

Town of Parson's Pond Development Regulations for 2019-2029
As approved by Council 11 August 2020

TOWN OF PARSON'S POND

DEVELOPMENT REGULATIONS

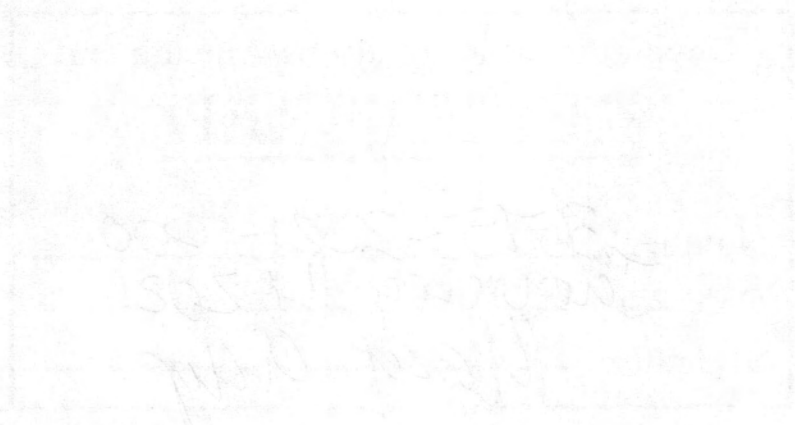
2019 – 2029

As approved by Council 11 August 2020

Development Regulations/Amendment	
<u>REGISTERED</u>	
Number	<u>3675-2021-000</u>
Date	<u>January 11 2021</u>
Signature	<u>Marcy Alley</u>

Town of Parson's Pond Development Regulations for 2019-2029
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ADOPTION AND APPROVAL

COUNCIL RESOLUTION TO ADOPT; MCIP CERTIFICATE

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Parson's Pond adopts the Development Regulations for 2019 to 2029.

Resolved by the Town Council of Parson's Pond on the 3rd day of June, 2020.

Signed and sealed this 26th day of August, 2020

Mayor: Brenda Biggs

Clerk: Blanche Thornhill

(Council Seal)

Canadian Institute of Planners Certification

I certify that the attached *Development Regulations* document has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Member of the Canadian Institute of Planners



Jens Jensen, P. Eng., MCIP

(MCIP Seal)

Date: 6 June 2020



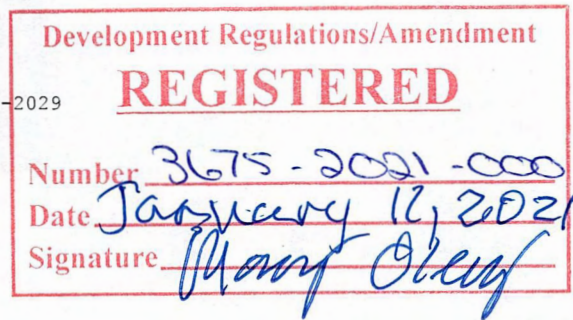
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Town of Parson's Pond Development Regulations for 2019-2029
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COUNCIL RESOLUTION TO APPROVE

[resolution of Council to approve the Development Regulations, following completion of the requirements of Sections 18 to 22 inclusive of the Urban and Rural Planning Act, 2000]

Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Parson's Pond:

- a) adopted the Development Regulations for 2019-2029 on the 3rd day of June, 2020.
- b) gave notice of the adoption of the said Development Regulations for 2019-2029 by notices placed on local bulletin boards in the community as is customary for municipal notices, following special instructions of the Department of Municipal Affairs and Environment related to the COVID19 pandemic, beginning on the 5th day of June, 2020.
- c) set the 17th day of July, 2020, at 12:00 noon, to be the deadline time and date for objections and submissions to be received, and for the holding of a public hearing to consider objections and submissions and appointed Osmond Keough to be commissioner to conduct the public hearing.
- d) received a report from the commissioner that no submissions had been received by the deadline time and date.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Parson's Pond approves the said Development Regulations for 2019-2029 exactly as adopted.

Resolved by the Town Council of Parson's Pond on the 11th day of August, 2020.

Signed and sealed this 26th day of August, 2020.

Mayor: Brenda Biggini

Clerk: Blanche Thornhill

(Council Seal)

Town of Parson's Pond Development Regulations for 2019-2029
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MADE BY MINISTER OF MUNICIPAL
AND PROVINCIAL AFFAIRS, 2 JANUARY, 2001**

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SECTION A

NEWFOUNDLAND REGULATION 3/01

Development Regulations

under the

Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward

Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

1. Short title

2. Definitions

3. Application

4. Interpretation

5. Notice of right to appeal

6. Appeal requirements

7. Appeal registration

8. Development prohibited

9. Hearing notice and meetings

10. Hearing of evidence

11. Board decision

12. Variances

13. Notice of variance

14. Residential non conformity

15. Notice and hearings on change of use

16. Non-conformance with standards

17. Discontinuance of non-conforming use

18. Delegation of powers

19. Commencement

Short title

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

Definitions

2. In these regulations,

(a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;

(b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;

(c) "authority" means a council, authorized administrator or regional authority; and

(d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Application

3. (1) These regulations shall be included in the development regulations of an authority and shall apply to all planning areas.

(2) Where there is a conflict between these regulations and development regulations or other regulations of an authority, these regulations shall apply.

(3) Where another Act of the province provides a right of appeal to the board, these regulations shall apply to that appeal.

Interpretation

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

(a) "access" means a way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street;

(b) "accessory building" includes

(i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,

(ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennas,

(iii) for commercial uses, workshops or garages, and

(iv) for industrial uses, garages, offices, raised ramps and docks;

(c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;

(d) "building height" means the vertical distance, measured in metres from the established grade to the

(i) highest point of the roof surface of a flat roof,

(ii) deck line of a mansard roof, and

(iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

(e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;

(f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;

(g) "established grade" means,

(i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or

(ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;

(h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;

- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an authority specifies as not permitted within a use zone;
- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;

(r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;

(s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;

(t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;

(u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;

(v) "use" means a building or activity situated on a lot or a development permitted on a lot;

(w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;

(x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and

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

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

Notice of right to appeal

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

decision applies of the

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

Appeal requirements

6. (1) The secretary of the board at the Department of Municipal and Provincial Affairs, Main Floor, Confederation Building (West Block), P.O. Box 8700, St. John's, Nfld., A1B 4J6 is the secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

(2) Notwithstanding subsection (1), where the City of Corner Brook, City of Mount Pearl or City of St. John's appoints an appeal board under subsection 40(2) of the Act, an appeal shall be filed with the secretary of that appointed board.

(3) The fee required under section 44 of the Act shall be paid to the board that hears the decision being appealed by filing it with the secretary referred to in subsection (1) or (2) within the 14 days referred to in subsection 42(4) of the Act.

(4) The board that hears the decision being appealed shall, subject to subsection 44(3) of the Act, retain the fee paid to the board.

(5) Where an appeal of a decision and the required fee is not received by a board in accordance with this section and Part VI of the Act, the right to appeal that decision shall be considered to have been forfeited.

Appeal registration

7. (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the board as referred to in subsections 6(1) and (2), shall immediately register the appeal.

(2) Where an appeal has been registered the secretary of the board shall notify the appropriate authority of the appeal and shall provide to the authority a copy of the appeal and the documentation related to the appeal.

(3) Where an authority has been notified of an appeal that authority shall forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the authority has knowledge.

(4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate authority, a notice that the appeal has been registered.

(5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

Development prohibited

8. (1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.

(2) Sections 102 and 104 of the Act apply to an authority acting under subsection (1).

(3) Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.

Hearing notice and meetings

9. (1) A board shall notify the appellant, applicant, authority and other persons affected by the subject of an appeal of the date, time and place for the appeal not fewer than 7 days before the date scheduled for the hearing of the appeal.

(2) A board may meet as often as is necessary to conduct its work in an expeditious manner.

Hearing of evidence

10. (1) A board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under subsection 9(1) or their representative may appear before the board and make representations with respect to the matter being appealed.

(2) A board shall hear an appeal in accordance with section 43 of the Act and these regulations.

(3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the board.

(4) In the conduct of an appeal hearing, the board is not bound by the rules of evidence.

Board decision

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

Variances

12. (1) Where an approval or permit cannot be given by an authority because a proposed development does not comply with development standards set out in development regulations, an authority may, in its discretion, vary the applicable development standards to a maximum of 10% if, in the authority's opinion, compliance with the development standards would prejudice the

proper development of the land, building or structure in question or would be contrary to public interest.

(2) An authority shall not allow a variance from development standards set out in development regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance even though the individual variances are separately no more than 10%.

(3) An authority shall not permit a variance from development standards where the proposed development would increase the non conformity of an existing development.

Notice of variance

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

Residential non conformity

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

Notice and hearings on change of use

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

Non-conformance with standards

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

Discontinuance of non-conforming use

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

Delegation of powers

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

Commencement

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

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SECTION B

DEVELOPMENT REGULATIONS

APPLICATION

1. Short Title

These Regulations may be cited as the Town of Parson's Pond Development Regulations.

2. Interpretation

- (1) Words and phrases used in these Regulations shall have the meanings ascribed to them in Schedule A.
- (2) Words and phrases not defined in Schedule A shall have the meanings which are commonly assigned to them in the context in which they are used in the Regulations.

3. Commencement

These Regulations come into effect throughout the Parson's Pond Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland and Labrador *Gazette*.

4. Municipal Code and Regulations

- (1) The National Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code, apply to the entire Planning Area unless expressly exempted.
- (2) The Authority does not perform reviews of engineering, architectural or other design subjects of buildings as may be found in the National Building Code and ancillary codes, nor does the Authority provide building inspection services.

5. Authority

In these Regulations, "Authority" means the Council of the Town of Parson's Pond.

PART I - GENERAL REGULATIONS

6. Compliance With Legislation and Regulations

- (1) No development shall be carried out within the Parson's Pond Planning Area except in accordance with these Regulations, unless expressly exempted.
- (2) The Ministerial Regulations quoted in Section A shall prevail where there is conflict with Section B, the Town of Parson's Pond Development Regulations.
- (3) The Development Regulations is a legal document, binding upon Council and any person or group using or proposing to use land anywhere within the Parson's Pond Planning Area.
- (4) The *Water Resources Act, 2000* and other legislation provide for regulation of numerous aspects of management of water resources in the province. All development applications including but not limited to the following topics may require provincial government approval in addition to approval by the Authority under these Development Regulations:
 - a) Development within 15 metres of a waterbody or watercourse and in the shore waters thereof;
 - b) Discharge of any effluent off the subject property;
 - c) Work in any body of water;
 - d) Infilling of water bodies or diversion of streams (usually not approvable if for residential development);
 - e) Construction of wharves, breakwaters, slipways and boathouses: permits not needed but the guidelines of that title must be followed;
 - f) Infilling or dredging associated with marine structures or other works;
 - g) Well drilling and use of private water supplies, and,

h) Any development in the Parsons Pond Hill Reservoir Watershed Area (the Watershed Protection [WP] Zone), in any of the areas defined as Designated Floodway (DF) or Designated Floodway Fringe (DF) Zones.

(5) A Service NL permit is required for development along a provincial highway, including but not limited to fences, trees, vegetation, signs and structures, installation of a private sewage disposal system, or construction of a private water well.

(6) Permits from the Department of Natural Resources may be required for any forestry activity including domestic cutting for fuel wood and commercial cutting. This includes the approval of forestry permits.

(7) Except as otherwise set out in the Use Zone Tables in Schedule C, temporary use of land is not permitted.

7. Permit Required

No person shall carry out any development within the Planning Area, unless expressly exempted in these Regulations, unless a permit for the development has been issued by the Authority.

8. Permit to be Issued

Subject to Regulations 9 and 10, a permit shall be issued for development within the Planning Area that conforms to:

- (1) the general development standards set out in Part II of these Regulations, the requirements of Part V of these Regulations, and the use classes, standards, requirements, and conditions prescribed in Schedule C of these Regulations for the use zone in which the proposed development is located;
- (2) the standards set out in Part III of these Regulations in the case of advertisement;
- (3) the standards set out in Part IV of these Regulations in the case of subdivision;
- (4) the standards of design and appearance established by the Authority.

9. Permit Not to be Issued in Certain Cases

- (1) Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Authority, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.
- (2) Where a Crown Lands grant is required to enable a development, Council shall review the policies of the Municipal Plan and the Development Regulations in the course of considering their comments to make to Crown Lands on any proposed development, and shall not recommend or support the grant where they are not satisfied. Where a variance or discretionary approval or other approval pursuant to these Development Regulations or the *Urban and Rural Planning Act, 2000*, is required, such matters shall be considered and disposed satisfactorily on an approval in principle basis (see Regulation 20) before the grant is recommended.

10. Discretionary Powers of Authority

- (1) In considering an application for a permit or approval in principle to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.
- (2) An Authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Authority's regulations as discretionary, permitted or prohibited uses for that area.

11. Variances (*Refer to Minister's Development Regulations, Section 12, January 2, 2001*)

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

12. Notice of Variance (*Refer to Minister's Development Regulations, Section 13., January 2, 2001*)

Where the Authority is to consider a proposed variance, the Authority shall at the expense of the applicant give written notice of the proposed variance as specified in Regulation 32.

13. Service Levy

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in

accordance with the standards required by the Authority and for uses that are permitted on that real property.

- (3) A service levy shall be assessed on the real property based on:
 - a) the amount of real property benefited by the public works related to all the real property so benefited; and,
 - b) the density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
 - a) at the time the levy is imposed;
 - b) at the time development of the real property commences;
 - c) at the time development of the real property is completed; or,
 - d) at such other time as the Authority may decide.

14. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
 - a) a cash deposit from the developer, to be held by the Authority, or;
 - b) a guarantee by a bank, or other institution acceptable to the Authority, for expenditures by the developer, or;
 - c) a performance bond provided by an insurance company or a bank, or;
 - d) an annual contribution to a sinking fund held by the Authority, or;
 - e) another form of financial guarantee that the Authority may approve.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 78, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, up to a maximum of 10%, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

16. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to restore land to its original elevations and drainage, to remove all or any buildings or other constructed features, to cover or fill all wells or excavations, and to close all or any accesses, or to do any of these things or all of them, as the case may be, and the developer, occupier or owner shall carry out the order of the Authority and shall put the site in a clean and sanitary condition to the satisfaction of the Authority.

