

USE ZONE TABLE

130. RESIDENTIAL SPECIAL DENSITY

PERMITTED USE CLASSES - (see Regulation 127)

Single dwelling, recreational open space*.

*(See condition no. 8)

DISCRETIONARY USE CLASSES - (see Regulations 26 and 128)

Double dwelling, antenna, child care, garden suite, home based occupation*, boarding house**.

*(See condition no. 2), **(See condition no. 9)

STANDARDS	WHERE PERMITTED			
	Single Dwelling	Double Dwelling		
Lot area (m ²) minimum	836	578*		
Floor area (m ²) minimum	110	110*		
Frontage (m) minimum	21	27		
Building Line Setback (m) (min)	min: 8	min: 8		
Side yard Width (m) (minimum)	1.2 3	3 3		
Rear yard Depth (m) (minimum)	12	12		
Lot Coverage (%) Maximum	33	33		
Height (m)	8	8		
*Per dwelling unit.(See Conditions)				

(31 Jan 2014)

CONDITIONS FOR RESIDENTIAL SPECIAL DENSITY ZONE**1. Accessory Buildings**

Accessory buildings in this zone shall conform to the requirements of Regulation 62, Accessory Residential Buildings, in Part II of these Development Regulations.

2. Home Occupation/Home Office

Home based occupations include the following: home office, personal service, medical and professional service, family child care. A home based occupation or home office may be permitted at the discretion of Council, subject to the following conditions:

- (a) The use is clearly a subsidiary use to the single dwelling, double dwelling use classes and does not detract from the residential character of the neighbourhood.
- (b) No wholesale sales or storage of goods is carried out, any retail sales are incidental and subsidiary to the permitted use and that no repairs to vehicles or heavy equipment are carried out.
- (c) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (d) Activities associated with the use shall be carried out inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (e) Not more than twenty-five percent of the floor area of the dwelling unit up to a maximum of forty-five square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirements.
- (f) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident on site.

- (g) Office uses shall be limited to small business services and professional offices.
- (h) Personal Service uses for the purpose of this condition shall include small scale production of baked goods, handmade articles such as clothing and arts and crafts and small business services.
- (i) There is no outside storage of goods or materials on the lot.
- (j) The use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (k) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (l) One building only, separate from the dwelling unit, may be used in connection with a Personal Service use and shall conform to the Accessory Building condition for this use zone.
- (m) No sign will be permitted other than a name plate not exceeding .2 sq. metres in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority may require fencing, screening or separation to protect the amenity of adjacent uses.
- (o) Parking requirements are as set out in Schedule D, however a minimum of one space is required for a home occupation. The minimum required parking for the dwelling unit must continue to be met.
- (p) No change in type, class or extent of the use shall be permitted except in

accordance with a development permit issued by the Authority.

- (q) Family child care occupations shall be limited to a maximum of six children and shall conform to the guidelines and standards as set out by the province of Newfoundland and Labrador's Health and Community Services Department.
- (r) A maximum of fifty percent (50%) of the total floor area may be utilized for family child care.

3. Building Line Setback

The Authority reserves the right to decrease the building line setback requirement for single dwelling and double dwelling to 7.5 metres where, in the opinion of the Authority, the reduced setback will not have a negative impact on surrounding development, taking into account the existing street line, street -right of way width and other factors that may be relevant.

4. Rear Yard

The Authority reserves the right to reduce the rear yard requirement for single dwelling and double dwellings to 11 metres, where, in the opinion of the Authority, the reduction to the rear yard area will result not in a negative impact on the adjoining properties. An extension into the rear yard may be permitted provided that the extension comprises no more than 33% percent of the length of the main rear wall of the dwelling and protrudes no more than 2 metres into the rear yard. The remainder of the rear yard must be maintained at the required standard.

5. Corner Lots

The building line on the side lot line of a corner lot may be 6.4 m when the Authority is satisfied that public safety and amenity are maintained.

