



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

**MUNICIPAL PLAN 2021**

**November 28, 2022**



**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO APPROVE**  
**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE**  
**MUNICIPAL PLAN 2021**

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

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

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

- Amend Section 1.6 Municipal Plan Preparation Process by adding after the sentence  
*“Posting the proposed Municipal Plan and Development Regulations that has received Adoption in Principle by Council on the Town’s website and notify the public of the*



*Adoption in Principle by social media while awaiting provincial review and release, and,” as follows:*

*Formally adopted the Municipal Plan on July 25, 2022, after which there were advertisements in The Telegram and the Northeast Avalon Times and the Town’s social media platforms of the Notice of Adoption, the date for further receipt of objections and submissions and the date, time and place of the public hearing scheduled for October 19, 2022.*

- Amend Section 4.2.29 Coastal Reservation to read:

*The Town has over 11 kilometres (km) of coastline. Along this coastline, the terrain ranges from open beaches to steep coastlines and rock cliffs. These steep rock cliffs are considered Town of Logy Bay-Middle Cove-Outer Cove: Municipal Plan 2021 Page 4.29 as hazardous and unstable due to coastal erosion, climate change and significant weather events.*

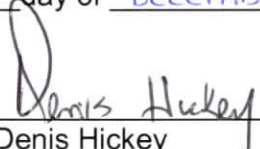
#### *Policy*

*The Town will prohibit non-essential development close to the steep coastlines or rock cliffs due to potential rock falls and landslides. To ensure that non-essential development is setback sufficiently to protect both the developer/user of the land and the environment, no building development shall be permitted within 30 metres (m) from the top of the steep coastlines along the shorelines of the Town with the exception of conservation structure, such as those designed to control flooding and erosion, as well as bridges, pathways and municipal infrastructure subject to provincial and federal approvals as required. The top edge of the steep coastline shall be defined as the area of land where the slope is less than 25% for more than a 30 metre (m) distance measured perpendicular to the coastline and running inland from the steep coastline. From a point located 30 metres from the steep coastline edge another 30 metre buffer is placed which no building development shall be permitted. This coastal reservation is identified and designated on the Future Land Use Map and in the Development Regulations on both the Zoning and Environmental Protection Maps.*



Signed and sealed this 13<sup>th</sup> day of December, 2022.

Mayor:

  
\_\_\_\_\_  
Denis Hickey



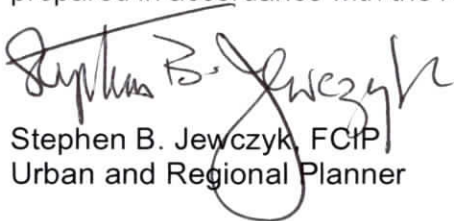
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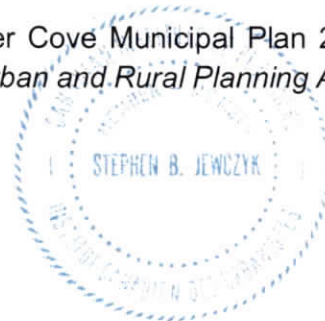
Town Manager/Clerk:

  
\_\_\_\_\_  
Susan Arns

### CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

  
Stephen B. Jewczyk, FCIIP  
Urban and Regional Planner



<b>Municipal Plan/Amendment</b>	
<b><u>REGISTERED</u></b>	
Number	<u>2945-2023-000</u>
Date	<u>26 JANUARY 2023</u>
Signature	<u></u>



**URBAN AND RURAL PLANNING ACT, 2000  
RESOLUTION TO ADOPT**

**TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE MUNICIPAL PLAN, 2021**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Logy Bay-Middle Cove-Outer Cove adopts the Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan, 2021.

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

Signed and sealed this 25<sup>th</sup> day of July, 2022.

Mayor:

Denis Hickey  
Denis Hickey



Town Clerk/Manager:

Janine Walsh  
Janine Walsh, P. Tech.

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

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

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





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Map 1	Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan 2021: Future Land Use Map	



## 1. INTRODUCTION

### 1.1 The Municipal Plan

The Logy Bay-Middle Cove-Outer Cove Municipal Plan 2021 is Council's comprehensive policy document for the management of growth and development within the Town over the next 10-year planning period 2021-2031. Prepared under the authority of *The Urban and Rural Planning Act, 2000*, the Municipal Plan repeals and replaces the Logy Bay-Middle Cove-Outer Cove Municipal Plan 2005-2015. The Municipal Plan is Council's policy document which is then implemented by the Logy Bay-Middle Cove-Outer Cove Land Use, Zoning Subdivision and Advertisement Regulations ("Development Regulations").

### 1.2 Purpose of Municipal Planning

A Municipal Plan guides growth and development within a Municipal Planning Area ("Planning Area"). It directs future growth so that it occurs in a manner which respects the environment and most efficiently uses municipal services and land resources, thus preventing unnecessary degradation of the environment and increases in servicing costs that would result if development was not planned. It also ensures that aspects of land development like compatibility, safety, aesthetics and environmental protection are given proper consideration. The aim of planning is to protect and enhance the qualities of the Planning Area that make it a healthy, prosperous and pleasant place in which to live and work.

### 1.3 Land Acknowledgement

As the Municipal Plan directs growth and development of land within the Planning Area, the Town respectfully acknowledges the Province of



Newfoundland and Labrador as the ancestral homelands of the Beothuk. Today, this province is home to diverse populations of Indigenous and other people. The Town also acknowledges, with respect, the diverse histories and cultures of the Mi'kmaq, Innu and Inuit.

## **1.4 Regional Context**

### **1.4.1 The St. John's Urban Region Regional Plan 1976**

Planning for municipalities within the Northeast Avalon region must be consistent within provincial policy and law. Provincial planning at a provincial and regional level in the area of the Northeast Avalon Region is governed by *The Urban and Rural Planning Act, 2000*. ("Act") and, more specifically, the St. John's Urban Region Regional Plan 1976 ("Regional Plan") which includes the Planning Area for the Town of Logy Bay-Middle Cove-Outer Cove ("Town"). The Regional Plan sets out the general nature of future development in the Northeast Avalon and provides a framework for planning at the municipal level.

The Logy Bay-Middle Cove-Outer Cove Municipal Plan ("Municipal Plan") must conform to and be consistent with the policies of the Regional Plan. The Regional Plan currently designates land within the Planning Area as a mix of Urban Development, Rural Development, Agriculture and Restricted Development. In addition, the Regional Plan designates Logy Bay Road and Outer Cove Road as Collector Streets and Marine Drive, Marine Lab Road and Lower Road as Scenic Roads.



#### 1.4.2 The St. John's Urban Region (Agricultural Development Area)

The provincial government has designated three (3) Agricultural Development Areas (“ADAs”) within the Town for agricultural use under *the St. John's Urban Region Agriculture Development Area Order, 2013*. Area 1 is situated around Coaker’s River and located south of Cadigan’s Road, west and north of Marine Drive and east of Logy Bay Road. Area 2 is situated between Lower Road and Marine Drive north of Devereaux Lane and Kavanagh’s Lane. Area 3 is located north of O’Rourke’s Lane, west of Lower Road and south of Marine Drive and Old Pine Line.

These designations were made under provincial authority to protect the agricultural resources of the province pursuant to the *St. John's Urban Region Agriculture Development Area Regulations*. Development within the ADA areas requires the approval of both the provincial government and the Town. Any proposed development on ADA lands shall initially be referred to the Land Development Advisory Authority of the provincial Department of Fisheries, Forestry and Agriculture for review. The development application will then be reviewed by the Town for consideration under its Municipal Plan and Development Regulations.







## 1.5 The Town of Logy Bay-Middle Cove-Outer Cove Vision and Mission Statements

In 2014, the Town Council adopted a Strategic Plan which outlined a vision and strategic direction for Council's decisions. In 2020, the Council reviewed and updated the Vision and Mission Statement to read as follows:

### ***Vision:***

***The Town of Logy Bay-Middle Cove-Outer Cove is a scenic municipality and a rural municipality by choice. Its sustainable quality of life and the natural beauty of its landscapes and coastline is maintained by valuing community relationships and through its ongoing commitment to environmental stewardship and the protection of its natural assets.***

### ***Mission:***

***The Town of Logy Bay-Middle Cove-Outer Cove will provide community-focused services in an efficient, cost effective, and cooperative manner to its residents, businesses, and visitors while retaining an attractive, sustainable, and rural community. This will be accomplished through leadership, partnerships, and engagement with residents.***

One of the four strategic initiatives identified in the 2014 Strategic Plan referred to the Municipal Plan and Development Regulations. The Strategic Plan noted that the current "*Municipal Plan covered the period from 2005 to 2015 and due to a number of development issues and concerns, Council will commence a review of its Municipal Plan and Development Regulations to address these development issues and concerns.*"



The Goal of the Strategic Initiative was to develop a process to govern a review of the Municipal Plan and Development Regulations for the period of 2015 to 2025. The following objectives were identified in order to achieve this goal:

- To utilize a facilitated process to develop Terms of Reference and a Background Report to guide the Municipal Plan and Development Regulations Review Process.
- To engage the Town's citizens in this process by establishing Focus Groups to represent all the various groups and organizations within the Town, including younger and older residents.
- To identify all development issues and concerns and ensure they are addressed in the review process.

This Municipal Plan aligns with the 2020 strategic vision and mission of the Town Council in maintaining the Town's rural characteristics in keeping with resident's needs and is consistent with the 2014 strategic goal and objectives relating to the Municipal Plan and Development Regulations Review Process.

## **1.6 Municipal Plan Preparation Process**

In its strategic planning for the growth and development of the community, the Town initially employed Tract Consulting Inc. to undertake a two-part planning process. The first was a Recreation Master Plan and, upon its completion, the review of the Town's Municipal Plan. Tract, in collaboration with Plan-Tech Environment, completed a preliminary draft of the Municipal Plan Review and associated Development Regulations Review in January 2017. The 2017 draft has been updated by in-house planning staff to reflect current information and approaches to planning and regulatory matters that are considered necessary for change as the Town embraces the next 10-year planning horizon.



In addition to the work undertaken by Tract Consulting Inc., several component studies were prepared by consultants as part of the Municipal Plan Review Process commencing in 2017. These studies included;

- a Municipal Groundwater Flow Modelling Study prepared by Stantec,
- a Transportation Study prepared by Harbourside Transportation Consultants, and
- a review and update of the Wetlands, Waterbodies and Waterways Study by CBCL Limited which included confirmation of and an update of the flood zone boundaries within of the Town.

The public was engaged during this multi-year process and included the following components:

- An online community survey questionnaire and a public meeting held on June 9, 2016, at the Justina Centre. Through postings on social media on the Town's Facebook page and the Town's website, and the publication of public notices, the community residents and stakeholders were made aware of the process underway and were given the opportunity to provide input into the process,
- Online surveys, public notices, open houses, public meetings and requests for written commentary as part of the review process for the Groundwater Flow Modelling Study, the Transportation Study and the Wetlands, Waterbodies and Waterways Study,
- A letter to all property owners in the Town informing the public of the draft Municipal Plan and inviting feedback,
- Placing public notices in the January 2021 editions of The Telegram and the Northeast Avalon Times and posted on the Town's website and social media platforms to advertise meetings and invite citizen input,
- Holding of a virtual information session in January 2021 to inform residents of and receive feedback from the public on the new Municipal Plan,
- Submitting referrals to neighbouring municipalities, government agencies



and community groups for comment regarding the Town's Municipal Plan review,

- Making the documents and staff available at the Town Hall for individual meetings, public review and feedback,
- Tabling a "What We Heard" document on the general themes that arose from the public consultation process at the April 12, 2021, Council meeting and posting the document on the Town's website,
- Posting the proposed Municipal Plan and Development Regulations that has received Adoption in Principle by Council on the Town's website and notify the public of the Adoption in Principle by social media while awaiting provincial review and release, and,
- Formally adopted the Municipal Plan on July 25, 2022, after which there were advertisements in the Telegram and the Northeast Avalon Times and the Town's social media platforms of the Notice of Adoption, the date for further receipt of objections and submissions and the date, time and place of the public hearing scheduled for October 19, 2022.

The submission of the proposed Municipal Plan and the associated Development Regulations to the provincial Department of Municipal and Provincial Affairs for provincial review is to ensure compliance with provincial policy and law. Once released from provincial review, the Council may formally adopt the Municipal Plan and give notice of a Public Hearing on the Municipal Plan. The Hearing is overseen by an objective independent Commissioner who will hear representations from the public. After this final opportunity for representations, the Commissioner writes a report and recommendations for Council's consideration to finalize its Municipal Plan. On the basis of the Commissioner's report, Council will approve the Municipal Plan as adopted or may approve the Municipal Plan with the Commissioner's recommended amendments.

Once approved in accordance with the *Urban and Rural Planning Act, 2000*, the Municipal Plan constitutes a legal document. As a legal document, the



Municipal Plan is binding upon Council and any person or group using or proposing to use land anywhere within the Planning Area. From the date the new Municipal Plan becomes legally effective, all new development must be in conformance with the Municipal Plan.

Until such time as the new Municipal Plan is adopted, approved, registered and published in *The Newfoundland and Labrador Gazette*, and officially brought into effect in accordance with the Act, the current Municipal Plan and Development Regulations remain in effect until legally rescinded and replaced by the updated Municipal Plan and Development Regulations.

### **1.7 Relationship to the Development Regulations**

The Municipal Plan provides a policy framework for the companion document, the Development Regulations, which are administered by the Town through its development application review and permitting process. The Development Regulations implement the Municipal Plan by identifying land use zones, development standards, terms and conditions, environmental considerations, parking standards, signage and subdivision requirements, in support of the Municipal Plan's policies. A Land Use Zoning Map ("Zoning Map") and associated Environmental Protection Overlay Map ("Environmental Protection Map") accompanies the Development Regulations. Once approved and registered, the Council administers the Municipal Plan and the Development Regulations, in its review and approval of development and subdivision development applications and other land development proposal inquiries.

### **1.8 Future Plan Reviews and Amendments to the Municipal Plan**

Every five years from the date on which it first comes into effect, Council is required to initiate a review of the Municipal Plan and revise it to provide for the next 10-year period, in accordance with Section 28(1) of the *Act*. Where



necessary, changes may then be made to account for any new policies or land use requirements for the next ten years. As an example, the current Plan has been amended 19 times since 2005.

The Plan may otherwise be amended, in whole or in part, at any other time prior to the five-year review in response to new development proposals or changed community priorities. These amendments follow the process outlined in Sections 14 to 24 of the *Act*. Any such amendment will be read together with and become part of the Municipal Plan; as such, the amendment must be done in accordance with the Municipal Plan policies as well as provincial policy and law. If circumstances do not permit a Plan Review to be undertaken within the prescribed time, the current Municipal Plan and any amendments that had been made to it will remain in effect until a Plan Review is completed and brought into legal effect.

## **1.9 Other Reports, Studies and Comments**

While not official components of the Municipal Plan, as part of the plan preparation process, several research initiatives, related municipal studies and reports and other information sources helped influence the content of the Municipal Plan.

The varied relevant reports and information input that assisted to shape the content of the Municipal Plan include the following:

- St. John's Urban Region Regional Plan (1976);
- The St. John's Urban Region (Agriculture) Development Area Review Commission (Collins Commission 2008);
- Town of Logy Bay-Middle Cove-Outer Cove Strategic Plan (2014);
- Recreation Master Plan (Tract 2015);
- St. John's Regional Drinking Water Study (CBCL Limited Consulting Engineers 2016);
- Trail Development Plan Final Concept (Grand Concourse 2016);



- Commissioner's Report: Proposed Town of Logy Bay-Middle Cove-Outer Cove Municipal Plan Amendment No. 17, and Development Regulations Amendment No 23 (2017);
- Community Engagement Session Report (Clift 2018);
- Municipal Groundwater Flow Modelling Study (Stantec 2019);
- Transportation Study (Harbourside 2019);
- Wetlands, Waterbodies and Waterways Study (CBCL 2020);
- Written comments from the NL Department of Municipal and Provincial Affairs and other provincial departments and agencies.

### **1.10 Structure of the Plan**

This Municipal Plan is organized as follows:

- Chapters 1 and 2 introduces the Plan, its purpose and the context for the vision and strategy for future growth of the Town;
- Chapters 3 through 5 contain the goals, objectives and policies in theme areas and the land use designations identified on the Future Land Use Map;
- Chapters 6 through 8 contain policies relating to Transportation, Services and Local Governance;
- Chapter 9 addresses how the Plan will be implemented;
- Map 1 identifies the land use designations, land related restrictions and street hierarchy on the Future Land Use Map.

The Municipal Plan consists of this document and the map contained within it.

### **1.11 Dimensions and Measurements**

In this Municipal Plan, all dimension and measurements are in metric and their applicable metric abbreviations have been used to identify dimensions and measurements.



## **2. PLANNING CONTEXT**

### **2.1 Planning Context**

The Town of Logy Bay-Middle Cove-Outer Cove was incorporated in 1986. The Town has had two (2) Municipal Plans in effect since its incorporation. The first Municipal Plan was in effect from 1986 to 2005. The second Municipal Plan, currently in effect, was approved in 2005. The 2005 Municipal Plan updated the preceding one to accommodate various amendments that had been made to the Town's original Plan and incorporated new policies and regulations deemed necessary by Council of the day. Similarly, this Municipal Plan Review will consolidate amendments and incorporate new and revised policies and regulations based on new technical research, contemporary views provided by members of the community and the direction and land use planning priorities of the current Council.

### **2.2 General Description**

The Town is primarily a rural agricultural community located along the Atlantic Coast on the northeastern Avalon Peninsula. The Town abuts the Town of Torbay to the northwest and the City of St. John's to the south. The Town is accessible by provincial highways number 30 (Logy Bay Road) and number 20 (Torbay Road). The Town is connected to the Trans-Canada Highway (number 1) via the Outer Ring Road which is located along the southern periphery of the Town. Air services to the region and province are provided by the St. John's International Airport Authority.