17. Form of Application

- (1) An application for a development permit or approval in principle shall be made only by the owner or by a person authorized by the owner to the Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority. The Authority may authorize payment of the permit fee only upon approval of the application, and waive the fee if not approved.
- (2) The Authority shall supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application and any information or requirements applicable to the application.

18. Register of Application

The Authority shall keep a public register of all applications for development, and shall enter therein the Authority's decision upon each application and the result of any appeal from that decision.

19. Deferment of Application

- (1) The Authority may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Authority and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Authority, and on which consideration has not been deferred in accordance with Regulation 18(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building or for the subdivision of land (see Regulation 70) if, after considering an application for approval in principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations. Council may attach conditions to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations and the Municipal Plan and any other relevant statutes, regulations or guidelines.
- (2) Notwithstanding an approval in principle, no work shall commence until a development permit and any other necessary permit has been issued by the Authority or others having jurisdiction.
- (3) Where approval in principle is granted under this Regulation, it shall be subject to appeal and subject to the subsequent approval by the Authority of such details as may be listed in the approval in principle, which shall also specify that further

application for approval of these details shall be received not later than two years from the grant of approval in principle.

21. Development Permit

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.
- (2) The Authority may attach to a permit or to approval in principle such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding one year, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.

- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing in being done for which a permit has been issued, a copy of the permit and any plans, drawings or specifications on which the issue of the permit was based during the whole progress of the work, or the doing of the matter or thing until completion.
- (9) A development permit or conditions attached thereto are subject to appeal.

22. Reasons for Refusing Permit

The Authority shall, when refusing to issue a permit or attaching conditions to a permit, state in writing the reasons for so doing.

23. Notice of Right to Appeal (*Refer to Minister's Development Regulations, Section 5, January 2, 2001*)

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

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

24. Appeal Requirements (*Refer to Minister's Development Regulations, Section 6, January 2, 2001*)

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

25. Appeal Registration (*Refer to Minister's Development Regulations, Section 7, January 2, 2001*)

- (1) Upon receipt of an appeal and fee as required under the Act and these regulations, the secretary of the Appeal Board as referred to in subsections 24(1) and (2), shall immediately register the appeal.
- (2) Where an appeal has been registered the secretary of the Appeal Board shall notify the Authority of the appeal and shall provide to the Authority a copy of the appeal and the documentation related to the appeal.
- (3) Where the Authority has been notified of an appeal that Authority shall within one week of notification forward to the appropriate board a copy of the application being appealed, all correspondence, council minutes, plans and other

relevant information relating to the appeal including the names and addresses of the applicant and other interested persons of whom the Authority has knowledge.

- (4) Upon receipt of the information under subsection (3), the secretary of the board shall publish in a newspaper circulated in the area of the appropriate Authority, a notice that the appeal has been registered.
- (5) A notice published under subsection (4) shall be published not fewer than 2 weeks before the date upon which the appeal is to be heard by the board.

26. Development Prohibited (*Refer to Minister's Development Regulations, Section 8, January 2, 2001*)

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

27. Appeal Board

Pursuant to Section 40 of the *Urban and Rural Planning Act, 2000*, the Minister may, by order, establish an Appeal Board and shall assign to the Appeal Board a specific area of the province over which it shall have jurisdiction, as outlined in section 40, of the Act.

28. Appeals

Pursuant to Section 42 of the *Urban and Rural Planning Act, 2000*:

- (1) A person or an association of persons aggrieved of a decision that, under the regulations, may be appealed, may appeal that decision to the appropriate Appeal Board where the decision is with respect to:

- (a) an application to undertake a development;
 - (b) a revocation of an approval or a permit to undertake a development;
 - (c) the issuance of a stop work order; and
 - (d) a decision permitted under the Act or another Act to be appealed to the board.
- (2) A decision of the Authority to adopt, approve or proceed with a municipal plan, a scheme, development regulations and amendments and revisions of them is final and not subject to an appeal.
- (3) An Appeal Board shall not make a decision that does not comply with the municipal plan, a scheme and development regulations that apply to the matter being appealed.
- (4) An appeal shall be filed with the Appeal Board not more than 14 days after the person who made the original application appealed from has received the decision being appealed.
- (5) An appeal shall be made in writing and shall include
- (a) a summary of the decision appealed from;
 - (b) the grounds for the appeal; and
 - (c) the required fee.
- (6) A person or group of persons affected by the subject of an appeal or their representatives may appear before an Appeal Board and make representations concerning the matter under appeal.
- (7) An Appeal Board may inform itself of the subject matter of the appeal in the manner it considers necessary to reach a decision.
- (8) An Appeal Board shall consider and determine appeals in accordance with the Act and the municipal plan, scheme and regulations that have been registered under

section 24, of the Act, and having regard to the circumstances and merits of the case.

- (9) A decision of the Appeal Board must comply with the plan, scheme or development regulations that apply to the matter that has been appealed to that board.
- (10) In determining an appeal, an Appeal Board may confirm, reverse or vary the decision appealed from and may impose those conditions that the board considers appropriate in the circumstances and may direct the Authority to carry out its decision or make the necessary order to have its decision implemented.
- (11) Notwithstanding subsection (10), where the Authority may, in its discretion, make a decision, an Appeal Board shall not make another decision that overrules the discretionary decision.
- (12) The decision of a majority of the members of an Appeal Board present at the hearing of an appeal shall be the decision of the Appeal Board.
- (13) An Appeal Board shall, in writing notify the appellant and the appropriate Authority of the decision of the Appeal Board.

29. Hearing Notice and Meetings (*Refer to Minister's Development Regulations, Section 9, January 2, 2001*)

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

30. Hearing of Evidence (*Refer to Minister's Development Regulations, Section 10, January 2, 2001*)

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 29(1) or their representative may appear before the Appeal Board and make representations with respect to the matter being appealed.
- (2) An Appeal Board shall hear an appeal in accordance with section 43 of the Act and these regulations.
- (3) A written report submitted under subsection 43(2) of the Act respecting a visit to and viewing of a property shall be considered to have been provided in the same manner as evidence directly provided at the hearing of the Appeal Board.
- (4) In the conduct of an appeal hearing, the Appeal Board is not bound by the rules of evidence.

31. Return of Appeal Fee

Pursuant to Section 44(3) of the *Urban and Rural Planning Act, 2000*, where an appeal made by an appellant under section 42 of the Act, is successful, an amount of money equal to the fee paid by that appellant under regulation 24(b) shall be paid to him or her by the Authority.

32. Notice of Application

- (1) When a change in non conforming use is to be considered under Regulation 49, the Authority shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.
- (2) When a variance is necessary under Regulation 11, and the Authority wishes to consider whether to authorize such a variance from development standards the

Authority shall, pursuant to Regulation 12, give written notice of the proposed variance to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

- (3) When a proposed development is listed as a discretionary use in Schedule C of the Regulations, and the Authority wishes to consider whether to approve such a discretionary use, the Authority shall give written notice at the expense of the applicant of the proposed development to all persons whose land is in the immediate vicinity of the land, at least ten days prior to the date upon which Council will consider the matter.

33. Right of Entry

The Authority, the Director, or any inspector may enter upon any public or private land and may at all reasonable times enter any development or building upon the land for the purpose of making surveys or examinations or obtaining information relative to the carrying out of any development, construction, alteration, repair, or any other works whatsoever which the Authority is empowered to regulate.

34. Record of Violations

Every inspector shall keep a record of any violation of these regulations which comes to his knowledge and report that violation to the Authority.

35. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 35(1) is guilty of an offence under the provisions of the Act.

36 Delegation of Powers (*Refer to Minister's Development Regulations, Section 18, January 2, 2001*)

An Authority shall, where designating employees to whom a power is to be delegated under subsection 109(2) of the Act, make that designation in writing.

PART II - GENERAL DEVELOPMENT STANDARDS

37. Accesses and Service Streets

- (1) All developments shall have motor vehicle access to a publicly owned and maintained road or highway. The Authority may waive this requirement for access to land uses associated with agriculture, forestry, sawmilling, mineral workings or other resource or similar uses, where the requirement that a use front onto a public street is unnecessary or undesirable, but such accesses and private lanes for that purpose shall not be recognized as public streets.
- (2) Street accesses shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (3) Any access to a provincial highway must be approved by the Province of Newfoundland and Labrador.
- (4) No vehicular access shall be closer than 10 metres to the street line of any street intersection.
- (5) A new public street may not be constructed except in accordance with the design and specifications laid down by the Authority, as stated in Regulation 81(1) whether the street is part of a subdivision or for another purpose.

38. Accessory Buildings and Open Storage

The following requirements shall apply to development of accessory buildings and land uses except for fences (see Regulation 39):

- (1) Accessory buildings and uses shall be clearly incidental and complementary to the appearance of the main buildings in character, use and size, and shall be contained on the same lot.

- (2) The number, lot coverage, and floor areas of accessory buildings shall be as specified in the Use Zone Tables in Schedule C.
- (3) Yards and separation distances:
 - a) the required side yard for accessory buildings shall be 1.5 metres or the side yard of the existing main building, whichever is the greater, except for a flanking yard in a corner lot where it shall be the required front yard for a main building.
 - b) The minimum rear yard for an accessory building less than 4 metres in height to its peak shall be 1 metre, and for a height more than 4 metres but less than 6 metres the minimum rear yard shall be 3 metres, measured and subject to increase as described in (6).
 - c) The minimum separation between accessory buildings and main buildings shall be 3 metres or the separation required by building codes, whichever is the greater.
 - d) An open or partially enclosed deck attached to a dwelling shall not extend into the minimum required front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre. A deck is not included in the calculation of lot coverage.
- (4) Except where provided for in the Use Zone Tables in Schedule C, the minimum building line (distance from the front lot line or the lot line on the street in a flankage yard) for an accessory building shall be the same as that for the principal or main building(s), but no structure except a fence or retaining wall shall be located in the actual front yard where the main building closest to the front lot line is set back from the front lot line a distance in excess of that prescribed in the Use Zone Tables in Schedule C.
- (5) Except where provided for in the Use Zone Tables in Schedule C, the location and features of an access ramp for a wheelchair or similar aid for mobility shall comply with the requirements of Regulation 38(1),(2),(3) and(4).

- (6) Except where provided for in the Use Zone Tables in Schedule C, the maximum height of an accessory building which is accessory to a residential use shall be 4 metres (there is no maximum height for buildings which are accessory to non-residential uses except that they shall not exceed the height of the main building on the lot).
- (7) Except where provided for in the Use Zone Tables in Schedule C, the location and features of open storage of materials, goods and machinery shall comply with the requirements of Regulation 38(1),(2),(3) and (4).
- (8) Small scale garden and horticultural uses are deemed to be accessory to any legal use of land.
- (9) Temporary use of land not related to a main use is not permitted except where provided in the Use Zone Tables in Schedule C as a discretionary use.

39. Fences.

- (1) Except as otherwise set out in the Use Zone Tables in Schedule C, the requirements of this Regulation shall apply to all fences located within the municipal planning area. In addition, the requirements of any Fence Regulation adopted under the *Municipalities Act* shall apply to any fences located within the municipal boundary.
- (2) Fences may be erected in any yard of any lot subject to the following:
 - a) Compliance with provincial government regulations concerning structures in close proximity to Highway 430 (the Viking Trail)—see Regulation 57. Further, fences must be located no closer than 8 metres to the centrelines of the travelled surfaces of Council's local streets.
 - b) The material or materials used in the construction and repair of a fence shall only be of a type which meets the approval of the Authority.
 - c) Except as otherwise set out in the Use Zone Tables in Schedule C, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two intersecting street lines and a line connecting two points on the two intersecting street lines located 15 metres from

the point of intersection of the two streets where one of the streets is Highway 430, or 8 metres for intersecting Council's local streets. Also, except as otherwise set out in the Use Zone Tables in Schedule C, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Authority it impedes sight lines.

- d) The fences are entirely located on the lot or directly on the lot lines, except where yard requirements specify special setbacks for fences;

40. Buffer Strips Between Residential and Non-residential Uses

- (1) Where any non-residential development permitted in any Use Zone abuts an existing or intended residential development, the owner of the site of the non-residential development shall provide a buffer strip on the site of the non-residential development of not less than 10 metres width between the nearest lot lines of the residential development and the structures and travelled areas such as parking lots and lanes in the non-residential development. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority. The Authority must be satisfied that the non-residential development will not cause excessive noise, traffic, nuisance or hazard to adjacent residential uses, and in general will be compatible with the residential area.
- (2) Conversely, where a residential use is to be located adjacent to a non-residential use, the Authority may require the developer of the residential use to provide a suitable buffer of like kind.

41. Building Height

Except as otherwise set out in the Use Zone Tables in Schedule C, development of structures of a height greater than that specified in said Tables is permitted but only provided that the building line setback and rear yard requirements are adjusted as

follows:

- a) The building line setback shall be increased by 2 metres for every 1 metre increase in height above the minimum required height.
- b) The rear yard shall not be less than the minimum building line setback calculated as described in (1) above plus 6 metres.

42. Building Line and Setback

The Authority, by resolution, may establish building lines, measured from the front lot line or the lot line on the flanking street of a corner lot, on an existing or proposed street or service street and may require any new buildings to be located on those building lines, notwithstanding whether such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

43. Family and Group Care Centres

Family and group care centre use is permitted in any dwelling or apartment that is adequate in size to accommodate the number of persons living in the group, inclusive of staff, provided that in the opinion of the Authority, the appearance of the dwelling does not materially differ from, nor adversely affect, the amenities of the adjacent residences or the neighbourhood in which it is located. The Authority may require special access and safety features to be provided for the occupants before occupancy is permitted.

44. Mineral, Mining and Petroleum Developments

1) Mineral Exploration

- a) In addition to other requirements concerning environmental protection and safety, Council will consider best practices in mineral exploration, in consultation with the provincial ministry charged with minerals and mining matters, and include conditions in approving mineral exploration applications.
- b) Conditions may include conditions concerning proximity to existing development, limiting hours of mechanized operations, requirements to restore areas where ground has been disturbed, removal of vehicles, equipment and trash when finished,

restoration of roads, trails, vegetation and drainage features, and the like.

