<i>134 m</i>
<i>Minimum Sideyard Width</i>	<i>3 m</i>	<i>3 m</i>
<i>Minimum Rearyard Depth</i>	<i>10 m</i>	<i>10 m</i>
<i>Maximum Height</i>	<i>8 m</i>	<i>10 m</i>

Amendment No. 1, 2006

2. Discretionary Use Classes

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

3. Discretionary Uses - Site Standards

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

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

4. Scenic Roads

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

5. Light Industrial

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

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

6. Convenience Stores

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

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

7. Buffer (around waterways)

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

of passive recreation trails. All development occurring within these limits is subject to the approval of Council.

8. Accessory Buildings

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

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

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

9. Service Station

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

10. Lot Frontage

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

11. Subsidiary Apartments

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

conditions:

- i) The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square metres, whichever is less.
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.
- iv) The single dwelling and apartment shall require the approval of onsite septic system by the Department of Government Services.

12. Medical, Professional, Personal Services and Office Uses

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

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

13. Medical Treatment and Special Care

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

14. Agricultural Use

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

15. Boarding House Residential (Bed and Breakfast Only)

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

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;
- vi) Signage is permitted as per condition #12.

16. Child Care (Family Care)

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

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The use will only be permitted in a residential dwelling;

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

17. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

18. Advertisements Relating to Onsite Uses

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

Advertisement on Building

_____ The sign on the building shall be inconspicuous and blend in with the residential property and the
Development Regulations 2005-2015

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

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

Advertisement on Site

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

19. Coastal Reservation

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

20. Floodway

Development within the Floodway designation shall be restricted to:

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

21. Floodway Fringe

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

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

22. On Site Services

Development standards for 8100 m² within the Residential Low Density Zone for on site services shall be designed, certified and installed by a registered installer. On site designs shall

take into account existing steep slopes, surface and subsurface drainage, soils, vegetation, all other development on the lot, and be designed to meet any site specific requirements of each individual lot. All on site services designs shall comply with standards established by the Department of Government Services in addition to any standards established by the Authority.

23. Private Driveway

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

24. Landscaping Plan

The Authority shall require on 8100 m² lots on steep slopes the development of a Landscaping Plan, which shall be submitted for approval before a development permits is issued. The landscaping of the lot shall be completed within one year of completion of the main residential structure and all on site services. The long-term control of soil erosion and surface water runoff is important to maintaining the scenic attraction of the area. Landscaping Plan shall take into account steep slopes, mature trees and other vegetation and try to preserved and replaced as necessary during and after the development of the lands. Trees and other vegetation may be removed when they become dangerous because of age, disease, or proximity to a building; if they are overcrowded, and unduly inhibit light and air circulation or for landscaping purposes and building occupancy; or if they will unduly obstruct construction.

Amendment No. 1, 2006

USE ZONE TABLE

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

CONDITIONS

1. Development Standards

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

2. Discretionary Use Classes

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

3. Discretionary Uses - Site Standards

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

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

4. Accessory Buildings

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

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

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

5. Coastal Reservation

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

6. Scenic Roads

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

7. Lot Frontage

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

8. Buffer (around waterways)

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

9. Agricultural Use

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

10. East Coast Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

11. Medical, Professional, Personal Services and Office Uses

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

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

12. Medical Treatment and Special Care

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

13. Subsidiary Apartments

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

- i) The floor area of the subsidiary apartment shall not exceed fifty percent (50%) of the total floor area of the self-contained dwelling, or eighty (80) square metres, whichever is less.
- ii) No second entrance shall be permitted in the front wall of the self-contained dwelling. External entrances to the subsidiary apartment shall be restricted to the side or rear yards.
- iii) The number of additional off-street parking spaces required shall be determined by Council.

- iv) The single dwelling and apartment shall require the approval of onsite septic system by the Department of Government Services.

14. Boarding House Residential (Bed and Breakfast Only)

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

- i) The use does not detract from the residential character of the neighbourhood;
- ii) The use is carried out by a resident of the dwelling;
- iii) Provision for off-street parking for each guest will be required and shall be in the side yards and rear yards of subject properties;
- iv) The dwelling has sufficient onsite water and sewage system;
- v) The Hospitality Home shall be licensed under Provincial Tourist Establishment Regulations;
- vi) Signage is permitted as per condition #12.

15. Child Care (Family Care)

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

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The use will only be permitted in a residential dwelling;
- iii) The use will not occupy more than 80 square metres or 40% of the floor area, whichever is less;
- iv) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- v) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;

- vi) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vii) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- viii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Town of Logy Bay-Middle Cove-Outer Cove.

