

TOWN OF GANDER DEVELOPMENT REGULATIONS 2009-2019

Gazetted: April 23, 2010

Consolidation Date: n/a

Amendments: To see if there were any amendments to this document since it came into effect, please refer to:

[List of Amendments](#)

Town of Gander



Development Regulations 2009 - 2019

In Effect: April 23, 2010
(Date published in NL Gazette)

Please refer to list of Development Regulation amendments for changes to this document

Land Use Zoning, Subdivision and Advertisement Regulations

Prepared by:
ADI Limited
Newfoundland and Labrador
Consulting Engineers Limited
January 2009

TOWN OF GANDER
DEVELOPMENT REGULATIONS AMENDMENT

(LAND USE ZONING, SUBDIVISION
AND
ADVERTISEMENT REGULATIONS)

Under the authority of Section 35 of the *Urban and Rural Planning Act, 2000*, the Town Council of Gander adopts Part I to V and Schedule A (Definitions) of the Development Regulations in order to bring the Town of Gander Development Regulations into conformity with the *Urban and Rural Planning Act, 2000*.

Made and adopted by the Council of the Town of Gander, on the 24th day of April, 2009.

Signed and sealed this 11th day of January, 2009.

Claude Elwood
Mayor

[Signature]
Clerk

(Council seal)

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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



(MCIP seal)

Lydia Lewycky 23 April 2009
MCIP: Lydia M. Lewycky, MCIP, RPP

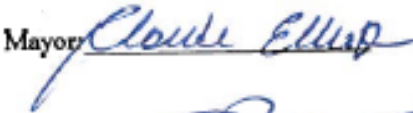
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Gander

- a) adopted the Gander Development Regulations 2009-2019 on the 29th day of April, 2009.
- b) gave notice of the adoption of the Gander Development Regulations 2009-2019 by advertisement inserted on the 18th and the 25th day of June and on the 2nd day of July, 2009 in the Gander Beacon.
- c) set the 8th day of July at 7:00 p.m. at the Town Hall, Gander, for the holding of a public hearing to consider objections and submissions.

Now under the authority of Section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of Gander approves the Gander Development Regulations 2009-2019 as adopted.

SIGNED AND SEALED this 11th day of January, 2010

Mayor:



(Council Seal)

Clerk:




Development Regulations/Amendment	
REGISTERED	
Number	1760 - 2010 - 018
Date	2010 - 4 - 15
Signature	

TABLE OF CONTENTS

	<i>Page</i>
REGULATIONS - Newfoundland Regulation 3/01	1
1. Short Title	3
2. Definitions	3
3. Application	3
4. Interpretation	3
5. Notice of Right to Appeal	5
6. Appeal Requirements	5
7. Appeal Registration	5
8. Development Prohibited	6
9. Hearing Notice and Meetings	6
10. Hearing of Evidence	6
11. Board Decision	6
12. Variances	6
13. Notice of Variance	7
14. Residential Non-conformity	7
15. Notice and Hearings on Change of Use	7
16. Non-Conformance with Standards	7
17. Discontinuance of Non-Conforming Use	7
18. Delegation of Powers	7
19. Commencement	7
TOWN of GANDER; Land Use, Zoning Subdivision and Advertisement Regulations [DEVELOPMENT REGULATIONS]	
20. Short Title	8
21. Interpretation	8
22. Commencement	8
23. Municipal Code and Regulations	8
24. Authority	8
PART I - GENERAL REGULATIONS	
25. Compliance with Regulations	9
26. Permit Required	9
27. Permit to be Issued	9
28. Permit Not to be Issued in Certain Cases	9
29. Discretionary Powers of Authority	9
30. Variances	9
31. Notice of Variance	10
32. Service Levy	10
33. Financial Guarantees by Developer	10
34. Dedication of Land for Public Uses	11
35. Reinstatement of Land	11
36. Form of Application	11
37. Register of Application	11
38. Deferment of Application	11
39. Outline Planning Permission	11
40. Development Permit	12
41. Reasons for Refusing Permit	12
42. Notice of Right to Appeal	12
43. Appeal Requirements	13
44. Appeal Registration	13
45. Development Prohibited	13
46. Appeal Board	14
47. Appeals	14
48. Hearing of Notice and Meetings	15
49. Hearing of Evidence	15
50. Return of Appeal Fee	15

TABLE OF CONTENTS (cont'd)

	<i>Page</i>
51. Notice of Application	15
52. Right of Entry	16
53. Record of Violations	16
54. Stop Work Order and Prosecution	16
55. Delegation of Powers	16
 PART II - GENERAL DEVELOPMENT STANDARDS	
56. Accesses and Service Streets	17
57. Accessory Buildings	17
58. Advertisements	17
59. Buffer Strips	17
60. Building Height	17
61. Building Line and Setback	17
62. Family and Group Care Centres	17
63. Height Exceptions	18
64. Livestock Structures and Uses	18
65. Lot Area	18
66. Lot Area and Size Exceptions	18
67. Lot Frontage	18
68. Mobile Homes	19
69. Non-Conforming Uses	19
70. Offensive and Dangerous Uses	20
71. Off-street Parking Requirements	20
72. Off-street Loading Requirements	21
73. Parks and Playgrounds and Conservation Uses	21
74. Screening and Landscaping	21
75. Services and Public Utilities	21
76. Service Stations	21
77. Side Yards	22
78. Street Construction Standards	22
79. Subsidiary Apartments	22
80. Un-subdivided Land	22
81. Zero Lot Line and Other Comprehensive Development	22
 PART III - ADVERTISEMENTS	
82. Permit Required	23
83. Form of Application	23
84. Advertisements Prohibited in Street Reservation	23
85. Permit Valid for Limited Period	23
86. Removal of Advertisements	23
87. Advertisements Exempt from Control	23
88. Approval Subject to Conditions	24
89. Non-Conforming Uses	24
 PART IV - SUBDIVISION OF LAND	
90. Permit Required	25
91. Services to be Provided	25
92. Payment of Service Levies and Other Charges	25
93. Issue of Permit Subject to Considerations	25
94. Building Permits Required	25
95. Form of Application	25
96. Subdivision Subject to Zoning	26
97. Building Lines	26
98. Land for Public Open Space	26
99. Structure in Street Reservation	26
100. Subdivision Design Standards	26
101. Engineer to Design Works and Certify Construction Layout	27
102. Developer to Pay Engineer's Fees and Charges	27

TABLE OF CONTENTS (cont'd)

	<i>Page</i>
103. Street Works May be Deferred	27
104. Transfer of Streets and Utilities to Authority	27
105. Restriction on Sale of Lots	28
106. Grouping of Dwellings and Landscaping	28

PART V - USE ZONES

107. Use Zones	29
108. Use Classes	29
109. Permitted Uses	29
110. Discretionary Uses	29
111. Uses Not Permitted	29

SCHEDULES

SCHEDULE A: Definitions

SCHEDULE B: Classification of Uses of Land and Buildings

SCHEDULE C: Use Zone Tables

SCHEDULE D: Off-Street Parking Requirements

SCHEDULE E: Airport Area Building Height Constraints

SCHEDULE F: Land Use Zoning Maps

Short title

1. These regulations may be cited as the *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 antennae,
 - (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, NL, 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 may appoint 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.

Town of Gander: Land Use Zoning, Subdivision and Advertisement Regulations (Development Regulations)

APPLICATION

20. Short Title

These Regulations may be cited as the Gander Development Regulations.

21. 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.

22. Commencement

These Regulations come into effect throughout the Gander Municipal Planning Area, hereinafter referred to as the Planning Area, on the date of publication of a notice to that effect in the Newfoundland Gazette.

23. Municipal Code and Regulations

The Building Code including the Plumbing Code, the Fire Code, the Electrical Code, and any other ancillary code and any Building Regulations, Waste Disposal Regulation and/or any other municipal regulations regulating or controlling the development, conservation and use of land in force in the Town of Gander, shall, under these Regulations apply to the entire Planning Area.

24. Authority

In these Regulations, “Authority” means the Council of the Town of Gander.

PART I - GENERAL REGULATIONS

25. Compliance with Regulations

No development shall be carried out within the Planning Area except in accordance with these Regulations.

26. Permit Required

No person shall carry out any development within the Planning Area except where otherwise provided in these Regulations unless a permit for the development has been issued by the Authority.

27. Permit to be Issued

Subject to Regulations 28 and 29, a permit shall be issued for development within the Planning Area that conforms to:

- (a) 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;
- (b) the standards set out in the Building Code and/or other ancillary codes, and any Building Regulations, Waste Disposal Regulations, and/or any other municipal regulation in force in the Planning Area regulating or controlling development, conservation and use of land and buildings;
- (c) the standards set out in Part III of these Regulations in the case of advertisement;
- (d) the standards set out in Part IV of these Regulations in the case of subdivision;
- (e) the standards of design and appearance established by the Authority.

28. Permit Not to be Issued in Certain Cases

Neither a permit nor outline planning permission 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.

29. Discretionary Powers of Authority

In considering an application for a permit or for outline planning permission 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.

30. Variances

- (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 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 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.

31. Notice of Variance

Where the Authority is to consider a proposed variance, the 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, and allow a minimum period of 7 days for response.

32. 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 32(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 benefitted by the public works related to all the real property so benefitted; 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.

33. 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 33(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 Minister, 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) lots pledged by the developer, to be held by the Authority.

34. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 98, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

35. 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 remove all or any buildings or erections, 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.