- c) The Authority may require a site restoration surety and/or other guarantees of satisfactory compliance. In lieu of that requirement, the Authority shall accept the requirement for the same submitted to the Department of Natural Resources under provincial quarries legislation.

2) Mineral Workings

a) Separation from Adjacent Uses

<u>Feature</u>	<u>Minimum Distance of Mineral Working</u>
From the nearest dwelling or other sensitive receptor	300 metres*
From abutting private property, and must have written permission of abutting property owner	15 metres*
Any other developed area or area likely to be developed during the life of the pit or quarry working	150 metres or more as required in the Use Zone Table for the Zone
Public highway or street	300 metres
Waterbody, including the sea or watercourse	50 metres (30 metres if wetland or ephemeral watercourse)*
Where a minimum required distance was originally observed when choosing the location of a mineral working, the mineral working shall not be discontinued or impeded where the buffer is reduced to less than the required distance due to encroachment of development towards the mineral working.	
* These criteria are found in the <i>Standard Terms and Conditions</i> for all quarry permits, leases and subordinate quarry permits issued pursuant to the <i>Quarry Materials Regulations</i> under the <i>Quarry Materials Act</i> (O.C. 96/248). Those not marked * are devised by Council.	

b) Operation of the Mineral Working:

i. Water Pollution

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

the crossing in accordance with provincial government regulations.

ii. Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table nor in any way cause the accumulation of ponding of water in any part of the site. Settling ponds may be permitted with the approval the provincial government.

iii. Erosion Control

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

iv. Site Maintenance

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

v. Access Roads

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

vi. Stockpiling Cover Material

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

c) Associated Processing and Manufacturing

- i. The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- ii. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or

future extraction of aggregate resources.

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

d) **Termination and Site Rehabilitation**

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

- i. All buildings, machinery and equipment shall be removed.
- ii. All pit and quarry slopes shall be graded to slopes less than 20 degrees or to the slope conforming to that existing prior to the mineral working.
- iii. Topsoil and any organic materials shall be respread over the entire quarried area.
- iv. The access road to the working shall be ditched or barred to the satisfaction of the Authority.
- v. If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted reserves.

e) **Screening and Fencing for Mineral Workings**

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

- i. Where tree screens exist between the use and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a hardy species and of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority.
- ii. Where no tree screens exist of sufficient width and density to constitute a visual

screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets and public parks. The berms shall be landscaped to the Authority's satisfaction.

- iii. Where natural topography creates a visual screen between a mineral working or scarp yard and adjacent public highways and streets or public parks or other land use (excepting forestry and agriculture), additional screening may not be required.
- iv. The Authority may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

3) Application to Mining, Petroleum Exploration and Petroleum Extraction

The requirements of Regulation 44(1) and (2) shall also apply to mining, petroleum exploration and petroleum extraction class uses.

45. Livestock Structures and Uses

- (1) No structure or land for keeping animals representing any number of Animal Units as defined in Schedule A (or similar species for which manure management, odour or other impacts on neighbouring non-agricultural land uses would be expected) for any purpose, unless the structure and land used for outdoor ranges are located in the Rural (RUR) Zone and complies with the following requirements:
 - (a) The structure and/or outdoor range shall be at least:
 - i. 400 metres from the centreline of Highway 430, and,
 - ii. at least 300 metres from an existing residence except that a farm residence which may comprise a single dwelling structure associated with the agricultural use is permitted.
 - (b) The structure shall be at least 60 metres from the boundary of the property on which it is to be erected.

- (d) The erection of the structure and use of land for agricultural purposes shall be approved by the Department of Fisheries and Land Resources and the Department of Municipal Affairs and Environment.
- (2) No development for residential use shall be permitted within 600 m of a lawfully existing structure designed to contain more than five Animal Units unless the development is first approved by the Department of Fisheries and Land Resources.

46. Archaeological Resources and Heritage Sites

- (1) Any proposal or application for a development that requires ground disturbance shall be reviewed by the Authority to determine whether the site may be a site protected under the *Historic Resources Act* and if so to be referred to the Provincial Archaeology Office for assessment and clearance before any permit is issued or work commences.
- (2) Should any artifacts be discovered during work on any site, work is to stop and the site is to be secured until such an assessment has been conducted and the Authority and the Provincial Archaeology Office have determined what, if any, work may resume and under what conditions.
- (3) After proper notice and consultation, the Authority may designate lands, districts or structures as heritage properties, areas or buildings and require that conditions pertaining to protection, development, appearance and upkeep are attached to any approvals of the Authority.

47. Lot Area and Size Exceptions

- (1) No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by these Regulations for the zone in which such lot is located.
- (2) Where any part of a lot is required by these Regulations to be reserved as a yard, it shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

- (3) Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a building(s), provided that the lot coverage and building height(s) are not greater than, and the yards and floor area are not less than, the standards set out in these Regulations.
- (4) Subsidiary apartments in single dwellings shall be considered part of the single dwelling structure for the purpose of calculating lot area, lot coverage, and yards.

48. Fronting on a Public Street; Flag Lots

- (1) Except where provided for in Regulation 37(1) or the Use Zone Tables in Schedule C of these Regulations, no building shall be erected unless the lot on which it is situated fronts onto a street or forms part of a comprehensive development. A flag lot is deemed to front on a street by virtue of its leg providing access to a street (see the Definition of Flag Lot in Schedule B for Flag Lot).
- (2) Development on a flag lot and/or subdivision of land to create a flag lot are permitted provided that the requirements for lot area are satisfied in the main body of the flag lot, and that the minimum interior dimension of the main body of the flag lot is at least the minimum frontage required. The location of all main or accessory buildings on a flag lot shall provide for yards in the main body of the lot of at least the dimensional minimum requirements of the building line setback, side yard widths, and rear yard depths ordinarily required, as if the main body of the flag lot were an ordinary lot where most or the whole width of the lot abuts the street. Whereas the ordinary meanings of side, front and rear yards are not relevant to a flag lot, any yard in a flag lot can be deemed the front, side or rear yard for this purpose.
- (3) Except as otherwise set out in the Use Zone Tables in Schedule C, the minimum width of the leg which provides access to a street shall be 6 metres at every point along its length, including the length of the leg where the flag lot fronts on a street. Where the full required width cannot be provided in fee simple within the area of the leg of the flag lot,

by reason of limited space between lot lines and existing structures or other physical features, all or part of the required leg width may be composed of a perpetual license or easement for vehicular and pedestrian access across the abutting land, in favour of the flag lot. For clarity, the leg may be comprised entirely of a perpetual license or easement for vehicular and pedestrian access across the abutting land. The said license or easement for access across abutting lands shall not be deemed for the purpose of Regulation 47 to be an alienation or conveyance having the effect of reducing the lot area of the abutting lot.

49. Non-Conforming Use (*Refer to Minister's Development Regulations, Section 14, 15, 16, 17, January 2, 2001*)

Pursuant to Section 108 of the *Urban and Rural Planning Act, 2000*:

- 1) Notwithstanding the Municipal Plan, scheme or regulations made under the *Urban and Rural Planning Act, 2000*, the Authority shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the registration under section 24 of the Act, scheme or regulations made with respect to that kind of development or use.
- 2) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed 3 years after the discontinuance of that use.
- 3) A building, structure or development that does not conform to a scheme, plan or regulations made under the Act that is allowed to continue under subsection (1):
 - i) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Authority;
 - ii) shall not be structurally modified except as required for the safety of the building, structure or development;
 - iii) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;

- iv) may have the existing use for that building, structure or development varied by the Authority to a use that is, in the Authority's opinion, more compatible with the plan and regulations applicable to it;
- v) may have the existing building extended by approval of the Authority where, in the Authority's opinion, the extension is not more than 50% of the existing building;
- vi) where the non-conformance is with respect to the standards included in these development regulations, shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development;
- vii) where the building or structure is primarily zoned and used for residential purposes, it may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed but the residential building or structure, and where being repaired or rebuilt, must be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

4) Before making a decision to vary an existing use of a non-conforming building, structure or development, the Authority, at the applicant's expense, shall give public notice as described in Regulation 32, of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.

50. Offensive and Dangerous Uses

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or accumulation of materials which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Authority and any other authority having jurisdiction. Solid waste materials shall not under any circumstances be used as fill for buildings and

lots. Wrecked or inoperable vehicles, machinery or equipment of any kind shall not be stored or abandoned where it may be in public view.

51. Natural Hazards to Building

The following requirements are intended to prevent or mitigate exposure to hazards of landslides, rock falls, avalanches, flooding, coastal erosion and climate change, but do not apply to the Coastal Erosion (CER) Zone (see the Use Zone Table in Schedule C for requirements applicable to that area):

- 1) Council may require that any proposal for the erection of a structure on a site which is potentially subject to flooding, sea level rise, coastal erosion or any other physical hazard near watercourses and the sea, must be certified by a professional engineer to ensure that development of the site can take place without danger to health or safety, within a one hundred year time period from the year in which application for the development was made;
- 2) A specific requirement concerning sea level rise and coastal erosion is that new development must be above the current 2 metre contour, and be set back at least 30 metres from any shores of Parson's Pond River and Parson's Pond and any other inland water body subject to tidal influence, to provide a buffer against coastal erosion, except that the following are permitted:
 - a. Structures or land uses requiring direct access to salt water, including wharves, breakwaters, slipways and boathouses, and if approved to be in accordance with the Department of Municipal Affairs and Environment's *Guidelines for the Construction and Maintenance of Wharves, Breakwaters, Slipways and Boathouses*;
 - b. Public works, such as water and sewer services and electrical lines;
 - c. Recreational open space class and trails;
 - d. Mineral workings if permitted in the use zone table;

- e. A lesser setback but in no case less than 15 metres, where the proponent can demonstrate that the building(s) would be founded directly on bedrock rather than on surficial soils, loose rock, or severely fractured bedrock;
 - f. Enlargement or renovation of main building(s) which are located within the required setback from the shore, and accessory buildings which may be developed subject to the ordinarily applicable requirements in the use zone table.
- 2) Any proposal for development of a site having a slope in excess of 20% must be certified by a geotechnical professional engineer as having low risk of landslide, avalanche, and rockfall.
- 3) Further to the above, development must conform to the requirements of the use zone table for the applicable zone.

52. Off-Street Parking and Loading Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a number of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in in the "Parking Requirements" column in the table in Schedule B of these Regulations, the Classification of Uses of Land and Buildings.
- (3) Each parking space, except in the case of single or double dwellings, shall be made accessible by means of a durably surfaced aisle at least 4 m in width for one-way travel. Parking required for a development shall be provided on the same lot as the main use; the Authority at its discretion may permit off-lot parking where a registered license or easement to do so in favour of the development and the Authority is recorded against the land on which the off-lot parking is located.

- (4) The parking facilities required by this Regulation shall, except in the case of residential developments in the classes of single dwellings, double dwellings, row dwellings, boarding houses, seasonal dwellings and mobile homes, be arranged so that it is not necessary for any vehicle to reverse onto or from a street, except where exempted by the Authority.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - a) parking space shall mean an area of land, not less than 2.75 m wide by 5.80 m long for perpendicular parking or 7 m long for parallel parking, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas, and any driveway from the street into the parking area and the aisles in a parking area which give access to parking spaces shall be at least 7.3 m wide;
 - b) the parking area shall be constructed and maintained to the specifications of the Authority;
 - c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - g) access to parking areas in non-residential zones shall not cross zone boundaries;
 - h) where a parking area is in or abuts a residential use, a natural or structural barrier at least 1 m in height shall be erected and maintained along the abutting lot lines;

- i) where, in the opinion of the Authority, strict application of the above parking requirements set out in a) through h) is impractical, unnecessary or undesirable, the Authority may waive part or all of the requirements, or, as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the part or all of the requirement for parking whereby the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.
- (6) For every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, so configured that shipping vehicles can manoeuvre clear of any street. The number and configuration of loading spaces to be provided, if any, shall be determined by the Authority.

53. Parks, Playgrounds and Conservation Uses

- (1) Nothing in these Regulations shall prevent the establishment of conservation areas or parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.
- (2) Nothing in these Regulations shall prevent the Authority from establishing conservation areas in any part of the Planning Area.

54. Screening and Landscaping

- (1) The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Authority, the landscaping or screening is desirable to preserve amenity, or protect the environment.
- (2) The Authority may, in the case of existing unsightly development, order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose

may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.

55. Services and Public Utilities

- (1) The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.
- (2) Development to be serviced with private water supply and/or private sewage disposal systems shall not be approved by the Authority or occupied unless the requisite Certificates of Approval have been approved by the provincial government.

56. Service Stations

The following requirements shall apply to proposed service stations:

- a) All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
- b) Pump islands shall be set back at least 4 metres from the front lot line.
- c) Accesses shall not be less than 7.3 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

57. Building Near Highway 430

As required under the following regulations, applications for development (including trees, shrubs, hedges, and new construction of fences, buildings or other structures) within the specified distances of the centreline of Highway 430 must be approved by the provincial government in addition to approval by the Authority, and the Authority will require proof of approval in this regard:

- a) *Building Near Highways Regulations*, under the *Works, Services and Transportation Act*: for any action to erect, repair, alter or structurally improve a fence, building or other structure, or to plant trees, shrubs or hedges, within 20 metres [for this class of highway] from the centre line of the highway.
- b) *Protected Roads Zoning Regulations*, under the *Urban and Rural Planning Act*: for any development within 150 metres from the centre line of the roadway for locations within the planning area but outside the municipal boundary, or, within 100 metres from the centre line of the roadway where within the municipal boundary.
- c) *Highway Sign Regulations*, under the *Urban and Rural Planning Act*: for any sign within 400 metres from the centre line of the roadway for locations within the planning area but outside the municipal boundary, or, within 100 metres from the centre line of the roadway where within the municipal boundary.