16. Advertisements Relating to Onsite Uses

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

Advertisement on Building

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

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

Advertisement on Site

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding residential area.
- ii) Free standing portable illuminated signs (“yellow” or “Light Up Portable Signs”) will not be allowed in the residential- medium density zone.
- iii) Not subject to (ii) portable illuminated signs may be allowed for advertising special events on a temporary basis at the discretion of the Council.
- iv) Signs shall blend into the residential area and landscaping.

- v) No advertisement shall exceed 1.5 square metres in area.

17. Light Industrial

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

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

18. Floodway

Development within the Floodway designation shall be restricted to:

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

19. Floodway Fringe

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

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

USE ZONE TABLE

ZONE TITLE	RESIDENTIAL SUBDIVISION AREA	(RSA)
PERMITTED USE CLASSES		
None prior to the preparation of a Comprehensive Development Scheme.		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)

Agriculture, forestry, conservation.

CONDITIONS**1. Area Concept Plan**

An Area Concept Plan shall be developed for a 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 policy sections 4.4.1, section 14. The Area Concept Plan shall be advertised within a local newspaper and shall be placed on public display for five (5) days at the Town Hall, during regular businesses hours, for public viewing so that residents may be provided comments on the proposed development to Council in writing. Council shall review all written submissions and take these submissions into consideration before approving the Area Concept Plan and any Development Regulations Amendment to rezoning the Residential Subdivision Area to the appropriate land use zones on the Land Use Zoning Maps. Once the Area Concept Plan and Development Regulations Amendment are approved by Council, the amendment shall be forwarded to the Department of Municipal and Provincial Affairs for registration and publishing in the Newfoundland and Labrador *Gazette*. Note, under *The Urban and Rural Plan Act, 2000*, no public hearing is required for a Development Regulations Amendment

2. 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 policy sections 4.4.1, section 13, 14 and 15. The subdivision development plan shall conform to the general design and layout of the area concept plan. The subdivision development plan does not require public consultation, but is required to be submitted to the Council for development approval and the issuing of any development permits.

2. Discretionary Use

Discretionary uses permitted in this zone prior to the preparation and approval of a Area Concept Plan shall not include the development of any permanent structure.

3. Onsite Water Supply and Sewage

All developments must have their water and sewage services designed by an “Approved Designer” licensed by the Department of Government Services. The Department of Government Services shall approve the onsite 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 onsite 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.

4. Coastal Reservation

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

USE ZONE TABLE

ZONE TITLE	COMMERCIAL-LOCAL	(COM-L)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Office, medical and professional, personal service, child care, convenience store, shop, recreational open space.</p>		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)

Service station, catering, general service, light industry, catering (no lounges), outdoor markets, and antenna.

CONDITIONS**1. Development Standard**

The development standards for this zone shall be as follows:

Minimum Building Line Setback (or the established building line in the area whichever is greater)	8 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	10 m
Maximum Height	10 m

2. Discretionary Use Classes

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

3. General Service Uses

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

- i) Activities associated with the use shall be carried on inside the building.
- ii) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;
- iii) No outdoor storage of equipment or materials.

- iv) Adequate on-site parking, loading, buffering and landscaping is provided.

4. 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;

- i) Activities associated with the use shall be carried on inside the building.
- ii) Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust or flames, or result in electrical interference;
- iii) No outdoor storage of equipment or materials.
- iv) Adequate on-site parking, loading, buffering and landscaping is provided.

5. Advertisements

Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of

the Authority, having regard to the grade and alignment of streets, the location of street Junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

6. Buffer (around waterways)

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

USE ZONE TABLE

ZONE TITLE	COMMERCIAL-TOURISM	(COM-T)
PERMITTED USE CLASSES - (see Regulation 89)		
Shop (see condition), cultural and civic, recreational open space, conservation.		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)

Catering (restaurant) outdoor assembly, light industry (see condition), and personal service (see condition).

CONDITIONS**1. Comprehensive Development Scheme**

A Comprehensive Development Scheme in this zone will be considered only if it is in accordance to the requirements outlined in the Municipal Plan policy sections 4.4.2.2, section 3. The Comprehensive Development Scheme shall be advertised within a local newspaper and shall be placed on public display for five (5) days at the Town Hall, during regular businesses hours, for public viewing so that residents may be provided details on the proposed development and view the Development Plan, and provide any comments to Council in writing. Council shall review all written submissions and take these submissions into consideration before approving the applications and Development Plan.