36. Form of Application

- (1) An application for a development permit or for outline planning permission 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.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 36(1) and a description of the plans, specifications and drawings required to be provided with the application.

37. 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.

38. 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 38(1), shall be deemed to be refused.

39. Outline Planning Permission

- (1) The Authority may grant outline planning permission for the erection, alteration or conversion of a building if, after considering an application for outline planning permission made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where outline planning permission is granted under this Regulation, it shall be

subject to the subsequent approval by the Authority of such details as may be listed in the outline planning permission, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of outline planning permission.

40. 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 outline planning permission 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 two years, 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.

41. Reasons for Refusing Permit

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

42. Notice of Right to Appeal

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.

43. Appeal Requirements

- (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, NL, 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 may appoint 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.

44. Appeal Registration

- (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.

45. Development Prohibited

- (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.

46. Appeal Board

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 *Urban and Rural Planning Act, 2000*.

47. Appeals

- (1) A person or 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 permit to undertake a development;
 - (c) the issuance of a stop work order;
 - (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 and development regulations and amendments and revisions of them is final and not subject to 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 nor more than 14 days after the person who made the original application appealed from has received the decision being appealed.
 - (a) An appeal shall be made in writing and shall include:
 - (b) A summary of the decision appealed from;
 - (c) The grounds for the appeal; and
 - (d) 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 representatives 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 the 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.

48. Hearing of Notice and Meetings

- (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.

49. Hearing of Evidence

- (1) An Appeal Board shall meet at a place within the area under its jurisdiction and the appellant and other persons notified under regulation 48(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 the 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.

50. Return of Appeal Fee

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 Section 44 of the *Act*, shall be paid to him or her by the Authority.

51. Notice of Application

The Authority may, and when a variance is necessary under Regulation 12 and the Authority wishes to consider whether to authorize such a variance, when a change in nonconforming use is to be considered under Regulation 69, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for outline planning permission, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary, and under Regulation 32 and the Authority shall give written notice of the proposed variance from development standards to all persons whose land is in the vicinity of the land that is the subject of the variance, and allow a minimum period of 7 days for response.

52. 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.

53. 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.

54. 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 54(1) is guilty of an offence under the provisions of the Act.

55. Delegation of Powers

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.

PART II – GENERAL DEVELOPMENT STANDARDS

56. **Accesses and Service Streets**

- (1) Access 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.
- (2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

57. **Accessory Buildings** refer to the Town of Gander Accessory Buildings Regulation.

58. **Advertisements**

Advertisements shall not be erected or displayed except in accordance with Part III of these Regulations.

59. **Buffer Strips**

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. 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.

60. **Building Height**

The Authority may permit the erection of buildings of a height greater than that specified in Schedule C, but in such cases the building line setback and rear yard requirements shall be varied as follows:

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

61. **Building Line and Setback**

The Authority, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

62. **Family and Group Care Centres**

Family 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 use 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.

63. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 12.

64. Livestock Structures and Uses

- (1) No structure designed to contain more than five animal units shall be erected or used unless it complies with the following requirements:
 - (a) The structure shall be at least 600 m from a residence, (except a farm residence or a residence which is a non-conforming use in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.
 - (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 m from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Forestry & Agriculture and the Department of Environment & Lands.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Forestry & Agriculture.

65. Lot Area

- (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 continue to be so used regardless of any change in the ownership of the lot or any part thereof, and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

66. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential 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 dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

67. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a street or forms part of a Comprehensive Development Scheme.

68. Mobile Homes

- (1) Groups of more than five mobile homes shall be located only in approved mobile home parks and mobile home subdivisions in Residential Use Zones so designated and shall conform to the requirements of the Provincial Mobile Home Development Regulations currently in effect.
- (2) No development permit shall be issued for a mobile home lot unless it conforms to the requirements of Regulation 23 of the Mobile Home Development Regulations.

69. Non-Conforming Uses

- (1) Notwithstanding a plan, scheme or regulations made under this Act, the minister, a council or regional 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 6 months after that discontinuance unless otherwise provided by regulation under the *Act*.
- (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);
 - (a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the minister or appropriate council, regional authority or authorized administrator;
 - (b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - (c) 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;
 - (d) may have the existing use for that building, structure or development varied by the appropriate council, regional authority or authorized administrator to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
 - (e) may have the existing building extended by the appropriate council, regional authority or authorized administrator where, in its opinion that extension is not more than 50% of the existing building;
 - (f) where the non-conformance is with respect to the standards included in development regulations, shall not be expanded if the expansion would increase the non-conformity;
 - (g) 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; and
 - (h) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations,

be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.

- (4) Where considering a non conforming building, structure or development 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.

70. 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 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.

71. Offstreet Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity 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 of occupancy shall conform to the standards set out in Schedule D of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (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, with minimum dimensions of 2.75m x 5.5m, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas,
 - (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 be by way of

residential zones;

- (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
- (i) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and 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.

72. Off-Street Loading Requirements

- (1) 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, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the Authority.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

73. Parks and Playgrounds and Conservation Uses

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of 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.

74. Screening and Landscaping

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. 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.

75. Services and Public Utilities

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.

76. Service Stations

The following requirements shall apply to all 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 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.

77. Side Yards

A side yard which shall be kept clear of obstruction shall be provided on the exposed sides of every building in order to provide access for the maintenance of that building.

78. Street Construction Standards

A new street may not be constructed except in accordance with and to the design and specifications laid down by the Authority.

79. Subsidiary Apartments

Subsidiary apartments may be permitted in single dwellings only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.

80. Un-subdivided Land

Development is not permitted on un-subdivided 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.

81. Zero Lot Line and Other Comprehensive Development

The Authority may, at its discretion, approve the erection of dwellings which are designed to form part of a zero lot line development or other comprehensive layout which does not, with the exception of dwelling unit floor area, meet the requirements of the Use Zone Table in Schedule C, provided that the dwellings are designed to provide both privacy and reasonable access to natural daylight and the overall density within the layout conforms to the regulations and standards set out in the Use Zone Table apply where the layout adjoins other development.

PART III - ADVERTISEMENTS

82. Permit Required

Subject to the provisions of Regulation 87, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

83. Form of Application

Application for a permit to erect or display an advertisement shall be made to the authority in accordance with Regulation 36.

84. Advertisements Prohibited in Street Reservation

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation.

85. Permit Valid for Limited Period

A permit granted under these Regulations for the erection or display of an advertisement shall be for a limited period, not exceeding two years, but may be renewed at the discretion of the Authority for similar periods.

86. Removal of Advertisements

Notwithstanding the provisions of these Regulations, 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, or;
- (b) detrimental to the amenities of the surrounding area.

87. Advertisements Exempt from Control

The following advertisements may be erected or displayed in the Planning Area without application to the Authority:

- (a) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1 m² in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) on the principal facade 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;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

88. Approval Subject to Conditions

A permit may only be issued for the erection or display of advertisements which comply with the appropriate conditions and specifications set out in the Use Zone Tables in Schedule C of these Regulations.

89. Non-Conforming Uses

Notwithstanding the provisions of Regulation 82, a permit may be used for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non-conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

PART IV- SUBDIVISION OF LAND

90. Permit Required

No land in the Planning Area shall be subdivided unless a permit for the development of the subdivision is first obtained from the Authority.

91. Services to be Provided

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.

92. 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 32 and 33.

93. 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:

- (a) the location of the land;
- (b) the availability of and the demand created for schools, services, and utilities;
- (c) the provisions of the Plan and Regulations affecting the site;
- (d) the land use, physical form and character of adjacent developments;
- (e) the transportation network and traffic densities affecting the site;
- (f) the relationship of the project to existing or potential sources of nuisance;
- (g) soil and subsoil characteristics;
- (h) the topography of the site and its drainage;
- (i) natural features such as lakes, streams, topsoil, trees and shrubs;
- (j) prevailing winds;
- (k) visual quality;
- (l) community facilities;
- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

94. Building Permits Required

Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building 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.

95. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 36.

96. Subdivision Subject to Zoning

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

97. Building Lines

The Authority may establish building lines for any subdivision street and require any new building to be located on such building lines.

98. 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 or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
 - (c) 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 purpose;
 - (d) 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;
 - (e) money received by the Authority in accordance with Regulation 98(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, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 98(1).

99. Structure in Street Reservation

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

100. Subdivision Design Standards in conformity with the Town of Gander Design Standards for Streets and Subdivisions.

101. 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. Such designs and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.
- (2) Upon approval by the Authority of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary 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.

102. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Authority all the Engineer's fees and charges for the preparation of designs and specifications and for the layout and supervision of construction; such fees and charges being percentages of the total cost of materials and labour for the construction and installation of all works calculated in accordance with the Schedule of Fees recommended by the Association of Professional Engineers of Newfoundland and in effect at the time the work is carried out.

103. Street Works May Be Deferred

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 with the Authority before approval of his application, an amount estimated by the Engineer as reasonably sufficient to cover the cost of construction and installation of the works. 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 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.

104. 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 cost to 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.

105. 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:

- (a) the lot can be served with satisfactory water supply and sewage disposal systems, and;
- (b) satisfactory access to a street is provided for the lots.

106. Grouping of Buildings and Landscaping

- (1) Each plan of subdivision shall 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.
- (2) 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

107. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 107(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.

108. Use Classes

The specific uses to be included in each Use 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.

109. Permitted Uses

Subject to these Regulations, the uses that fall within the Permitted Use Classes set out in the appropriate Use Zone Table in Schedule C shall be permitted by the Authority in that Use Zone.