### 2.3 Municipal Planning Area Boundary

The land within the Planning Area, as illustrated below, is governed by Council which exercises municipal control over all development, environmentally-sensitive lands and natural and built amenities of the municipality. The Planning Area covers approximately 17 square kilometres of land and over 11 kilometres of coastline. The current Planning Area boundaries have not changed since the amalgamation of the three communities in September 1986.

The Planning Area





## 2.4 Economic Base

The Town is dependent on the regional economic environment that surrounds the City of St. John's.

Most of the working population within the community are employed outside the Town, primarily within the City of St. John's (1,200 participating in labour force-2016 Census, Statistics Canada). In its earlier years, the Town had a substantial agricultural economy. In more recent years, this economy has transformed with the reduction in the number of farms and lands designated as agriculture. Today, the Town has three commercial farms, two riding stables, a number of small private businesses such as a veterinary clinic, automobile garage, convenience store and strip mall, and a number of home-based businesses located throughout the Town. There is a designated Mixed Development strip along Logy Bay Road in the southern portion of the Town where a number of commercial businesses exist interspersed with residential development.

There is a considerable amount of residential farming and gardening occurring throughout the Town. Future development and expansion of the local economy in the form of sustainable rural development will be an important strategic direction for the future development of the Town. In addition, the Town's economic base will benefit from continued development of additional and compatible home-based businesses.

With respect to mining and mineral development, there are no quarry permits or quarry leases issued by the Mines Branch of the Department of Industry, Energy and Technology. At present, there are no areas of recognized aggregate resource and there has been negligible documented history of mineral exploration in the Planning Area.



## 2.5 Physical Features

The general topography of Logy Bay-Middle Cove-Outer Cove ranges from relatively flat rolling farm lands with large defined areas of wetlands and bogs to very steep hillside slopes that run along the eastern coast with most of the coastline being steep rocky cliffs. The contour elevations in the Town ranges from 0 to 180 metres (m) above mean sea level. The mean depth from the surface to the bedrock (overburden thickness) is approximately 4.5 metres (m).

There are four main drainage basins within the Town:

- Kennedy's Brook basin in the northwest,
- Outer Cove Brook basin in the central part of the Town,
- Coaker's River basin in the southeastern area of the Town, and
- Druken's River along the southern boundary.

The headlands of all four basins are located outside of the Town's boundaries. Within these drainage basins there are a total of 21 waterbodies and 47 watercourses within the municipal boundaries of the Town.

Each of these drainage basins contains a network of wetlands, streams and ponds which generally flow in a northeasterly direction into the Atlantic Ocean. Approximately 150 wetlands are situated within the municipal boundaries for Logy Bay-Middle Cove-Outer Cove and make up eleven percent (11%) of land cover within the Planning Area.

The main physical feature of the Town that stands out is the valley that runs through the Town along Logy Bay Road and Lower Road, with Outer Cove Brook at its base which enters the ocean at Outer Cove. There is also a vast tree canopy within the Town which covers 8.0 kilometres squared (km<sup>2</sup>) or 46.5% of the land base. The other dominate physical feature of the



Town is Middle Cove Beach and the surrounding cliffs along the coastline periphery of the Town which offers scenic vistas and rugged rural experience for residents and visitors to the Town.

This rural environment is the habitat for many natural species with estimates up to 50 rare species of combined fauna and flora. The Wildlife Division of the provincial Department of Fisheries, Forestry and Agriculture has identified a number of avian species that are at risk within the Planning Area. These include the Ivory Gull, Red Crossbill, Olive-sided Flycatcher, Rusty Blackbird, Short-eared Owl, Peregrine Falcon and Harlequin Duck.

## **2.6 Climate**

The Town is located within the Maritimes Barren Ecoregion which is characterized by cold summers, frequent fog, strong winds and relatively mild winters with intermittent snow cover. Average daily temperatures range between  $-4.9^{\circ}$  Celsius (February) and  $16.1^{\circ}$  Celsius (August). Average annual total precipitation is 1534.2 millimetres (mm), 1206.4 millimetres (mm) of which is rain. June through September are the only months consistently without snowfall.

The Geological survey of Newfoundland of the Department of Industry and Technology have indicated that based on the potential future impact of sea level rise and storm surge, areas below the four metre contour are highly vulnerable to coastal flooding.

There are currently two coastal cliff erosional monitoring sites in Middle Cove. The calculated rate of erosion at these sites are 4 centimetres per year and 12 centimetres per year respectively. Storm surges are known to occur at Middle Cove Beach and have affected the coastal cliff and coastal end of the parking lot in recent years. In addition, coastal erosion is evident along the shoulder of Marine Drive along the southwest coastline of Outer Cove.



It is recognized that climate change is ongoing and will continue to affect the future development and growth pattern of the Town. Climate change impacts that are currently being experienced in the Planning Area include increasing air and sea surface temperatures, rising sea level and storm surges, more frequent extreme weather events in the form of increased storm intensity resulting in higher levels of water runoff in water courses. As a result, identification of lands that are susceptible to hazards such as low-lying coastal areas, steep slopes and floodplains are important to respond to climate change. Adaptation policies need to take into consideration such factors as significant flooding events and coastal erosion in the planning, development and infrastructure of the Town and of individual properties.

## 2.7 Housing

The Town's development pattern is characteristic of a low density rural residential development consisting primarily of single-detached dwellings located primarily along the main and local streets of the Town with interspersed agricultural and rural resource lands.

According to the 2016 Census, there were 790 dwellings in Logy Bay-Middle Cove-Outer Cove, compared to 725 in 2011. Single-family households accounted for 640 dwellings, while there were 15 multiple-family households and 135 non-family households (Community Accounts).

As reported by the 2016 Census, 89.2% of homes in Logy Bay-Middle Cove-Outer Cove were owned versus rented compared to 76.8% for the province and 67.8% for Canada (Community Accounts).

People living in Logy Bay-Middle Cove-Outer Cove reported in 2016 that:

- 65 dwellings were constructed before 1960.
- 280 dwellings were constructed between 1961 and 1980.
- 95 dwellings were constructed between 1981 and 1990.



- 135 dwellings were constructed between 1991 and 2000.
- 55 dwellings were constructed between 2001 and 2005.
- 80 dwellings were constructed between 2006 and 2011.
- 90 dwellings were constructed between 2011 and 2016.

Source: (Community Accounts)

The predominant housing type in the Town is the single-detached dwelling with or without subsidiary apartments. A small number of semi-detached or duplex dwellings exist within the Town, but none are of recent construction.

Several newer residential subdivision developments have occurred in the past five years ranging from 8 to 14 lots per subdivision primarily in the area north of Snow's Lane, west of Logy Bay and Outer Cove Road, south of Pine Line and east of the municipal boundary with the City of St. John's and the Town of Torbay. This area is generally the focus of residential subdivision development activity within the Town.

Based on the number of recent pre-application subdivision development enquiries and formal applications, it is estimated that should these subdivision applications proceed during the term of the new Plan, an additional 200 residential lots should be made available for residential development purposes which should accommodate housing demand in the Town.

All development within the Town is on the basis of on-site wells and septic tank systems. While in the past, residential lots have been developed with a minimum of 2025 metres square (m<sup>2</sup>), the primary lot area in recent years has been a minimum of 4,050 metres square (m<sup>2</sup>). There are no plans to service the Planning Area with piped water and sewer so it is imperative that the Town's development pattern and individual lot sizes do not affect the quality or quantity of the groundwater supply upon which the Town is so dependent.



## 2.8 Population Characteristics

The 2016 Census population for Logy Bay-Middle Cove-Outer Cove was approximately 2,220. This represents an increase of five decimal seven percent (5.7%) since 2011 (2,220 in 2016, up from 2,100). This is an eleven decimal 2 percent (11.2%) increase since 2006 census in which the Town's population was 1,978. As a comparison, for the period 2011 to 2016, the entire province experienced a population increase of one percent (1.0%) since 2011 (519,715 in 2016, up from 514,535). The Town is viewed as a desirable place to live due to its quality rural lifestyle, scenic vistas and close proximity to St. John's.

The median age in Logy Bay-Middle Cove-Outer Cove was 45 in 2016. The 2016 median age in Newfoundland and Labrador was 46 (Community Accounts).



### 3. GOALS AND OBJECTIVES

This section outlines the Town's planning goals and objectives during the 10-year planning period.

A goal is a desired state which reflects the long-range intentions of Council. An objective is a short-range step toward the goal. They are specific, measurable, achievable, realistic and time-based within a period of 3 to 5 years. The achievement of an objective should move the goal closer to reality.

Based on a comprehensive study of the planning aspects of the Planning Area, the following are the goals and objectives of this Municipal Plan, which are to be pursued within the 10-year planning period.

#### 3.1 Community Structure

##### **Goals:**

1. To promote a sustainable and orderly rural development pattern on the basis of on-site well and septic tank services which recognizes, conserves and supports the natural assets of the Planning Area.
2. To introduce sustainable community planning principles and green infrastructure initiatives that will enhance livability and the quality of life for the residents of Logy Bay-Middle Cove-Outer Cove.
3. To develop and upgrade, where required, municipal infrastructure that accommodates the existing and future needs of the community so that development proceeds in an orderly, safe and timely manner.





**Objectives:**

1. To accommodate development in unserved areas in a comprehensively-planned fashion that meets environmental standards at a density that will not lead to the introduction of piped water and sewer services.
2. To designate land for development which will promote the efficient and orderly expansion of compatible land use activities while protecting the natural assets of the Town.
3. To introduce principles and measures to new development to minimize damage relating to wildfire/development interactions.
4. To protect environmentally-important or sensitive areas such as ponds, rivers, streams, wetlands and coastal areas by designating them as conservation where appropriate.
5. To direct new development to areas that are not at a high risk of flooding. In lower risk areas, development shall be restricted and development that is permitted is designed with appropriate level of protection to ensure that the risk of damage from flooding is minimized.
6. To support and implement green initiatives which assist in the reduction of greenhouse gases.
7. To support energy efficient building throughout the Planning Area.



### 3.2 Economy

#### **Goals:**

1. To encourage the continued operation of existing businesses through appropriate land use policies.
2. To encourage the development of additional employment opportunities to serve the local needs of the residents.

#### **Objectives:**

1. To foster and support existing businesses through local municipal initiatives and events and reasonable commercial tax rates.
2. To support and encourage the agricultural industry within the Planning Area.
3. To encourage home-based businesses in a manner compatible with the residential surroundings.
4. To support the development of facilities and attractions which will promote the tourism industry within the community.

### 3.3 Housing

#### **Goals:**

1. To provide for an adequate quality and quantity of housing which is characteristic of the Planning Area to serve the needs of the present and future population.



2. To support low-density housing which is in keeping with the residential character of the Town.
3. To identify lands for residential development within the Planning Area which support a safe and healthy environment for the well-being of its occupants while respecting the Town's natural assets.

**Objectives:**

1. To promote a high standard of housing construction.
2. To promote energy-efficient housing in new construction and renovations.
3. To provide appropriate buffer zones between residential and non-residential areas.
4. To prevent non-residential development in rural residential designations which are incompatible with residential uses.
5. To prevent residential development within areas of excessive aircraft noise in proximity of the St. John's International Airport as determined by Transport Canada's Noise Exposure Forecast (NEF) Zones.
6. To undertake a housing study to determine the existing and future housing needs of the Town.



### 3.4 Public Open Space and Recreation

**Goal:**

1. To meet the open space and recreational needs of the Town.

**Objectives:**

1. To locate sufficient open space and recreational facilities which are conveniently accessible.
2. To prepare a comprehensive open space and trail network plan for the Planning Area with an interconnecting trail system throughout the Town.
3. To support the development of an Open Space and Trail Plan with other municipalities and the East Coast Trail Association within the Northeast Avalon Region.
4. To ensure that all municipal community and recreational facilities are available and designed to age-friendly standards to facilitate easy access and mobility for all citizens, including those with challenging needs.
5. To update the Town's Recreation Master Plan in conjunction with the Open Space and Trail Plan over the course of this Municipal Plan.
6. To promote the Town as a tourist attraction and encourage travellers to visit Logy Bay-Middle Cove-Outer Cove.



7. To conserve the Town's coastline as a nature reserve and protect the scenic vistas of the coastline from residential or commercial development.

### 3.5 Agriculture

#### **Goals:**

1. To encourage the agricultural use of lands designated as agriculture and protect agricultural lands from non-compatible development.
2. To encourage agricultural-related uses on residential lots and rural properties that do not adversely affect the general residential enjoyment of the surrounding properties.

#### **Objectives:**

1. To support the agricultural use of lands designated as agricultural which form part of the *St. John's Urban Region Agriculture Development Area Order, 2013*.
2. To review the lands within the Planning Area which are designated as part of the *ADA* to ensure that the lands so designated are productive agricultural lands.
3. To discourage multi-lot residential subdivision of land within productive agricultural lands.
4. To ensure that new developments do not encroach on existing agriculture operations which limit them in their operations.



5. To protect existing agriculture uses from other non-compatible uses.
6. To promote local food security initiatives such as hobby farms and traditional agricultural activities and uses.

### **3.6 Transportation**

#### **Goal:**

1. To provide a safe and efficient transportation network to serve both vehicular and pedestrian traffic within the Planning Area.

#### **Objectives:**

1. To maintain existing municipal public streets through a regular program of maintenance and improvement.
2. To work with the provincial Department of Transportation and Infrastructure to ensure that provincial streets within the Planning Area are maintained to a standard which supports the free flow of traffic and the safety of the travelling public.
3. To upgrade and improve existing municipally-maintained streets and intersections that are identified as being substandard or problematic in accommodating current and future traffic demand.
4. To acquire lands either through purchase or the development approvals process for required street rights-of-way, intersection widening, improved sightlines or other identified streetscape improvements.



5. To encourage development and street networks that increases street and pedestrian connectivity.
6. To reserve land for proposed streets and street reserves.
7. To identify development limit lines along existing streets where necessary for future street upgrading.
8. To implement the recommendations of the Town's Transportation Study.
9. To identify and develop a street corridor between Pine Line and Logy Bay Road south of the area of St. Francis Road and St. Francis of Assisi School and St. Francis of Assisi School Church in an effort to redirect traffic and alleviate congestion in this part of the Town.
10. To develop appropriate standards for the development of new streets, pedestrian trails and access to individual properties for purposes of improved safety, accessibility, convenience and comfort.
11. To plan and develop a trail network within the Planning Area which minimizes vehicular/pedestrian interaction along the streets in the Planning Area.

### **3.7 Environment**

#### **Goals:**

1. To recognize the importance of the Town's natural assets to the long-term sustainability of the rural environment and to manage the natural assets of the Town from a municipal service objective in a manner that respects the natural environment.



2. To promote land use patterns, development practices, transportation systems and activities that will reduce energy and carbon emissions.
3. To recognize that climate change has a profound impact on the development and growth within the Planning Area. As more information becomes available on the impacts of climate change, implement mitigation and adaptation measures to respond to climate change.
4. To protect the hydrologic functions of waterways and wetlands as a critical component of the Town's ecology and its groundwater supply, flood prevention and stormwater management systems.
5. To provide for the health, safety, welfare and enjoyment of the general public.

**Objectives:**

1. To recognize the existing natural constraints to development and to protect, in its natural state, land which is unsuitable for development.
2. To enter into a Municipal Habitat Stewardship Agreement between the Town and the provincial Department of Fisheries and Land Resources to conserve specific lands which are jointly identified as significant wetlands and coastal areas.
3. To prevent development along coastal cliffs, low-lying coastlines, hills where steep topography make the land unsuitable for development and Land which is considered prone to the significant impacts of climate change.





4. To restrict or prohibit development in environmentally-sensitive lands such as ocean and pond shorelines, wetlands, waterways and waterbodies.
5. To reduce potential damage to property and threats to life due to flooding in areas identified as having serious flood risk by restricting or prohibiting development, keeping both private and public development away from these risk areas and limiting physical and structural alterations to the floodplain.
6. To support a rural development density that sustains the groundwater supply while allowing development to proceed on the basis of an adequate supply of water from on-site wells and water treatment through septic tank systems.
7. To mitigate the potential for wildland fires through the introduction of measures that recognize and reduce the threat of wildfire to properties and the community.
8. To promote environmental stewardship through environmental awareness and educational programs and through the recognition of individual and group efforts to preserve and enhance the environment of the Town.
9. Wherever possible, to promote energy efficiency in the design of subdivisions and in the design and construction of buildings and municipal infrastructure projects.



### 3.8 Water, Wastewater and Stormwater

#### **Goals:**

1. To ensure that there is an adequate capacity and quality of potable groundwater supply to sustain the long-term provision of water for development purposes through on-site wells.
2. To promote best practices with respect to the septic tank design, on-site placement and ongoing maintenance.
3. To continue to improve stormwater management practices as part of the Town's combined engineered and natural asset management plan approach.

#### **Objectives:**

1. To create a development framework on the basis of the recommendations of the 2019 Groundwater Flow Modelling Study as prepared by Stantec Engineering Consultants.
2. To adopt the functional assessment approach of the Town's wetlands, waterbodies and waterways as recommended in the 2020 Wetlands, Waterbodies and Waterways Study by CBCL Limited.
3. To conserve and protect the Town's wetlands, waterways and waterbodies from non-essential development.
4. To upgrade the Town's storm management infrastructure to respond to climate change predictions and reduce flooding.



### 3.9 Municipal Finance

**Goal:**

1. To manage municipal expenditures and revenues so as to provide municipal services within a framework of long-term financial stability.

**Objective:**

1. To manage the expenditures on municipal services and achieve the most efficient use of existing services.
2. To manage the municipal debt, considering the Town's ability to meet its expenditures in the long term.



## **4. GENERAL LAND USE POLICIES**

### **4.1 Policy Statement**

The following policies with the accompanying Future Land Use Map, constitute the land use component of the Logy Bay-Middle Cove-Outer Cove Municipal Plan 2021. These policies provide further details to the Goals and Objectives outlined in Section 3.0 which are seen as necessary by Council to ensure that the physical development of the Town is undertaken in a sustainable, efficient, environmentally and economically-sound manner during the 10-year life of this Municipal Plan.