6. Porches and Verandahs in Front of Building Line of Dwelling Unit

- (a) A porch, with a maximum floor area of 3 square metres, may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property, provided the area will not be utilized as a habitable part of a dwelling.
- (b) A porch must be enclosed with walls and a roof.
- (c) A verandah may be permitted to project a maximum of 1.2 metres into the front setback area or 1.2 metres in front of the established building line setback, whichever is in effect for the property.
- (d) A verandah may not be enclosed with walls and/or windows; however, a mesh screen material may be attached to the exterior sides of the verandah.
- (e) No part of the verandah may be used as a habitable room.
- (f) A verandah may extend across the entire front facade of the main dwelling, subject to the conditions listed.
- (g) A combination of porch and verandah may be permitted, subject to (a) and (c) above, provided that the area of the porch section of the structure does not exceed a maximum of 3 square metres.
- (h) The closest point of any part of a porch or verandah shall be a minimum of 5 metres from the front property boundary.

7. Deck in Front of Building Line of Single or Double Dwelling

A deck may be permitted to project in front of the building line of a single or double dwelling subject to the following conditions:

- (a) A deck shall be no closer than 4 metres to the street line and the maximum distance a deck may project in front of the building line shall be 3.6 metres.
- (b) The maximum floor height of a deck shall be equal to the level of the main floor of the dwelling or such lower level as the Authority may consider appropriate.
- (c) The maximum height of any part of the deck shall be 1.2 metres above the deck's floor level, with the exception of part of the structure necessary to support a second storey deck, above the main floor deck.
- (d) The maximum width of a deck shall be 3.6 metres.
- (e) The Authority may require the area beneath the floor of the deck to be enclosed in order to maintain a neat and tidy appearance.
- (f) A deck shall not be used for storage purposes.
- (g) The Authority may require all decks permitted under this condition, or all decks on a particular street or in a neighbourhood to be constructed with specified materials and be of a specific colour or finish in order to maintain amenity.
- (h) The closest point of any deck shall be a minimum of 1.2 metres from the side property boundary, with the exception of a deck that is necessary to provide access to a door exiting into the side yard..

8. Recreational Open Space

Uses in this classification in this Use Zone are limited to parks and playgrounds.

9. Boarding House

Uses in this classification are limited to the Bed and Breakfast example of boarding

house, and are subject to the following conditions:

- (a) Each Bed and Breakfast shall comply with the National Building Code of Canada, the National Fire Code of Canada, the National Plumbing Code of Canada and the Life Safety Code as adopted by the Authority.
- (b) One parking space shall be required for each Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

10. Garden Suites

A garden suite may be permitted as a discretionary residential use subject to the following conditions:

- (a) A garden suite shall only be permitted on a residential single dwelling lot having a minimum lot area of 1500 square metres.
- (b) Garden suites are not permitted on double dwelling lots.
- (c) A garden suite must be subsidiary in size to the primary single family dwelling on the lot.
- (d) Only one (1) garden suite shall be permitted per lot.
- (e) A garden suite may not contain a subsidiary apartment unit.
- (f) A garden suite shall not project beyond the building line of the main single family dwelling nor the building line of the immediate adjacent properties.
 - (i) Notwithstanding (f) above, where the main dwelling is located at a greater and sufficient distance from the minimum building line setback, a garden suite may be permitted to be located in front of the main building on the lot, provided that it does not project into the minimum building line

setback area and is in keeping with the building line of the surrounding residential properties. The garden suite may also be required to be screened if necessary, to the satisfaction of the Authority, to reduce any visual impact to the neighbouring properties. *(31 Jan 2014)*