110. Discretionary Uses

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 51 and has considered any objections or representations which may have been received on the matter.

111. 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

Abandon means: (a) to discontinue use for more than six (6) consecutive months;
(b) to cease or suspend developing or maintaining a building or use for a stated period of time.

1. **Access** means a way, intended for use by vehicles, pedestrians or animals as a means of going from a road, street or highway to land adjacent to it.
2. **Accessory Building** means a detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:
 - (a) in the case of residential uses: domestic garages, carports, sheds, swimming pool-houses, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets or radio and television antennae;
 - (b) in the case of commercial uses: workshops or garages;
 - (c) in the case of industrial uses: garages, offices, raised ramps and docks.
3. **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.
4. **Act** means the Urban and Rural Planning Act.
5. **Adult Entertainment Place** means any premises or part thereof which provides goods or services, including activities, facilities, performances, exhibitions, viewing and encounters, the principle characteristic of which is the nudity or partial nudity of any person.
6. **Advertisement** means 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.
7. **Agriculture** means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature 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, osier land, market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.
8. **Agricultural Building** means any building or structure customarily used in connection with a farm other than a residence.
9. **Alignment** means the common boundary of a street and lot.
10. **Amusement Use** means 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.

11. **Animal** means a non-human living being with a developed nervous system.
12. **Animal Unit** means any one of the following animals or groups of animals:
 - 1 bull;
 - 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
 - 1 cow (including calf);
 - 100 female mink (including associated males and kits);
 - 4 goats;
 - X hogs (based on 453.6 kg = 1 unit);
 - 1 horse (including foal);
 - 125 laying hens;
 - 4 sheep (including lambs);
 - 1 sow or breeding sow (including weaners and growers based on 453.6 kg = 1 unit);
 - X turkeys, ducks, geese (based on 2,268 kg = 1 unit).
13. **Apartment Building** means a building containing three or more dwelling units, but does not include a row dwelling.
14. **Appeal Board** means the appropriate Appeal Board established under the Act.
15. **Aquaculture** means: (a) land devoted to the hatching, raising and breeding of fish or other aquatic plants or animals for sale or personal use; (b) a fish farm.
16. **Architectural Integrity** means the degree to which a building's original design and physical composition is evident and intact.
17. **Arterial Street** means any 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.
18. **Assembly Occupancy** means the occupancy use of a building, or part thereof, by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes, or for the consumption of food or drink.
19. **Auto Body Shop** means a building or a clearly defined space on a lot used for the storage, repair and servicing of motor vehicles including body repair and painting but does not include an automobile service station or an automobile sales establishment.
20. **Auto Scrapyard** means a building, warehouse, yard or other place or premise in or on which are stored or kept automobiles, auto parts or any other salvage object intended for resale or delivery to another person.
21. **Automobile Repair** means the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.
22. **Automobile Washing Establishment** means a building or part thereof used for the operation of automobile washing equipment which is automatic or manual.
23. **Automotive Vehicle Sales or Rental Establishment** means an establishment having as its main use the storage of vehicles for sale or the storage of vehicles for rent or lease. Accessory uses may include facilities for the repair or maintenance of such vehicles.
24. **Awning** means a movable or immovable roof-like cover that projects from the wall of a building for the purpose of advertising and/or shielding a doorway or window from the elements and is periodically retracted into the face of the building.

25. **Balcony** means a platform, projecting from the face of a wall of a building, cantilevered or supported by columns or brackets and surrounded by a balustrade or railing.
26. **Basement** means:
- (d) that portion of a building partly underground, but having less than one-half its clear height below the average lot grade.
 - (e) a portion of a building between two floor levels which is partly set underground but which has at least one-half of its height, from finished floor to finished ceiling or to the undersides of the floor joints of the storey next above, as the case may be, above the adjacent average finished grade level adjacent to the exterior walls of the building.
 - (f) a storey partly above curb level but having at least one-half of its height above the curb level.
27. **Bed and Breakfast Establishment** means a single unit dwelling in which the resident supplies, for compensation, not more than 4 bedrooms for the temporary accommodation of travelers.
28. **Berm** means:
- (g) a raised form of earth to provide screening or to improve the aesthetic character;
 - (h) a mound of earth.
29. **Big Box Store** means a retail development that contains at least one retail store with a gross leasable area of more than 1850 square metres.
30. **Boarding House** means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.
31. **Buffer Area/Strip** means a parcel or tract of land, with plant material or other landscaping that is used to separate one use from another to shield or block noise, light or other nuisances.
32. **Building** means every structure, erection, excavation, alteration or improvement whatsoever placed on, over or under land, or attached, anchored or moored to land, and includes mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other like uses, and any part of a building as so defined and any fixtures that form part of a building.
33. **Building Area** means the maximum projected horizontal area of building at established grade measured to the centre of party walls and to the outside of other walls including air wells, and all other spaces within the building, but excluding open air porches, verandahs, steps, cornices, chimney breasts, fire escapes, exterior stairways, breezeways, accessory buildings, ramps and open loading platforms.
34. **Building Footprint** means the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls.
35. **Building Coverage** means the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.
36. **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;
 - (j) deck line of a mansard roof, and

- (k) 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 structures, smokestacks, steeples and purely ornamental structures above a roof.
37. **Building Line** means a line established by an authority that runs parallel to a street line and is set back at the closest point to a street that a building may be placed. This may include the following:
- any line defining the position of a building or structure on a lot.
 - a line at a prescribed distance from a boundary line of a lot or parcel of land.
 - a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.
 - a line, usually fixed parallel to the lot line, beyond which a building may not extend. (See figure 1).

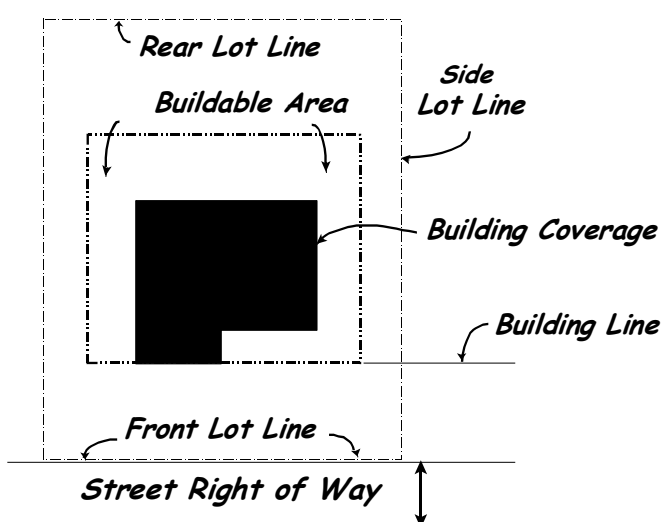


Figure 1. Building and Lot Lines

38. **Building Inspector** means the inspector(s) appointed by the Town Council of Gander.
39. **Builder's Yard** means the yard of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the wholesale or retail sale of building supplies or home improvement supplies.
40. **Bulk Storage Facility** means a place for the outdoor storage or tank storage of large quantities of raw materials or industrial related goods such as liquids (fuel oil), gases, minerals, pipes, gravel, fertilizers and grain.
41. **Business Office** means a room where business may be transacted, a service performed or consultation given but does not include the manufacturing of any product or the on-site retailing or selling of goods.
42. **Campground** means an area of land for the temporary accommodation of travel trailers, motorized homes, tents and a trailer used for travel, recreational and vacation purposes but does not include a mobile home park.
43. **Carport** means a private garage of not more than one storey in height, having a roof supported by columns or piers and enclosures and open to the extent of 50% of the potential total wall area, not including any wall of a building to which a carport is attached, and is intended to be used for vehicle parking.

44. **Car Wash** means a building or structure containing one or more wash bays, attended or unattended by staff, wherein vehicles are washed. The car wash may operate on its own or in conjunction with an automobile service station.
45. **Cemetery** means the use of land primarily as landscaped open space in the placement of grave sites, and where chapels, crematoria and related facilities may be incorporated as accessory uses.
46. **Centerline** with reference to a street or a highway means a line drawn parallel to and equidistant from the limits of the road allowance as originally laid out prior to any subsequent road widening.
47. **Character** means the style, type, quality, or distinctiveness of a building or place.
48. **Church** means a building dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and day nursery operated by the church.
49. **Clinic** means a building used for medical, dental, surgical or therapeutic treatment of human patients that does not include overnight facilities and does not include a professional office of a doctor located in his or her residence.
50. **Club** means the premises of a social club where there may or may not be alcoholic beverages served.
51. **Code** means the 2005 National Building Code of Canada.
52. **Collective Residential** means a building in which sleeping units are provided and/or rented for occupancy by students and/or staff members affiliated with a college, hospital, private school, religious order, university or similar institution, and which is regulated by such institution. A collective residential unit may contain communal dining facilities but shall exclude the preparation of meals within the sleeping units which are provided.
53. **Collector Street** means a street that is designed to link local streets with arterial streets and which is designated as a collector street in the Municipal Plan, or on the Zoning Map.
54. **Commercial School** means a school conducted for compensation and includes a secretarial school, language school, driving school, technology or trades school but does not include a day nursery, university or community college.
55. **Commercial Use** means an occupation, employment or enterprise that is carried on for profit by the owner, lessee, or licensee.
56. **Commercial Vehicle** means a motor vehicle used for commercial purposes with or without an attached or permanently attached delivery body and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load, dump trucks, tractor trailers, semi-trailers and any vehicle which has an exterior fixture or fixtures for the purposes of carrying equipment, materials, or supplies for commercial purposes.
57. **Community Centre** means:
- (l) any tract of land or building or buildings or any part of any buildings used for community activities whether used for commercial purposes or not, the control of which is vested in the Municipality, a local board or agent thereof;
 - (m) a building or part of a building used for community activities without purpose of gain.