### **4.2 General Policies**

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

#### **4.2.1 Physical Structure**

##### **Policies**

- a. Land uses will be allocated in accordance with the Future Land Use Map attached to this text.
- b. Currently, development in the Town is primarily along the existing linear street network which has been the traditional land use pattern for the Town. The future development pattern as envisioned for the Town encourages a greater consolidation of rural residential development within the center of the Town.



- c. Development within the Planning Area will be managed in accordance with the regulations of Council, in concert with the policies, acts and regulations of the Province.
  
- d. Nothing in the Plan shall affect the continuation of a use which was legally established on the day that this Municipal Plan is registered by the Minister of Municipal and Provincial Affairs. For the purpose of this section, a legally-established use shall mean a use that has been approved or for which a permit has been issued by Council prior to coming into effect of this Municipal Plan. Where a building or use exists, which does not comply with the intent of the Plan and the designated use, it shall not be permitted to expand substantially. Minor extensions of such properties may be approved provided there will be no adverse effects on surrounding properties or the environment and that the non-conformity shall not be increased to exceed that permitted under Section 108(3) of the *Act*.

#### **4.2.2 Sensitive Development Areas**

The Planning Area, by design, is not serviced by piped water or sewers. The supply of water for development purposes is based on on-site wells. There is no indication nor any studies that in future a piped water supply will be available to provide a source of water for the Town should the need arise as a result of the groundwater supply not being able to support the water demands of the Town. As a result, it is imperative that measures are put in place to ensure the long-term sustainability of the Town's groundwater as a municipal service for existing and future development.



The 2019 Stantec Municipal Flow Groundwater Modelling Study has determined that the long-term sustainability of the groundwater supply can be supported on the basis of a rural development pattern consistent with the current zoning of the Planning Area and future rezonings shall be on the basis of primarily residential lots with on-site wells with a minimum lot area of 4050 metres squared (m<sup>2</sup>).

An exception to this minimum lot area standard is in the higher elevation lands identified in the Marine Drive, Stack's Point, Doran's Lane and Red Cliff Road areas where larger lot areas will be required to further minimize changes in groundwater levels. In these specific areas, the Council will require that a provincial Level II Groundwater Assessment will be required to be undertaken by a qualified consultant to determine the appropriate lot area but regardless of the conclusion of the Assessment, the minimum lot area will not be less than 8090 metres squared (m<sup>2</sup>).

Prior to consideration of any increase in the density of development in these higher elevated lands from that proposed in the Municipal Plan and Development Regulations, the groundwater model must be rerun and the results evaluated to ensure that the proposal or rezoning will continue to support the long-term sustainability of the groundwater supply.

### **Policies**

- a. The Municipal Groundwater Flow Modelling Study will be required to be prepared prior to any rezoning and/or development of land for higher density developments than that outlined in the Municipal Plan, for proposed development patterns with lot areas of less than 4050 metres squared (m<sup>2</sup>) or for development that is a high-water user.



- b. Proposed development located in sensitive development areas as identified on Map 2, the Environmental Protection Map of the Development Regulations, will require the preparation of a provincial Level II Groundwater Assessment undertaken by a Professional Hydrogeologist or Professional Engineer with formal training in groundwater science, and who is a member of Professional Engineers and Geoscientists of Newfoundland and Labrador (PEGNL) for consideration of Council, and the lot area will be based on the recommendations of the Assessment but regardless of the recommendations, the minimum lot area will not be less than 8090 metres squared (m<sup>2</sup>).
  
- c. A Municipal Groundwater Flow Modelling Study will be undertaken as part of future Municipal Plan Reviews to evaluate the long-term sustainability of the groundwater supply and to identify any measures which need to be introduced to protect and conserve the groundwater supply for the next planning period.

#### **4.2.3 Subdivision of Land**

The process of dividing a parcel of land into two or more building lots which may include land for streets, open space and public areas is known as the “subdivision of land.” The subdivision of land requires the submission of plans to and the approval of Council prior to the subdivision of land for development purposes.

#### **Policies**

- a. Proposed subdivision development that fronts directly onto an existing public street shall be known as a Minor Subdivision and



shall provide the information as outlined in the Development Regulations for Minor Subdivisions for Council review.

- b. Proposed subdivision development that results in the creation of new streets or extend existing streets or require the upgrading or improvement to public infrastructure shall be known as a Major Subdivision and shall provide the information as outlined in the Development Regulations for Major Subdivisions for Council review
- c. All proposed subdivision developments will be subject to a comprehensive evaluation by Council. The content of this evaluation will be detailed in the Development Regulations and shall include:
  - Analysis of all physical features of the site and the opportunities and constraints to development that they represent. Where possible, the layout of proposed lots and streets shall conform to the topography;
  - Analysis of how the proposed subdivision development will integrate with existing development, streets and municipal infrastructure on adjacent lands, improve street connectivity and provide for future access to undeveloped lands;
  - A review of the surrounding infrastructure including streets and engineered infrastructure to determine if external upgrading is required to accommodate the subdivision development and, if external upgrading is required, determine who is responsible for the cost of the external upgrading;
  - A review of the compatibility between the subdivision development and surrounding land uses, both existing and future;





- Consideration of climate change impacts; and,
- A review of servicing proposals by the developer and the costs associated with the provision and maintenance of public municipal services and infrastructure.

#### **4.2.4 Subdivision Development Agreement**

##### **Policy**

- a. As a condition of development approval, Council may require the developer to enter into a Subdivision Development Agreement with the Town.

#### **4.2.5 Council Assumption of Private Streets**

##### **Policies**

- a. Where Council has indicated its approval to accept an existing private street as a public street, the existing private street must be upgraded to the Town's standards before Council accepts responsibility for the street and before further development is allowed along the street.
- b. New streets shall be constructed to the Town's street standards before Council shall assume ownership and responsibility for future maintenance. All streets which are to be transferred to the Town shall have a legal land survey and a Deed of Conveyance acceptable to the Town prior to Council assuming ownership.



#### **4.2.6 Site Access and Public Street**

##### **Policy**

- a. All development shall front on a publicly-maintained street, unless otherwise specified in this Plan. Development of each lot shall have an individual access from a public street. Joint use of an individual access for more than one lot or property shall not be permitted unless otherwise determined by Council.

#### **4.2.7 Accessory Land Uses, Buildings and Structures**

##### **Policies**

- a. Where a use is permitted in the land use designation, it shall be Council's intention that uses, buildings or structures, normally incidental or essential to that use, will also be permitted.
- b. Accessory uses, buildings or structures shall only be permitted by Council once the main use, building or structure has been established on the lot unless otherwise determined by Council.
- c. Subject to the relevant policies of this Plan, a home office shall be permitted by Council as an accessory use within a residential dwelling provided that the home office is compatible with nearby uses and is in keeping with the conditions of the Development Regulations.
- d. Commercial use of accessory buildings may be permitted subject to the policies of the Municipal Plan and the standards and conditions outlined in the Development Regulations.



#### **4.2.8 Municipal and Public Utility Works and Easements**

##### **Policies**

- a. Municipal and public utility works such as electrical power, communication lines, telephone and pollution control facilities shall be permitted in all land use designations provided that no adverse effect on adjacent land uses or the environment is created. Landscaped buffering, where appropriate, shall be provided between any such works and adjacent land uses. Underground wiring on public right-of-ways or public property will not be permitted unless it is contained within a concrete structure.
- b. Where land is required for utility easements or emergency access, such land may be obtained by the appropriate agency in the course of approving subdivision or other development applications. Development shall not be permitted within the easement or emergency access unless approval has been granted by the authority having jurisdiction over the easement or emergency access.
- c. Where easements are required, the legal documentation that describes the easement shall outline the purpose of the easement.

#### **4.2.9 Building Setback**

##### **Policy**

- a. Building setbacks from streets shall be provided in accordance with the Development Regulations to preserve the right-of-way



widths specified in the Municipal Plan. Adequate building line, side yard, flanking side yard and rear yard setbacks from streets shall be required in order to maintain existing street standards and possible future street improvements or upgrading. Setbacks should be sufficient to allow for landscaping of front yards, vehicle off-street parking and not interfere with the abilities of the Town's street maintenance and snow-clearing programs. In certain circumstances, where topography restricts the placement of a building in accordance with the development standards, a larger building line setback may be permitted to accommodate the development.

#### **4.2.10 Open Space and Recreation**

##### **Policies**

- a. A minimum of ten percent (10%) of the land developed for the subdivision shall be dedicated to Council as usable parkland. Where it is determined by Council that the land is of an insufficient size, inappropriate location or in an unusable state, in lieu of land, Council may accept a sum of money equal to the value of the land that would otherwise be required.
- b. Preference will be given to the location of land for open space dedication that enhances the public open space network and allows for the integration and future expansion of the Town's trail system in such a way that the open spaces are integral to the neighbourhood to which they relate.
- c. Where Council determines that open space land is required and is to be dedicated to the Town, the open space will be prepared and developed as required by the Council at the commencement of the development to ensure that adequate



open space and recreational facilities are provided for the Town or families of the subdivision development as the construction of dwellings is completed.

- d. Council shall adopt a municipal services perspective in ensuring the preservation of scenic viewpoints and ensure long-term stewardship. Public access to natural areas and open spaces shall be maintained.

#### **4.2.11 Buffers Between Conflicting Land Uses**

To reduce land use conflicts between land uses, Council will give consideration to the use of buffers or screening to reduce impacts from height, lighting, noise, odours and vibration where Council determines that such buffers or screening will be beneficial.

##### **Policies**

- a. Establish standards for buffers, screening, landscaping and noise attenuation features that may be required as part of a development proposal and are the responsibility of the property owner to maintain.

#### **4.2.12 Non-Residential Development Adjacent to Residential Lots**

Council will endeavor to minimize environmental and development impacts between proposed non-residential development and existing residential development through the implementation of specific site design considerations of the non-residential development as outlined in the Development Regulations.



#### **4.2.13 Environmental Preservation and Enhancement**

Council will place high importance on environmental preservation and enhancement given its importance to residents and to Council's municipal natural assets "services" perspective and its intention of enhancing the local environment and ensuring a sustainable quality of life for residents.

##### **Policies**

- a. The policy of preserving the natural environment will be extended to all-natural systems including natural assets that provides a municipal service within the Planning Area, including natural drainage systems, wetlands, bogs, wildlife, plant and fish habitats. The preservation of watercourses, wetlands, waterbodies and shorelines will be a priority within the Planning Area.
- b. Wherever possible, the natural environment will be protected to support undisturbed habitats for fauna and flora by maintaining and connecting riparian buffers, natural green belts and undisturbed forested land.
- c. The watershed boundary for the Town's waterways, waterbodies and wetlands extend beyond the Town's municipal boundary into the City of St. John's and the Town of Torbay and lands under the jurisdiction of the St. John's International Airport. The headwaters of the Town's natural water systems are located in these other municipalities. A priority of the Town with respect to environmental preservation is to inform the adjacent municipalities and airport of the importance of these water systems in sustaining the quality and quantity of the Town's



groundwater and to seek intermunicipal and interagency cooperation in protecting these headwaters for the future sustainability of the Town.

- d. Development proposals shall include plans for grading, ditching, stormwater runoff and landscaping. Significant alterations to the natural environment (such as changing the drainage pattern or removing vegetation) will be considered during the evaluation of development proposals. Alterations which will adversely affect adjacent property shall not be permitted unless the runoff leaving the site conforms to the requirement of the Water Resources Division of the Department of Environment and Climate Change and permission is granted by the affected property owner.

#### **4.2.14 Soils and Drainage**

##### **Policy**

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

#### **4.2.15 Removal and Deposit of Topsoil**

##### **Policies**

- a. Excessive removal of topsoil from land will not take place unless a permit has been obtained from Council.
- b. A Development Permit will not be required for the removal, deposit or grading of soil, sand, gravel, rock or other aggregate



material from a property if such activity is part of a permit for the development of the property and the volume of material affected is less than 125 cubic metres (m<sup>3</sup>).

- c. When land is developed, topsoil from the property is to be stockpiled on site and reused as part of the rehabilitation of the lot or property.

#### **4.2.16 Placement of Fill**

##### **Policies**

- a. The placement of fill on a property shall take into consideration the slope and drainage of the property and shall ensure that the placement of fill does not adversely impact the adjacent property or watercourse, waterbodies and wetlands.
- b. The placement of more than 3 truckloads of fill shall require an application to and approval from the Town prior to the placement of the fill commencing.

#### **4.2.17 Land Use Around the St. John's International Airport**

Due to the close proximity of the St. John's International Airport to the Planning Area, development and uses of land around the airport have an impact on the uses and operations of the airport. Likewise, the approaches to and departures from existing runways also affect use and development of land within the Planning Area.

Measures must be taken to ensure compatibility and sustainability of the airport and surrounding land uses.





The Federal Government has enacted the St. John's (Torbay) Airport Zoning Regulations which limit the highest point of a building structure or object above the surface of land within a defined area (Outer Limit). This defined area affects a portion of the Planning Area.

Incompatible development will not be permitted in potentially high noise areas and, whenever possible, proper acoustical measures be included in buildings to reduce noise from the Airport.

The St. John's International Airport Authority has identified the most current Noise Exposure Forecast (NEF) zones for the St. John's International Airport, as provided by Transport Canada. The NEF zones which affect the Planning Area relate to Runway 11-26 whose boundaries are identified on the Future Land Use Map as the 35, 30 and 25 NEF contours. Each of the zone's contours have measures which relate to new development within each of the zones.

The following policies apply to lands within the Planning Area affected by the St. John's International Airport:

### **Policies**

- a. NEF zones are identified as an overlay on the Future Land Use and Zoning maps.
- b. The Town will manage land use to reduce conflicts arising from air traffic noise by preventing residential development in accordance with the NEF contours prepared by Transport Canada and in accordance with the policies of the St. John's Urban Region Regional Plan. New developments which are



considered as noise sensitive uses such as residential uses, daycare, senior homes, etc.), shall be prohibited from developing in the 35-40 Noise Exposure Zones.

- c. New residential development in noise-impact areas between the 35 NEF contour and the 30 NEF contour shall include sufficient sound insulation as recommended by the Canada Mortgage and Housing Corporation in the publication New Housing and Airport Noise.
- d. As a condition of the Approval in Principle or Development Permit, the property owner or developer of land situated above the above the 30 NEF contour shall be required to issue a notice to prospective purchasers concerning the restrictions on Development in these areas.
- e. The Town shall ensure the height limit of buildings, structures including radar, navigational aids or telecommunications towers around the airport to which the St. John's (Torbay) Airport Zoning Regulations applies is in accordance with the requirements of the Airport Authority and Transport Canada for airplane safety.
- f. That structures and landscaping on land in high noise areas be designed to act as noise barriers or absorbers.
- g. That the change of use from noise-sensitive uses to noise-tolerant uses (office, light industrial, etc.) be encouraged in high noise impact areas.
- h. That noise levels, noise level forecasts and airport development be monitored and the land use policies of this plan be reviewed on the basis of forecasts variations.



- i. The volume and frequency of helicopter movements shall be monitored with a view to considering with the appropriate federal, provincial and industry authorities, the establishment of helicopter corridors to provide for safe operation with minimum impact on noise-sensitive uses.

#### **4.2.18 Environmental Site Assessment and Remediation**

Where Council is aware or has reason to believe that a property is contaminated, Council will require that as part of the application review process, that the applicant employs a qualified consultant to adequately assess the property and recommend measures to rehabilitate the site as a condition of Approval in Principle or Development Permit.

#### **4.2.19 Offensive and Dangerous Uses**

Where Council determines that a Development or use is considered offensive or dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses, Council will require the applicant to undertake a report by a qualified consultant that outlines the risks of the offensive or dangerous use to other adjacent uses and, if possible, what measures are to be undertaken to eliminate the offensive or dangerous activities of the use.



#### 4.2.20 Property Maintenance

##### Policies

- a. All development shall be landscaped to the satisfaction of Council. The exteriors of buildings, particularly commercial properties, shall be properly finished and maintained to the satisfaction of Council.
- b. Pursuant to Section 404 (1) (f) of the Municipalities Act. 1999, where a building is in a dilapidated state, or is, in the opinion of Council, unfit for human habitation, or another use for which it is then being used, or is a public nuisance, the owner or occupier is to pull down, remove, fill in or otherwise destroy the building and restore the site to its original state, or make the disposition or alteration of the building that the Council order directs.
- c. Consideration shall be given to cleaning up any known environmental hazardous material by the owner or occupier of land and the clean-up will be conducted in a safe manner and disposing the materials in an approved waste disposal site.
- d. All development proposals shall be encouraged to take into consideration "FireSmart" design principles in the site design and landscaping of properties.
- e. Wrecked or inoperable vehicles, machinery or equipment of any kind shall be removed from the property and, in the interim period, shall not be stored or abandoned in front or side yards, or where it may be in general public view.



- f. Maintenance of development and properties will be regulated through the province's *Occupancy and Maintenance Regulations* which applies to the Planning Area made under the *Urban and Rural Planning Act, 2000*.

#### **4.2.21 Telecommunication Facilities**

Telecommunications or wireless communication facilities are governed by Federal legislation through Industry Canada. Telecommunication companies are required to apply to Industry Canada for a licence to operate at each specific location.

While the Town is not the approving authority for telecommunication facilities towers, such facilities are defined as development and, as such, are processed under the Town's Development Regulations. It is the intention, that although the Town is not the approval authority for telecommunications facilities, that it will identify suitable locations throughout the Town for these facilities that meet the company needs while responding to the concerns of the Town and that the proponent for telecommunication facilities will comply with these locations.

Telecommunications towers are located on Town property at the Depot property (Logy Bay Road and Power's Lane), at the rear parking lot of the Jack Byrne Arena and on the former radar station at the end of Red Cliff Road.