2. Development Standard

The development standards for this zone shall be as follows:

Minimum Lot Area	12,100 m ²
Minimum Building Line Setback (Or the established building line in the area whichever is greater)	8 metres
Minimum Sideyard Width	5 metres
Minimum Rearyard Depth	10 metres
Maximum Height	10 metres

3. Discretionary Use Classes

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

4. Light Industrial Uses

Light industrial uses shall be restricted to small craft products associated with traditional manufacturing of craft products and handcrafts. This small scale light industrial uses shall be subsidiary to the permitted uses and meet the following conditions:

- i) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- ii) Activities associated with the use shall be carried on inside the building;
- iii) 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;
- iv) No change is made in the type, class or extent of the use without a permit.
- v) Adequate on-site parking, loading, buffering and landscaping is provided.

5. Advertisements Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

6. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.

- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street Junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

7. Buffer (around waterways)

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

8. Catering

Catering shall be limited to formal seat down style restaurant. No lounges or take outs will be permitted within this zone. However, take out food service maybe permitted in association with a full restaurant service. The sale of alcohol shall be permitted in association with the restaurant during operating hours.

9. Shop

Shop uses shall be limited to only those that cater or service the traveling/tourist public. Types of shops shall include crafts store, gift store, specialty store, and rental/retail store for sporting goods.

10. Personal Service

Personal services shall be limited to the development and training of the general public and tourist in the making of arts and crafts. This may include such uses as a design studio, painting classes, small work shops for wood or rock carving, etc.

11. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

12. Cultural and Civic

These uses shall be limited to museum, art galley, tourist chalet, and interpretation centre.

13. Coastal Reservation

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

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT	(MD)
PERMITTED USE CLASSES - (see Regulation 89)		
Single dwelling, recreational open space.		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)

Child care, boarding house residential (bed and breakfast only), medical treatment and special care (home for the aged only), medical professional and personal service, office, convenience store, service station, general industry and light industry (see condition), agriculture, veterinary, and antenna.

CONDITIONS**1. Development Standard**

- a) The development standards for this zone shall be as follows:

Minimum Building Line Setback Or the established building line in the area whichever is greater)	8 m
Minimum Sideyard Width	5 m
Minimum Rearyard Depth	10 m
Maximum Height	10 m

- b) Residential development shall conform to the standards of the Residential Low Density Use Zone.

2. Discretionary Use Classes

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

3. Accessory Building

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

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

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

4. Boarding House Residential (Bed and Breakfast Only)

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

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

5. Convenience Stores

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

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

6. Child Care (Group)

A day care or day nursery (i.e.: a child care operation in which services are regularly provided up to seven or more children), may be permitted as a discretionary use, subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The building shall be designed so that its type, massing and visual appearance is general appropriate to the residential neighborhood and is acceptable to the Council;

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

7. Child Care (Family)

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

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

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

8. Medical, Professional, Office, and Personal Service Uses

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

- i) No wholesale sales or storage of goods is carried out; any retail sales are incidental and subsidiary to the approved use.
- ii) 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.
- iii) Not more than fifty (50) percent of the total floor area of the dwelling up a maximum of eighty -five square metres is devoted to the use.
- iv) No change shall be made in the type, class or extent of service provide without a permit.

9. Buffer (around waterways)

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

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

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

11. General and Light Industrial Uses

General industrial uses shall be small scale light industrial uses such as small workshops and warehouses, and autobody repair shops in this zone, shall be restricted to developed residential lots, provided that;

- i) The use shall constitute entirely or partly the livelihood of a person living in the specified dwelling;
- ii) Activities associated with the use shall be carried on inside the dwelling or in building separate from the dwelling;
- iii) One building only, separate from the dwelling, and located in the rear or side yard a minimum of 2 m from any lot line, and having a maximum floor area of 75 m² and a height of no more than 6 m, may be used in connection with the industrial use;
- iv) 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;
- v) Retail sales are incidental and subsidiary to the approved use and there is no outdoor storage of equipment or materials.
- vi) No change is made in the type, class or extent of the use without a permit.
- vii) Adequate on-site parking, loading, buffering and landscaping is provided.

12. Agricultural Use

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

13. Service Station

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

14. Advertisements

Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in this or another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street Junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

USE ZONE TABLE

ZONE TITLE	AGRICULTURE	(A)
PERMITTED USE CLASSES - (see Regulation 89)		
Agriculture, animal.		