58. **Community Service** means a use of lands, buildings or structures for public or non-profit purposes, and may include, without being limited to the aforesaid generalities, such uses as schools, places of prayer, interior recreational facilities, community centers, public hospitals and government buildings.
59. **Composting Operation** means any composting activity upon which real or personal property that releases or might release a contaminant into or upon the environment or any part of the environment and includes a danger of pollution.
60. **Conservation** means:
- (n) the preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by a public authority for individual or public use.
 - (o) the wise management of the environment in a way which will maintain, restore, enhance and protect its quality and quantity for sustained benefit to man and the environment.
 - (p) the preservation, protection and/or improvement of the components of the natural environment through management and maintenance for both the individual and society's uses, both in the present and in the future.
 - (q) the protection and care that prevents destruction or deterioration of historical or otherwise significant structures, buildings or natural resources.
61. **Contractor's Yard** means a yard of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work.
62. **Corner Lot** means a lot having two or more adjacent sides fronting on two or more intersecting or intercepting streets.
63. **Convenience Store** means a building which is used as a store that serves the primary needs of the adjacent neighbourhood and includes the sale of magazine, confectionary and grocery items and a delicatessen or snack bar provided that any eating facility is within a wholly enclosed building.
64. **Cottage** means a building to accommodate one or more guests for temporary occupancy, containing at least two rooms and is at least partially furnished.
65. **Coverage** means that percentage of the lot area covered by the area of all buildings including accessory buildings.
66. **Craft Shop** means a building which is used for the retailing or wholesaling of arts and handicrafts.
67. **Curb Cut** means the cutting or lowering of a curb, sidewalk or boulevard to provide for wheelchair, pedestrian or vehicular access to a site.
68. **Daycare Centre** or 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 (replaced by the *Childcare Services Act*, June 5, 1998) but does not include a school as defined by the Schools Act.
69. **Deck** means:
- (r) a structure abutting a dwelling with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for use as an outdoor living area.
 - (s) a structure without a roof having a foundation to hold it erect, and attached to or abutting one or more walls of a building or constructed separate from a building, with or without direct access to the ground, the floor of which is greater than 0.6 metres

above finished grade, and which is designed and intended for use as a sundeck, but shall not include a landing or stair.

70. Depth means, in relation to a lot

- (t) where the front and rear lot lines are parallel, the horizontal distance between the front and rear lot lines at right angles to such lines, or
- (u) where these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines.

71. **Developer** means a person who is responsible for any undertaking that requires a zoning permit, special-use permit or conditional-use permit.

72. **Development** means the carrying out of any 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 premise and without limiting the generality of the foregoing, shall specifically include:

- (v) the making of an access onto a highway, road or way;
- (w) the erection of an advertisement or sign;
- (x) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time; and shall exclude:
 - (y) the 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;
 - (z) the carrying out by a highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road reservation;
 - (aa) the carrying out by any 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 any street or other land for that purpose;
 - (bb) the use of any building or land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such.

73. **Development Scheme** means a type of plan that becomes a part of the zoning for the property. The plan depicts site characteristics and development information for the proposed development of a specified parcel of land that reflects thereon the location of buildings, easements, parking arrangements, public access, street pattern and other similar features.

74. **Director** means the Director of Urban and Rural Planning.

75. **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.

76. **Domestic and Household Arts** includes dressmaking, tailoring, hairdressing, instruction in music, dancing, arts and crafts, weaving, painting, sculpturing, or otherwise making household ornaments, articles of clothing, personal effects or toys.

77. **Dormitory** means a building or part of a building operated by an institution and containing a room or rooms forming one or more habitable units which are used or intended to be used for living and sleeping, but not for cooking or eating purposes.

78. **Double Dwelling** (or Duplex) means 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.

79. **Driving Range** means a public or private area operated for the purpose of developing golfing techniques, including miniature golf courses, but excluding golf courses.

80. **Drug Store** means a store where the primary business is the filling out of medical prescriptions and the sale of drugs, medical devices and supplies and nonprescription medicines but where non-medical products are sold as well.
81. **Dump** means a waste disposal site where waste is deposited without cover material being applied at regular intervals.
82. **Dwelling** means a building or portion thereof used for residential occupancy, including one unit, two unit and multi-unit dwellings, but does not include hotels and motels.
83. **Dwelling, Townhouse** means three or more dwelling units, each with a separate entrance, constructed side by side and separated by common vertical walls.
84. **Dwelling Unit** means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one household.
85. **Easement** means the right to use land, most commonly for access to other property or as a right-of-way for utility service.
86. **Eating Establishment** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, café, cafeteria, “take-out” counter, ice-cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand; but does not include a boarding or lodging house.
87. **Education Establishment** means an establishment providing academic and/or technical instruction and may include supplementary school cafeterias, book stores, amusement activities from the outside, recreation facilities, instruction function and community assembly use. It refers to uses such as public and private schools, colleges and universities.
88. **Engineer** means a professional engineer employed or retained by the Authority.
89. **Elevation** (also grade, finished) means:
 (cc) the final elevation of the ground surface after development;
 (dd) the average elevation of the finished surface of the ground at ground level measured on any side of a building or structure.
90. **Erect** means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, or structurally altering any existing building or structure by an addition, deletion, enlargement or extension.
91. **Established grade** means:
 (ee) 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 such building exclusive of any artificial embankment or entrenchment, or
 (ff) where used in reference to a structure which 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 (See Figure 2).

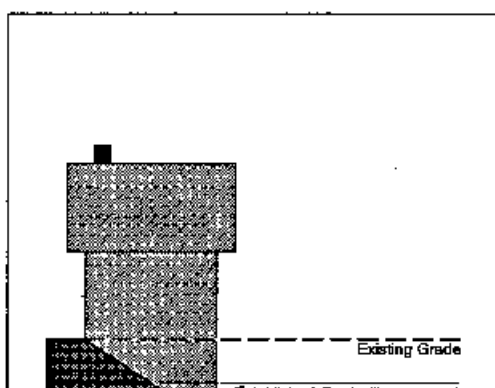


Figure 2. Established Grade of a Building

92. **Excavation** means:
- (gg) the space created by the removal of soil, rock or fill for the purposes of construction.
 - (hh) removal or recovery of any means whatsoever of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.
93. **Existing** means legally existing as of the effective date of these Regulations.
94. **Façade** means the exterior wall of a building exposed to the public view or that wall viewed by persons not within the building, usually the face of a building fronting on the street.
95. **Factory** means a building in which raw material and semi-finished or finished materials are converted to a different form or state or where goods are manufactured, assembled, treated, or processed.
96. **Family and Group Care Centre** means 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, the facilities called "Group Homes", "Halfway House", and "Foster Home."
97. **Farm** means a lot, buildings and structures where the primary use is for the production of farm products such as dairy products, livestock, field or forestry crops, or undeveloped land, and as accessory uses, farm may incorporate one single detached or mobile home dwelling for use by farm help, and structures such as a barn or silo.
98. **Farm Market** means a building in which farm or garden produce comprises the major portion of goods offered or kept for sale directly to the public at retail value.
99. **Fence** means a barrier closing or bordering a field, yard, etc. usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.
100. **Flanking Yard** means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flanking lot line and the nearest main wall of any main building or structure (See Figure 3).
101. **Floor Area** means the total area of all floors in a building measured to the outside face of exterior walls.
102. **Footprint, Building** means the area of a lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall include the area under the horizontal projection of the roof.
103. **Forest Management** means the management of forests for the production of wood and wood products and to provide outdoor recreation, to maintain, restore or

enhance environmental conditions for wildlife, and for the protection and production of water supplies.

104. **Forestry Use** means commercial silviculture and the production of timber or pulp and uses associated with a forestry use, including sawmills, vehicle and equipment storage and maintenance buildings and yards.
105. **Frontage** means the horizontal distance between side lot lines measured at the building line. In the case of a curved corner or where side lot boundaries are not parallel, lot frontage means the distance between the side boundaries of the lot at the minimum front yard setback measured parallel to the street or at right angles to the tangent in a curved street.
106. **Funeral Home** means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.
107. **Garage** means a building erected for the storage of motor vehicles as an ancillary use to a main building on the lot.
108. **Garden Centre** means the use of lands, buildings or structures or part thereof for the purpose of selling plants, lawn and garden equipment, furnishings and supplies.
109. **Gazebo** means a freestanding, roofed accessory structure which is not enclosed, except for screening or glass and which is used for the purposes of relaxation in conjunction with a residential dwelling but shall not include any other use or activity otherwise defined or classified in the Regulations.
110. **Grade** means the degrees of rise or descent of a sloping surface.
111. **Gravel Pit** means an open land area where sand; gravel and rock fragments are mined or excavated for sale or off-tract use.
112. **General Garage** means land or buildings used exclusively for repair, maintenance and storage of motor vehicles and may include the sale of gasoline or diesel oil.
113. **General Industry** means 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.
114. **Golf Course** means a public or private area operated for the purpose of playing golf or a related activity.
115. **Grouped Dwelling** means two or more dwelling units which are contained within two or more buildings located on a lot.
116. **Grocery Store** means a building used for the sale primarily of food products and which specifically excludes the sale of specialty products as a principle use.
117. **Hazardous Industry** means 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.
118. **Heavy Equipment Repair** means an establishment for the repair of vehicles, construction equipment and apparatus, as well as equipment associated with any form of heavy manufacturing.