## Policies

- a. Telecommunications facilities will be identified as a discretionary use and shall be processed under the public consultation process as outlined in the Development Regulations.
- b. Telecommunications facilities may be permitted at the discretion of Council in all designations except Rural Residential, Open Space Recreation and Conservation designations and subject to a discretionary use public consultation process.
- c. Wherever possible and as a first option, telecommunications facilities should co-locate on existing telecommunications infrastructure or be structure-mounted on existing buildings or structures provided they are not situated within or immediately adjacent to lands designated for residential purposes.
- d. Consideration shall be given to the location of new telecommunication towers with respect to its potential impacts on existing development and compatibility with adjacent land uses and where a standalone site is selected, architectural design and screening of the structure will be encouraged.

### 4.2.22 Signage

The style and type of signage is to be in keeping with the rural character of the Town. Commercial signage is to be of a scale and type that is both complimentary and sensitive to the rural landscape of the Town and that is not a dominant feature of the rural landscape. Billboards shall not be permitted within the Planning Area.



Signage within the Planning Area is regulated by both the provincial *Highway Sign Regulations* and the Town's Development Regulations. The Highway Sign Regulations apply to all highways which are constructed and maintained by the Department of Transportation and Infrastructure. Within the Planning Area, Marine Drive and Marine Lab Road are the highways to which the *Highway Sign Regulations* apply in addition to the Town's Development Regulations.

Marine Drive, Marine Lab Road and a portion of Lower Road are also identified as scenic roads in the Regional Plan and the Municipal Plan. It is also identified as part of the 55 kilometre (km) long Killick Coast route which extends from Portugal Cove-St. Philip's north to Pouch Cove and the south to the Town's southern boundary. Both routes recognize the scenic value and vista of the surrounding lands. There is wayfinding signage and branding of Marine Drive, related to the Killick Coast initiative, but these are now dated and have not been improved over the past number of years and, as a result, has not improved the user's experience along these routes.

### **Policies**

- a. The type, scale and location of commercial signage will be consistent with the rural character of the Planning Area and will not dominate the rural landscape.
- b. Signage along Marine Drive and Marine Lab Road shall be subject to both the provincial *Highway Sign Regulations and the Town's Development Regulations*. The more restrictive of either set of Regulations will apply to signs along these streets and permits for these signs will be required under both sets of regulations.



- c. It is the policy of Council that during the planning period, the Town will apply to the Minister of Municipal and Provincial Affairs to exclude Marine Drive and Marine Lab Road from the application of the *Highway Sign Regulations*.
- d. Billboards will not be permitted within the Planning Area.
- e. Electronic digital signs may be considered by Council for public uses provided such signs do not negatively impact adjacent residential properties or become a distraction to motorists and such signs are not in conflict with the provincial *Highway Sign Regulations*
- f. The Town will give special regard to the design, location and type of signage which is located within the Marine Drive scenic road view plane to ensure that it does not detract from the resident's or visitor's experience of a highly significant scenic area.
- g. The Town will improve initiatives regarding wayfinding and community information signage throughout the Planning Area and, where appropriate, the Town will participate in regional wayfinding and branding opportunities.
- h. Signage will be regulated through the Development Regulations which will authorize signs that:
  - 1. Are appropriate in size, number and location to the type of activity or use to which they pertain;
  - 2. Provide reasonable and appropriate means for the public to locate and identify facilities, businesses and services without difficulty or confusion;





3. Are compatible with their surroundings;
4. Protect and enhance the aesthetic qualities and visual character of the Town;
5. Do not create a distraction or safety hazard for pedestrians or motorists, and;
6. Minimize adverse impacts on nearby public and private property.

#### **4.2.23 Historic Resources**

The Town recognizes that there is always the possibility that historic resources may be located within the Planning Area. Under the provincial *Historic Resources Act*, a historic resource is a work of nature or of humans that is primarily of value for its archaeological, prehistoric, historic, cultural, natural, scientific or aesthetic interest, including an archaeological, prehistoric, historic or natural site, structure or object. To ensure that archeological resources are protected any public works project or major land development that involves ground disturbance or any accidental discoveries of historic resources is to be referred to the Provincial Archeological Office of the Department of Tourism, Culture, Arts and Recreation for review.

#### **Policies**

- a. Prior to any major development that involves land use or ground disturbance within the Planning Area, the Provincial Archeological Office of the Department of Tourism, Culture, Arts and Recreation will be contacted for review of possible



historical resources within the lands to be developed and where such resources are identified appropriate measures and conditions of development approval are identified to protect the historic resources.

- b. Where development has commenced and accidental discovery of historic resources has occurred in the undertaking of any development, development activity must cease until approval to proceed is given by the Provincial Archeological Office of the Department of Tourism, Culture, Arts and Recreation.

#### **4.2.24 Heritage Structures**

Properties, houses and other buildings and structures which were built in a traditional or distinctive architecture style (or otherwise are deemed to have historic or aesthetic value by Council or a department or agency of higher levels of government) shall be considered heritage properties or structures. While currently there are no provincially- or municipally-designated heritage properties or buildings within the Town, a number of years ago the Heritage Foundation of Newfoundland and Labrador documented Rose's Dairy Farm Century Farm in Logy Bay, Hickey House on Lower Road in Outer Cove, St. Francis of Assisi Roman Catholic Church and St. Francis of Assisi Roman Catholic Cemetery as possible places that the Town may wish to protect. Council has also expressed interest in the heritage of the Bishop's House on Outer Cove Road due to its significance in architectural styling and its role in the history and growth of the Town.



## Policies

- a. It is Council's intention to protect heritage properties and structures for aesthetic and historic reasons and for their community value. Council may identify such structures in accordance with *The Logy Bay-Middle Cove-Outer Cove Heritage Regulations, 2021* approved pursuant to Section 200 of *The Municipalities Act*.
- b. It is the policy of Council that, during the planning period, a study of heritage structures and cultural landscapes be undertaken to identify and/or support properties, buildings, and structures of heritage significance.

### 4.2.25 Traditional Agricultural Uses

Logy-Bay-Middle Cove-Outer Cove has a long history and tradition of farming and agriculture uses ranging from commercial farms to hobby farming and small-scale growing of fruit and root crops and raising of animals for personal use. While the level of commercial agricultural activity in the Town has decreased over the years, there is a strong and growing interest in hobby farming and home steading in the Planning Area.

#### Policy

- a. Nothing in this Municipal Plan shall prohibit this traditional use. The Town supports the ongoing production of local foods through hobby farming, community gardens and local food-sourcing programs. Land use activities such as the growing of root and fruit crops, keeping of domestic livestock as household pets, poultry and beekeeping are permitted in rural residential



land use zones subject to the conditions as outlined in the Development Regulations providing the operation meets government requirements, does not negatively impact the residential quality of life of surrounding dwellings and the use does not negatively impact the quality or quantity of the groundwater supply.

#### **4.2.26 Livestock Structures and Residential Development**

Within the Town, there are three agricultural farms and two riding stables which house 5 or more livestock units. These livestock structures are located and have historically operated in close proximity to residential uses. A minimum separation distance of 300 (m) has been created around these 5 livestock structures as an agricultural buffer to ensure that any new development within 300 metres (m) of these structures does not impede or limit the ongoing livestock use.

##### **Policies**

- a. An agricultural buffer based on a 300 metre (m) wide radius from established livestock buildings is created. This buffer is identified and designated as an Overlay on the Future Land Use, Zoning and Environmental Protection Maps.
- b. New development for residential uses may be permitted within the agricultural buffer provided the development is first approved by the appropriate provincial departments taking into account the manure management practices of the farm or stable, effects on groundwater supply, and possible odours and in accordance with the conditions specified in the Development Regulations.



- c. Where new livestock structures are proposed, a minimum separation distance of 300 metres (m) shall be required between new livestock structures which house more than five animal units and adjacent existing non-agricultural development subject to the conditions of the appropriate provincial departments and agencies and the Development Regulations.

#### **4.2.27 Scenic Route View Plane**

The lands along Marine Lab Road, Marine Drive and a portion of Lower Road are identified as part of the Scenic Routes View Plane. These lands shall be developed or used in such a manner as to ensure that the scenic beauty of the area is maintained. In particular, the visual view plane from Marine Drive and Lower Road looking northwards along the Outer Cove Brook valley and all lands within that view plane are considered by Council to form part of the Scenic Route View Plane of Marine Drive. It is intended that special attention will be given to site preparation and land use within the area identified as the Scenic Route. Council will enforce occupancy and maintenance regulations to have property owners along the scenic road maintain their properties in a clean and neat fashion. The storage of materials outside shall be limited.

#### **Policies**

- a. The Scenic Route View Plane along Marine Drive, Marine Lab Road and the northern section of Lower Road, are identified as an Overlay on the Future Land Use, Zoning and Environmental Protection Maps.
- b. Council shall give special attention to protecting the significant scenic value of the area designated as the Scenic Route View



Plane with respect to the site preparation, development and maintenance of property within the view planes.

- c. Whenever possible, and subject to FireSmart principles, existing trees shall be maintained within the Scenic Route View Plane on residential lots. Only selective cutting of trees on the lot will be permitted.
- d. No wide-scale cutting of trees or mineral working operations shall be permitted that is visible from the scenic road.
- e. Commercial mineral extraction is not permitted within the Scenic Route View Plane.
- f. Outside storage shall be limited to residential-related uses and shall be located in the Rear Yard of the properties or Lot and, if visible within the view plane and where possible, be screened by a vegetation Buffer or berm.
- g. Site Plans shall require the approval of the Council prior to issuance of the building permit. Site Plans must include the location of structures on the site, areas in which the natural vegetation is to be retained and the contours of the site amongst other requirements as specified by the Council.
- h. Where lands are identified as having significant scenic value, the Council may restrict or prohibit the use or development of land that would either detract or limited the scenic view.
- i. The storage of outside material shall be limited to residential-related uses and shall be located in the Rear Yard of the properties or Lot and, if visible within the view plane and where possible, be screened by a vegetation Buffer or berm.



#### **4.2.28 The East Coast Trail**

The East Coast Trail Association is a non-profit association which has developed a natural walking/hiking trail within the Planning Area along the coastline of the Atlantic Ocean as part of their much larger regional coastal trail system. The Council is committed to the maintenance of a buffer along the trail to protect the natural landscape and views from the trail and to ensure that future development does not negatively impact the trail.

##### **Policies**

- a. Council, in reviewing development applications and issuing development permits, shall take into account the existing and future plans of the East Coast Trail Association and, wherever possible and feasible, will incorporate the East Coast Trail plan as part of the open space trail network plan for the Town including trail connections into new subdivision developments and development proposals as part of their open space requirements for the Town.
- b. The Town will engage landowners/developers to take into consideration the effects of their developments on the preservation of the East Coast Trail and the scenic beauty of the landscape along the Town's coastlines. Consideration will be given to provide incentives to property owners who support and sign an agreement allowing the East Coast Trail Association with a right-of-way across their private property for the ongoing development and maintenance of the trail.

#### **4.2.29 Coastal Reservation**

The Town has over 11 kilometres (km) of coastline. Along this coastline, the terrain ranges from open beaches to steep coastlines and rock cliffs. These steep rock cliffs are considered



as hazardous and unstable due to coastal erosion, climate change and significant weather events.

### **Policy**

- a. The Town will prohibit non-essential development close to the steep coastlines or rock cliffs due to potential rock falls and landslides. To ensure that non-essential development is setback sufficiently to protect both the developer/user of the land and the environment, no building development shall be permitted within 30 metres (m) from the top of the steep coastlines along the shorelines of the Town with the exception of conservation structure, such as those designed to control flooding and erosion, as well as bridges, pathways and municipal infrastructure subject to provincial and federal approvals as required. The top edge of the steep coastline shall be defined as the area of land where the slope is less than 25% for more than a 30 metre (m) distance measured perpendicular to the coastline and running inland from the steep coastline. From a point located 30 metres from the steep coastline edge another 30 metre buffer is placed which no building development shall be permitted. This coastal reservation is identified and designated on the Future Land Use Map and in the Development Regulations on both the Zoning and Environmental Overlay Protection Maps.

#### **4.2.30 Small Scale Solar Panels and Wind Turbines**

### **Policy**

- a. Council recognizes that there is a growing interest in small-scale solar panels and wind turbines being used to supplement





individual domestic energy supply as a means of reducing reliance on fossil fuels. Council supports the use of alternate non-commercial energy production. Small-scale solar panels are permitted in buildings. Wind turbine structures may be permitted in the appropriate use zones subject to the requirement of the Development Regulation.

#### **4.2.31 Environmental Policies**

##### **Policies**

a. Environmental Protection Overlay Schedule and Map:

An Environment Protection Overlay Schedule (Schedule A) and associated Environment Protection Overlay map (Map 2- (“Environmental Protection Map”) forms part of the Development Regulations which identify environmentally-sensitive lands, including watercourses, wetlands, waterbodies, coastlines and shore water zones and conditions of development. The Environmental Protection Map also identifies Flood Risk Corridors along the Town’s major rivers and watercourses which are prone or have the potential to flooding which poses a risk to human safety and property damage.

b. Effects of Development:

Council shall consider potential environmental effects when reviewing development applications within the areas identified on the Environmental Protection Map. Council may require the applicant to engage a qualified consultant to further determine



the environmental importance or boundaries of the designated flood risk areas, sensitive development area, watercourse, wetland, waterbody and coastline.

In addition, Council shall also refer development proposals to the Provincial or Federal departments such as the Department of Environment and Climate Change, Digital Government and Service NL and federal Fisheries and Oceans Canada for advice and/or regulatory approval and/or permits.

c. Protection of Watercourses, Wetlands, Waterbodies, Fish and Waterfowl Habitat:

Watercourses, wetlands, waterbodies and the shoreline of the Atlantic Ocean coastlines shall be protected from pollution, degradation and development. Wherever possible, an environmental buffer of existing vegetation shall be maintained along banks and shorelines where possible.

The buffers surrounding those watercourses, waterbodies and shorelines that are considered highly significant have also been designated and zoned as Conservation in the Municipal Plan and Development Regulations to add an extra layer of environmental protection to the water resource.

With respect to lands adjacent to all other watercourses, wetland and waterbodies not designated or zoned as Conservation, no development shall be permitted within 15 metres (m) of a watercourse and/or wetland and within 30 metres (m) of a waterbody unless a permit has been obtained under the *Water Resources Act and Regulations* from the



Department of Environment and Climate Change, Water Resources Management Division and a Development Permit from the Town. These environmental buffers are illustrated on the Environmental Protection Map of the Development Regulations.

d. Passive Recreation Uses:

Passive recreation uses, including pedestrian trails or other open space uses may occur within required buffers of designated bodies of water, provided the impact and/or extent of such development on the waterbody is determined by the Town to be minimal.

e. Environmentally-Sensitive Areas:

Development shall be prohibited in environmentally-sensitive areas such as coastal shores, steep slopes, wetlands and bogs.

Development shall also be prohibited in areas prone to landslides and rockfall.

Development shall be prohibited in conservation designated lands within 30 metres (m) of the rock cliff along the sea wall. These areas are known for coastal erosion.

The Town recognizes that portions of the remaining undeveloped lands in the Town are on steep slopes and hillsides. A study shall be undertaken to calculate the maximum percentage of slope that can be considered for



development purposes and which percentage of slopes are to be conserved and protected and shall identify their location and appropriate zone as part of the Development Regulations.

f. Designated Flood Risk Corridors:

In an effort to reduce future flood damage and the risk to life, the Future Land Use, Zoning and Environment maps identifies the boundaries of Designated Flood Risk Corridors, as mapped by the Town and the Water Resources Management Division of the Department of Environment and Climate Change. The Flood Risk Corridors have been designated on Kennedy's Brook, Outer Cove Brook, Coaker's River, Druken's River and Soldier's Brook.

Within these Designated Flood Risk Corridors, the Designated Floodway, Designated Floodway Fringe and 15 metre (m) Buffer are identified and more accurately identified in Map 2, the Environmental Protection Map in the Development Regulations.

Development within the Designated Floodway and Floodway Fringe is either prohibited or restricted and the prohibitions and restrictions are outlined in the Environment Protection Overlay Schedule (Schedule A) of the Development Regulations.

Where practical, lands within the 15 metre (m) Buffer shall not be developed and will retain their natural vegetation. A permit is required under Section 48 of the *Water Resources Act* and from the Town for any activities in or within 15 metres (m) of these Designated flood risk areas. Any approvals for



development within the buffer shall reserve as large a setback as possible from the floodway and floodway fringe.

g. Wetlands:

Where Council is of the opinion that a proposed Development may affect a wetland, Council, at its discretion, shall:

- (a) Require the developer to have the wetland delineated by a qualified environmental consultant, as outlined in the Environmental Protection Overlay, Schedule A, in the Development Regulations;
- (b) Establish a sufficient buffer from the edge of the wetland, in which development will not be permitted;
- (c) Require other conditions or restrictions to protect the wetland and/or,
- (d) Refuse to approve the development if it believes that identified impacts cannot be sufficiently mitigated.

h. Wetland Preservation:

Council shall monitor wetlands to prevent backfilling and ensure wetland preservation.



i. Water Crossings:

Developments that require water crossings, bridges, culverts, stream diversions and stormwater management devices, shall be planned, designed and constructed to meet anticipated impacts of climate and to ensure that fish habitat are preserved and protected and pursuant to Section 48 of the *Water Resources Act* obtain a permit from the Department of Environment and Climate Change, Water Resources Management Division.

j. Development Along the Shore Water Zone

Pursuant to Section 48 of *The Water Resources Act*, development in the Shore Water Zone along the coast and bodies of water will require a permit from the Department of Environment and Climate Change, Water Resources Management Division.

k. Waste Disposal:

Protective measures shall be taken to prevent or minimize pollution when disposing of sewage and solid waste.

l. Preservation of Trees:

Subject to FireSmart principles, mature trees shall be preserved and replaced where necessary. Such trees shall be removed only if they become dangerous because of age, disease, proximity to a building, if they pose a safety hazard



encroaching into the Town's public street rights-of-way, and/or overcrowded, and unduly inhibit light and air circulation for landscape purposes and building occupancy, or if they will unduly inhibit construction.

m. Upkeep of Properties:

Pursuant to the Occupancy and Maintenance Regulations, Council shall promote the upkeep of residential properties, businesses and institutions; repair or removal of dilapidated buildings and structures; and prohibit indiscriminate dumping. Businesses and contractors are to store their materials and heavy equipment at the rear of their property or to screen it from view.