58. Removal of Quarry Materials

- (1) Quarry materials produced as a by-product of an approved development may be removed from the development site. Quarry materials include but are not limited to aggregate, fill, rock, stone, gravel, sand, clay, borrow material, topsoil, overburden, subsoil, and peat.
- (2) The Authority will notify the Department of Natural Resources where the Authority has issued a permit for a development involving removal of quarry materials.
- (3) Removal of subject materials from a development site is deemed to be an accessory use to the development, but only for the term of the construction activity.
- (4) When the site development has been completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Authority.
- (5) If the site work is expected to be extensive, or found during the course of the work to be extensive, the Authority may require the deposit of a surety in the amount of

\$500.00 which shall be returned to the developer upon satisfactory completion of the work.

59. Site Development Grading and Drainage

- (1) Before approving the development of any site, the Authority shall take into consideration the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving drained water from the site, and related matters.
- (2) The Authority shall ensure that the development is not inappropriate by reason of:
 - a) Precipitating or contributing to a pollution problem in the area, or,
 - b) Causing erosion or sedimentation.
- (3) A permit shall not be required for the ordinary landscaping and vegetation of the surface of the land, but shall be required for excavation or filling and information for this permit requirement may be satisfied by showing the details on a permit application for structures which are part of the same development.
- (4) The Authority may require a site grading plan to show the works required to ensure adequate drainage of the lot into channels and other storm management works approved by the Authority, and the site grading plan shall be made a condition of the permit.

60. Unsubdivided Land

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

61. Number of Buildings on a Lot; Comprehensive Development

- (1) No more than one single dwelling or mobile home shall be located on a lot, except in a mobile home park or in a comprehensive development.
- (2) A comprehensive development may be approved provided its features are compatible with adjacent developments and that any dwellings are designed to provide both privacy

and reasonable access to natural daylight. Comprehensive developments must be located within the municipal boundary and serviced with municipal central water and sewer services, and must have access to a publicly owned and maintained road but may include both public and private roads. The uses which may be developed are those uses which are permitted or approvable at Council's discretion in the applicable Zone. The usual requirements in these Development Regulations are applicable but where necessary to good, acceptable design they may be modified or waived.

PART III – ADVERTISEMENTS

62. Permit Required

Subject to the provisions of Regulation 67, no advertisement (sign) shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

63. Form of Application and Permit

Applications for permits to erect an advertisement shall be made pursuant to Regulation 17.

64. Advertisements Fronting on Public Highway or Street Reservation

No advertisement shall be erected fronting on or within, on or over any public highway or street reservation, except where approved by the Authority and the provincial government (see Regulation 57 for requirements for installations near Highway 430).

65. Standards of Construction and Location

- a) A sign shall not be erected, posted or placed where in the opinion of the Authority, it would be hazardous to road traffic by reason of siting, illumination or structural condition.
- b) The materials and design of construction thereof shall be to the satisfaction of the Authority.

66. Removal of Advertisements

The Authority may require the removal of any advertisement which, in its opinion, is:

- (a) hazardous to road traffic by reason of its siting, colour, illumination, or structural condition,
- (b) obsolete by virtue of no longer referring to an existing place or event;
- (c) unsightly or otherwise detrimental to the appearance and amenities of the surrounding area.

67. Advertisements Exempt from Control

The following advertisements may be erected without application to the Authority, and the Authority may at its discretion approve larger advertisement areas which may be subject to conditions directed by the Authority (areas apply to each visible sign face):

- a) a posting of a candidate during an election to a public body;
- b) on a dwelling, one nameplate not exceeding 0.28 m² in area;
- c) a notice posted by a public authority, including a guide or information sign;
- d) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- e) a sign, not exceeding 0.5 square metres, advertising the sale or rental of land;
- f) a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land for resource industry, church, public building or similar use;
- g) on the principal facades of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser; and provided that the overall sign image so created does not exceed 5 square metres.
- h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

68. Temporary Signs

- (1) A portable sign shall be deemed to be a temporary sign.
- (2) A temporary sign may be permitted in any zone for a period not exceeding 30 consecutive days, provided that the sign does not exceed 4 square metres in area, does not create or aggravate a traffic hazard, such as blocking a sight line, and does not feature materials, design, illumination and colour in keeping with the character and appearance of the area.

69. Non-Conforming Uses

A permit may be approved for advertisements which comply with this Part III notwithstanding that the main use on the lot is non-conforming.

PART IV - SUBDIVISION OF LAND

70. Permits Required and Sureties

- (1) No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.
- (2) Notwithstanding the approval of a subdivision by the Authority, a separate permit shall be obtained pursuant to these Development Regulations for each building proposed to be erected in the area of the subdivision, and no such permit for any building in the area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision and the building.
- (3) Before an approval in principle or permit is issued for a subdivision requiring the construction and/or upgrading of roads and/or municipal water and/or sewer services, the Authority shall require the deposit of a construction guarantee and surety in a form satisfactory to the Authority to ensure the completion of work in accordance with the approval (see also Regulation 14). The requirements for a surety, along with other matters, may be set out in a Subdivision Policy adopted by the Town and any agreements pursuant to it.

71. Services to be Provided

- (1) No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Authority have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system. Private water supplies and/or private sewage disposal systems shall not be recognized by the Authority unless the requisite Certificates of Approval has been granted by the provincial government authorities.
- (2) Approval of subdivisions involving five or more lots or the addition of unserved lots to existing unserved subdivisions will require that a groundwater assessment be done in accordance with provincial government policy, to ensure that a satisfactory water supply will be available for the anticipated development.

72. Payment of Service Levies and Other Charges

No permit shall be issued for the development of a subdivision until agreement has been reached for the payment of all fees levied by the Authority for connection to services, utilities and streets deemed necessary for the proper development of the subdivision, and all service levies and other charges imposed under Regulations 13, 14, 82 and 83.

73. Issue of Permit Subject to Considerations

A permit shall not be issued when, in the opinion of the Authority, the development of a subdivision does not contribute to the orderly growth of the municipality and does not demonstrate sound design principles. In considering an application, the Authority shall, without limiting the generality of the foregoing, consider the provisions of the Municipal Plan and Regulations affecting the site and the following:

- a) location of the land and natural features such as lakes, streams, and vegetation;
- b) the availability of and the demand created for schools, services, and utilities;
- c) the land use, physical form and size of buildings anticipated to be developed on the new lots and the character of adjacent developments related the same factors;
- d) the transportation network and traffic densities affecting the site;
- e) the relationship of the project to existing or potential sources of nuisance;
- f) topography, soil and subsoil characteristics of each lot, and the related difficulty or cost of landscaping and access;
- g) the drainage of the site and potential for affecting drainage of adjacent land;
- h) prevailing winds;
- i) visual quality;
- j) community facilities;
- k) energy conservation;
- l) such other matters as may affect the proposed development.

74. Concept and Final Plans

- (1) Where a larger subdivision of land and/or subdivision of land entailing the construction of new roads is proposed, the Authority must grant an Approval in Principle (see Regulation 20) for a concept plan and the arrangements for construction guarantees and sureties (see Regulation 70(3)) before the developer can proceed to the preparation of construction (final, detailed) drawings and a permit is issued for the subdivision.
- (2) The concept plan shall show the following:
 - a) A legal survey of the land included in the subdivision,
 - b) A detailed description of the types and standards of development and services proposed for the subdivision,
 - c) The layout of roads, lots, open spaces, and other pertinent features of the development,
 - d) The phasing of the development,
 - e) The estimated costs of the works in the development, by phase, as certified by a professional engineer and verified by the Authority's engineer.
- (3) Upon approval of the concept plan, a Final Plan containing the construction (final, detailed) drawings, costings for the design and construction of works, and other information as requested by the Authority, shall be prepared and approved by the Authority and other relevant agencies before construction shall proceed.

75. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 17.

76. Subdivision Subject to Zoning

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps.

77. Building Lines

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines. In the case of any flag lots which would be created in the subdivision, the building lines will not necessarily be parallel to the street line but will reflect the appropriate orientation of buildings and yards in the main body of the flag lot(s).

78. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision for parkland or other public use, provided that:
 - a) if, in the opinion of the Authority, no parkland is required, the land may be used for such other public use as the Authority may determine;
 - b) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any beneficial purpose;
 - c) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - d) money received by the Authority in accordance with Regulation 78(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.

- (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, or across or along the boundary(s) of the area being subdivided or any other area in the Planning Area, or any combination thereof, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 78(1).
- (4) Lands required by the Town for storm water management, roads, public services, public utilities, and environmental protection shall be in addition to the requirement for public open space.

79. Structure in Street Reservation

The placing within any public highway or street reservation of any structure (for example, an electrical power, telegraph or telephone pole, fire hydrant, mail box, fire alarm, or sign post) shall receive the prior approval of the Authority and the provincial government which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

80. Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) A cul de sac shall not be permitted unless the Town is satisfied that there is not reasonable alternative to developing of the property. Any water and sewer mains shall to be designed as loops if feasible to avoid dead-ending.
- (c) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 metres measured to the front lot lines of lots fronting on the turning circle.
- (d) The maximum length of any cul de sac shall be 300 m except where an emergency vehicle access from the head of the cul de sac to another public street is provided. An emergency vehicle access from another public street to the head

of a cul de sac shall be not less than 3 m wide and shall be provided with gates to prevent use as an ordinary street.

- (e) Intersection design shall be approved by the Authority and the provincial government.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No street block shall be longer than 500 m between street intersections, measured to the intersection of street centrelines for which road reserves to access adjacent lands shall be deemed to form intersections for this purpose.
- (k) Streets in subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Local streets:	15 m	7 m or more as required by Council	1.5 m	1

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage except where topography or unusual dimensions of the lot being subdivided make this impractical.

- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines unless the circumstance is beyond the control of the proponent.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land, and each lot shall be laid out so as to maximize the usefulness of the land to the eventual occupant, with regard to positioning of buildings, driveways, and outdoor storage and activity areas, and street reserves of regulation width and configuration shall be left to provide connections to future streets on adjacent lands as directed by the Authority.
- (p) No more than two legs of flag lots shall abut at the street line.
- (q) A lot to be created for an existing cemetery use or expansion thereof may be of any size and the requirements for access to a public street and for dedication for public open space shall be waived.

81. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer, and shall comply with the current Municipal Water, Sewer and Road Master Construction Specifications promulgated by the Province of Newfoundland and Labrador.
- (2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all construction layout on the ground, prior to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority

to service the said area. The Engineer may approve such certifications by other engineers.

82. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Authority or directly to the Engineer, at the choice of the Authority, all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction, or for the Engineer to review such work by others; such fees and charges being calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland, or equivalent, in effect at the time the work is carried out.

83. Street Works May Be Deferred

- (1) The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Authority as being necessary, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit guarantees and sureties satisfactory to the Authority in accordance with the policies of the Authority before approval of his application, an amount estimated by the Authority's Engineer as reasonably sufficient to cover the cost of construction and installation of the works, including a contingency allowance.
- (2) In the later stage of the work of development, the Authority shall call for tenders for the work of construction and installation of the works and carry out the works, and the amount so deposited by the developer shall be applied towards payment of the contract cost. If the contract cost exceeds the deposit, the developer shall pay to the Authority the amount of the excess. If the contract price is less than the deposit, the Authority shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Authority by the developer shall be placed in a separate savings account in a bank and all interest earned thereon shall be credited to the developer.

84. Transfer of Streets and Utilities to Authority

(1) The developer shall, following the approval of the subdivision of land and upon request of the Authority, transfer to the Authority, at no cost to the Authority, and clear of all liens and encumbrances:

- a) all lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses as streets, or other rights-of-way, or for other public use;
- b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Authority.

(2) Before the Authority shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the expense of the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.

(3) The Authority shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Authority.

85. Restriction on Sale of Lots

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until the Authority is satisfied that the lot can be served with satisfactory water supply and sewage disposal and satisfactory access to a street is provided for the lots.

86. Grouping of Buildings and Landscaping

A plan of subdivision may make provision for the grouping of building types and for landscaping in order to enhance the visual aspects of the completed development and to make the most use of existing topography and vegetation. Building groupings, once approved by the Authority, shall not be changed without written application to and subsequent approval of the Authority.

PART V - USE ZONES

87. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Land Use Zoning Maps 1 and 2, attached to and forming part of these Regulations.
- (2) Subject to Regulation 87(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

88. Use Groups, Divisions and Classes

The specific uses to be included in each Use Group, Division and Class set out in the Use Zone Tables in Schedule C shall be determined by the Authority in accordance with the classification and examples set out in Schedule B. The examples do not constitute the whole range of possibilities which may be found in their respective classes.

89. Permitted Uses

- (1) Subject to these Regulations, the uses that fall within the Permitted Use Groups, Divisions, and Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.
- (2) Where the permitted use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title shall be permitted, and likewise where the permitted use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title shall be permitted.

90. Discretionary Uses

- (1) Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 32 and has considered any objections or representations which may have been received on the matter.
- (2) Where the discretionary use is expressed by the title of a "Group" shown in Schedule B, all of the uses in the divisions and classes of uses under that title may be permitted, and likewise where the discretionary use is expressed by the title of a "Division" shown in Schedule B, all of the uses in the classes of uses under that title may be permitted, subject to the provisions of subsection (1).

91. Uses Not Permitted

Uses that do not fall within the Permitted Use Classes or Discretionary Use Classes set out in the appropriate Use Zone Tables in Schedule C, shall not be permitted in that Use Zone.

SCHEDULE A: DEFINITIONS

ACCESS: A way used or intended to be used by vehicles, pedestrians or animals in order to go from a street to adjacent or nearby land or to go from that land to the street. (*Refer to Minister's Development Regulations, January 2, 2001*)

ACCESSORY BUILDING:

- (i) A detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
- (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets, or radio and television antennas,
- (iii) for commercial uses, workshops or garages, and
- (iv) for industrial uses, garages, offices, raised ramps and docks.

(*Refer to Minister's Development Regulations, January 2, 2001*)

ACCESSORY USE: A use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use. (*Refer to Minister's Development Regulations, January 2, 2001*)

ACT: The Urban and Rural Planning Act, 2000.

ADVERTISEMENT: Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, public

utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

AGRICULTURE: Horticulture, fruit growing, grain growing, crop growing, seed growing, dairy farming, the breeding or rearing of livestock, including an animal kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of lands for woodlands where that use is ancillary to the farming of land for another purpose. "Agricultural" shall be construed accordingly.