119. **Hobby Farm** means an agricultural operation that is incidental to the principal residential use, is not carried out for financial gain or reward, or does not constitute a principal income for the farmer or land owner.
120. **Home Child Care Service** means a service where not more than 6 children receive child care in the home of the person providing the child care.
121. **Home Based Business** means an accessory use of a dwelling unit for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the building or site.
122. **Hotel** means a tourist establishment that consists of a building containing three or more attached units grouped under one roof and accessible from the interior or partially from the exterior, designed to accommodate the traveling public and may have facilities for serving meals.
123. **Indoor Recreational Use** means a building for leisure activities such as bowling alleys, fitness clubs and racquet clubs, curling clubs, arenas and gymnasias.
124. **Infill** means the placement of new buildings into established built-up areas, resulting in an increase in building stock.
125. **Infrastructure** means the physical structures that form the foundation for development including public sewage and water systems, storm-water disposal systems, waste management facilities, electric power, communications and transportation corridors and facilities and oil and gas pipelines.
126. **Inn** means a hotel, inn, tavern, public house, or other place of refreshment, the keeper of which is now by law responsible for the goods and property of his guest.
127. **Inspector** means any person appointed and engaged as an Inspector by the Authority or by any federal or provincial authority or the agent thereof.
128. **Institution** means a building or part thereof occupied or used by persons who:
(ii) are involuntarily detained, or detained for penal or correctional purposes, or whose liberty is restricted, or;
(jj) require special care or treatment because of age, mental or physical limitations or medical conditions.
129. **Institutional Use** means:
(kk) the use of land, buildings or structures for a public or non-profit purpose and without limiting the generality of the foregoing, may include such uses as schools, places of worship, indoor recreation facilities, community centres, public hospitals and government buildings,
(ll) the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools and nursery schools.
130. **Kennel** means a building or premise where domestic household animals and birds are boarded for breeding or otherwise.
131. **Land** 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.
132. **Landfill** means a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

133. **Landscaping** means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property or to provide a screen between properties in order to mitigate objectionable features between them.
134. **Laundromat** means a building or structure where coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.
135. **Leisure** means that portion of an individual's time that is not occupied by employment or subsistence activities.
136. **Light Industry** means 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.
137. **Loading Space** means an area of land provided for use for the temporary parking of a commercial motor vehicle where merchandise or materials are loaded or unloaded from the vehicles.
138. **Local Street** means 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.
139. **Lodge** means a tourist establishment containing five or more guest rooms served by a common entrance while additional guest rooms may have a separate entrance directly from outside the building. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms or recreational facilities for use by the guests.
140. **Lodging House** means a dwelling in which at least 2 rooms are regularly rented to persons other than the immediate family of the owner or tenant.
141. **Lot** means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.
142. **Lot Area** means the total horizontal area within the lines of the lot.
143. **Lot Coverage** means the combined area of all buildings on a lot measured at the level of the lowest floor above the established grade expressed as a percentage of the total area of the lot.
144. **Lot Depth** means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the average length of a line joining the mid-points of the front and rear lot lines.
145. **Lot Line** means any boundary of a lot.
146. **Lot Width** means the average horizontal distance between the side lot lines.
147. **Lounge** means licensed premises where liquor is offered for retail sale to patrons, with or without meals, for consumption only in the licensed lounge and other areas of the premises as approved by the Newfoundland Liquor Licensing Board.
148. **Lumber yard** means a facility where building materials such as lumber, plywood, drywall, paneling, cement blocks and other cement products, and other building materials are stored and sold. Lumber yards may also perform customized

work such as cutting, planning and performing millwork. Lumber yards may provide for the sale of associated products including tools and fasteners.

149. **Machine Shop** means a building or part of a building used for making or repairing machine parts.
150. **Main Building** means any building in which is carried on the principal purpose for which the lot is used.
151. **Manufacturing Plant** means a building or structure in which a product is fabricated and from which such product is shipped to a wholesale or retail outlet.
152. **Mineral Working** means land or buildings used for the working or extraction of any naturally occurring substance.
153. **Mini Home** means a form of mobile home which has a pitched roof and traditional house-type exterior siding, windows and doors, designed to be connected to piped water and sewer, electricity and telephone, with or without basement installation, suitable for year round occupancy.
154. **Minor Variance** means a relatively small departure from the provisions of a zoning by-law or any other by-law that maintains the general intent and purpose of the by-law and the official plan.
155. **Mobile Home** means a transportable factory-built single family dwelling unit:
(mm) which complies with space standards substantially equal to those laid down in the current edition of the **National Building Code of Canada** and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
(nn) 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 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.
156. **Mobile Home Park** [Mini Home Park] means 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 underground services, 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.
157. **Mobile Home Subdivision** means 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.
158. **Motel** means a tourist establishment that:
(oo) consists of one or more than one building containing four or more attached accommodation units accessible from the exterior only;
(pp) may or may not have facilities for serving meals; and
(qq) is designed to accommodate the traveling public for whom the automobile is the principal means of transportation.

159. **Museum** means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment, a collection of artifacts of historical interest.
160. **Natural Buffer** means an area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.
161. **Neighbourhood Centre** means the use of a building or part of a building by volunteer tenant associations for the purposes of community development and tenant activities in social housing neighbourhoods without purpose of gain.
162. **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.
163. **Non-Residential** when used with reference to a building, structure or use, means designed, intended or used for purposes other than those of a dwelling.
164. **Nursery** means:
- (rr) a place where young trees or other plants are grown for transplanting or for sale and may also include the sale of related accessory supplies;
 - (ss) land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail sale;
 - (tt) a building or structure and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public
165. **Nursing Home** means a building where nursing care and room and board are provided to individuals incapacitated in some manner for medical reasons and approved by the Departments of Government Services and Lands, and Health and Community Services.
166. **Occupancy** means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
167. **Open Space** means space that is open to the sky and suitable for active or passive recreation or gardens; this space shall be free of automotive traffic, parking and undue hazard, and readily accessible by all those for whom it is intended.
168. **Outbuilding** means a separate accessory building or structure not physically connected to the principle building.
169. **Outdoor Market** means land where individual vendors operating from defined areas offer for sale, articles for consumption such as fresh fruit and vegetables, raw poultry, fish, meat and eggs, honey or cider, cut flowers, bedding plants, shrubs and trees, or baked goods, cheese or processed meats, as well as furniture, and handicrafts.
170. **Outdoor Storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
171. **Owner** means a person or an organization of persons owning or having the legal right to use the land under consideration.

172. **Park** means an area of land set aside for public recreational purposes and may include, but is not limited to, playgrounds, tennis courts, lawn bowling areas, baseball fields, soccer and other athletic fields, outdoor rinks, swimming pools, areas designed for passive enjoyment and similar uses and includes the buildings and structures in connection therewith.
173. **Parkade** means a building or structure designed for the parking of motor vehicles.
174. **Parking Lot** means an open area of land other than a street or an area within a structure for the parking of vehicles.
175. **Parking, Off-street** means the on-site parking allotment required for a given property based on a specific use or uses carried out there.
176. **Parking Space** means an area of land or building for the temporary parking or storage of motor vehicles.
177. **Patio** means a surfaced, open space of land at grade adjacent to a residential dwelling unit or mini home or mobile home which is used as an extension to the interior of the home for private or semi-private entertainment or leisure activities.
178. **Permitted Use** means a use that is listed within the permitted use classes set (uu) out in the use zone tables of an authority's development regulations.
179. **Personal Service Establishment** means a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlour, shoe repair shop, self-service laundry or dry cleaning distribution station.
180. **Place of Assembly** means any public or private building or structure which is designed for the assembly or collection of persons at any one time.
181. **Place of Worship** means a building dedicated to religious workshop and includes a church, synagogue, temple or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.
182. **Playground** means an area of landscaped open space equipped with children's play equipment such as slides, swings or wading pools.
183. **Pit and Quarry Working** carries the same meaning as Mineral Working.
184. **Porch** means a roofed, open structure attached to the exterior of a building with walls that are open and unenclosed to the extent of at least 50%, except by insect screening between floor and ceiling and may include a verandah.
185. **Prefabricated Home** means a building which is capable of being occupied exclusively as a dwelling and which is comprised of prefabricated components which are manufactured off-site, transported and erected on a lot.
186. **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.
187. **Private Club** means a building used as a meeting place for members of an organization and may include a fraternity, a labour union hall, a lodge and recreational or service club.