#### **4.2.32 Mining and Quarrying**

Regulated mineral exploration shall be permitted in the Planning Area as set out in the policies of this Plan and conditions of the Development Regulations. Aggregate mining and extraction shall only be permitted with a quarry permit or quarry lease from the Mineral Lands Division, Department of Industry, Energy and Technology and a Development Permit from the Town.

Mineral Exploration for minerals will be permitted in the Rural Land Use designation and may be considered in undeveloped areas identified in the Planning Area for future rural residential development.

Commercial aggregate mining shall not be permitted within the scenic view plane of Marine Drive.



The adverse effects of mining and quarrying such as dust, noise and visual impact shall be minimized through adequate separation from adjacent land uses. Derelict lands are to be rehabilitated by the operator prior to abandonment.





## **5. SPECIFIC LAND USE POLICIES**

### **5.1 Land Use Designations**

The lands within the Planning Area shall be managed and developed according to the designations shown on Map 1 - Future Land Use Map and the policies of this Municipal Plan. Policies outlined in this Section specify Council's intent related to the uses, building and form of development in each land use designation as follows:

- Rural Residential;
- Commercial Local;
- Mixed Development;
- Coastal Marine;
- Public Use;
- Open Space/Recreation;
- Cemetery;
- Agriculture;
- Rural;
- Conservation.

### **5.2 Interpretation of Land Use Designation Boundaries**

The boundaries between land use designations as shown on the Future Land Use Map are not intended to be rigid, except where they coincide with physical features (such as streets, rivers, steams). Where boundaries do not coincide with physical features or there is any uncertainty concerning the intended land use designation, the exact determination of the boundaries will be determined by Council and shall be made in a manner that is consistent with the intent and policies of the Municipal Plan, the



Development Regulations and without amendment to this Plan or the Development Regulations.

### **5.3 Discretionary Powers of Council**

- a. When exercising its discretion to approve or not approve a Development, Council shall take into account the *Act*, the Municipal Plan, these Regulations and any policy adopted thereunder, and such other considerations which are, in its opinion, material.
- b. Where provisions herein are inadequate to meet the requirements of the Municipal Plan, these Regulations or any policy adopted thereunder, or these Regulations are silent or where requirements are left to the discretion of Council, Council may establish the necessary requirements

### **5.4 Limitations to Development**

Notwithstanding the conformity of a proposed development with this Plan and the Development Regulations, development may be refused where one or more of the following conditions exist:

1. There is insufficient capacity in the groundwater supply to accommodate the development.
2. The proposed development will reduce or negatively affect the groundwater supply of existing development in the surrounding properties or in the Planning Area.
3. There is insufficient capacity in the stormwater system to accommodate predicted increases in stormwater runoff volumes as a result of the development.



4. The volume of traffic from the development would exceed the level of service capacity of existing local or collector streets to accommodate it.
5. The topography is unsuitable for development due to steep slopes and ground conditions.

## **5.5 General**

### **5.5.1 Uses Permitted in All Land Use Designations**

The following uses shall be permitted in any Land Use Designation:

- Public works and services,
- Utilities (not including cellular towers),
- Open space uses including parklands, walkways, trails and passive recreational uses, and,
- Unless otherwise noted, buildings, structures or uses that are normally accessory, incidental or essential to a permitted use.

### **5.5.2 Development Standards**

Unless otherwise identified in this Plan, Council shall establish in the Development Regulations the uses, standards and conditions for development in each land use zone.

Council may add or revise the uses, standards and conditions for development in any land use zone by amendment to the Development Regulations, provided the changes are consistent with the intent of this Plan.



### 5.5.3 Non-Conforming Uses

Within the Town there may be properties where buildings and uses do not conform to the Municipal Plan or standards set out in the Development Regulations.

#### Policies

- a. In accordance with the *Urban and Rural Planning Act, 2000*, nothing in this Municipal Plan shall affect the development or use of land to continue in a manner that does not conform with this Plan provided that the non-conforming use legally existed before the coming into effect of this Municipal Plan and Development Regulations, 2021.
- b. Mineral workings at quarry sites established before a zoning or other planning decision which restricts or disallows mineral working shall be considered a non-conforming use as per Section 108 of the *Urban and Rural Planning Act, 2000*, and allowed to continue accordingly.
- c. It is Council's intention that changes to non-conforming buildings or uses are made in a manner that will, over time, bring them into conformity with the Municipal Plan and Development Regulations provided that the changes to the non-conforming building or use does not increase the non-conformity and an expansion must comply with the Development standards applicable to that building, structure or Development.
- d. Requirements for non-conforming uses shall be set out in the Development Regulations.



- e. In determining whether a legal non-conforming use has been discontinued, or in evaluating proposals for a change from one non-conforming use to another non-conforming use, Council shall take into consideration a fair balance between the individual landowner’s interest and the community’s interest.
- f. A use shall be considered to be discontinued where:
  1. the scale or intensity of the activity can be considered to bring about a change in the type of use; or if
  2. the addition of new activities or the modification of old activities is, in the opinion of Council, considered remote from previous activities.

**5.6 Relationship Between Land Use Designations and Corresponding Use Zones**

The Land Use Designations of the Municipal Plan are further detailed and implemented through the Use Zones of the Development Regulations. The following are the Land Use Designations and their corresponding Use Zones:

Future Land Use Designation	Land Use Zone(s)
Rural Residential	<ul style="list-style-type: none"> <li>• Rural Residential One (RR1)</li> <li>• Rural Residential Two (RR2)</li> <li>• Rural Residential Three (RR3)</li> <li>• Rural Residential Four (RR4)</li> <li>• Residential Development Area (RDA)</li> </ul>
Commercial Local	<ul style="list-style-type: none"> <li>• Commercial Local (CL)</li> </ul>
Mixed Development	<ul style="list-style-type: none"> <li>• Mixed Development (MD).</li> </ul>



Coastal Marine	<ul style="list-style-type: none"> <li>• Coastal Marine (CM)</li> </ul>
Public Use	<ul style="list-style-type: none"> <li>• Public Use (PUB)</li> </ul>
Open Space/Recreation	<ul style="list-style-type: none"> <li>• Open Space/Recreation (OSR)</li> </ul>
Cemetery	<ul style="list-style-type: none"> <li>• Cemetery (C)</li> </ul>
Agriculture	<ul style="list-style-type: none"> <li>• Agriculture 1 (A1)</li> <li>• Agriculture 2 (A2)</li> </ul>
Rural	<ul style="list-style-type: none"> <li>• Rural (RUR)</li> </ul>
Conservation	<ul style="list-style-type: none"> <li>• Conservation (CON)</li> </ul>

## 5.7 Rural Residential

The Rural Residential designation applies to established and developing residential lands of the Town. This designation affects the largest portion of the Planning Area. The purpose of the Rural Residential designation is to accommodate residential development while preserving the amenity and rural character of existing residential areas and to reserve lands for future residential use throughout the Planning Area. The Town does not provide municipally-piped water and sewer services and shall promote residential development of a low-density nature that can sustain the groundwater supply with on-site services.

The Rural Residential designation shall be divided into the following five use zones in the Development Regulations;



Land Use Zone	Purpose
Rural Residential One	To recognize the existing low-density pattern of traditional single-detached dwelling development along the older established streets in the Town characterized by smaller rural lots on a minimum lot area of 2025 metres squared (m <sup>2</sup> ).
Rural Residential Two	To recognize the predominant rural development pattern within the Town based on a minimum lot area of 4050 metres squared (m <sup>2</sup> ) consisting of single-detached dwellings.
Rural Residential Three	To recognize the rural development pattern along the east side of Doran's Lane with a minimum lot area of 4050 metres squared (m <sup>2</sup> ) consisting of single-detached dwellings.
Rural Residential Four	To accommodate a development pattern consisting of large rural estate lots in a Sensitive Development Area on the basis of a minimum lot as determined by a Groundwater Assessment or a minimum lot area of 8090 metres squared (m <sup>2</sup> ) whichever is greater.
Residential Development Area	To identify lands for future residential subdivision development that require area-wide concept plans and rezoning prior to development.

### 5.7.1 Rural Residential Land Use Designation Policy

Lands within the Rural Residential land use designation may be considered for rezoning from one residential use zone to another without a Municipal Plan amendment where, in the opinion of Council, a proposed development is consistent with the policies of this Municipal Plan.



### 5.7.2 Land Uses

Within lands designated Rural Residential, single-family detached dwellings with or without a subsidiary apartment, home office, traditional residential agricultural use, community garden shall be permitted. Accessory buildings and uses normally associated with the above uses shall also be permitted subject to the development standards and conditions outlined in the Development Regulations.

Discretionary uses that may be permitted include animal use, bed and breakfast use, convenience store, family child care, educational, personal care home small scale wind turbines and commercial use of accessory buildings provided:

- a) the lot meets the minimum frontage and lot area standards of the zone in which it is located,
- b) the lot can accommodate the activities of the proposed development including parking and access requirements and
- c) the proposed development does not, in the opinion of Council, does not adversely affect the residential quality of the area through increased traffic, noise, unsightly premises and similar considerations.

### 5.7.3 Environmental Aesthetics

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





#### **5.7.4 Recreation Uses**

Compatible recreation uses such as playgrounds may be located within lands designated as Rural Residential provided that adequate screening from nearby properties is provided and safe setback distances from the streets can be obtained.

#### **5.7.5 Family Childcare**

Family Childcare use to care for up to 6 children shall be permitted within a single-detached dwelling and must not adversely affect the residential quality of an area through excessive traffic, noise or similar considerations that may be associated with the business. Any Family Childcare business shall be operated in accordance with provincial Child Care Services Act and all applicable Regulations.

#### **5.7.6 Traditional Agricultural Uses**

Small scale traditional hobby farming and small-scale fruit/root crop farming and their accessory uses shall be permitted in Rural Residential designations, as outlined in policy 4.2.25.

#### **5.7.7 Animal Use**

Animal use in Rural Residential designations are discretionary uses and shall be restricted to the raising of animals domestically for personal purposes as outlined in policy 4.2.25 unless otherwise determined by Council..



### **5.7.8 Commercial Use of Accessory Building**

The commercial use of a residential accessory building may be permitted but are limited to non-nuisance and non-intrusive uses such as art-and-crafts use. The number of persons working at the enterprise shall be limited to one person and that person shall be a resident living at that residential property where the discretionary use is permitted. The use shall be carried out in a separate accessory building from the residence and the size and scale is to remain minor to the main permitted use of the single-detached dwelling. There shall be no outdoor storage of equipment or materials. Activities associated with the use are not hazardous and do not create a nuisance by reason of noticeable noise, odour, dust, flames, or result in electrical interference. Council will ensure that adequate parking is available for the use and that no vehicles are stored on the property, dismantled or left on site for extended periods of time. The requirements for buffering shall be determined by Council at the time of reviewing the application. Council shall give considerable attention to the type of use, the hours of operations, buffering, parking and effects on surrounding residents in permitting any such uses within residential designated lands.

### **5.7.9 Residential Subdivisions**

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



A priority for development in a residential subdivision will be the preservation of natural characteristics and aesthetics. This will be achieved by the protection of environmentally-sensitive lands, strict enforcement of minimum recreational open space requirements and special provisions in development permits such as Subdivision Agreements which contain requirements for maintenance of tree cover along lot frontages and lot boundaries.

Building permits for dwellings will not be issued except for lots fronting onto public streets for which a street Agreement has been reached between the Town and the developer. Services (streets, storm drainage and improvements to external services to accommodate the subdivision development, etc.) will normally be installed at the expense of the developer.

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

#### **5.7.10 Subdivision Development Plans**

Subdivision Development Plans are required to be prepared by the developer and reviewed and approved by Council. The Subdivision Development Plan is prepared for specific subdivision proposals in detail and will address all needs pertinent to development of the site in the form of a report, maps and drawings as required by Council and, shall include the following:



- a) Statement of conformity to the goals, objectives and policies of the Municipal Plan;
- b) Where required, conformity to an Area Concept Plan as approved by Council;
- c) A description of the subject lands;
- d) Consideration of land ownership as it will affect the layout of streets and the optimal use of land and municipal services;
- e) Access to the site from existing roads and internal street layout;
- f) Demonstration of the long-term viability of any proposed on-site servicing system through soil analysis and other appropriate site evaluation. A site assessment in this regard that has been carried out as part of an Area Concept Plan may suffice if Council is satisfied that it accurately depicts the conditions of the proposed subdivision development site;
- g) Phasing scheme;
- h) Provision for lotting;
- i) Provision for the dedication of 10% of open space recreation lands or alternative measures;
- j) Adherence to the Town's engineering development design standards for streets designs, grades, storm drainage, building lines, accesses, landscaping, buffers, development standards for each lot, etc., and,
- k) Other information that Council may require.



### 5.7.11 Residential Subdivision Area

The Residential Subdivision Area land use zone applies to tracts of undeveloped land which borders developed residential areas which are identified for future residential subdivision development. Non-building uses related to agriculture, community gardens, forestry, mineral exploration and conservation are permitted.

Discretionary use that may be permitted include mineral working.

An Area Concept Plan is required within the Residential Subdivision Area in order to ensure that subdivision development proceeds in an orderly and efficient fashion that respects the environmental integrity of the land while making optimal use of land and municipal services. Generally, Area Concept Plans must be for areas large enough to show the relationship between adjacent parcels of land and proposed streets. Area Concept Plans that deal with individual cul-de-sacs proposed on single parcels of property will not be approved unless it can be proven the development will not interfere with the optimal development potential of surrounding lands.

An Area Concept Plan will address the needs pertinent to planning and development of the area concerned, including:

- a) Conformity to the goals, objectives and policies of this Municipal Plan;
- b) A description of the subject lands;
- c) Proposed use of all land in the area concerned taking into account Council's aim to promote orderly development and the



economical use of municipal services and protect environmentally-sensitive lands;

- d) Concurrence or consultation by adjacent landowners who are impacted directly by the Area Concept Plan with respect to the Land Use Plan and street network;
- e) Access to the site and internal street layout taking into account the existing street network and possible street connectivity in the vicinity;
- f) Consideration of land ownership as it will affect the design and development of streets and subdivisions with adjacent lands;
- g) Description of impacts on adjacent land uses;
- h) Assessment of possible impacts on the natural environment of the area and,
- i) Phasing scheme for the proposed subdivision development.

Residential development within the Residential Subdivision Area is not permitted to proceed until:

- a) An Area Concept Plan has been prepared and approved by Council;
- b) A public consultation has been held regarding the proposed development of the lands based on the Area Concept Plan;
- c) Pursuant to Section 48 of the Water Resources Act, a groundwater assessment is prepared by the applicant and



submitted to Department of Environment and Climate Change, Water Resources Management Division for approval.

- d) Council approval of the Area Concept Plan and the lands are rezoned to the appropriate rural residential zone to permit the residential development of the lands to proceed; and,
- e) A detailed Subdivision Plan has been prepared in accordance with Section 5.5.10 of the Municipal Plan and approved by Council.

## **5.8 Commercial Local**

The Commercial Local land use designation applies to local commercial properties within the Town. The Commercial Local designation shall accommodate commercial activities that are developed primarily as retail outlets and service activities oriented towards local residents and highway users. Lands designated as Commercial Local require locations with good visual exposure to passing traffic and efficient, safe vehicular access. There is one Commercial Local designated property in the Town which is identified as the Needs Convenience retail strip on Logy Bay Road.

### **5.8.1 Land Uses**

The uses permitted include; childcare, office, medical and professional, personal service, shop and convenience store and recreational and open space.

Discretionary uses that may be permitted include catering (restaurants), general service, mini-mall, light industry, outdoor market, service station, gas bar and electric charging station, take-



out food service, veterinary use and small scale wind turbine. .

Both permitted and discretionary uses are subject to the development standards of the Commercial Local Use Zone of the Development Regulations.

### **5.8.2 Comprehensive Site Plans**

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

## **5.9 Mixed Development**

The development pattern along the southern portion of Logy Bay Road between Coaker's River and the southern Town boundary is characterized by a mix of residential and commercial uses, some of which are associated with residential uses, while other businesses are standalone buildings. It is the intent of this Plan to permit limited commercial, small-scale industrial uses and residential uses along this section of Logy Bay Road. The Mixed Development designation shall incorporate both limited commercial and residential development while, at the same time, ensuring the protection of existing residential development along this section of Logy Bay Road.





## **Policies**

### **5.9.1 Land Uses**

Within the Mixed Development designation, community garden, child care, home office, single-detached dwelling with or without a subsidiary apartment, and recreational open space shall be permitted.

Discretionary uses such as adult daycare (residential), agriculture, automotive sales, bed-and-breakfast, catering (restaurants), commercial use of an accessory building, convenience store, funeral home, general industry, group home, light industry, long-term care facility, medical, personal and professional services, office, personal care home, personal service, take-out food service, veterinary, service station, gas bar and electric charging station, shop, small scale wind turbine and telecommunications structure and antenna and may be permitted provided they are compatible with the residential character of the area and do not cause a nuisance by virtue of excessive noise, dust, odour, increased traffic or hours of operation.

Both permitted and discretionary uses are subject to the development standards of the Mixed Development Use Zone of the Development Regulations.

### **5.9.2 Adverse Effects**

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



### **5.9.3 Access to Street**

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

### **5.9.4 Parking Requirements**

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

## **5.10 Coastal Marine**

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

### **Policies**

#### **5.10.1 Location**

Land designated as Coastal Marine is located at Outer Cove beach and in the location of Memorial University Ocean Sciences facility on the Marine Lab Road at Logy Bay.

#### **5.10.2 Land Uses**

Permitted uses are restricted to development and land uses related to the fishery and/or marine-related uses, educational (marine related), telecommunications, open space recreational uses, transportation, small scale wind turbine, telecommunication structure and antenna use. Mineral exploration and uses that are accessory to these uses may also be permitted at the Council's discretion.