AMUSEMENT USE: The use of land or buildings equipped for the playing of electronic, mechanical, or other games and amusements including electronic games, pinball games and slot machine arcades and billiard and pool halls.

ANIMAL UNIT: Any one of the following animals or groups of animals, wherein for species not listed and for general calculation, one animal unit is equivalent to 454 kg live weight:

- 1 bull;
- 1 dairy cow;
- 2 heifers;
- 2 beef cattle;
- 5 calves, veal or otherwise;
- 1 sow in farrow to finish operation;
- 3 sows in other than farrow to finish operations;
- 6 hogs;
- 3 boars;
- 150 female mink (including associated males and kits);
- 200 rabbits;
- 40 foxes (including litters);
- 7 goats;
- 1 horse (including foals);
- 8 sheep (ewes);
- 16 sheep (lambs);
- 252 laying hens;
- 350 pullets;
- 70 broiler turkeys;
- 60 heavy turkeys;
- 40 heavy tom turkeys;
- 500 broiler chickens or roosters;

ANTENNA: an electrical device that converts electric currents into propagating electric and magnetic fields in the form of waves (i.e. radio waves or electromagnetic waves) and vice versa (Reference: *Safety Code 6: Health Canada's Radiofrequency Exposure Guidelines*). For the purpose of this Development Regulation, "antenna" has the same meaning as "antenna system", which is a structure located outside of the walls and roofs of building structures or attached to them, supporting equipment for the said purpose, comprising a mast or tower which is either self supporting, attached to a building or another structure, or stayed with anchored guy wires, or some combination thereof, wherein antennas which are shorter than 15 metres in height are classed as "short", those taller as "tall".

APARTMENT BUILDING: A building containing three or more dwelling units, but does not include a row dwelling.

APPLICANT: A person who has applied to an Authority for an approval or permit to carry out a development.

APPEAL BOARD: The appropriate Appeal Board established under the Act.

ARTERIAL STREET: The streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways in the Municipal Plan or on the Zoning Map.

AUTHORITY: The Town Council of Parson's Pond.

BOARDING HOUSE: A dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

BED AND BREAKFAST: An owner-occupied or owner-managed establishment for paid temporary accommodation for up to 16 overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and must also be approved by the provincial government ministry charged with tourism matters as a Bed and Breakfast operation.

BOAT SHED or BOAT HOUSE or STAGE or WHARF: a building or structure located on land or in the water, at the edge of a water body, and used to house or berth boats and to store related gear and equipment.

BOAT HOUSE: see Boat Shed

BUILDING: As defined in the *Urban and Rural Planning Act 2000*, means:

- (i) a structure, erection, alteration or improvement placed on, over or under land or attached, anchored or moored to land,
- (ii) mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses,
- (iii) a part of and fixtures on buildings referred to in subparagraphs (i) and (ii), and
- (iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (iii).

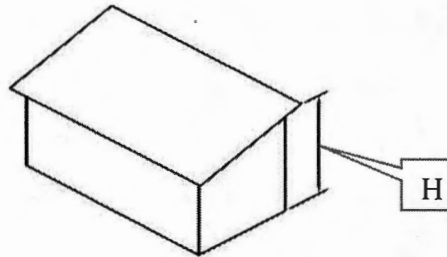
BUILDING HEIGHT: The vertical distance, measured in metres from the established grade to the

- (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;

(Refer to Minister's Development Regulations, January 2, 2001)

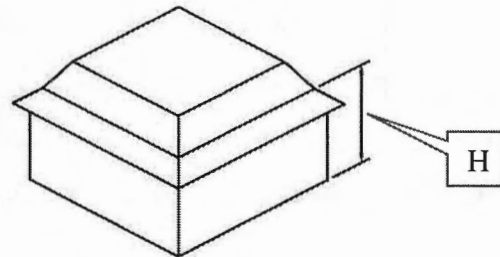
Note: informal illustrations are shown below to assist with interpretation of building height H.

(i) The highest point of the roof surface of a flat roof



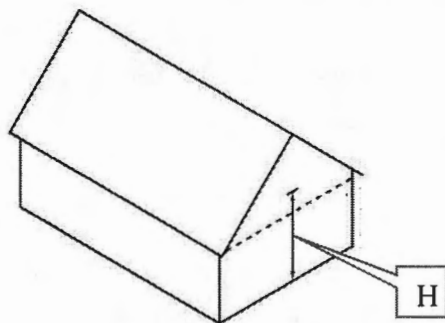
Flat Roof

(ii) The deck line of a mansard roof

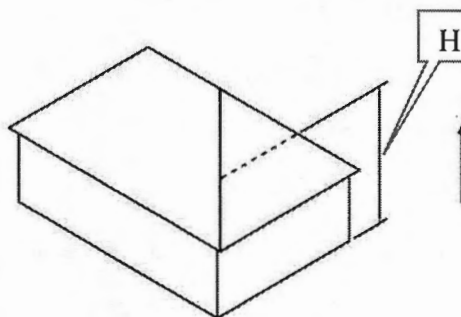


Mansard Roof

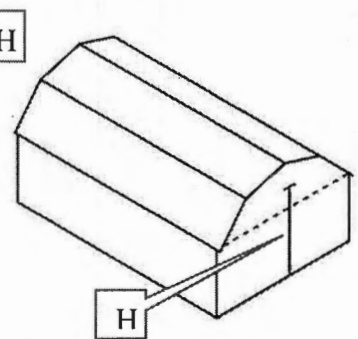
(iii) The mean height level between eave and ridge of a gable, hip or gambrel roof:



Gable Roof



Simple Hip Roof



Gambrel Roof

and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof

BUILDING LINE: A line established by an Authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed. (*Refer to Minister's Development Regulations, January 2, 2001*)

BUILDING LINE SETBACK: see Front Yard Depth.

COLLECTOR STREET: A street that is designed to link local streets with arterial streets and which may be designated as a collector street in the Municipal Plan, or on the Zoning Map.

CONVENIENCE STORE: A small retail store that carries limited lines of goods, such as a partial line of groceries, housewares, and clothing; gifts; and speciality items.

DAY CARE CENTRE or DAY NURSERY: A building or part of a building in which services and activities are regularly provided to children of pre-school age during the full daytime period as defined under the Day Nurseries Act, but does not include a school as defined by the Schools Act.

DEVELOPMENT: As defined in the *Urban and Rural Planning Act 2000*, the carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premises and the

- (a) making of an access onto a highway, road or way;
- (b) erection of an advertisement or sign;
- (c) parking of a trailer, or vehicle used for the sale of refreshments or merchandise, or as an office, or for living accommodation,

and excludes the

- (d) carrying out of works for the maintenance, improvement or other alteration or any building, being works which affect only the interior of the building or which do not materially affect the external appearance or use of the building;
- (e) the carrying out by a highway authority of works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
- (f) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of street or other land for that purpose; and

- (g) the use of a building or land within the courtyard of a dwelling house for a purpose incidental to the enjoyment of the dwelling house as a dwelling.

DEVELOPMENT REGULATIONS: Regulations made under sections 34 to 38 of the *Urban and Rural Planning Act 2000*.

DISCRETIONARY USE: A use that is listed within the discretionary use classes established in the use zone tables of an Authority's development regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

DIRECTOR: The Director of Urban and Rural Planning or successor official.

DOUBLE DWELLING: A building containing two dwelling units, placed one above the other, or side by side, but does not include a self-contained dwelling containing a subsidiary apartment.

DWELLING UNIT: A self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.

ENGINEER: A professional engineer employed or retained by the Authority.

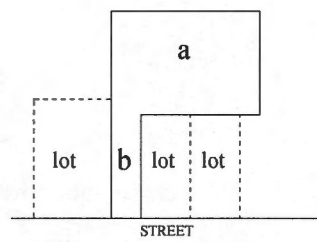
ESTABLISHED GRADE:

- a) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- b) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment. (*Refer to Minister's Development Regulations, January 2, 2001*)

FAMILY AND GROUP CARE CENTRE: A dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, facilities called "Family and Group Homes", "Group Homes", "Halfway Houses", and "Foster Homes" and is classified in the Classification Table in Schedule B as "Family & Group Homes".

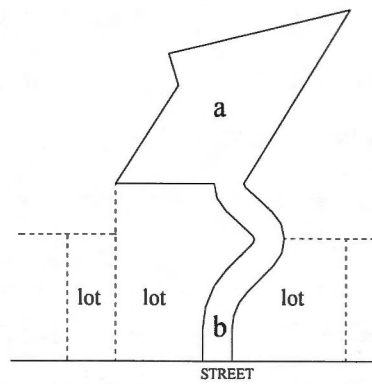
FLAG LOT: A lot characterized by a shape in which the lot's main body of land is located some distance from a street, typically lying behind other lots located along the street line, and in which the main body of the lot is joined to the street by a narrow leg which provides access to the main body of the flag lot. A flag lot is so named because its shape in a simple rectangular configuration resembles a flag on a pole, where the main body of the lot is separated from the street and access to the street is along the part of the lot, or by way of an easement or licence in part or in whole across abutting land, having the narrow pole shape (the street lies at the foot of the pole).

RECTANGULAR SHAPE



a: main body of the flag lot

IRREGULAR SHAPE



b: leg or prolongation of the flag lot to provide access to a street

The "pole" or leg lying between the main body of the lot and the street may be of any configuration, not necessarily of uniform width; the minimum width and composition thereof are stated in the Use Zone Tables. See the illustration to the left.

FLOOR AREA: The total area of all floors in a building measured to the outside face of exterior walls. (Refer to Minister's Development Regulations, January 2, 2001)

FRONTAGE: The horizontal distance between side lot lines measured at the building line. (Refer to Minister's Development Regulations, January 2, 2001)

FRONT YARD DEPTH: The distance between the front lot line of a lot and the front wall of the main building on the lot. This has the same meaning as "building line setback" as used in the use zone tables.

GARAGE: A building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.

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

GENERAL GARAGE: Land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil or other motive fuel.

HAZARDOUS INDUSTRY: The use of land or buildings for industrial purposes involving the use of materials or processes which because of their inherent characteristics, constitute a special fire, explosion, radiation or other hazard.

HOME BUSINESS: A secondary use of a dwelling and/or its accessory buildings by at least one of the residents of the dwelling to conduct a gainful occupation or business activity.

INSPECTOR: Any person appointed and engaged as an Inspector by the Authority or by any federal or provincial Authority or the agent thereof.

INSTITUTION: A building or part thereof occupied or used by persons who:

- (a) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
- (b) require special care or treatment because of age, mental or physical limitations or medical conditions.

LAND: As defined in the *Urban and Rural Planning Act 2000*, includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

LIGHT INDUSTRY: Use of any land or buildings for any general industrial use that can be carried out without hazard or intrusion and without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance.

LOCAL STREET: A street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street in the Municipal Plan, or on the Zoning Map.

LODGING HOUSE: A dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.

LOT: Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building. *(Refer to Minister's Development Regulations, January 2, 2001)*

LOT AREA: The total horizontal area within the lot lines of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

LOT COVERAGE: The combined area of all buildings on the lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

MARINA: A dock or basin together with associated facilities where slips, moorings, supplies, repairs, and other services that are typically available for boats and other watercraft, including storage, sales and rentals, with or without a club house and catering facilities. It can also include a fishing stage or shed associated with a dock or wharf.

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

MINERAL WORKING: an operation consisting of one or more of the following activities: the digging for, excavation, and removal of quarry materials (i.e., quarrying) (may involve blasting),

the removal of quarry materials previously excavated, the removal of quarry materials previously deposited on site, the stockpiling of quarry materials, the processing of quarry materials (e.g., crushing, screening, washing), the production of civil construction materials which use quarry materials in their natural form (e.g., asphalt, concrete), the re-processing of quarry materials including from reclaimed civil construction materials (e.g., reclaimed asphalt, concrete), the production of soil by blending organic materials with quarry materials, or the treatment or remediation of soil. "Quarry material" for the purpose of interpreting the definition of mineral working is as defined in the provincial Quarry Materials Act, 1998. Mineral working does not include mining but may include mineral exploration (development) as a secondary activity. Mineral working does not include the excavation and removal of quarry materials as a by-product of an approved development.

MINING: an operation involving the extraction of a mineral for sale and for which a mining lease is required under the provincial Mineral Act administered by the Department of Natural Resources. "Mineral" for the purpose of interpreting the definition of mining is as defined under the Mineral Act. Mining may include, as secondary activities, mineral exploration (development) and mineral working. Note that under the Mineral Act dimension stone (i.e., stone used for building facades, gravestones, etc.) is considered a mineral in Newfoundland but a quarry material in Labrador.

MOBILE HOME: A transportable factory-built single family dwelling unit:

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- (b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation, with or without the wheels left attached, and;

- (ii) connected to exterior public utilities approved by the Authority, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy. Water supply and/or sewage disposal may be provided by use of private water supply and/or private sewage disposal systems where permissible.

MOBILE HOME PARK: A mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including water supply and sewage disposal, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Authority. Water supply and/or sewage disposal may be provided by connection to exterior public utilities approved by the Authority or by use of private water supply and/or private sewage disposal systems where permissible.

MOBILE HOME SUBDIVISION: A mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public Authority, and where the mobile home development is classified as a mobile home subdivision by the Authority. Water supply and/or sewage disposal may be provided by connection to exterior public utilities approved by the Authority or by use of private water supply and/or private sewage disposal systems where permissible.

NON-CONFORMING USE: means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone. *(Refer to Minister's Development Regulations, January 2, 2001)*

OWNER: means a person or an organization of persons owning or having the legal right to use the land under consideration. *(Refer to Minister's Development Regulations, January 2, 2001)*

PARKING AREA: means an open area containing parking spaces and any interior aisles and lanes necessary for parking and movement of motor vehicles.

PARKING SPACE: means a space exclusive of any driveways or interior aisles or lanes, upon which one motor vehicle may be parked .

PERMITTED USE: means a use that is listed within the permitted use classes set out in the use zone tables of an Authority's development regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

PETROLEUM EXPLORATION AND EXTRACTION: separate land uses involving the exploration and extraction, respectively, of petroleum resources and for which the requisite permits have been issued by the Department of Natural Resources.