188. **Public Building** means any building or structure used to provide a municipal, provincial or federal government service excluding those services of a public garage
189. **Public Market** means the use of a building, structure or lot for the purpose of selling any or all of produce, fish, seafood, flowers and crafts and may include retail stores and restaurants.
190. **Public Use** means any lands, structure or building which is constructed for use by the general public, including but not limited to parks, playgrounds, trails, paths and other recreational and open spaces, scenic and historic sites, publicly funded buildings such as schools, hospitals, libraries and other public buildings and structures.
191. **Quarry** means a place where consolidated rock has been or is being, removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.
192. **Rear Yard** means a yard extending across the full width of the lot between the rear lot line and the nearest wall of the building on the lot.
193. **Rear Yard Depth** means the distance between the rear lot line and the rear wall of the main building on a lot (See Figure 3).
194. **Recreation** means any socially acceptable activity pursued during leisure time, either individually or collectively, that provides immediate personal enjoyment.
195. **Recreational Association** means an organization owning land in common for recreation purposes on a temporary or seasonal basis, and may consist of any combination of individually or commonly owned dwelling units and/or recreation facilities.
196. **Recreational Use** means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, golf courses, picnic areas, swimming pools, day camps, walking trails, and similar uses.
197. **Recycling** means the process by which waste products are reduced to raw materials and transformed into new and often different products.
198. **Recycling Depot** means premises on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does **not** include any processing of the materials or a salvage yard.
199. **Residential Club** would be a private club with residential accommodation for its members. (Eg. on the mainland you might have ethnic group based clubs, Ukrainians or Finns, or it could be the Elks.) It crosses over into hostels and similar entities. I would use the example where nothing else under Commercial Residential, or Club and Lodge, or Medical Treatment and Special Care (Home for the Aged) quite fits the bill.
200. **Residential Use** means any family dwellings permitted under this regulation.
201. **Restaurant** means 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.
202. **Rest/Retirement Home** means a residential facility or part thereof which is not a nursing home or group home, in which, for hire or gain, lodging is supplied in at least 10 retirement dwelling units. Meals are supplied for the occupants in a common

- kitchen and dining facility and other communal facilities, such as nursing care, may be provided. Accommodation shall be intended for the lodging of retired or elderly persons.
203. **Restricted Buffer Area** means an area indicated as a strip of land that is adjacent to a closed solid waste disposal site and in which the drilling of domestic water wells is prohibited.
204. **Retail Store** means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of goods, wares, merchandise, substances, articles or things, sufficient only to service such store.
205. **Rezoning** means an amendment or change to the zoning ordinance.
206. **Rooming House** means a dwelling or part thereof in which rooms are provided to lodgers for compensation.
207. **Row Dwelling** means three or more dwelling units at ground level in one building, each unit separated vertically from the others.
208. **Salvage Yard** means an area of land used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall **not** include a hazardous waste material storage or disposal site.
209. **Screening** means the use of landscaping, fences or berms or a combination thereof, to visually and/or audibly separate areas of uses.
210. **Seasonal Residence** means a dwelling which is designed or intended for seasonal or recreational use, and is not intended for use as permanent living quarters.
211. **Self-Service Storage Facility** means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.
212. **Senior Citizens Home** means a use for the purposes of providing self contained dwelling units for elderly or retired persons.
213. **Service Shop** means a building or part thereof, used for the sale or repair of articles, good and materials, and in which no product is manufactured and shall include the repair or servicing of communication parts and accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, and other similar equipment, but does not include any automobile uses.
214. **Service Station** means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and polishing of motor vehicles.
215. **Service Street** means a street constructed parallel to or close to another street for the purpose of limiting direct access to that street.
216. **Setback**, means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelop on such lot.
217. **Shop** means 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.

218. **Shopping Centre** means 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.
219. **Showroom** means 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.
220. **Side yard Depth** means the distance between the side lot line and the nearest side wall of a building on a lot (See Figure 3).
221. **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.
222. **Slope** means:
- (vv) the degree of deviation of a surface from the horizontal expressed in percentage or
 - (ww) degrees.
 - (xx) the rate of vertical change of ground surface expressed as a percentage figure and
 - (yy) determined by dividing the vertical distance by the horizontal distance.
223. **Sponsored Seniors Residence** means a residential building or structure which is operated under a program or combination of programs which are wholly or partly funded by Federal, Provincial or Municipal Government or any agency thereof under a non-profit housing program and within which all dwelling units or a majority of dwelling units are occupied by elderly persons as defined by and who qualify under, any such program or programs and the remaining dwelling units are also occupied by seniors.
224. **Storey** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it.
225. **Street** means any street, road or highway or any other way designed or intended for public use for the passage of vehicles and pedestrians, owned by the Authority or other public agency and maintained at public expense, and is accessible to fire department and other emergency vehicles.
226. **Street Frontage** means the horizontal distance between the projected side lot lines measured at the curb.
227. **Street Line** means the edge of a street reservation as defined by the authority having jurisdiction.
228. **Street Right-of-Way** means a strip of land acquired by reservation, dedication or forced dedication intended to be occupied or occupied by a public street, road or highway (See Figure 1).
229. **Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure, including buildings, walls, signs and fences.
230. **Subdivision** means the dividing of any land, whether in single or joint ownership, into two or more pieces for the purpose of development.

231. **Subsidiary Apartment** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.
232. **Swimming Pool** means an artificial body of water, excluding ponds, of more than 9.3 square metres in area, used for bathing, swimming, or diving.
233. **Take-Out Food Service** means a building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.
234. **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.
235. **Temporary Use** means a use and/or structure permitted to exist for a limited amount of time.
236. **Theatre** means:
- (zz) a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances;
 - (aaa) a building or part of a building which is used for the commercial showing of films or presentation of live entertainment.
237. **Thrift Shop** means a shop operated by a charitable organization which sells donated used merchandise only, where all such merchandise is displayed and stored in an enclosed building.
238. **Tourist Establishment** means any premises operated to provide sleeping accommodation for the travelling public or sleeping accommodation for the use of the public engaging in recreational activities, and includes the services and facilities in connection with which sleeping accommodation is provided.
239. **Tourist Home** means a dwelling or part thereof in which overnight accommodations with or without meals, is provided to transient guests for compensation.
240. **Tourist Resort** means a tourist establishment catering to the vacationing public, designed as a destination-oriented operation, providing meals and sleeping accommodations that may consist of lodge houses, guest rooms or cottages.
241. **Tourist Trailer Park** means an establishment comprising land or premises under single ownership used or intended to be used for the parking of tourist trailers on a temporary or seasonal basis, such as for a day, a week or for a season.
242. **Trailer** means any vehicle used for sleeping or eating accommodation of persons and so constructed as to be suitable for being attached to and drawn by a motor vehicle, notwithstanding that such vehicle is jacked-up or its running gear removed.
243. **Use** means a building or activity situated on a lot or a development permitted on a lot.
244. **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 in Schedule C of the Regulations apply.
245. **Utility** means any public or private system, works, plant, equipment or services that furnish services at approved rates to or for the use of the general public.

246. **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.
247. **Veterinary Clinic** means a facility for the medical care and treatment of animals and includes provisions for their overnight accommodation but does not include any outdoor facilities such as kennels, pen runs and enclosures.
248. **Warehouse** means a building used primarily for the storage of goods and materials.
249. **Warehousing and Distribution Centre** means a building used for the storage, wholesaling and distribution of goods and materials.
250. **Watercourse** means any lake, pond, river, stream or other body of water.
251. **Watershed** means the surface area contained within a divide above a specific point on a river, stream, creek or other flowing body of water.
252. **Wetland** means lands on which the ground water table is close to or above the surface or which is saturated with water for a sufficient length of time to favour the wetlands or aquatic processes: hydric soils, hydrophytic vegetation and various forms of biological activities adapted to this environment. In addition to providing valuable habitat for wildlife, wetlands also:
- (bbb) enhance water quality due to their ability to filter drinking water supply;
 - (ccc) abate flood damage by soaking up and holding flood waters;
 - (ddd) ensure adequate water supply for public use, irrigation, and livestock, thanks to the groundwater-recharging functions of wetlands;
 - (eee) reduce shoreline erosion and damage as wetland vegetation binds and stabilizes substrates, traps sediments, and reduces wave or current energy;
 - (fff) provide recreational opportunities as wetlands can support boating, fishing, hunting, bird watching and other wildlife viewing.
253. **Wetland stewardship** means the careful and responsible management of wetlands including the wide range of actions and activities of individuals, communities, corporations, groups and organizations acting alone or in partnership to ensure the continued health and sustainability of Newfoundland and Labrador's wetlands.
254. **Wholesale Outlet** means an establishment or place of business primarily engaged in the sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on a trade or business even if the said trade or business is the consumer or end user of the commodity.
255. **Woodworking Shop** means the manufacturing of secondary wood-products, such as furniture, kitchen cabinets and vanities, doors, frames, ornaments, signs and pallets, conducted in a building or enclosed structure.
256. **Workshop** means a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop, a commercial welder's shop or similar uses.
257. **Yard** means 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 (See Figure 3).
258. **Zoning Map** means the map or maps attached to and forming part of the Authority's Regulations.

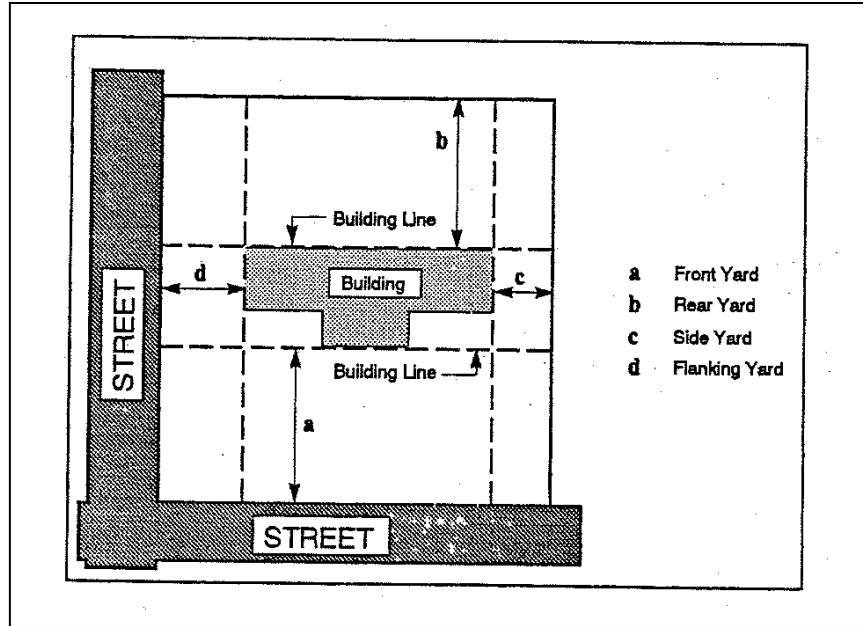


Figure 3. Yard Setbacks

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2 of the **National Building Code of Canada, 2005**. This classification is referred to in Regulation 84.