The permitted uses are subject to the federal and provincial requirements and approvals of the appropriate federal and provincial authorities and the development standards of the Coastal Marine Use Zone of the Development Regulations.

### **5.10.3 Building Setbacks**

Notwithstanding the development standards within the Coastal Marine Use zone, additional building setbacks and restrictions on the use of land may be imposed by Council in order to minimize the risk of damage caused by coastal erosion, storm surges and flooding.

## **5.11 Public Use**

Lands are designated Public Use to permit government, places of worship, educational and other uses for general or limited public access. Facilities required to deliver municipal services to residents are also within the intent of this designation. This designation applies to the lands associated with the Town Hall, municipal operations depot, St. Francis of Assisi School, St. Francis of Assisi Church and the Gurdwara Sikh Temple.

### **Policies**

#### **5.11.1 Land Uses**

Lands designated as Public Use shall be for community-oriented facilities such as, childcare, clubs and lodges, community gardens, general assembly, government offices, places of worship, recreation buildings, recreational open space, schools and their accessory uses.

Discretionary uses may be permitted provided that they will not



conflict with the satisfactory operation of existing facilities or the future development of public uses. The discretionary uses that may be permitted include complementary uses may include adult day care, medical treatment and special care, office, outdoor assembly, personal care home, vending stand, small scale wind turbine, telecommunication structure and antenna use and their accessory uses.

Both permitted and discretionary uses are subject to the development standards of the Public Use Zone of the Development Regulations.

#### **5.11.2 Compatibility with Residential Uses**

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

#### **5.12 Open Space/Recreation**

Land designated as Open Space/Recreation is for active and passive recreational non-building uses such as parks, playgrounds, trails, ski slope areas, and buildings which are accessory to the open space uses. Council shall endeavour to reserve land at various places in the Town for Open Space/Recreation uses.

Within the Town, existing recreational uses include the public recreation areas of the Justina Centre, Kelly Park and the Nageira Crescent neighbourhood park. There are also a limited number of trails including the East Coast Trail which are interspersed throughout the Town but are not comprehensively interconnected to create a Town-wide trail system.



## **Policies**

### **5.12.1 Hierarchy**

The Town will establish and maintain a hierarchy of parks, trails and public open spaces to create a network of community and local parks connected by a regional and local trail system through the preparation of an open space and trail study.

### **5.12.2 Acquisition of Open Space Lands**

The Town will ensure that lands required for public open space are acquired through the development approval process or through land acquisition for lands identified for open space purposes.

### **5.12.3 Land Uses**

Permitted uses include community garden, parks, ski slopes, sports fields, linear trail systems, pathways to serve pedestrians, bicyclists and cross-country skiers and accessory recreational facilities are permitted.

Discretionary uses such catering (take-out food), cultural and civic uses, indoor assembly, outdoor assembly, vending stand small scale wind turbine may be permitted provided they are compatible with the open space recreational use of the land.

Both permitted and discretionary uses are subject to the development standards of the Open Space/Recreation Use Zone of the Development Regulations.



#### **5.12.4 Effects Surrounding Property**

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

#### **5.12.5 New Open Space and Recreation Facilities**

New open spaces, playgrounds and recreation areas will be developed by both land developers and the Council to meet the future recreational needs of the community. Wherever feasible, every effort shall be made to ensure that the open space and recreation facilities are designed with principles of inclusiveness and accessibility for all.

#### **5.12.6 Trail Development**

The development of passive recreation facilities such as walking or nature trails and associated interpretation programs shall be encouraged provided they will not have an adverse impact on the natural environment and residential properties.

Prior to the approval an Open Space and Trail Plan, the subdivision of land shall take into account the emerging development of a trail system that interconnects subdivisions with other subdivisions and other parts of the Town, particularly along the shores of waterways, watercourses and wetlands and where feasible, connect with the East Coast Trail with an Open Space and Trail Plan is approved by the Town.

Trail development and associated buffer and infrastructure shall be developed to the standards as adopted by the Town.



#### **5.12.7 East Coast Trail**

Within the Town, the East Coast Trail Association is developing a natural walking/hiking trail along the coastline of Atlantic Ocean as part of a regional coastal trail system. Its existing and proposed route is delineated on the Future Land Use and Zoning Maps.

##### **Policies**

Council shall ensure that wherever possible:

- a buffer be maintained 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;
- landowners/developers are to take into consideration the effects of development on the preservation of the East Coast Trail and the scenic beauty of the landscape along the coastline;
- natural topography and vegetation will be maintained;
- a buffer, free of development, will be maintained between the East Coast Trail and shoreline recreational uses or wharves; and,
- Council shall support further work on the East Coast Trail as a hiking/walking trail and its associated infrastructure with minimal disturbance to the surrounding land.

#### **5.13 Cemetery**

Lands designated as Cemetery shall be established for existing and planned cemeteries in the Town. This designation applies to the lands associated with the St. Francis of Assisi Cemetery located on Cemetery Lane.

##### **Policies**



### 5.13.1 Land Uses

Cemeteries and their accessory use and structures such as columbarium and mausoleums shall be permitted within the *Cemetery* designation provided that such uses are compatible with surrounding land uses.

Permitted uses are subject to the development standards of the Cemetery Use Zone of the Development Regulations.

### 5.13.2 Cemetery Enhancements

The property owners or developers of cemetery lands will be required to undertake ongoing natural enhancements to the natural landscape of the cemetery to ensure that the cemetery is maintained in an acceptable aesthetic state and adds to the visual and scenic quality of the Town.

## 5.14 Agriculture

Lands within the Planning Area which form part of the ADA are designated as Agriculture on the Future Land Use Map. In 2005, there were four sections of the ADAs in the Planning Area which were designated as Agriculture. As a result of a 2013 provincial review of the St. John's Urban Region Agriculture Development Area, one section was removed from the ADA reducing the ADA to three which are in effect today.

These three ADAs form the basis of the Agriculture designation which accounts for approximately twelve (12) percent of the Planning Area. It is intended that the lands designated Agriculture will protect and encourage





agricultural usage and agricultural-related development. Residential development associated with the agricultural use of the lands may also be permitted.

The Agriculture designation shall be divided into the following two use zones in the Development Regulations;

Land Use Zone	Purpose
Agriculture One	To recognize agriculture uses along with an associated single-detached dwelling as approved by Land Development Advisory Authority, Agriculture Branch, Department of Fisheries, Forestry and Agriculture on a minimum lot area of 4050 metres squared (m <sup>2</sup> ).
Agriculture Two	To recognize agriculture uses along with an associated single-detached dwelling as approved by Land Development Advisory Authority, Agriculture Branch, Department of Fisheries, Forestry and Agriculture in a Sensitive Development Area on the basis of a minimum lot as determined by a Groundwater Assessment or a minimum lot area of 8090 metres squared (m <sup>2</sup> ) whichever is greater.

## Policies

### 5.14.1 Land Uses

No development shall be permitted within this designation unless it is directly connected with or ancillary to an agriculture use or unless it is first approved by the Land Development Advisory



Authority, Agriculture Branch, Department of Fisheries, Forestry and Agriculture.

Within the Agricultural designation, Agriculture uses, animal use, community garden, domestic forestry use, home office within an existing single-detached dwelling, indoor riding stable, recreational open space, single-detached dwelling with or without a subsidiary apartment, and their accessory uses shall be permitted uses.

Discretionary Uses including outdoor market, rural industry, veterinary use and small scale wind turbine may be considered by Council, provided it can be demonstrated that there will be no adverse impact upon agricultural uses.

Both permitted and discretionary uses are subject to the approval of the Land Development Advisory Authority, Agriculture Branch, Department of Fisheries, Forestry and Agriculture and the development standards of the Agriculture Use Zone of the Development Regulations.

#### **5.14.2 Preservation of Agriculture Activities**

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



#### **5.14.3 Impact of Development on Adjacent Uses**

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

#### **5.14.4 Buffers for Livestock Structures**

New livestock structures shall not be allowed to locate within 300 metres (m) of an existing or planned residential area.

Environmental considerations such as the impact of effluent on water quality will also be given close scrutiny.

#### **5.14.5 Subdivision Development of Land for Non-Agricultural Purposes**

With the exception of the subdivision development of a property to create a lot for residential purposes as approved by the Land Development Advisory Authority, Agriculture Branch, Department of Fisheries, Forestry and Agriculture, the further subdivision development of the property within the Agricultural designation for non-agricultural purposes is not permitted.

### **5.15 Rural**

The Rural designation has been placed on those lands that are intended to be used primarily for rural resource and conservation uses. Approximately twenty-six percent (26%) of the Planning Area is designated as Rural. Lands that are environmentally or hydrologically sensitive or for other reasons not conducive to development or active recreational uses will be



protected under the Rural designation. It is intended that the lands so designated shall generally retain their present rural character. The Rural designation is dispersed throughout the Planning Area primarily located between Marine Drive and the coastline and in the undeveloped backlands of developed properties which front onto the public street network of the Town.

## **Policies**

### **5.15.1 Land Use**

Land designated as Rural shall permit agriculture, animal use, community garden, domestic forestry use, home office within an existing single-detached dwelling with or without a subsidiary apartment, recreational open space, mineral working, conservation and associated rural resource uses.

Discretionary uses such as cemetery, indoor riding stable, outdoor assembly use, outdoor market, recreational open space use, mineral exploration, rural industrial activity associated with the resource base single-detached dwelling with or without a subsidiary apartment, veterinary use, telecommunications facilities and small scale wind turbine and antenna (subject to Regulation 6.14) may be permitted by Council, provided these uses need to be located close to resources or for some other reason cannot be located close to the built-up portions of the Town.

Both permitted and discretionary uses are subject to the development standards of the Rural Use Zone of the Development Regulations.



### **5.15.2 Single-Detached Dwelling**

A single-detached dwelling that is associated with a permitted use may be permitted at the discretion of Council if it is deemed to be necessary for the continuation of the established use and the single-detached dwelling fronts onto a publicly-maintained street.

### **5.15.3 Mineral Working**

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

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



surrounding area from eventually being used for other development.

All mineral working activities shall be conducted in a manner that minimizes the adverse effects of mining and quarry operations, and that the derelict lands resulting from such operations are properly rehabilitated. In considering proposals for new mineral working operations including quarries, Council shall require:

- (a) Adequate separation distances between the mineral working operation and adjoining uses;
- (b) A minimum separation distance of 50 metres (m) between a mineral working use and any waterbody or watercourse;
- (c) The implementation of environmental protection measures to prevent and mitigate excessive truck traffic, noise, dust, disturbance of plant and animal habitat, watercourse and shoreline erosion and visual intrusion on the landscape;
- (d) Rehabilitation of abandoned/spent sites, including hydroseeding or tree planting to encourage vegetative regeneration; and,
- (e) The proposed operations shall be evaluated in conjunction with the Department of Industry, Energy and Technology and the Department of Environment, Climate Change and Municipalities.



## 5.16 Conservation

The intent of the Conservation designation is to protect certain lands within the Town which by reason of their intrinsic character, are sensitive, vulnerable, ecologically significant or have natural or recreation values. Approximately seventeen percent (17%) of the Planning Area is designated as Conservation. They include wetlands, watercourses, bodies of water, shoreline frontages, steep cliffs, a portion of the East Coast Trail along the shoreline, recreation fields, playgrounds, cemeteries, as well as open natural spaces such as woodlands, greenbelts, buffers, natural trails, areas of scenic attraction for public enjoyment, etc. Other sensitive lands may be designated Conservation in the future under an amendment to this Municipal Plan.

### Policies

#### 5.16.1 Land Uses

The intent of the Conservation designation is to protect and conserve environmentally-sensitive and important lands from adverse development. Public infrastructure and development associated with conservation use shall be permitted. Passive recreational uses such as parks, walking trails and their associated structures may be permitted, provided that they will have no adverse effect on the site.

Discretionary uses such as agriculture, docks and wharves, recreational open space, small scale wind turbine may be permitted provided they are compatible with the intent of the conservation use of the Land.

Both permitted and discretionary uses are subject to the development standards of the Conservation Use Zone of the Development Regulations.



### **5.16.2 Conservation Designation Along Waterbodies and Watercourses**

Along the shore of a waterbody, the Conservation designation includes all land within 30 metres (m) of the shoreline. Along watercourses, the Conservation designation includes land within 15 metres (m) of the high water mark of the watercourse.

Proposed developments affecting waterbodies or watercourses, such as stream crossings, watercourse alterations and other public works may be permitted in limited circumstances where it is shown they will have minimal adverse impact. The number and size of such activities will be minimized. Any such proposed development may require a site-specific study to determine the level of risk and measures acceptable to Council to mitigate adverse impact of such activities shall be referred for review and approval to the Department of Environment and Climate Change, Fisheries and Oceans Canada and other relevant agencies as required by Council.

### **5.16.3 Preservation of Natural Landscape**

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





## 6. TRANSPORTATION

Residents within the Town are almost fully dependent on the automobile for travel. There is no public transit nor bikeways in the Town. There is some trail development but active transportation initiatives have been sporadic to date.

The Town's street network has been evolving from one of a rural pattern of direct access to adjoining lands and indirect access to the backlands of the Town to a more organized street pattern based on subdivision design and specific public improvements of the street system. With the exception of Marine Drive and Marine Lab Road, all public streets within the Town are municipal streets. Marine Drive and Marine Lab Road are designated provincial highways but function as part of the local street system. The main north-south thoroughfares in the Town are Marine Drive, Logy Bay Road and Outer Cove Road and the main east-west thoroughfares are Snow's Lane, Pine Line and Middle Cove Road. For the most part, all thoroughfares connect the Town to the adjacent municipalities of the City of St. John's and the Town of Torbay which have a more extensive street network than the Town.

In more recent times, new development within the Town and development in the adjacent municipalities have put pressure on the Town's street network. Upgrading of existing streets and intersections where necessary, improving street connectivity, developing active transportation pathways and improving the functioning of the street network will be a priority over the planning period to calm traffic, create safer pedestrian corridors, improve traffic flow and to improve access at street intersections.

Pedestrian safety must be addressed in considering improvements to the street network as most pedestrians walk on the shoulder of the streets which have insufficient shoulder widths for safe passage of pedestrians.



More recently, there has been a growing desire by residents for an integrated community-wide trail system that provides safe walking corridors throughout the Town and creates connections with the trail networks of the City of St. John's, Town of Torbay and the East Coast Trail.

In 2016, a conceptual trail plan was prepared by the Grand Concourse Authority on behalf of the Town for the general area south of Pine Line to the municipal boundary and generally east of Logy Bay Road and the Lower Road. This conceptual trail plan did not extend beyond this area to provide a comprehensive trail plan for the Town. This conceptual trail plan can be used as a guide until such time as a more comprehensive open space and trail plan has been prepared and approved by the Council.

Although not a means of transportation within the Town, the major international airport in the province, the St. John's International Airport, is in close proximity to the Town's western municipal boundary and its Noise Exposure Zones have an influence over land uses in the approaches to the airport's runways.

## **Policies**

### **6.1 Street Classifications**

Streets in the Planning Area are in three classifications, Collector Streets, Local Streets and Scenic Roads as illustrated on the Future Land Use Map and Zoning Map and are subject to the following policies:

#### **6.1.1 Collector Streets**

Logy Bay Road, Marine Drive, Pine Line, Middle Cove Road, Outer Cove Road and Snow's Lane and the proposed new collector street between Pine Line and Logy Bay Road are and will be classified as



Collector Streets. Collector Streets are intended to collect traffic from local streets to an arterial street or distributes it from the arterial or local street network.

Direct access to abutting properties on a Collector Street shall be permitted in accordance with the Council's standards as outlined in the Development Regulations.

### **6.1.2 Local Streets**

The remaining streets within the Planning Area are classified as Local Streets. Direct access to abutting properties on a Local Street shall be permitted in accordance with the Council's standard as outlined in the Development Regulations.

The development of new Local Streets or extensions to existing streets, may be permitted in the Planning Area to facilitate permitted development where;

1. The street is part of a detailed plan of subdivision which shows the relationship between the proposed street, lots and surrounding land uses;
2. As an extension to an existing street, the existing street provides access for a substantially-developed area;
3. The street network of the development does not result in a dead-end street which exceeds the limits considered acceptable for ensuring public health and safety in unserviced areas,
4. The creation of local streets as through-traffic routes are discouraged;



5. The extension of a street is along an existing public right-of-way which is of adequate width and which is owned and maintained by the Town prior to any residential development being permitted, and,
6. The street is constructed to the design standards as required by Council at the expense of the developer, ensuring proper width, street reservation, turning circle and layout. The municipal street system is to facilitate the efficient movement of people and goods throughout the Planning Area.

### **6.1.3 Scenic Road**

In addition to Marine Drive's function as a Collector Street and the Marine Lab Road and Lower Road as Local Streets, all three streets are also designated as Scenic Roads by the St. John's Urban Region Regional Plan 1976. Marine Drive and Marine Lab Road are also provincial highways.

After, a review of the development pattern and scenic view planes along these Science Roads, Council has determined that the scenic road designation on Lower Road should only apply to the northern section of the street and is so designated on the Municipal Plan and Zoning Maps. The scenic road designation shall continue to be applied on Marine Drive and Marine Lab Road.

Direct access to abutting properties and intersection connections on a Scenic Road shall be in accordance with the conditions of approval from the Department of Transportation and Infrastructure and the Council's standards as outlined in the Development Regulations.



Council, along with the cooperation of the Department of Transportation and Infrastructure, shall consider streetside parking areas in conjunction with development of a proposed scenic outlook.

## **6.2 Street Network Plans**

Where Council anticipates residential development to occur in areas which are currently undeveloped and an Area Concept plan has not been prepared for the area under consideration, Council may identify the areas that require Street Network Plans through a resolution of Council and prepare street network plans for these areas prior to residential development occurring in these areas. Street Network Plans will consist of identifying locations for new street locations and intersections that provide access into the backlands of these areas and a proposed street layout throughout the area which will ensure proper and safe access throughout the area.