PIT AND QUARRY WORKING: Carries the same meaning as Mineral Working.

PROHIBITED USE: means a use that is not listed in a use zone within the permitted use classes or discretionary use classes or a use that an Authority specifies as not permitted within a use zone. (*Refer to Minister's Development Regulations, January 2, 2001*)

REAR YARD DEPTH: means the distance between the rear lot line and the rear wall of the main building on the lot. (*Refer to Minister's Development Regulations, January 2, 2001*)

RESTAURANT: A building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

ROW DWELLING: Three or more dwelling units at ground level in one building, each unit separated vertically from the others.

SEASONAL RESIDENCE: A dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.

SERVICE STATION: Any land or building used exclusively for the sale of petroleum products or other motive fuels, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.

SERVICE STREET: A street constructed parallel to or close to another street for the purpose of limiting direct access to that street.

SHOP: A building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

SHOPPING CENTRE: A group of shops and complementary uses with integrated parking and which is planned, developed and designed as a unit containing a minimum of 5 retail establishments.

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

SIDE YARD DEPTH: means the distance between a side lot line and the nearest side wall of any building on the lot. *(Refer to Minister's Development Regulations, January 2, 2001)*

SIGN: means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements. *(Refer to Minister's Development Regulations, January 2, 2001)*

STAGE: see Boat Shed

STREET: means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles. *(Refer to Minister's Development Regulations, January 2, 2001)*

STREET LINE: means the the edge of a street reservation as defined by the Authority having jurisdiction. *(Refer to Minister's Development Regulations, January 2, 2001)*

SUBDIVISION: As defined in the *Urban and Rural Planning Act 2000*, the dividing of any land, whether in single or joint ownership, into two or more pieces for the purpose of development.

SUBSIDIARY APARTMENT: A separate dwelling unit constructed within and subsidiary to a self-contained dwelling.

TAKE-OUT FOOD SERVICE: A building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

TAVERN: Includes a nightclub and means a building licensed or licensable under the Liquor Control Act wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

TOWN: means the Authority

USE: means a building or activity situated on a lot or a development permitted on a lot. (*Refer to Minister's Development Regulations, January 2, 2001*)

USE ZONE or ZONE: means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply. (*Refer to Minister's Development Regulations, January 2, 2001*)

VARIANCE: means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the Authority's regulations. (*Refer to Minister's Development Regulations, January 2, 2001*)

WETLAND: an area which is saturated by surface or ground water sufficient to support, and which under normal circumstances supports a prevalence of vegetation typically adapted for life in the saturated soil conditions, and includes swamps, marshes, bogs, fens and similar areas.

WHARF: see Boat Shed

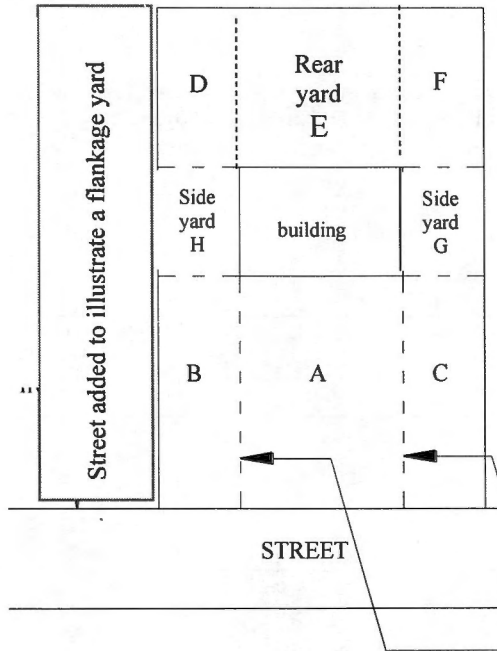
WIND ENERGY SYSTEM or WIND TURBINE: means a mechanical system for the conversion of wind energy to useful electrical or mechanical energy; a typical wind energy

system consists of a tower or mast supporting a rotating apparatus including a rotor, generator and mechanical drives, and ancillary devices related to the control and maintenance of the system. A tower supported wind turbine is self-supporting whereas a mast is stayed with guy wires; for the purpose of these Regulations, the words "tower" and "mast" are used interchangeably. A wind turbine wherein the tower is shorter than 15 metres in height is classed as "short", those taller as "tall".

YARD: An open uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in these Regulations. Yard types are front yards, side yards, rear yards and flankage yards, as illustrated on the next page.

ZONING MAP: The map or maps attached to and forming part of the Authority's regulations.
(Refer to Minister's Development Regulations, January 2, 2001)

SIMPLE RECTANGULAR LOT



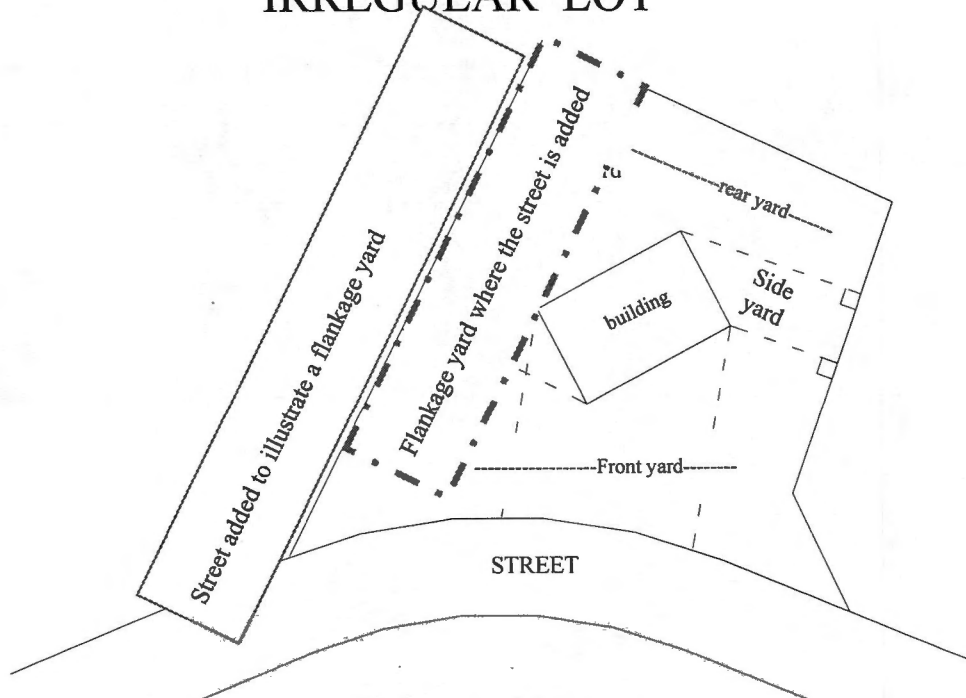
In the simple case, without the street added to the left, the rear yard is the addition of areas D, E and F and the front yard is A, B and C.

Adding the street to the left creates a corner lot which then creates a flankage yard on what otherwise would have been a side yard and parts of the front and rear yards.

The flankage yard with the street added is the addition of areas B, H and D in the simple rectangular lot.

The arrows point to extensions of the side yard lines in a simple rectangular lot. In an irregular lot, the interpretation of the meaning of yards can be complex, such as the illustration below showing the position of a flankage yard when the street to the left is added.

IRREGULAR LOT



SCHEDULE B: CLASSIFICATION OF USES OF LAND AND BUILDINGS

The classification of uses set out in the following table is largely based on the Classification of Typical Occupancies included as Table 3.1.2.A of the **National Building Code of Canada, 1980**, modified to suit terms used in the Municipal Plan and the Development Regulations. This classification is referred to in Regulation 88.

GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES) to be completed	
A. ASSEMBLY USES	1. Assembly Uses for the production and viewing of the performing arts.	(a) Theatre	Motion Picture Theatres T.V. Studios admitting an audience.	1 space for every five seats or if no seats, 1 space for each 50 square metres of floor area devoted to public occupancy	
		2. General Assembly Uses	(a) Cultural and Civic		Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
	(b) General Assembly-halls and active exercise uses		Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys		
	(c) Educational		Schools Colleges (non-residential)		Lesser of 2 spaces for each classroom or 25 students
	(d) Child Care		Day Care Centres		
	(e) Place of Worship		Churches and similar places of worship. Church Halls		1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy
	(f) Passenger Assembly		Passenger Terminals		
	(g) Club and Lodge		Private Clubs and Lodges (non-residential)		
	(h) Catering		Restaurants Bars Taverns		
	(i) Funeral Home		Funeral Homes and Chapels		
	(j) Amusement		Electronic Games Arcades Pinball Parlours Poolrooms		

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
A. ASSEMBLY USES (continued)	3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming Pools	1 space for every five seats or if no seats, 1 space for each 100 square metres of floor area devoted to public occupancy, or more as determined by the Authority for uses featuring large outdoor spaces
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fairgrounds Exhibition Grounds Drive-in Theatres	
B. INSTITUTIONAL USES	1. Penal and Correctional Institutional Uses	(a) Penal and Correctional Detention	Jails Penitentiaries Police Stations (with detention quarters) Prisons Psychiatric Hospitals (with detention quarters) Reformatories	1 space for every 2 beds or clientele spaces
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria	
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes	2 spaces for each dwelling unit (2 for single dwelling plus 1 for subsidiary apartment)
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes	

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
C. RESIDENTIAL USES (continued)	1. Residential Dwelling Uses (continued)	(c) Row Dwelling	Row Houses Town Houses Family & Group Homes	2 spaces for each dwelling unit
		(d) Apartment Building	Apartments Family & Group Homes	
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences	2 spaces for the landlord's or superintendent's dwelling in the same building if any, plus 1 for each rental bed
		(b) Boarding House Residential	Boarding Houses Lodging Houses Bed and Breakfasts	
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs	
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins	1 space for each cabin or per spot in campgrounds or RV parks
		(e) Campgrounds	Campgrounds Recreational Vehicle Parks	
		(f) Mobile Homes	Mobile Homes	See single dwelling
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks	1 space for each 20 square metres of floor area
		(b) Medical & Professional	Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Travel agents Similar Professional Offices	
		(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs	

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional & Personal Service Uses (continued)	(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals	1 space for each 20 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces
		(e) Communications	Radio Stations Telephone Exchanges	
		(f) Protection	Police Stations without detention quarters Fire stations Ambulance stations Search and rescue buildings	
		(g) Taxi Stand	Taxi Stands	
		(h) Take-out Food Service	Take-out Food Service	
		(i) Veterinary	Veterinary Surgeries	
		E. MERCANTILE USES	1. Retail Sale and Display Uses	
(b) Shop	Retail Shops and Stores and Showrooms Department Stores			
(c) Indoor Market	Market Halls Auction Halls			
(d) Outdoor Market	Market Grounds Animal Markets Produce and Fruit Stands Fish Stalls			
(e) Convenience Store	Confectionary Stores Corner Stores Gift Shops Specialty Shops			

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
F. INDUSTRIAL USES	1. Industrial uses involving highly combustible and hazardous substances and processes.	(a) Hazardous Industry	Bulk Storage of hazardous liquids and substances. Chemical Plants Distilleries Feed Mills Lacquer, Mattress, Paint, Varnish, and Rubber Factories Spray Painting	1 space for each 100 square metres of floor area, or more as determined by the Authority for uses featuring large outdoor spaces
	2. General Industrial Uses involving Limited Hazardous Substances and Processes.	(a) General Industry	Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards	
		(b) Service Station	Gasoline Service Stations Gas Bars	
	3. Light, Non-hazardous or Non-intrusive Industrial Uses.	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops	
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries	As directed by the Authority
		(b) Forestry	Tree Nurseries Silviculture Domestic cutting for fuel wood	
		(c) Mining, Mineral Exploration, Mineral Working	Separate classes of uses as defined in Schedule A	

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GROUP	DIVISION	CLASS	EXAMPLES	PARKING REQUIREMENT (NUMBER OF SPACES)
G. NON-BUILDING USES (continued)	1. Uses not directly related to building. (continued)	(d) Petroleum Exploration and Extraction	Separate class of use as defined in Schedule A	As directed by the Authority
		(e) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds Trails	
		(f) Conservation	Watersheds Buffer Strips Flood Plains Wildlife Sanctuaries	
		(g) Cemetery	Cemeteries Graveyards	
		(h) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers	
		(i) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators	
		(j) Animal	Animal Pounds Kennels Zoos	
		(k) Antenna or Wind Turbine	TV, Radio and Communications Transmitting and Receiving Masts Antennas Wind turbines	
		(l) Transportation	Airfields Railway Yards Docks and Harbours Boathouses Fishing stages Marinas	

SCHEDULE "C"

USE ZONE TABLES

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

The schedule contains tables for the following Use Zones, for which the abbreviations are as noted:

Mixed Development.....	MD
Coastal Erosion	CER
Designated Floodway.....	DF
Designated Floodway Fringe	DFF
Watershed Protection	WP
Rural.....	RUR

USE ZONE TABLE

ZONE TITLE	MIXED DEVELOPMENT (MD)	(PARSON'S POND)
<p>PERMITTED USES</p> <ol style="list-style-type: none">1. Single dwelling, seasonal dwelling, and mobile home classes, including home businesses of a benign nature (see Condition 9) and subsidiary apartments therein and "tiny home" developments (see Condition 7)2. Recreational open space3. Forestry uses, including domestic cutting for fuel wood4. Mineral exploration5. Existing agricultural uses.		
<p>DISCRETIONARY USES</p> <p>Any other use, except for the classes of:</p> <ol style="list-style-type: none">1. Hazardous industry2. Agriculture, involving keeping of large numbers of animals3. Mining4. Petroleum exploration and extraction5. Scrapyards6. Solid waste <p>See Regulation 10 concerning Discretionary Powers of Authority.</p>		

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STANDARDS	WHERE PERMITTED			
	Single Dwelling, Mobile Home + all other uses not named	Double Dwelling	Row Dwelling	APARTMENT BUILDING
Floor area (minimum) sq.m.	80	80 *	65 *	55 *
Lot area (sq.m) minimum for fully serviced lots. Prov. Regulations apply to semi or unserviced lots See Reg. 47 for possible infilling adjustment	450	390 *	230 *	300 *
Frontage (m) minimum for fully serviced lots. Prov. Regulations apply to semi or unserviced lots. See Reg. 47 for possible infilling adjustment	15	20	10 * plus required side yards	30
Building Line Setback (m) (minimum) ** for fully serviced lots for semi or unserviced lots See Regulation 42 for complementary setbacks	6 8	6 8	8 8	8 8
Side yard Width (m) ** for fully serviced lots for semi or unserviced lots (Flankage yard minimum: same as building line setback)	1.5 4	1.5 4	2 4	5 6
Rear yard Depth (m) (minimum) ** for fully serviced lots for semi or unserviced lots For mobile homes	9 15 Subtract 4 m	9 15	9 15	9 15
Lot Coverage all buildings combined (%) (maximum)	33	33	33	33
Height (m) (maximum) **	8	8	10	15
<p>* Per dwelling unit, which for single dwellings may be developed in phases—see Condition 7. ** Except for wind turbines and antennas – see Condition 14. ** Where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.</p>				

CONDITIONS

1. Discretionary Uses

The discretionary use classes listed may be permitted at the discretion of the Authority provided that they are complementary to uses within the permitted use classes or that the development will not inhibit or prejudice the existence or the development of such uses (see Regulation 10). The process for consideration and approval of a discretionary use is described in Regulation 32(3).