GROUP	DIVISION	CLASS	EXAMPLES
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.
	2. General Assembly Uses	(a) Cultural and Civic	Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers
		(b) General Assembly	Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys
		(c) Educational	Schools Colleges (non residential)
		(d) Place of Worship	Churches and similar places of worship. Church Halls
		(e) Passenger Assembly	Passenger Terminals
		(f) Club and Lodge	Private Clubs and Lodges (non-residential)
		(g) Catering	Restaurants Bars Lounges
		(h) Funeral Home	Funeral Homes and Chapels
		(i) Child Care	Day Care Centres
		(j) Amusement	Electronic Games Arcades Pinball Parlours Poolrooms
3. Arena-type Uses	(a) Indoor Assembly	Arenas Armouries Ice Rinks Indoor Swimming	

GROUP	DIVISION	CLASS	EXAMPLES
			Pools
	4. Open-air Assembly Uses	(a) Outdoor Assembly	Bleachers Grandstands Outdoor Ice Rinks and Swimming Pools Amusement Parks and Fair-grounds 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
	2. Special Care Institutional Uses	(a) Medical Treatment and Special Care	Children's Homes Convalescent Homes Homes for the Aged Hospitals Infirmaries Orphanages Psychiatric Hospitals Sanatoria
C. RESIDENTIAL USES	1. Residential Dwelling Uses	(a) Single Dwelling	Single Detached Dwellings Family & Group Homes Community Center
		(b) Double Dwelling	Semi-detached Dwelling Duplex Dwellings Family & Group Homes Community Center
		(c) Row Dwelling	Row Houses Town Houses Family & Group Homes Community Center
		(d) Apartment Building	Apartments Family & Group Homes Community Center Neighbourhood Center
	2. General Residential Uses	(a) Collective Residential	Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences
		(b) Boarding House Residential	Boarding Houses Lodging Houses
		(c) Commercial Residential	Hotels & Motels Hostels Residential Clubs
		(d) Seasonal Residential	Summer Homes & Cabins Hunting & Fishing Cabins
		(e) Mobile Homes	Mobile Homes
		(f) Personal Care	Rest Home

GROUP	DIVISION	CLASS	EXAMPLES
		Homes	Retirement Home
D. BUSINESS & PERSONAL SERVICE USES	1. Business, Professional, and Personal Service Uses	(a) Office	Offices (including Government Offices) Banks
		(b) Medical & Professional	Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Similar Professional Offices

GROUP	DIVISION	CLASS	EXAMPLES
D. BUSINESS & PERSONAL SERVICE USES (continued)	1. Business, Professional, and Personal Service Uses (continued)	(c) Personal Service	Barbers Hairdressers Beauty Parlours Small Appliance Repairs
		(d) General Service	Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents
		(e) Communications	Radio Stations Telephone Exchanges
		(f) Police Station	Police Stations without detention quarters
		(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	(a) Shopping Centre	Shopping Centres
		(b) Shop	Retail Shops Stores and Showrooms Department Stores Big Box 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 Shop
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 Asphalt Plant Lumber Yard
	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 Lumber Yards Planing Mills Printing Plants Contractors' Yards
F. INDUSTRIAL	2. General Industrial Uses	(b) Service Station	Gasoline Service

GROUP	DIVISION	CLASS	EXAMPLES
USES (continued)	involving Limited Hazardous Substances and Processes. (continued)		Stations Gas Bars
	3. Light, Non- hazardous or Non-intrusive Industrial uses	(a) Light Industry	Light Industry Parking Garages Indoor Storage Warehouses Workshops Fire Hall Home Improvement Store
G. NON-BUILDING USES	1. Uses not directly related to building	(a) Agriculture	Commercial Farms Hobby Farms Market Gardens & Nurseries
		(b) Forestry	Tree Nurseries Silviculture
		(c) Mineral Working	Quarries Pits Mines Oil Wells
		(d) Recreational Open Space	Playing Fields Sports Grounds Parks Playgrounds
		(e) Conservation	Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries
		(f) Cemetery	Cemeteries Graveyards
		(g) Scrap Yard	Car Wrecking Yards Junk Yards Scrap Dealers
		(h) Solid Waste	Solid Waste Disposal Sanitary Land Fill Incinerators
		(i) Animal	Animal Pounds Kennels Zoos
		(j) Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
		(k) Transportation	Airfields Railway Yards Docks and Harbours

SCHEDULE C

USE ZONE TABLES

NOTE: Further to Part II of these Regulations, this schedule contains additional provisions for development in each use zone, as well general provision for specific categories of use zones. The Schedule also 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 the following:

General Provisions for all Use Zones	2
General Provisions for All Residential Use Zones	4
General Provisions for All Commercial & Industrial	6
Use Zones	
Rural Residential (RR)	7
Residential Low Density (RLD)	8
Residential Medium Density (RMD)	10
Residential High Density - 1 (RHD-1)	12
Residential High Density - 2 (RHD-2)	14
Residential Mobile Home (RMH)	16
Commercial Downtown (CD)	17
Commercial General (CG)	18
Commercial Shopping Centre (CSC)	19
Commercial Highway (CH)	20
Commercial Local (CL)	21
Commercial/Light Industrial (CLI)	22
Industrial General (IG)	24
Airport (Airport)	26
Public/Institutional (PI)	27
Open Space - Recreation (OSR)	28
Open Space - Conservation (OSC)	28
Tourism/Recreation (TR)	29
Rural (R)	30
Comprehensive Development Area (CDA)	32
Waste Disposal (WD)	33

General Provisions for all Use Zones

Notwithstanding the provisions of Part II - General Development Standards of these Regulations, the following provisions will apply to all Use Zones within the Gander Municipal Planning Area:

1. **Discretionary Use Classes**

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

2. **Government Uses**

A government (federal, provincial or municipal) owned building or facility may be permitted in any use zone provided that such use conforms with the applicable standards of the Public/Institutional Use Zone.

3. **Accessory Uses Permitted**

Where these regulations provide for any land to be used, or building to be erected or used for a purpose, the purpose shall include any accessory use. Such uses shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.

4. **Multiple Uses**

In any use zone where any land or building is used for more than one use, each use shall be required to meet the provisions of these regulations. Where there is a conflict such as in the case of lot size or lot frontage, the higher or more stringent standard shall prevail.

5. **Street Classification**

For the purposes of these regulations, streets within the Town of Gander are classified as follows:

Arterials	Collector Streets		Local Streets
Major Cooper Boulevard Gander Bay Road Trans Canada Highway Minor Magee Road	Residential Collector Bennett Drive Byrd Avenue Caldwell Street Edinburgh Avenue Morgan Drive Raynham Drive Ogilvie Rowsell	Industrial/Commercial Airport Blvd James St Roe Avenue Elizabeth Drive McCurdy Drive Memorial Drive	all other streets in Gander are considered local roads

6. **Building Accessibility**

All public and institutional buildings shall be constructed in conformity with the *Buildings Accessibility Act* and *Regulations* to ensure accessibility for persons with physical and/or sensory disabilities.

7. **Fences**

No fence shall be erected, replaced or repaired unless a permit for construction has been issued by the Town in accordance with the *Town of Gander Fence Regulations*.

8. **Subdivision Agreement**

As a condition of approval for development, Council may require the developer to enter into a subdivision agreement with the Municipality.

9. Building Setbacks

Building setbacks from roads shall be provided to preserve specified road right-of-way widths. Setbacks should be sufficient to allow space for pedestrians, landscaping, snow ploughing and the parking and movement of vehicles clear of any road allowance.

10. Parking Areas

Where a parking lot for more than four vehicles is required or permitted:

- (a) The parking lot shall be constructed with a stable surface that is treated to prevent the rising of dust or loose particles;
- (b) The parking area shall be within 90 m of the location it is intended to serve and shall be situated in the same zone; and
- (c) Entrance and exit ramps shall be no closer than 15 m from any corner or street intersection.
- (d) Parking standards to accommodate persons with disabilities shall meet the requirement of the *Buildings Accessibility Act* and *Regulations*.
- (e) Landscaping is provided on 5% of the parking area for lots less than 1,400 m² in size, and 7.5% of the parking area for lots greater than 1,400m².

11. Outdoor Swimming Pools

Where a swimming pool is an accessory use in a **residential** or **commercial zone** it shall:

- (a) Be enclosed by a fence having a minimum height of 1.5 metres from the established grade and located a minimum of 1.5 metres from the water surface perimeter, and have a gate, equipped with self-closing; self-latching devices placed at the top and on the inside of the gate.
- (b) Not exceed 7.0% of the area of the lot.
- (c) Not encroach upon any easement.