## **6.3 Five-Year Street Improvement Plan**

Council shall prepare and update annually, as part of its asset management plan, a plan for the upgrading of local streets and to undertake a street upgrading program in accordance with a five-year street improvement plan. These improvements should also be coordinated with the ongoing improvements to the stormwater infrastructure.

## **6.4 Outer Ring Road Intersection at Logy Bay Road and Marine Drive**

Council will explore improvements to the Outer Ring Road Intersection at Logy Bay Road and Marine Drive with the City of St. John's and the provincial government as a priority transportation initiative.



## **6.5 Ongoing Intersection Improvements**

Over the course of the 10-year planning period, the Town will focus on intersection improvements throughout the Town including the Logy Bay Road and Snow's Lane intersection and the Logy Bay Road and Cadigan's Road/Stick Pond Road intersection as outlined in the 2019 Logy Bay-Middle Cove-Outer Cove Transportation Study.

Council may require, at the developer's expense, installation of traffic control devices as may be necessary on existing and or new streets to ensure vehicular and pedestrian safety as a result of a Development.

## **6.6 Proposed Local Streets**

As a result of previous plan amendments a number of proposed streets were identified for future development purposes. These proposed streets are classified on the Future Land Use and Zoning Maps as future local streets.

## **6.7 Proposed North-South Collector Street**

A North-South Collector Street is proposed to be developed and form part of the evolving street network of subdivision development proposals in the section of the Town bounded by Snow's Lane, Logy Bay Road, Pine Line and the municipal boundary with the City of St. John's and the Town of Torbay. This proposed North-South Collector Street is identified conceptually on the Future Land Use Map and Zoning Map as an Overlay. It is Council's intention that the future subdivision of land in this area be developed to include this proposed Collector Street.



Further public consultation on this North-South Collector is to be undertaken during the term of this Municipal Plan in order to identify, more accurately, the location of the street through this area and its connections with the Pine Line and Logy Bay Road. Once a street right-of-way is determined for the Collector Street, the street right-of-way will be designated and protected on the Zoning Map from other land uses or developments.

Future residential development should only proceed on the basis of the Collector Street being built and connecting to either Pine Line or Logy Bay Road in order to alleviate traffic congestion and provide an alternative travel route from the St. Francis Road and St. Francis of Assisi School and St. Francis of Assisi Church area of the Town.

## **6.8 Trail Network Plan**

A Community Wide Comprehensive Trail Network Plan be prepared, implemented and developed over the course of this plan. In the meantime, the 2016 conceptual Grand Concourse Trail Development Plan be used as guide for the development of the trails within the boundaries of that plan until such time as a community-wide trail plan is prepared and approved by Council.

Wherever possible, the Trail Network Plan should be located along the waterways, waterbodies and significant natural features of the Planning Area and minimize the sharing of the street right-of-ways for both vehicular and pedestrian traffic. The Trail Network Plan should provide connections for all parts of the Planning Area, connect to the East Coast Trail where feasible and connect with adjacent municipalities to promote a regional trail network.



## **6.9 Pedestrian-Crossing Controls**

All locations, where the trail system connects and crosses a street, proper crossing controls including street markings, signage and infrastructure improvement at these locations shall be installed for the safe crossing of pedestrians.

## **6.10 Parking Areas**

Council will investigate opportunities to develop parking areas at locations where there is traffic congestion as a result of substantial on-street parking. Wherever possible, these parking areas will be developed in conjunction with other government departments or community groups.

## **6.11 Street and Trail Standards**

The development or redevelopment of streets including street reservations, right-of-ways, trails and trailways shall be in accordance with the development standards as outlined in the Development Regulations and the Development Design Standards as approved by Council.

## **6.12 Street Improvement Lines**

Council may, by resolution, establish street reservations, street improvement lines, street lines and building lines to existing and proposed streets to ensure the efficiency and safety of the street network and the proper development of property abutting the existing or proposed street.





### **6.13 Conveyance of Street Reservations**

Where street reservations for street connections to adjacent properties are identified as part of subdivision development plans or are required by Council as part of a development proposal, the street reservation shall extend to the limit of the property boundary and the developer shall convey that portion of the private property which is in the street reservation at the time of development.

### **6.14 Conveyance for Property Where Required**

Where required by Council, infill and subdivision development along existing streets shall be required to convey property to the Town to ensure adequate street right-of-ways and reservations widths are retained.

### **6.15 Traffic Study**

Where it is determined by Council, a traffic study will be required to be prepared by the developer as part of the development application review process for the development of land to predict traffic volumes, impacts of the development on the Town's street system and the improvements required to accommodate the development and the study may also form a component of a Land Use Assessment Report as part of a development proposal application.



## **7 SERVICES**

### **7.1 Water**

The Town is not serviced by piped water from the Regional Water System nor from any local water supply supplied by the Town. There are also no protected watersheds within the Planning Area for a water supply source. Water is provided to residents and businesses through on-site wells.

In 2016, the St. John's Regional Drinking Water Study examined the anticipated water demand and required improvements to accommodate the region's population growth over a 35-year planning horizon. The Planning Area was not included in the study and there was no recommendation to extend regional water services to the Planning Area. As a result, there will be a continuing reliance within the Planning Area for on-site wells to provide water for development purposes. Measures need to be introduced and enforced to ensure the quality and quantity of the groundwater supply within the Planning Area is not compromised in order to sustain a long-term potable drinking supply for the Town.

Development involving main buildings within the Planning Area will continue to be serviced by an on-site water supply.

#### **Policies**

##### **7.1.1 On-Site Water Supply**

All main buildings will be required to be serviced by an on-site water supply. Prior to the issuance of a building permit, the on-site water supply system shall be designed in accordance with Service NL requirements and approved by the provincial Department of Digital Government and Service NL.



### **7.1.2 Non-Domestic Water Use**

All non-domestic water use obtaining water from any water source must apply and obtain a water use license prior to Development commencing.

### **7.1.3 Groundwater Assessment for Subdivision Development**

In accordance with the *Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells prepared by the* Water Resources Management Division, Department of Environment and Climate Change, Subdivision Development of 5 to 15 lots will require the submission of a level 1 study and for proposed subdivisions of greater than 15 lots a level II study prior to the Subdivision Development proceeding.

In addition, Council will require that Subdivision Development of less than 5 lots within Sensitive Development Areas as identified on Environmental Protection Map in the Development Regulations will also require a level II water assessment study as per the provinces Groundwater Supply Assessment Guidelines to ensure that the groundwater quality and quantity can be sustained for the specific subdivision and the surrounding Development.

### **7.1.4 Groundwater Supply Model**

Where it is determined by Council that a development proposal may have a negative impact on the groundwater supply, Council may require the developer, at the developers expense, and subject to the conditions of Council, to rerun the groundwater supply model as developed by Stantec Engineering Consultants to determine if the



development will negatively affect the groundwater capacity for the area of the development or the Town.

#### **7.1.5 Open-Looped Groundwater-Sourced Heat Pumps Not Permitted**

Open-looped groundwater-sourced heat pumps shall not be permitted for development being serviced by on-site wells.

### **7.2 Sewage Disposal**

The Planning Area is not serviced by a municipal-piped sewerage system. Sewage disposal throughout the Planning Area is based on on-site septic tank systems. Within the 10-year planning horizon of this Municipal Plan, there are no plans to introduce a piped sewerage system by the Town. Measures have to be taken to ensure that septic tank systems are designed, constructed and maintained in an environmental-friendly manner so as to not negatively affect the groundwater supply for the Planning Area.

#### **Policies**

##### **7.2.1 On-Site Sewage Disposal System**

All main buildings will be required to be serviced by an on-site sewage disposal system. Prior to the issuance of a building permit, the onsite sewage disposal system shall be designed by an Approved Designer who is registered with Service NL and the design shall be in accordance with the requirements and approval by Service NL.



### **7.2.2 Septic Tank Field to be Kept Free of Development**

The area of the septic tank field on a property shall be kept free from further development to minimize the potential for a disruption to the septic tank tile field which, if disrupted, could result in contaminating the groundwater supply.

### **7.2.3 Minimum Distance to Waterbodies and Waterways**

Sewage disposal systems shall be no closer than 30 metres (m) from a waterbody or watercourse.

### **7.2.4 Disposing of Sewage Waste**

Protective measures shall be taken to prevent or minimize groundwater contamination when disposing of sewage waste.

### **7.2.5 Pumping Out Septic Tank System**

In accordance with the provincial government's Private Sewage Disposal and Water Supply Standards, septic tank systems should be pumped out every 4 years to maximize the health and safety of the system and to minimize tile field failure and groundwater contamination.

## **7.3 Storm Drainage**

With the exception of the lower eastern portion of St. Francis Road, the Planning Area is not serviced by a municipal-piped storm sewer system. The Town uses side ditches along its streets as well as waterways, wetlands and waterbodies as the means of stormwater disposal. Council will give special



attention to storm drainage measures which protects the natural environment while, at the same time, providing appropriate storm drainage measures for the development of land. Development shall be required to meet standards for storm drainage as established by Council.

## **Policies**

### **7.3.1 Adverse Storm Water Impacts Not Permitted**

Development will not be permitted on any property where it would otherwise be permitted under these Regulations when, in the opinion of Council, the Development will create or aggravate adverse stormwater impacts such as excessive runoff onto adjacent properties, soil erosion, scouring and silt deposition of streams or reduction of surface or groundwater quality. The approval of a storm water drainage plan will be required as a condition of a Development Permit issued by the Town. Council may also require the developer to engage a qualified consultant engineer with expertise in hydrology and stormwater management design to address any site Development issues that may arise during the course of the properties Development.

Should storm or surface water potentially drain or is directed onto adjacent properties, the works will have to conform with the requirements of the Water Resources Management Division of the Department of Environment and Climate Change.

### **7.3.2 Council Approved Storm Management Systems**

The collection and distribution of surface drainage and stormwater in all development including subdivision development shall utilize Council-approved storm management systems such as detention ponds, drainage ditches, wetlands, waterways and waterbodies.



### **7.3.3 Zero Net Runoff Policy**

Council shall require that all development, including buildings, driveways, parking areas, grading of land and excavation of drainage ditches, adhere to Council's zero net runoff policy and is carried out in a manner that does not cause an excessive increase of stormwater runoff and/or erosion affecting adjacent properties, steep or unstable slopes, nearby watercourses and other sensitive areas.

### **7.3.4 Storm Drainage to Drain to Suitable Outlets**

Prior to approving any development application, the Council shall be satisfied that adequate storm drainage is provided to a suitable outlet and the development shall meet Council's Storm Detention Policy.

### **7.3.5 Design of Storm-Management Measures**

All storm-management measures shall be designed and developed to accommodate the 1:100-year plus climate change flooding events.

### **7.3.6 Lot Grading Plan**

The development of properties, as a condition of approval, shall require a Lot Grading Plan which illustrates the flow of surface and stormwater so as not to create flooding for the new development and to direct the flow of water into existing ditching or waterways and not onto adjacent properties.

### **7.3.7 On-Site and Off-Site Storm Drainage Works**

The provision of on-site and off-site storm drainage works to adequately service the proposed development shall be the



responsibility of the developer and shall be designed and developed to the Council standards. Where the storm drainage works include disposal to an open watercourse, adequate easements for maintenance and operations shall be provided and necessary approvals obtained from the appropriate authorities having **jurisdiction.**

#### **7.3.8 Stream Preservation**

It is Council's intention to preserve streams in their natural state. In areas where stream improvement or realignment is necessary, the fish habitat shall be preserved and all work is to adhere to the "Guidelines for Protection of Fish Habitat in Insular Newfoundland" published by the Fisheries and Oceans Canada and to the requirements of the Provincial Department of Environment, and Climate Change.

#### **7.3.9 Erosion and Sediment Control**

The development of sites shall have adequate erosion and sediment control measures in place to prevent pollution of the Town's waterways, wetland and waterbodies.

### **7.4 Waste Disposal**

The Town provides a waste collection service by private contractor to residents and business. When collected, the waste is disposed at the Robin Hood Bay Regional Waste Management Facility.





## **Policies**

### **7.4.1 Measures to Prevent Contamination**

Protective measures shall be taken to prevent or minimize contamination when disposing of solid waste.

### **7.4.2 Property to be Free of Waste Accumulation**

Property shall be kept free from the accumulation of rubbish, waste material, debris or other material which, because of its improper storage, may cause the breeding or collection of flies, mosquitoes or rodents or which, in another manner, is or may become a nuisance.

### **7.4.3 Waste Collection**

Waste material from property shall only be disposed and collected by the Town in accordance with the Town's Garbage Pick Up Rules and Recycling Guidelines. Other waste material from property not collected by the Town shall only be disposed of at an approved waste collection facility in accordance with the *Waste Material Disposal Act*.

### **7.4.4 Spreading of Fish Offal or Waste**

Manure, fish or fish offal, or discharge waste shall not be spread on land situated less than 75 m from the source of a supply of water used for drinking purposes when the draining of the land is towards the water supply.



## **7.5 Fire Protection**

Since 2014, fire protection services to the Planning Area have been provided by the St. John's Regional Fire Department. The Planning Area provides unique fire protection challenges due to its lack of a reliable source of piped water and the development pattern and topography of the area. It is important that local fire protection measures be identified to assist the St. John's Regional Fire Department in adequately responding to fires within the Planning Area.

### **Policies**

#### **7.5.1 Water Access and Dry Hydrants**

Council shall, in consultation with the St. John's Regional Fire Department, identify locations for water access and dry hydrants/tanks throughout the Town to increase fire protection services.

#### **7.5.2 Subdivision Development to be Assessed by Fire Department**

New subdivision development shall include an assessment by the St. John's Regional Fire Department to determine the need for dry hydrants/tanks to improve fire protection services to the subdivision development and, where required, the developer shall include the dry hydrant/tank as part of the public infrastructure for the subdivision development.

#### **7.5.3 Incorporation of FireSmart Principles**

Measures to mitigate a home's vulnerability to wildfire or FireSmart principles should be incorporated into site plans for new development.



## 7.6 Emergency Response

Police Protection to the Planning Area is provided by the Royal Newfoundland Constabulary. Hospital and ambulance service is provided by the province through Eastern Health. The St. John's Regional Fire Department serves the fire protection needs of the Town. Emergency response communications is provided by the provincial NL911 system. Proper access to and identification of properties is an important element of efficient emergency response.

In the broader context, an Emergency Management Plan has been prepared by the Town pursuant to the *Emergency Services Act* which incorporates a systematic response with associated resources (which may include intermunicipal, provincial, federal, private business and non-profit organizations and agencies) to a significant municipal emergency.

### Policies

#### 7.6.1 Access to Emergency Services

Council shall review new development and redevelopment proposals to ensure that they are done in a manner that provides access to emergency services, including the provision of adequate water for fire suppression.

#### 7.6.2 Construction of Cul-de-Sacs

Where, in the opinion of Council, the end of an existing street does not have an adequate surface or area for the adequate turnaround of emergency vehicles, a cul-de-sac designed and constructed to the



Town Development Design Guidelines will be created through an ongoing program of land acquisition and street upgrading.

### **7.6.3 Civic Numbering of Main Buildings**

Main buildings of all new development shall have an easily identifiable civic number visible from the public street on which the property or lot fronts. Where the main building is situated on a property or lot which does not allow for an easily identifiable civic number, the civic number shall be placed on a structure or feature which is adjacent to the public street in order to easily identify the property.

### **7.6.4 Review of Emergency Management Plan**

The Town's Emergency Management Plan will be reviewed on an annual basis to ensure that it is up to date and in compliance with the *Emergency Services Act*.



## 8 LOCAL GOVERNANCE

The Municipal Plan sets out the overall framework for land use and development policy for the Town of Logy Bay-Middle Cove-Outer Cove. This is a dynamic and evolving document and should continue to reflect and provide direction to the changing environment within the Town. This document is part of a suite of municipal documents and initiatives that are interrelated and used in the effective governance of the Town.

Local Governance and the strong relationship of Council to its citizens is an important component of managing change. A key to quality public service is to ensure prudent fiscal management of Town resources and to allow for access to information and provide opportunities for meaningful input as the Town responds to change.

The Council consists of a Mayor and six (6) Council members who are elected at large. Council conducts its business through a committee structure which provides recommendations to Council at regularly held public Council meetings.

Currently, the Town has seven (7) permanent staff positions and up to forty-one (41) call-in, contractual, and seasonal staff during different times of the year to implement the initiatives of Council and to oversee and provide basic rural service delivery to Town residents and businesses. The Town also has a number of private contractual services to support the provision of services to the Town.



## **Policies**

### **8.1 Strategic Planning**

Within the first year of the election of a new Council, a review of its Strategic Plan and all strategic initiatives will be undertaken by Council and, if required, updated to ensure clarity of vision for the Town, consistency of approach, and smooth integration of concepts and initiatives.

During all major strategic initiatives of Council, the Municipal Plan shall be taken into consideration to ensure that the initiative is consistent with the goals, objectives and policies of the Plan, and the Plan will be amended, if required, to reflect any changes in land use and development policy as a result of these initiatives.

### **8.2 Fiscal Responsibility**

Council shall continue to manage the Town's finances in a fiscally-responsible manner.

### **8.3 The Organizational Structure**

With changing demands, and as needs are identified, Council shall ensure that the Town's organizational structure be adjusted whenever necessary to respond to the changing needs and resources of the Town.

### **8.4 Public Engagement**

Council shall continue to investigate effective ways of communicating with



the public and gauging public opinion on issues that are of interest or concern for the community. As part of this review, Council shall ensure that information is made available in many forms and utilizing available technology.

### **8.5 Information Systems**

Council will continue to take advantage of information and electronic technology to improve its service delivery, to provide information to its citizens and to ensure that its information systems including land information systems are current and up to date for effective decision making.

### **8.6 Regional and Intermunicipal Engagement**

Wherever possible and appropriate, Council shall partner and engage with other municipalities in the region and participate in issues and projects of shared interest.