Certain matters which do not involve approval of a discretionary use of land and for which Council may act at its discretion, are described in the Conditions. Those discretionary decisions are not subject to the process for consideration and approval of a discretionary use as described in Regulation 32(3), as they do not involve approval of a use of land, but rather let Council consider a modification to specific requirements in the interest of flexibility where circumstances warrant.

2. Services

New development shall be connected to the municipal water and sewer services, where respectively available, by the time of occupancy. Otherwise, development shall be serviced with private water supply and/or private sewage disposal systems in accordance with Certificates of Approval of the provincial government.

3. Heights of Structures

- 1) The requirement of Regulation 41 concerning the maximum heights of flagpoles, water towers, spires, belfries, and chimneys, which may not otherwise be approvable, may be modified at Council's discretion, provided that the appearance is compatible with the area and that there is no practical alternative location and the installation does not create a safety hazard for pedestrians or vehicles.
- 2) The requirement of Regulation 38(6) concerning the maximum heights of accessory buildings which may not otherwise be approvable, may be modified at Council's discretion to enable a greater height than 4 metres provided that the rear yard for any such accessory building is at least 4 metres and the appearance is

compatible with the area. In such cases, the height of the accessory building at its peak shall not exceed the height of the main building measured in the ordinary way (see Definitions in Schedule A), and the height of the accessory building shall be measured to its peak or highest point.

4. Accessory Buildings and Open Storage

- a) There is no maximum number or floor area of accessory buildings, but the maximum lot coverage shall apply to the sum of all buildings on the lot. Areas occupied by open storage and by wheelchair ramps or similar aids for mobility are not included in the calculation of lot coverage.
- b) The requirement of Regulation 38(4) concerning accessory buildings to be located in the actual front yard which may not otherwise be approvable may be modified at Council's discretion to permit any locations in the actual front yard provided that the main building is set well back from the minimum building line and where the appearance would be in keeping with the general appearance of the area.
- c) The location, appearance, yard and lot coverage requirements of Regulations 38(4) and (5) concerning access ramps for wheelchairs or similar aids for mobility which may not otherwise be approvable having regard to those requirements may be modified at Council's discretion provided that there is no practical alternative location and the installation does not create a safety hazard for pedestrians or vehicles.
- d) The requirement of Regulation 38(7) concerning locations and features of open storage of materials, goods and machinery which may not otherwise be approvable, may be modified at Council's discretion provided that such use is not permitted in front of the building unless there are no practical alternative locations, and that the open storage areas must be fenced or otherwise screened from view though the screening requirement may be modified at Council's discretion to require landscaping features in lieu of full screening.

5. Amusement Class Developments

Development of Amusement Class uses located within the municipal boundary may be regulated by Council further to the Municipal Plan and Development Regulations, as "Places of Entertainment" under the *Municipalities Act*.

6. Signage and Lighting

- a) Exterior lighting shall be directed away from adjacent properties or roads, and the light source shall not be higher than 6 metres above established grade.
- b) In addition to the requirements of Part III, signage and outdoor lighting shall be subdued and in keeping with attractive design and highway safety practices in order to maintain a good quality appearance and traffic safety in the area.

7. Single "Tiny Home" Dwelling Structures; Phasing of Construction

- a) Single dwellings may be developed in phases, to be able to accommodate "tiny homes" built as the first components or phases of single dwellings, leading to an eventual expansion to a floor area in compliance with the minimum stated in the Use Zone Table. Home businesses will be permitted in such structures in any phase, but subsidiary apartments will not be permitted until the main dwelling floor area satisfies the minimum requirement for single dwellings.
- b) The Authority will permit single dwellings having less than the minimum required floor area, by way of site plan approval as described in the Municipal Plan, which shows the way in which the configuration of later construction phases will eventually result in a compliant dwelling floor area without encroaching on any required yards or failing to meet other requirements such as off-street parking.
- c) The minimum required length of main walls shall be achieved in the construction of the first phase of a phased development and in the eventual footprint of each phase of later construction. Variances may be considered concurrently.
- d) There is no compulsion to expand beyond the approved initial phase of construction. Development of future phases in accordance with the approved site plan shall not require further Council approvals concerning phased development.

8. Campgrounds and Mobile Home Parks

A site plan approval is required for campground and mobile home park developments, which shall address servicing, access to highways and streets, and management of the facility, in addition to careful attention to aesthetics, compatibility with surrounding land uses, security, and other terms in a development agreement between the owner and the Authority.

9. Home Businesses

Home businesses are permitted in a dwelling provided that:

- a) The use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood.
- b) The use does not alter the residential appearance or require external modification of the dwelling unit.
- c) Activities associated with the use shall be carried on inside the dwelling unit or inside a building or buildings separate from the dwelling unit but on the same lot, except that outdoor areas may be used in conjunction with a child care facility.
- d) Light Industry and General Service home business uses shall be limited to production of foodstuffs including prepared meals for consumption off the property; production or repair of articles such as small mechanisms, clothing and arts and crafts; and, repair or adjustment of small equipment such as appliances, small engines, computers, and mechanical devices, and, incidental retail sales of goods or services related to the principal activity of the home business.
- e) The use is operated by a resident(s) of the dwelling unit.
- f) There is no open storage of vehicles, equipment, goods or materials on the lot, other than for off-street parking (see Condition 4 (e) for possible approval subject to Council's discretion).
- g) The use shall not generate traffic, storm water flows, sewage flows 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.
- h) 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.
- i) In addition to the advertisements (signage) permitted as described in Part III, advertisements each not exceeding 0.28 square metres in area may be attached to each building in which the home business is conducted. No direct illumination of the sign

will be permitted.

- j) The Authority may require fencing, screening and separation from adjacent uses or a combination of them to protect the amenity of adjacent uses.
- k) The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the home business use, calculated as one space per 20 square metres of floor space occupied by the home business.
- l) No change in type, class or extent of the use shall be permitted except in accordance with a permit issued at the discretion of the Authority.

10. Convenience Stores

A convenience store may be permitted under the following conditions:

- a) The store may form part of or be attached to a self-contained dwelling or other structure or stand on a separate lot,
- b) The appearance and operation of the store will not materially detract from the surrounding area,
- c) The floor area is not greater than 100 square metres,
- d) Off street parking for at least five automobiles is provided for customer use,
- e) There is no exterior lighting except for low intensity illumination of parking area and entrance; signs shall not be directly illuminated.
- f) The store fronts on Highway 430 or a street which has capacity to handle motor vehicle traffic, parking and shipping.

11. Pets and Keeping of Agricultural Animals

Keeping of small animals such as dogs, cats, small birds and the like customarily kept as household pets in the community is permitted. Keeping of large animals including but not restricted to cows, horses, sheep, goats, pigs, and large birds such as ostriches and the like is not deemed to be an accessory use in the Town of Parson's Pond. Further, keeping of birds such as chickens, ducks, and geese up to a total of 10 birds, is regarded for clarity to be an accessory use. Permits or Council approvals are not required for keeping of pets up to the limits described here.

See the Use Zone Table for the Rural (RUR) Zone for requirements for keeping of animals for agricultural purposes.

Note to readers: the Town of Parson's Pond does not become involved by virtue of these Development Regulations where pets are presenting dangers or

nuisances to others, or are not properly housed or not given appropriate care. In those cases, regulations concerning public health, public safety, running at large, cruelty to animals, noise and other such matters better enable authorities to deal with offending behaviour.

12. Flag Lots

Council will at its discretion consider approval of lesser widths of the legs of flag lots, which would otherwise not be approvable, where concerns about off-street parking, pedestrian and vehicle safety at the leg's intersection with the public street and feasibility of use of the leg for access are satisfactorily addressed.

13. Comprehensive Development

- a) A comprehensive development of uses which are permitted or discretionary uses in the Zone may be approved provided its features are compatible with adjacent developments and that any dwellings are designed to provide both privacy and reasonable access to natural daylight.
- b) Comprehensive developments must be located within the municipal boundary and serviced with municipal central water and sewer services, and must have access to a publicly owned and maintained road but may include both public and private roads. The overall density within the layout must conform to the regulations and standards set out in the Use Zone Table. The usual requirements in these Development Regulations are applicable but where appropriate to good, acceptable design they may be modified or waived.

14. Wind Turbines and Antennas

- a) The maximum height of the tower of a wind turbine or an antenna shall be 15 metres. The minimum setback of the towers of such structures from all lot lines shall be 10 metres plus (in the case of wind turbines) the length of one rotor blade for safety reasons related to ice shedding from the blades. In addition, guy wires and anchors of antennas and wind turbines must be on the same lot as the tower.

- b) See the Definition of Antenna in Schedule A. See Municipal Plan Section 6.2.8 for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments.

15. Temporary Uses

Temporary uses involving the placement of a motor vehicle or travel trailer or equipment for itinerant or unusual short term activities or events such as community festivals or for compassionate reasons, may be approved subject to adequate arrangements for supply of potable water, disposal of sewage and solid waste, safety of vehicle and pedestrian traffic, security, and other matters relevant to the specific development. The term of temporary uses shall be included in the conditions of approval, but not exceed three months of continuous occupancy except for compassionate or emergency situations, for which specific terms of time shall be agreed between the Council and the party involved.

16. Mineral Workings, Mining and Petroleum Developments

The requirements of Regulation 44 shall be satisfied in order for the Authority to approve mineral workings, mining, or petroleum extraction class use as a discretionary use. In particular, the proximity of a proposed use of those classes to nearby areas which may be suitable for other developments will be considered to be very important in assessing its acceptability.

USE ZONE TABLE

ZONE TITLE	COASTAL EROSION (CER)	(PARSON'S POND)
PERMITTED USES 1. Conservation class 2. Recreational open space class and trails 3. Forestry class, including domestic cutting for fuel wood 4. Mineral exploration class 5. Petroleum exploration class 6. Existing agricultural class uses		
DISCRETIONARY USES 1. Docks and wharves class 2. Agriculture class, not involving keeping of large numbers of animals 3. Buildings which are accessory to main uses located in in the Coastal Erosion area or in the Mixed Development area and subject to the requirements pertaining to accessory buildings in the Mixed Development area. 4. Renovations and expansions of existing buildings, supporting water supply and sewage disposal infrastructure and access lanes. NOTE: see Regulation 10 concerning the Discretionary Powers of Authority.		

CONDITIONS

1. 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, and provided that all requisite approvals of provincial and federal governments are secured prior to Council's consideration of applications.

2 Development Standards and Conditions for Permitted and Discretionary Uses

- a) All developments, including any form of ground disturbance, cultivation and animal husbandry, must be approved by the provincial ministries, including but not limited to those charged with environmental matters, including the Geological Survey of Newfoundland and Labrador and the Department of Municipal Affairs and Environment.

- b) Structures must be designed and constructed so as to use temporary foundations, other than for the Docks and wharves class. Where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.

USE ZONE TABLE

ZONE TITLE	DESIGNATED FLOODWAY (DF) (PARSON'S POND)
<p>PERMITTED USES</p> <ol style="list-style-type: none"> 1. Antenna class, but only those defined as "short" (see Condition 3). 2. Conservation class 3. Docks and wharves class 4. Recreational open space class and trails 5. Hydraulic structures 6. Structures related to the use of water resources 	
<p>DISCRETIONARY USES</p> <p>Any other uses which comply with the provincial government Policy for Flood Plain Management, as amended from time to time, and which comply with the requirements generally applicable in the Mixed Development area, whichever are the more stringent.</p> <p>NOTE: see Regulation 10 concerning the Discretionary Powers of Authority.</p>	

CONDITIONS

1. 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, and provided that all requisite approvals of provincial and federal governments are secured prior to Council's consideration of applications.

2. Development Standards and Conditions for Permitted and Discretionary Uses

- a) Any development must be approved by the provincial ministries, including but not limited to those charged with water resources and environmental matters.
- b) Only water-related structures are permitted in the 1:20 year Designated Floodway (DF) Zone as this zone is a high-velocity zone. However, repairing, maintenance and renovation of existing structures in the Designated Floodway Zone are permitted. As per the *Policy for Flood Plain Management* of the Government of Newfoundland and

Labrador, all structures, including residential, are permitted in the 1:100 year Designated Floodway Fringe (DFF) Zone and the 1:100 year Annual Exceedance Probability (AEP) Climate Change Flood Zone with some terms and conditions (the 1:100 AEP climate change flood elevations are applicable if such a line has subsequent to the coming into effect of these Development Regulations been defined for this area).

- c) Where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.
- d) The requirements of Regulation 44 shall be satisfied in order for the Authority to approve a mineral workings as a discretionary use. In particular, the proximity of a proposed mineral working to nearby areas which may be suitable for other developments will be considered to be very important in assessing its acceptability.

3. Antennas

See the Definition of Antenna in Schedule A. See Municipal Plan Section 6.2.8 for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments.