- (g) A garden suite shall have a minimum separation distance of 4.2 metres between it and the single family dwelling.
- (h) A garden suite shall have a minimum rear yard setback of 8 metres.
- (i) A garden suite may not be subdivided from the original lot unless it is to be subdivided from the original lot in order to change the use to a single dwelling unit and meet all development standards and requirements for a single dwelling unit and lot of the zone, including minimum floor area, minimum lot area, side yard, setback and rear yard standards, parking, access and independent municipal services, connected to the main municipal service infrastructure.
- (j) A garden suite must have a separate water and sewer service, which may be provided from the main dwelling unit on the lot. If the garden suite is capable of being subdivided from the original lot and single dwelling, in accordance with 11(g), new water and sewer lines must be installed and connected to the main municipal service infrastructure.
- (k) All applicable Building, Fire, and Life Safety Codes must be adhered to for garden suites when constructed plus all other codes or bylaws in effect by the Authority.
- (l) A garden suite may not contain a basement.
 - (i) Notwithstanding (l) above, a garden suite may be developed as part of an accessory building use on the lot such as a garage or shed, and the garden suite may be constructed above or directly adjacent to the accessory building

use. Such accessory building use attached to the garden suite will not be construed as a basement area of the garden suite but as a separate use or building; however, the structure would be required to meet all Building, Fire and Life Safety Codes for construction of the building to ensure the safety of the building occupants.

(ii) Notwithstanding 10.(v), the total floor area of a garden suite attached to an accessory building shall be calculated as the total of the habitable floor area, or living space, of the garden suite. The floor area of the accessory building portion of the development will be calculated separately as part of the total accessory residential building allowance permitted on the lot.

(31 Jan 2014)

- (m) A garden suite may contain a maximum of two bedrooms.
- (n) A garden suite must be accessible to fire department and other emergency vehicles at all times.
- (o) A garden suite may not be used as a commercial residential property for rent or lease by the owner of the main dwelling unit on the lot to persons other than a family member or guest of the owner of the main dwelling unit.
- (p) A garden suite shall be owned by the owner of the primary dwelling and shall not be sold as a condominium unit.
- (q) A garden suite must remain as part of the real property of the main dwelling, unless legally subdivided from the original lot in accordance with the applicable requirements for subdivision of the property, after which it will become a separate single dwelling on its own lot.
- (r) A garden suite may be constructed on site or be transported as a modular unit to the lot, but may not include a mobile or mini-home.

- (s) The minimum side yard, front setback, and rear yard development standards as the main dwelling unit on the lot must also be maintained for a garden suite.
- (t) In addition to that required for the primary dwelling, a minimum of one (1) additional parking space shall be provided for the garden suite.
- (u) Electrical service to the garden suite shall be located underground, whenever possible to avoid additional overhead wires or poles within a residential lot and to improve the aesthetics of the development.
- (v) A garden suite shall have a maximum total floor area of 70 square metres.
 - (i) Notwithstanding (v) above, on residential lots measuring 4045 square metres (approximately one acre) in area, or greater, the maximum size of a garden suite may be increased to 110 square metres. *(31 Jan 2014)*
- (w) The combined total lot coverage of all accessory buildings on the lot, including the garden suite, shall not exceed 7%.
- (x) The finished structure of a garden suite must be undifferentiated from on-site and adjacent existing structures in terms of quality of construction and the appearance of permanence in addition to meeting the National Building Code of Canada and other applicable guidelines and codes deemed appropriate by the Authority.
- (y) A garden suite should relate to the primary single dwelling on the lot in terms of materials, roof form, and general architectural style. The intent, however, is not to create a “miniature version” of the primary dwelling.
- (z) A garden suite must be assigned an individual address to ensure identification and location in the event of an emergency and such address

must be clearly indicated and visible from the street frontage. This identification may include a sign, maximum size .2 square metres, within the front setback area of the lot, indicating the presence of the garden suite at the rear of the main dwelling unit.

- (aa) On a corner lot, a garden suite shall be set back equal to the front setback and flanking side yard standards of the primary single dwelling.

11. Discretionary Use Classes

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