Council will pursue joint collaboration with its adjoining municipalities, the City of St. John's and the Town of Torbay, on matters that jointly affect both the Town and these neighbouring municipalities including the following:

- Consultation on development applications, including where appropriate joint development agreement, for development of properties that cross a municipal boundary, abut or are immediately adjacent to a neighbouring municipality.
- Planning and land use issues within the watersheds of the Jones Pond Brook, Kennedy's Brook, Soldier's Brook, Outer Cove Brook and Druken's River.



- Intersection and street improvements of streets which cross municipal boundaries including Middle Cove Road, Pine Line, Snow's Lane and the intersection and ramps of the Outer Ring Road and Logy Bay Road/Marine Drive.
- Future recreation planning and trail development around Jones Pond and the Jones Pond Brook waterway.
- The future recreational, commercial and residential development of the area immediately surrounding the Jack Byrne Arena.

Wherever it is in the best interest of the City, Council shall cooperate and participate in regional initiatives and organizations.





## 9 IMPLEMENTATION

The Municipal Plan will be implemented over the next ten years through decisions of Council in consultation and collaboration with federal and provincial agencies. Of particular importance to Council are the following:

- effective goals, objectives and policies that guide the future growth and development of the Town;
- administering the Plan in an effective and efficient manner;
- the adoption of annual Municipal Capital Works program;
- adopting land use zoning, subdivision and advertisement regulations (the Development Regulations);
- the procedure for considering amendments to the Plan that respond to specific studies, initiatives or projects that further the goals and objectives of the Plan; and,
- inform and engage the citizens on the planning and future development of the Town.

### 9.1 Administration of the Municipal Plan

For the purposes of administering the Municipal Plan, the Future Land Use Maps shall be read only in conjunction with the Goals, Objectives and Policies outlined in this document. All development applications will be carefully evaluated as to their conformity to the Municipal Plan. The full conformity of all proposals to the Municipal Plan shall be required by Council.

The Municipal Plan is to be read in conjunction with any adopted Development Scheme, with the Development Regulations, as well as with any subsequent amendments to the Plan.



All persons wishing to develop land for any purpose within the Planning Area shall apply to Council for permission through the established procedure. Council may approve applications with or without conditions. Prior to the major development of land within the Planning Area a development agreement may be required which will be signed by both the developer and the Council. This agreement shall establish the conditions under which development may proceed and shall be binding to both parties. Conditions governing developments may also be enforced by being attached to the development permit.

Nothing in this Plan shall affect the continuance of land uses which are lawfully established on the date that the Plan is adopted by Council.

## **9.2 Comprehensive Development Schemes**

At any time after the adoption of the Municipal Plan, the Council may prepare and adopt Comprehensive Development Schemes for the purpose of carrying out specific proposals in sub-areas of the Planning Area. Development Schemes can be considered a second layer of policy under the Municipal Plan.

Development Schemes are a specific set of policies which:

- Identify opportunities and address issues related to land use in certain defined geographic locations.
- Adapt and implement the objectives, policies, land use designations and overall planning approach of the Town's Municipal Plan to a local or neighbourhood context.
- Establish local development policies that will guide growth and change in that area to promote a desired outcome.
- Promote consistency in new/developing areas and compatibility between existing and future land uses that require revitalization.



A Development Scheme may provide for the acquisition, assembly, consolidation, subdivision and sale or lease by the municipality of land and buildings that are necessary to carry out provisions of the Municipal Plan. The Scheme may reserve land for future acquisition as the site of any public Streetway, service or building, or for a school, park or other open space and may make such agreements with the owners of the land, as will permit its acquisition and use for those purposes. The Development Scheme may also specify the manner in which land is to be used, subdivided or developed and may regulate the construction of buildings which would interfere with the carrying out of the Development Scheme.

Development Schemes are prepared, approved and brought into effect in the same manner as the Municipal Plan, as established in Section 29 of *The Urban and Rural Planning Act, 2000*. Once approved by Council, registered with the Minister of Municipal and Provincial Affairs and Notice of Registration placed in *The Newfoundland and Labrador Gazette*, a Development Scheme becomes a part of the Municipal Plan.

A number of potential areas within the Planning Area have been identified as possible Comprehensive Development Areas for which Development Schemes shall or may be prepared during the planning period. These areas include the current areas within the Town identified as part of the St. John's Urban Region Agricultural Development Area and designated as Agriculture on the Town's Future Land Use Plan Map. Other candidate areas include Snow's Lane area north to Pine Line, Marine Drive to Red Cliff Road to the coastline and the Pine Line north to Middle Cove Road to the Town's municipal boundary.



## Policies

- 9.2.1** Lands identified within the Planning Area as part of the St. John's Urban Region Agriculture Development Area which are designated as Agriculture which are removed from the ADA by the province shall be redesignated to Comprehensive Development Area to allow for the preparation of a Comprehensive Development Scheme.
- 9.2.2** Development within the other candidate areas (Snow's Lane Area North to Pine Line, Marine Drive to Red Cliff Road and Pine Line North to Middle Cove Road) shall be allowed to continue on the basis of the land use designation and zoning in effect until such time as Council makes a formal motion to proceed with the preparation of a Comprehensive Development Scheme for the specific area under consideration.
- 9.2.3** When Council has designated an area for a Comprehensive Development Scheme, the following uses, prior to its adoption, will be permitted: agriculture, community garden, continuation of existing uses recreational open space and reconstruction and replacement of and additions to existing building and their accessory uses, provided they would not adversely affect or prejudice the outcome of the land use plan within the Comprehensive Development Scheme
- 9.2.4** The Development Scheme may be prepared by the Town or by a developer/property owner in consultation with and in accordance with the direction from Council at the cost of the developer/property owner.



### 9.3 Municipal Plan and Development Amendment Procedure

The planning period for this Municipal Plan is ten years. The Municipal Plan and Development Scheme(s) provides direction over this period but is not expected to forecast precisely or anticipate all changes that will occur over the next ten years. The Municipal Plan and associated Development Scheme(s) are dynamic documents that respond to unforeseen changes and attempts to manage change in the best interests of the Town. As a result, this Municipal Plan or Scheme may need to be amended by Council from time to time to respond to unknown opportunities.

It would be unrealistic to expect the Plan to predict all changes that may occur; therefore, it is anticipated that the Plan will be amended in the future. Section 25 of *The Urban and Rural Planning Act, 2000* provides Council with the authority to change any portions of the Municipal Plan through a formal amendment process.

Council may consider an amendment to the Municipal Plan or Development Scheme when:

- There is an apparent need to change policy due to changing circumstances,
- Studies have been undertaken which contain policies or recommendations that should be incorporated into the Municipal Plan or Development Scheme, or
- An amendment to the St. John's Urban Region Regional Plan or a relevant Provincial Land Use Policy has been released that requires a change in policy by the Town, or
- There is a development proposal which provides sufficient information and rationale to support a change in the Municipal Plan or Development Scheme.



The Act requires that Council consult the public prior to its decision to amend the Plan or Scheme. Council shall evaluate any proposed amendment against the goals, objectives and policies of the Municipal Plan before deciding to accept or reject a new policy. The Act also requires that Council appoint an independent and objective Planning Commissioner to hold a public hearing to hear written or oral objections and representations and to complete a report with consideration for the issues raised at that hearing. The recommendations from the Commissioner's report are then taken into consideration by Council in making a final decision about the amendment.

#### **9.4 Municipal Plan Review**

Council will undertake a comprehensive review of the Municipal Plan at least every five years (5) years in accordance with the requirements of *The Urban and Rural Planning Act, 2000*.

#### **9.5 Public Engagement**

Council is committed to engaging citizens in planning and decision-making processes at the Town, neighbourhood and site development level. The Town will implement public engagement processes and tools to inform citizens and encourage their input into planning processes.

#### **9.6 Development Regulations**

The implementation of the Municipal Plan's and Development Scheme's goals, objectives and policies require the preparation and adoption of Development Regulations. Such Regulations provide Council with the authority to provide for the direction and orderly control of land use in accordance with Municipal Plan or associated Development Scheme. After



the Municipal Plan or Development Scheme is formally adopted, Council is required to prepare and adopt Development Regulations pursuant to Section 35 of *The Urban and Rural Planning Act, 2000*.

All land within the Planning Area will be covered by land use zones which provide detailed development requirements, such as subdivision control, lot size, frontage, building setbacks, signage and parking standards.

### **9.7 Consideration for Rezoning**

This Municipal Plan provides flexibility for change within the framework for growth and development in the Town by enabling, under certain circumstances, amendments to the Development Regulations without amendment to the Municipal Plan. In considering requests for rezoning, Council shall consider all appropriate policies set out in this Municipal Plan and have regard for the following:

- The adequacy of the physical site conditions to accommodate development;
- The adequacy and proximity of recreation and community facilities;
- The adequacy of the transportation network in, adjacent to or leading to the development;
- The potential for the contamination or sedimentation of watercourses or for erosion;
- Environmental impacts such as air, water, soil pollution and noise impacts;
- Previous uses of the site which may have caused soil or groundwater contamination;



- Suitability of the site in terms of grades, soil and bedrock conditions, location of watercourses, marshes, swamps or bogs;
- Compatibility of the development in terms of height, scale, lot coverage and bulk with adjacent properties, and,
- Whether the proposal is in conformity with the intent of this Municipal Plan, any applicable Development Scheme and with the requirements of other Town regulations.

## **9.8 Land Use Assessment Report**

The Land Use Assessment Report (LUAR) is a tool that can be used to assist in the review of proposals for a development or proposed use that cannot be adequately evaluated by Town staff. An LUAR is a report prepared by suitably qualified person(s) to assess the impacts a use or development may have on the environment and/or surrounding lands or neighbourhood. The Town may require an LUAR to be prepared to evaluate the impacts identified in a Terms of Reference prepared by the Town, evaluate their importance and recommend measures of control and mitigation where appropriate. The following policies apply to the requirements for an LUAR:

- 9.8.1** Where determined by Council, Land Use Assessment Report(s) may be required as part of the development application review process.
- 9.8.2** Council shall prepare and approve a Terms of Reference setting out the matters that would require assessment in an LUAR.
- 9.8.3** The LUAR and any supporting studies shall be prepared at the expense of the applicant.





**9.8.4** The Town shall provide adequate time for a public review of the Terms of Reference for the Land Use Impact Assessment LUAR and the LUAR document once it is completed prior to its consideration for approval.

## **9.9 Development Control**

The Municipal Plan is a legal document which is binding upon all persons, groups or organizations, including the municipal Council. Day-to-day administration of both the Municipal Plan and Development Regulations are the responsibility of Council and its staff.

Before any land development or use can take place, an application must first be made to Council. Development may take place only after Council has reviewed the application and granted approval. Anyone who fails to follow the required application process or who otherwise violates the Plan or Regulations can be prosecuted and ordered to remove any illegal structure and restore the site and buildings to their original state.

An application to develop must be made on the proper application form prescribed by Council. All applications must show, as accurately as possible, the location of the proposed development and include a plot plan showing the location of existing and proposed buildings and structures on the proposed site. Council will examine the application and determine whether or not it conforms to the requirements of the Development Regulations and the policies of the Municipal Plan or applicable Development Schemes. Development applications will be referred to appropriate government departments, agencies or other organizations. Approval of the application will be subject to their recommendations. If the proposed development conforms to all requirements then Council will approve the application and inform the applicant in writing of the approval, will issue an approval in



principle or development permit and state any conditions that may apply to the development. If the proposed development does not conform to the Municipal Plan or Development Regulations, the application shall be refused.

### **9.10 Development Appeals**

Any person who is dissatisfied with the development decision of Council may appeal that decision to the Regional Appeal Board in accordance with Section 42 of *The Urban and Rural Planning Act, 2000*. The Appeal Board shall either confirm the decision or determine that Council's decision be varied or reversed.

### **9.11 Municipal Capital Works**

Municipal Capital Works programs must conform to applicable policies and land use designations of the Municipal Plan and Development Schemes. A 10-year Municipal Capital Works program based on the strategic priorities of the Town shall be prepared on an ongoing basis, commencing with the 10-year planning period of this Plan. The Municipal Capital Works plan is to be reviewed and updated annually to reflect immediate, long-term and emerging priorities for the Town for the ongoing 10-year period.

The Municipal Capital Works program shall take into account the Town's financial capability to fund such projects including federal or provincial funding programs which require a financial contribution from the Town.

It should be recognized that extensions to streets/new streets required for (or as a part of) new development (including residential subdivisions) are the responsibility of developers and not the municipal or provincial governments.



## **MAP 1**

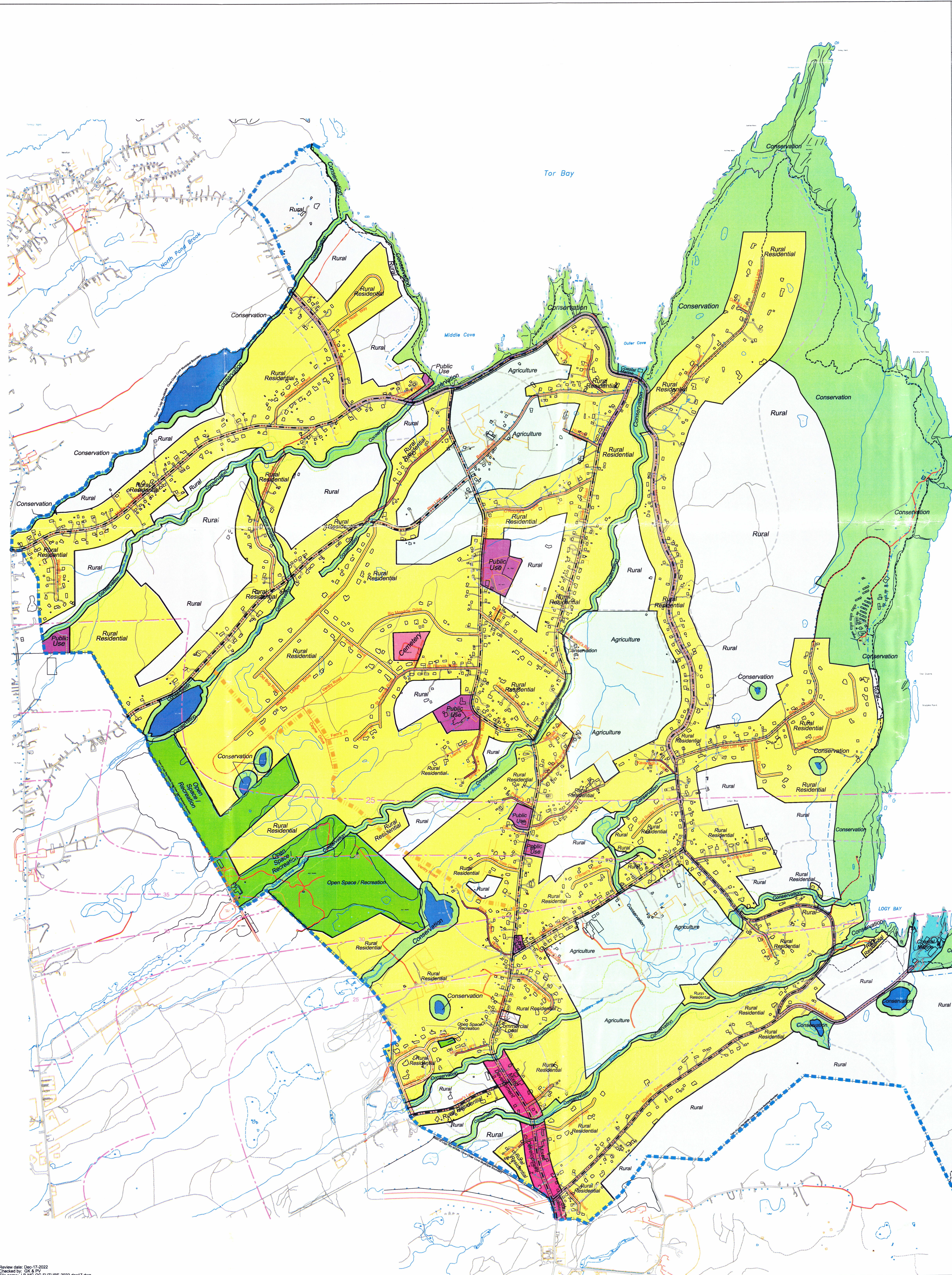
# **TOWN OF LOGY BAY-MIDDLE COVE-OUTER COVE MUNICIPAL PLAN 2021**

## **FUTURE LAND USE MAP**

Town of Logy Bay-Middle Cove-Outer Cove  
Municipal Plan 2022  
Future Land Use - Map 1

- Agriculture
- Cemetery
- Coastal Marine
- Commercial Local
- Conservation
- Mixed Development
- Open Space / Recreation
- Public Use
- Rural
- Rural Residential

- Municipal and Planning Area Boundary
- Coastal Reservation (30m)
- Street Hierarchy**
- Local Street
- Collector Street
- East Coast Trail
- Scenic Road
- Overlay**
- Proposed North South Collector Road
- Noise Exposure Forecast (NEF) Contour
- Scenic Route View Plane Boundary
- Flood Risk Corridor Limits
- Agricultural Buffer (300m)



**Municipal Plan  
REGISTRATION**

Number 2945-2023-000

Date 26 JANUARY 2023

Signature [Signature]

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

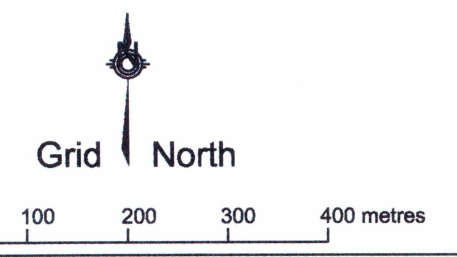
This 19<sup>th</sup> day of December, 2022

[Signature]  
Dennis Hickey, Mayor

[Signature]  
Susan Arns, Town Manager

I certify that Municipal Plan 2022 has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000.

[Signature]  
Stephen Jewczyk, FQJP



Review date: Dec-17-2022  
Checked by: GK & PV  
File name: Lb-MC-OC-FUTURE-2022-dec17.owg