USE ZONE TABLE

ZONE TITLE	DESIGNATED FLOODWAY FRINGE (DFF)	(PARSON'S POND)
PERMITTED USES		
1) Antenna class, but only those defined as "short" (see Condition 5) 2) Conservation class 3) Hydraulic structures 4) Structures related to the use of water resources		
DISCRETIONARY USES		
1) Single dwelling class including subsidiary apartment and home businesses 2) Mobile home class including home businesses 3) Recreational open space class and trails 4) Public works such as water and sewer infrastructure 5) Transportation class 6) Uses requiring direct access to a body of water 7) Other uses which comply with the provincial government Policy for Flood Plain Management, as amended from time to time, and which comply with the requirements, conditions and standards generally applicable in the Mixed Development area.		
NOTE: see Regulation 10 concerning the Discretionary Powers of Authority.		

CONDITIONS

1. 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.

2. Development Standards and Conditions

- a) Any development must be approved by the provincial ministries, including but not limited to those charged with water resources and environmental matters.

- b) Any structures in the 1:100 year Designated Floodway Fringe (DFF) Zone and the 1:100 year Annual Exceedance Probability (AEP) Climate Change Flood Zone must be a minimum of 0.6 metres (about two feet) above the 1:100 year Designated Floodway Fringe (DFF) Zone and 1:100 year AEP Climate Change Flood Zone elevations (the 1:100 AEP climate change flood elevations are applicable if such a line has subsequent to the coming into effect of these Development Regulations been defined for this area).
- c) Where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.
- d) The requirements of Regulation 44 shall be satisfied in order for the Authority to approve a mineral workings as a discretionary use. In particular, the proximity of a proposed mineral working to nearby areas which may be suitable for other developments will be considered to be very important in assessing its acceptability.

4. Residential Development

The requirements for residential group uses, including home businesses, shall be the same as those in the Mixed Development (MD) Zone.

5. Antennas

See the Definition of Antenna in Schedule A. See Municipal Plan Section 6.2.8 for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments.

USE ZONE TABLE

ZONE TITLE	WATERSHED PROTECTION (WP) (PARSON'S POND)
PERMITTED USES 1) Conservation class uses 2) Uses related to the management of the lands and the municipal water utility works.	
DISCRETIONARY USES Recreation and Open Space classes, including trails, and those in the Forestry class (including domestic cutting for fuel wood), but only in conjunction with a professionally prepared site plan or forestry management plan, respectively, approved by the provincial government and the Council.	
NOTE: see Regulation 10 concerning the Discretionary Powers of Authority.	

CONDITIONS

1. 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.

2. General Condition

Uses which may be approved subject to Council's discretion include only those which can be demonstrated to not conflict with the policies of the Municipal Plan and the provincial government regulations for the *Parsons Pond Hill Reservoir Watershed Area*, which is designated as a protected water supply area under the authority of section 10 of the *Environment Act*. Site plan approval is required for Recreation and Open Space classes, including trails (See Municipal Plan Section 7.2).

USE ZONE TABLE

ZONE TITLE	RURAL (RUR)	(PARSON'S POND)
PERMITTED USES		
<ol style="list-style-type: none"> 1. All uses in the "Non-building uses" group, including the antenna or wind turbine class but only those defined as "short" (see Condition 2 for requirements concerning those defined as "tall") 2. Single dwelling class including subsidiary apartment and home businesses 3. Mobile home class, excluding mobile home parks, but including home businesses 4. Personal service class 5. Mineral exploration class 6. Existing agricultural class uses 		
DISCRETIONARY USES		
All other uses including the antenna or wind turbine class defined as "tall", subject to Conditions. NOTE: see Regulation 10 concerning the Discretionary Powers of Authority.		

CONDITIONS

1. 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 and are in keeping with policies respecting the Rural (RUR) Zone (see Municipal Plan Section 6.1.4).

2. Building Line for Specified Land Uses

Buildings and outdoor activities associated with developments in the following classes will be required to be set back to a building line of 400 metres from the centreline of Highway 430:

- a. Agriculture class
- b. Forestry class, except that domestic cutting for fuel wood is permitted in the whole Rural Zone
- c. Mineral working class
- d. Mining class
- e. Petroleum exploration class
- f. Petroleum extraction class
- g. Scrapyard class
- h. Solid waste class
- i. Animal class
- j. Antenna or wind turbine class categorized as "tall" (see the Definitions of antenna and wind turbine in Schedule A and see Municipal Plan Section 6.2.8 for guidance concerning the jurisdiction of the Government of Canada for regulating antennas and the role of Council in dealing with applications for antenna developments)
- k. Transportation class

3. Conditions and Standards for Uses Other than the "Non-building uses" Group

The conditions and standards for all uses other than the "Non-building uses" group shall be those applicable to the Mixed Development (MD) Zone, including those matters for Council's discretion for developments which may not be otherwise approvable.

4. Conditions and Standards for Uses in the "Non-building uses" Group

The conditions and standards for the non-building uses group are:

- a) Minimum lot area: lot area to be sufficient to satisfy provincial government requirements for use of private water supply and/or sewage disposal systems, or 500 square metres if the lot is serviced with municipal water and sewer service.
- b) Minimum Building Line Setback 20 metres
- c) Minimum side yard width, except where buildings are built with adjoining party walls 5 metres
- d) Minimum Rear yard Depth 20 metres
- e) Maximum Height* 20 metres
- f) Minimum Frontage 30 metres

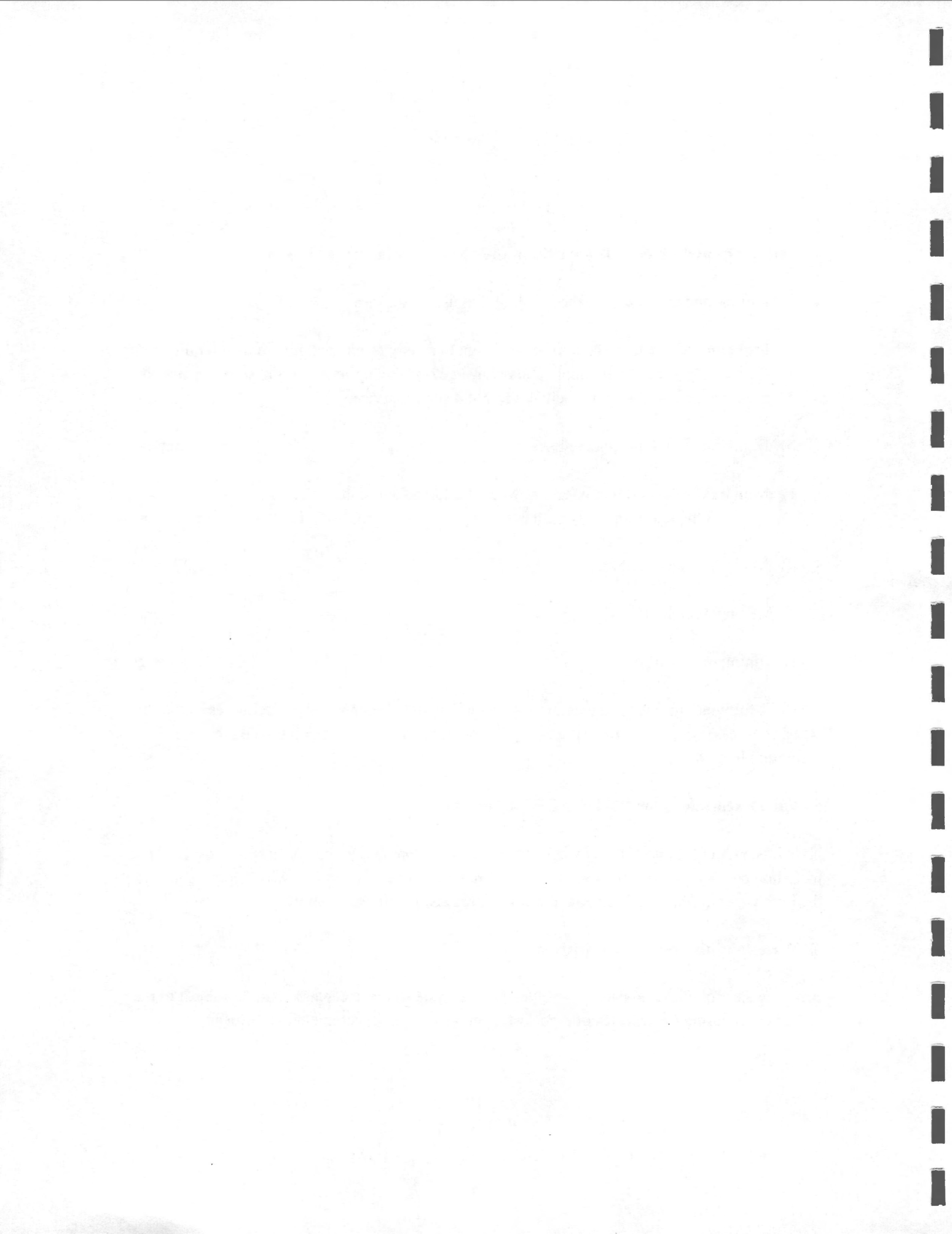
*Except for wind turbines and antennas, for which the maximum height is 15 metres except if set back at least 400 metres from the centreline of Highway 430, in which case there is no maximum height.

5. Yard Exemptions for Docks and Wharves Class

Notwithstanding (4) and (5), and where permitted, development in the docks and wharves class, including boat sheds, boat houses, and stages, may be built to any lot line which corresponds to the high water mark. Requirements for other yards shall continue to apply.

6. Water Supply and Sewage Disposal

Private water supplies and private sewage disposal systems are acceptable but are subject to the proponent securing Certificates of Approval from provincial government authorities.



SCALE 1:50000

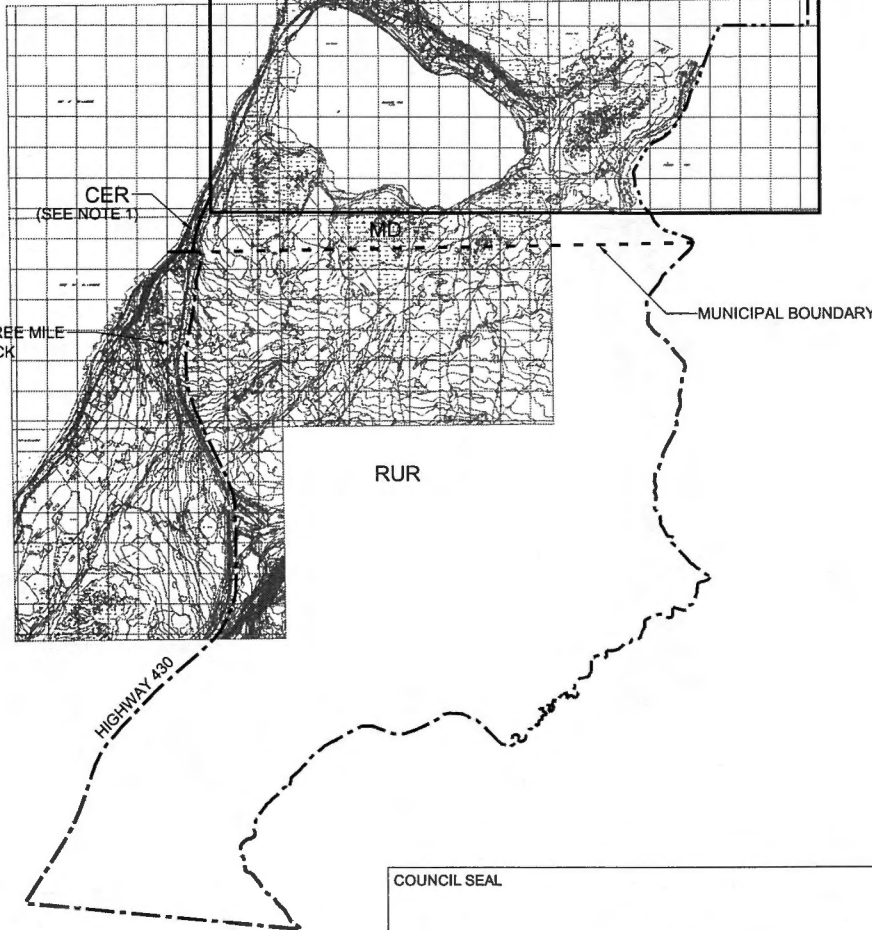
0 1000 Metres



SEE MAP 2

CER
(SEE NOTE 1)

MD



CER
(SEE NOTE 1)

MD

THREE MILE
ROCK

MUNICIPAL BOUNDARY

RUR

HIGHWAY 430

COUNCIL SEAL

LEGEND:

- - - - - MUNICIPAL BOUNDARY & LAND USE ZONE BOUNDARY CO-INCIDENT
- MUNICIPAL PLANNING AREA BOUNDARY
- MUNICIPAL BOUNDARY & LAND USE ZONE BOUNDARY CO-INCIDENT

Land use zones:

- RUR RURAL
- MD MIXED DEVELOPMENT
- CER COASTAL EROSION

NOTES:

1. The area between Highway 430 (Viking Trail) and the shore is Coastal Erosion (CER) zone.

Development Regulations/Amendment
REGISTERED

Number 3675-2021-000
 Date January 11, 2021
 Signature [Handwritten Signature]

I, a Member of the Canadian Institute of Planners, certify that the map for the Development Regulations document has been prepared in accordance with the requirements of the Urban and Rural Planning Act, 2000

[Handwritten Signature]
 Jens Jensen, P.Eng., MCIP.

Dated 31st of August 2020

MCIP Seal:



HMJ Consulting Limited
 PROJECT NO. 17-005

5	APPROVED BY COUNCIL	11 AUG 2020
4	AS ADOPTED BY COUNCIL	3 JUN 2020
3	FOR PUBLIC INPUT	17 FEB 2020
2	FOR DMAE REVIEW	12 DEC 2019
1	FOR TOWN REVIEW	30 MAR 2019

TOWN OF
Parson's Pond
 DEVELOPMENT REGULATIONS
 LAND USE ZONING
 2019 - 2029
 MAP 1

TOWN OF PARSON'S POND

Dated at Parson's Pond this 26th day of

August A.D. 2020

Brenda Biggin
 Mayor, Town of Parson's Pond
Blanche Thornhill
 Clerk, Town of Parson's Pond



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Handwritten signature.

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