DISCRETIONARY USE CLASSES (see Regulations 33 and 90)

Veterinary, outdoor market, single dwelling, rural industry, forestry, mineral working, antenna.

CONDITIONS**1. Development Standards**

The development standards for this zone shall be as follows:

Minimum Lot Area	4050 m ²
Minimum Frontage	45 m
Minimum Building Line Setback	15 m
Minimum Sideyard Width	3 m
Minimum Rearyard Depth	10 m
Maximum Height	8 m
Maximum Building Line Setback	30 m

2. Discretionary Uses

The discretionary use classes listed in this table may be permitted at the discretion of the Authority 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.

3. Advertisements Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

4. Single Dwelling

A single dwelling shall only be permitted subject to the following conditions:

- i) The single dwelling has received the approval of the Land Development Advisory Authority, Department Natural Resources.
- ii) The single 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.
- iii) The lot or farm unit on which the single dwelling is located shall have direct access and frontage on a street or publicly maintained road; and
- iv) The single dwelling is located within an area presently characterized by a mix of residential and agricultural development as identified by the Council.

5. Buffer (around waterways)

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

USE ZONE TABLE

ZONE TITLE	OPEN SPACE/CONSERVATION	(OC)
PERMITTED USE CLASSES - (see Regulation 89)		
Conservation, open space recreational.		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)
 Agriculture, antenna.

CONDITIONS

1. Discretionary Use classes

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

2. Agricultural Use

Traditional small scale hobby and subsistence agricultural uses may be permitted such as vegetable gardens.

3. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

USE ZONE TABLE

ZONE TITLE	OPEN SPACE/RECREATION	(OS/R)
PERMITTED USE CLASSES - (see Regulation 89)		
Recreational open space; conservation.		
DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)		
Indoor assembly; outdoor assembly; cultural and civic, catering (take-out food service), and antenna.		

CONDITIONS

1. Discretionary Use classes

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

2. Take-Out Food Service

A take-out food service use may be considered on a discretionary basis provided it serves recreational activities only.

3. Accessory Building

An accessory building may be permitted in association with a permitted or discretionary use as approved by Council. Accessory buildings shall be located a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line and a maximum height of an accessory building shall be 4 metres

4. Effects on Surrounding Areas

Any development must be generally acceptable within the context of surrounding development so as not create unacceptable amounts of noise, traffic, fumes, dust or other pollution or otherwise present a nuisance, hazard or eyesore, especially with respect to existing or potential residential development.

5. Buffer (around waterways and waterbodies)

No development shall be permitted within 15 metres of the high water mark of rivers or streams, or within 15 metres of the shoreline of ponds, with the exception of conservation structures such as those designed to control flooding and erosion as well as bridges, pathways, and public services. Development of marine or water related uses such as wharfs, slipways, boathouse, etc. may be permitted. All development occurring within these limits is subject to the approval of Council and the Department of Environment and Conservation

6. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

Amendment No. 20, 2013

USE ZONE TABLE

ZONE TITLE	COASTAL-MARINE	(CM)
PERMITTED CLASSES -(see Regulation 89)		
Fishery, marine-related uses, recreational open space, educational, antenna.		

CONDITIONS

1. Docks and Harbours

Transportation use shall be restricted to docks, harbours, wharfs, slipways and other such marine related structures.

2. Educational

Educational use shall be restricted to marine related institutional facilities.

3. Advertisements Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

4. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

USE ZONE TABLE

ZONE TITLE	PUBLIC USE	(PU)
PERMITTED USE CLASSES - (see Regulation 89)		
Educational, general assembly, place of worship, child care (group), recreational open space, cultural and civic, and conservation.		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)

Indoor assembly, outdoor assembly, cemetery, office, medical treatment and special care, and antenna.

