

**USE ZONE TABLE**

**139. DOWNTOWN RESIDENTIAL**

**PERMITTED USE CLASSES** - (see Regulation 127)

Single dwelling, double dwelling, boarding house residential, row dwelling, recreational open space, conservation, apartment building\*.

\*(See condition no. 12)

**DISCRETIONARY USE CLASSES** (See Regulations 26 and 128)

Cultural and civic, general assembly, place of worship, club and lodge, catering\*, child care, office, medical and professional, personal service, general service, take-out food service, convenience store, home based occupation\*\*.

\*(See condition no. 7), \*\*(See condition no. 10)

**CONDITIONS**

**1. Development Standards**

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

- |       |   |                |
|-------|---|----------------|
| (i)   | Minimum Building Line Setback                                   | 4 metres       |
| (ii)  | Minimum Side Yard width (unless constructed with a party wall)* | 1.2 & 3 metres |
| (iii) | Minimum Rear Yard Depth   | 8 metres       |
| (iv)  | Maximum Height  | 12 metres      |

\*Party walls shall only be permitted with the approval of both property owners and in conformance with the National Building Code of Canada and any other applicable Code or Standard. \*\*See Condition

**2. Advertisements Relating to Onsite Uses**

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

- (a) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of the adjacent streets and sidewalk and the general amenities of the surrounding areas.
- (b) Building advertisements shall not exceed eight (8) percent of the building facade area. This includes name/occupant of the building plus additional advertisements that may be on the lot and/or building, however, excludes a temporary advertisement.
- (c) Onsite advertisement is not to exceed five (5) square metres in area. This five (5) square metres is to be part of the eight (8) percent as described in Section (b) above.
- (d) Notwithstanding (b) and (c) above;

Advertisement on any lot may be permitted up to 3 square metres in area regardless of building facade area.

*(22 June 2017)*

**3. Advertisement Relating to Offsite Uses / Third Party Advertisements**

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

- (a) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and

the preservation of the amenities of the surrounding area.

- (b) Each advertisement shall not exceed three (3) square metres in area, to a maximum of eight (8) percent of the building facade area for on and offsite advertisements.

*(22 June 2017)*

#### **4. Temporary Advertisement**

Temporary advertisement located in this Use Zone shall be issued under the following conditions:

- (a) The permit will be for a maximum period of three (3) months and the advertisement is to be removed for a minimum of six (6) months before an application will be considered for the same site. (Only one (1) advertisement will be permitted per site).
- (b) The advertisement is not to pose a nuisance and/or inconvenience to pedestrians, motorists or to any neighbouring residential units.
- (c) The advertisement must be located within the lot boundary and each application will be assessed on its own merits based on the specific site conditions. Temporary advertisement shall be located a minimum distance of fifty (50) feet from any street intersection must be kept off public right-of-ways.
- (d) The advertisement is not to exceed a maximum of three (3) square metres in area.

#### **5. Apartments attached to Businesses**

Where apartments are attached to businesses, they are required to meet the Residential High Density (RHD) Zone requirements for apartment buildings for floor

area and overall residential densities. A portion of the structure or site, equivalent to thirty (30) percent of the floor area of the dwelling units shall be developed as amenity areas which are properly designed indoor and/or outdoor spaces for the use of the tenants and includes balconies, roof terraces, recreation rooms and playgrounds. This amenity area shall be calculated or included as part of the lot area, so that the lot area required in these regulations shall include the Amenity Area.

**6. Boarding House Residential**

- (a) Each boarding house/lodging shall and 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 room that is available to be rented to a boarder or as a Bed and Breakfast guest room/suite. The minimum required parking for the dwelling use must continue to be met.

**7. Catering**

Only restaurants of this use classification shall be permitted as a discretionary use in this zone.

**8. Convenience Stores**

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

- (a) The store shall form part of, or be attached to a dwelling unit.
- (b) The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.
- (c) Advertisement to the building shall not exceed three square metres in area.

- (d) A minimum of 2 off-street parking spaces is required for the use of customers or as is set out in Schedule D, whichever is the greater. This requirement is in addition to the parking requirements for the dwelling.
- (e) A maximum of 25 percent of the habitable floor area of the dwelling up to a maximum floor area of 45 sq. metres may be used as a convenience store. The minimum required floor area of the dwelling must continue to be met.

**9. 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.

**10. Home Occupations/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, row 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 0.2<sup>2</sup> m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (n) The Authority which 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.

#### **11. Floor Area**

Single, double and row dwellings shall meet the Residential High Density development standards for floor area.

#### **12. Apartment Buildings**

Apartment buildings in the Downtown Residential Zone shall meet the Residential High Density development standards for any required standard(s), with the exception of the side yard requirement, which shall be no less than five (5) meters each side, not specified in the Use Zone Table.

#### **13. 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.

**14. 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.

## **15. Rear Yard**

At the discretion of the Authority:

- (a) The rear yard depth may be measured from the closest point of that portion of the rear wall of the main building which forms a minimum of 66% of the length of the elevation of the rear wall.
- (b) An extension from the rear wall of the main building on the lot comprising no greater than 34% of the length of the rear wall elevation and extending no greater than 2 metres into the rear yard area may be permitted.

- (c) The rear yard distance for apartment buildings shall be measured from the closest point of the rear wall of the main building which forms a minimum of 85% of the rear wall.

**16. 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.