CONDITIONS**1. Development Standards**

The development standards for this zone shall be as follows:

Minimum Building Line Setback	8 metres
Minimum Sideyard Width	5 metres
Minimum Rearyard Depth	15 metres
Maximum Height	14 metres

2. Discretionary Use Classes

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

3. Buffer (around waterways)

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

4. Group Child Care

A day care or day nursery (ie: a child care operation in which services are regularly provided up to seven or more children), may be permitted as a discretionary use, subject to the following conditions:

- i) The operation is in accordance with all applicable provincial laws and regulations;
- ii) The building shall be designed so that its type, massing and visual appearance is general appropriate to the residential neighborhood and is acceptable to the Council;
- iii) Any on-site, outdoor play space will have a fence erected around its perimeter, with a gate in case of emergency;
- iv) Provision for off-street parking will be required as per the off-street parking requirements of these Regulations;
- v) The drop-off and pick-up of children will not interfere with the free flow of vehicular traffic;
- vi) The use is not located adjacent to or near hazardous, dangerous, or incompatible uses. These include, but are not limited to, heavy industrial uses, service stations, garages, taverns, night clubs, and amusement uses;
- vii) The development and operation of the child care use will be subject to conditions outlined in a permit issued by the Town of Logy Bay-Middle Cove-Outer Cove.

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

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

6. Advertisements Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in another zone, or not relating to a specific land use, shall be as follows:

- i) Each advertisement shall not exceed three square metres in area.
- ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show therein the name and nature of the distance or direction to the premises to which they relate.
- iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Council, having regard to the grade and alignment of streets, the location of street Junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

7. Coastal Reservation

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

USE ZONE TABLE

ZONE TITLE	RURAL	(RUR)
PERMITTED USE CLASSES - (see Regulation 89)		
Agriculture, forestry, and conservation.		

DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)

Outdoor assembly, single dwelling, veterinary, outdoor market, rural industry, mineral working, recreational open space, cemetery, animal and antenna.

CONDITIONS**1. Development Standards**

The development standards for this zone shall be as follows:

Minimum Building Line Setback	20 metres
Minimum Sideyard Width	5 metres

2. Advertisements Relating to Onsite Uses

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

- i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Council, having regard to the safety and convenience of users of adjacent streets and sidewalks and the general amenities of the surrounding area.
- ii) No advertisement shall exceed 5 square metres in area.

3. Advertisements Relating to Offsite Uses

The conditions to be applied to the erection or display of an advertisement on any site relating to a use permitted in this or another zone shall be as follows:

- i) Each advertisement shall not exceed 3 square metres in area.
- ii) The advertisements shall be located within a reasonable distance of and only the distance or direction to the premises to which they relate.
- iii) The location siting and illumination of each advertisement shall be to the satisfaction of

the Council, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

4. Discretionary Use Classes

The discretionary use classes listed in this table may be permitted at the discretion of the Council provided they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses, and in the case of general industry, that they be restricted to maintenance and repair of equipment, processing and storage related to resource uses.

5. Accessory Buildings

Accessory buildings total floor area and height shall be determined by Council under its discretion on a lot by lot application. Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council. Accessory buildings should not have a negative effect on neighbouring properties and outside appearance shall be to the standards established by the Council.

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

Accessory buildings for residential properties shall not be used for non-residential uses without permission of Council.

6. Single Dwelling

Single residential dwelling may be permitted in conjunction with permitted use such as agriculture or discretionary use such as veterinary. The residence shall be required to meet development standard of 1 acre lot. The Council under its discretion may allow the development to occur on lands that do not front onto a public road.

7. East Cost Trail

The East Coast Trail Association is developing a natural walking/hiking trail within the Town of Logy Bay Middle Cove Outer Cove along the coastline of Atlantic Ocean as part of their much larger coastal trail system. The Council will encourage the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that future development does not negatively impact the trail.

8. Separation from Adjacent Uses

Unless the Council is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature:

Type of Development	Minimum Distance from Mineral Working
Existing or proposed residential development	300 metres
Any other developed area or area likely to be developed during the life of pit or quarry working for any purpose other than residential	150 metres
Public highway or street	50 metres
Protected Road	90 metres
Any of the above, with regard to a mineral working operation in which blasting may take place (or any bedrock quarry or reserve)	1000 metres
Waterbody or watercourse	50 metres

9. Screening

A mineral working shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

- (a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is

removed from the 30-metre strip, the Council may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Council or, at the discretion of the Council, condition 4(b) must be undertaken.

- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Council's satisfaction.
- (c) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Council may refuse to permit the use or associated activity.

10. Fencing

The Council may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

11. Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

12. Erosion Control

No mineral working shall be carried out in a manner so as to cause erosion of adjacent

land.

13. Water Ponding

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbody or watercourse. Any access road to a pit or quarry working which crosses a brook or stream shall be bridged or culverted at the crossing in accordance with the Regulations of the Department of Environment and Conservation.

14. Site Maintenance

The mineral working shall be kept clean of refuse, abandoned vehicles, and abandoned equipment and any derelict buildings.

15. Access Roads

During extended periods of shutdown, access roads to a mineral working shall be ditched or barred to the satisfaction of the Council.

16. Stockpiling Cover Material

All stumps, organic material and topsoil, including the rusty coloured and iron stained layer, shall be stripped and stockpiled at least 5 metres from active quarry or stockpile areas. The owner or operator shall ensure that the quality of the topsoil is not affected by dilution with other materials.

17. Operating Plant and Associated Processing and Manufacturing

The Council may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Council, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by

reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

18. Building Location

All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

19. Buffer Area

The Council may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

20. Additional Extraction

If the mineral working contains reserves of material sufficient to support further extraction operations, the Council may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

21. Termination and Site Rehabilitation

Upon completion of the mineral working, the following work shall be carried out by the operation:

- (a) All buildings, machinery and equipment shall be removed.
- (b) All pit and quarry slopes shall be graded to slopes less than 20° or to the slope conforming to that existing prior to the mineral working.
- (c) Topsoil and any organic materials shall be re-spread over the entire quarried area.
- (d) The access road to the working shall be ditched or barred to the satisfaction of the Council.

22. Short-term Mineral Workings

The following conditions shall apply to a Mineral Working which is subject to a Department of Natural Resources Quarry Permit or which is proposed for duration of less than five years. The Council may require an applicant for a development permit under this condition to meet the stipulations set out in condition 18 below, if the Council determines that the size of the parcel or of the proposed mineral working, or the size of the aggregate resource in the surrounding area is sufficiently large or the duration is sufficiently long to warrant the application of condition 18.

- a) An application for a development permit for the proposed Mineral Working use shall be accompanied by a detailed sketch or sketches satisfactory to the Council which shall show the location of physical site features and extraction and processing features required by the Council, including but not limited to:
 - i) The general area of the location of the mineral working;
 - ii) Boundaries of the parcel to be mined (ie. land covered by the development application);
 - iii) Extent of the site area to be mined;
 - iv) Roads, parking and loading areas and entrance and exit to the site;
 - v) Waterbodies within the boundaries;
 - vi) Waterbodies within 250 metre radius of the boundary;
 - vii) Channels or ponds to be removed, shifted and created; and
 - viii) The location of any building or structure and equipment which will be located on the site.
- b) Upon completion of the mineral working operations on the site, the developer shall meet the conditions set out above and any other condition(s) stated in the development permit that the Council deems necessary for restoration of the site.
- c) A temporary development permit may be issued for a maximum of one year and may not be renewed after five consecutive years. Upon expiry of the development permit the Council shall inspect the site to confirm compliance with

the development permit and development regulations.

23. Long-term Mineral Workings

The following conditions shall apply to a Mineral Working subject to a Department of Natural Resources Quarry Lease or of duration of 5 years or greater.

- a) An application for a development permit shall include a Mineral Working Development Plan satisfactory to the Council for the proposed Mineral Working use, which shall include a site plan showing the location of physical site features and extraction and processing features required by the Council including but not limited to:
 - i) Boundaries of the parcel to be mined;
 - ii) Extent of site area(s) to be mined;
 - iii) Buildings and structures on the site;
 - iv) Roads, parking and loading areas and entrance and exit to the site;
 - v) Fences, berms and landscaping provided for screening;
 - vi) Waterbodies and channels to be removed, shifted and created;
 - vii) Location and expected maximum height of stockpiles of mined ores, sand and gravel;
 - viii) Location of major machinery and conveyors for receiving and processing raw ores including machinery for sifting, washing and grading ores, and the manufacturing of concrete and stone products;
 - ix) The probable location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the Reclamation plan; and
 - x) Intended phases of mining operations to be carried out over all portions of the site.

- b) An application for a development permit shall include a Mineral Working Reclamation Plan satisfactory to the Council for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Council a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

24. Financial Guarantee

- 1) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Council.
- 2) The financial guarantee shall be the greater of (a) \$5,000 per hectare, prorated on the basis of area to a minimum of \$500, or (b) an amount to cover the costs of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
- 3) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Council."

25. Permit Fee

The development permit fee for a Mineral Working use shall be determined by the Council in an amount sufficient to cover the review of the Development and Reclamation Plans or the detailed sketch as required above, and determination of the amount of the financial guarantee described in section 19 above by a professional engineer, ongoing inspection of the site for conformity with the named Plans or sketches and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation for purposes of return or cancellation of the financial guarantee.

26. Buffer (around waterways)

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

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

27. Coastal Reservation

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