12. Signs

All signs or advertisements to be erected within the boundaries of the Town of Gander must be approved in accordance with these regulations and the *Town of Gander Sign Regulations*. Where provisions of these Regulations are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Department of Government Services and Lands under the *Provincial Highway Sign Regulations*, the more restrictive regulations shall apply.

13. Licenses, Permits and Compliance with Other Bylaws

Nothing in this bylaw shall exempt any person from complying with the requirements of any By-Law in force within the Town of Gander, or from obtaining any license, permission, permit, authority or approval required by any statute or regulation of the Province of Newfoundland and Labrador or the Government of Canada.

14. Airport Height Restrictions

The height of any structure in any Use Zone may be subject to the limitations of Schedule E, Zoning Plan, Part C.

16. Watercourse Separation Distances

No structure shall be located within 15 metres of any watercourse except for those related to water treatment and distribution, recreational boardwalks, and structures for the use and storage of recreational boats.

17. Wetland Stewardship Area

All applications for development within the area included in the Municipal Stewardship Agreement Area shall be considered in consultation with the Wildlife Division, Department of Forest Resources and Agrifoods.

18. Development within the Gander Lake Watershed. Applications for development within the Gander Lake Watershed shall be referred to the Gander Lake Watershed Monitoring Committee for review and recommendation.

General Provisions for all Residential Use Zones

1. **Subsidiary Apartments**
Subsidiary apartments in single dwellings where permitted, shall conform to the *Town of Gander Subsidiary Apartment Regulations*.
 2. **Home Based Business**
Refer to the requirements of the *Town of Gander Home Based Business Regulations*.
 3. **Dwelling Units on Corner Lots**
Dwellings located on corner lots shall be located a minimum distance of 8 m from the lot line on the secondary street.
 4. **Subdivision Design Standards**
Notwithstanding Section 76, Part IV Subdivision of Land of these regulations, the design and construction of new subdivisions and streets shall conform to the *Town of Gander Design Standards for Streets and Subdivisions*.
 5. **Bed and Breakfast Establishments**
With the exception of the Residential Low Density Use Zone (**see condition 2 of the Residential Low Density Use Zone Table**), a Bed and Breakfast Establishment may be permitted in a single dwelling in any residential zone provided that:
 - (a) The single unit dwelling is occupied as a residence by the operator of the business.
 - (b) The number of rooms available for rent shall be no greater than (4) four.
 - (c) No addition or alteration shall be undertaken which changes the roof line; increases the height of the building; or extends into the front or side yards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes.
 - (d) Parking is provided as required in Schedule D and only in the side and/or rear of the lot, but not within the required yard.
 - (e) That the building lot shall either front onto, or be within, 60 metres, of an arterial or collector street as designated in the municipal plan for the Town of Gander.
 - (f) That the building lot shall have a minimum frontage of 20 metres.
 - (g) That the minimum lot area shall be 650 square metres for the first of two rooms available for rent, plus 180 square metres for each subsequent rental room available to a maximum of 4 rooms.
- DRA-2010-1 and [NL Gazette](#)
6. **Airport Noise**
New residential subdivision development located within the 30 Noise Exposure Forecast Contour (shown on Map 1) may be required to include the use of soundproofing materials in the exterior walls and windows of proposed residential buildings. Transport Canada shall be consulted for advice on noise impacts and possible mitigation measures.
 7. **Home Childcare Service**
Childcare as a Home Occupation shall conform to the requirements of the *Childcare Services Act* and *Regulations*. Where required, a licence to operate shall be obtained from the Director of Child Care Services, Department of Health and Community Services.

8. **Family and Group Care Centres**

Family and group care centres, may be permitted in a dwelling or apartment, provided that the use is considered in accordance with the *Town of Gander Development Regulations; Section 38, Part II - General Development Standards*.

9. **Accessory Buildings**

An accessory building or structure shall be permitted in any residential use zone provided that the development meets the requirements of the *Town of Gander Accessory Building Regulations*.

10. **Townhouse Development**

Where permitted, the following criteria will govern the development of townhouses:

- (a) Each townhouse will be restricted to a maximum of five dwelling units.
- (b) Concentrations of townhouses in one location or site shall be discouraged.
- (c) Townhouse developments will be compatible in design and character with adjacent housing.
- (d) Sufficient off street parking will be provided on site to accommodate residents and visitors.

General Provisions for all Commercial and Industrial Use Zones

1. **Abutting Zone Provisions**

Where a lot located within a commercial zone abuts a lot in a residential, open space recreation or public/institutional zone, the following standards shall apply:

- (a) The minimum setback of the commercial use from the abutting lot line shall be 10 metres.
- (b) No open storage or outdoor display shall be permitted in an abutting yard in the commercial use zone.
- (c) No portion of a parking space within a commercial zone shall be permitted in any abutting yard except where a 2 m high fence is provided in which case there shall be no parking within 1.5 m of the side or rear lot line in the commercial zone.

2. **Service Stations**

In a commercial use zone where a proposed development is for an automobile service station and garage, the following provisions shall apply:

- (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) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 m of the street or lot line.
- (d) Accesses shall not be less than 7 metres wide and shall be clearly marked.
- (e) Notwithstanding Section 52, Part II - General Development Regulations, where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction. The lot line between entrances shall be clearly indicated.

3. **Storage and Screening of Refuse Containers**

No portion of any lot in a commercial use zone shall be used for the collection or storage of refuse unless the refuse container is screened by fence or similar structure.

4. **Accessory Buildings**

An accessory building or structure shall be permitted in any commercial or industrial use zone provided that the development meets the requirements for non-residential uses under the *Town of Gander Accessory Building Regulations*.

5. **Signs**

All signs or advertisements to be erected within the boundaries of the Town of Gander must be approved in accordance with these regulations and the *Town of Gander Sign Regulations*. Where provisions of these Regulations are inconsistent with the regulations respecting advertising signs on or near public highways made or administered by the Department of Government Services and Lands under the *Provincial Highway Sign Regulations*, the more restrictive regulations shall apply.

6. **Landscaping**

All land except that used for customer parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of the Authority.

7. **Gander Business Park**

Development within the Gander Business Park shall be in accordance with these regulations and the *Commercial Development Regulations*.

RURAL RESIDENTIAL (RR)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Single Dwelling • Subsidiary Apartment in a single dwelling unit • Existing uses (See Condition 1.) • Recreational Open Space • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Agriculture &Animal &Antenna &Bed and Breakfast Establishment &Childcare &Craft Shop &Family and Group Care &Home Based Business &Neighbourhood Center &Place of Worship &Utilities &Veterinary

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 20, Section 3.4 Residential Development Policies.

CONDITIONS

Dwelling Standards	Single Dwelling
Lot area (sq.m) (minimum)	4050
Floor area (sq.m)(minimum)	110
Frontage (m)(minimum)	45
Street Frontage (m)(minimum)	20
Building line setback (m)(minimum)	15
Side yard width (minimum)	3 & 3
Rear yard depth (minimum)	12
Flanking Yard (m)(minimum)	8
Lot coverage (%)(maximum)	33
Height *	

*Subject to airport and associated height limitations in Schedule E, Zoning Plan, Part C.

RESIDENTIAL LOW DENSITY (RLD)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Single Dwelling • Recreational Open Space • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> • Agriculture (See Condition 2 and 3) • Antenna • Child Care • Educational • Family and Group Care • Home Based Business • Neighbourhood Center • Place of Worship • Subsidiary Apartment (See Condition 1) Utilities • Bed and Breakfast Establishment (See Condition 2)

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 20, Section 3.4 Residential Development Policies.

DRA-2010-1 and [NL Gazette](#)

CONDITIONS

Dwelling Standards	Single Dwelling
Lot area (sq.m) (minimum)	650
Lot Depth (m)(min)	40
Floor area (sq.m)(min)	110
Frontage (m)(min)	20
Street Frontage (m)(minimum)	11
Building line setback (m)(min)	8
Side yard width (minimum)	1.5 & 3
Rear yard depth (average)	12
Minimum Depth	10
Flanking Yard (m)(min)	8
Lot coverage (%)(maximum)	33
Height *	

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

CONDITIONS

1. Subsidiary Apartments

Subsidiary apartments may only be permitted in the following areas of the RLD Use Zone,

- between Civic Number 1 and 30, Memorial Drive, and
- between Civic Number 84 and 152 Memorial Drive.

2. Bed and Breakfast Establishment

Bed & Breakfast may only be permitted in the following area of the RLD Use Zone,
 ○ **Between civic numbers 1 and 30, Memorial Drive.**

DRA-2010-1 and [NL Gazette](#)

3. **Keeping of Farm Animals**

Farm animals may be permitted in the Residential Low Density Use Zone under the following conditions:

- (a) The use of land or structures for the grazing or keeping of farm animals shall be limited to 1 animal unit per 2,800 m² of land area.
- (b) An animal unit shall be determined on the basis of the following table:

Type of Animal	Number Equal to One Farm Animal Unit
Cattle	1
Horses	1
Sheep	1
Goats	1
Swine	1
Bees	1 hive
Fowl	3
Mink	3
Fox	3
Rabbit	3

Combinations of fowl, mink, fox, or rabbit in any grouping of 3 shall also be considered as 1 animal unit.

4. **Siting and Construction of Barns and Fenced Enclosures**

Structures and fenced enclosures used for housing farm animals in the Residential Low Density Use Zone shall be developed according to the minimum standards as illustrated in the following diagram.

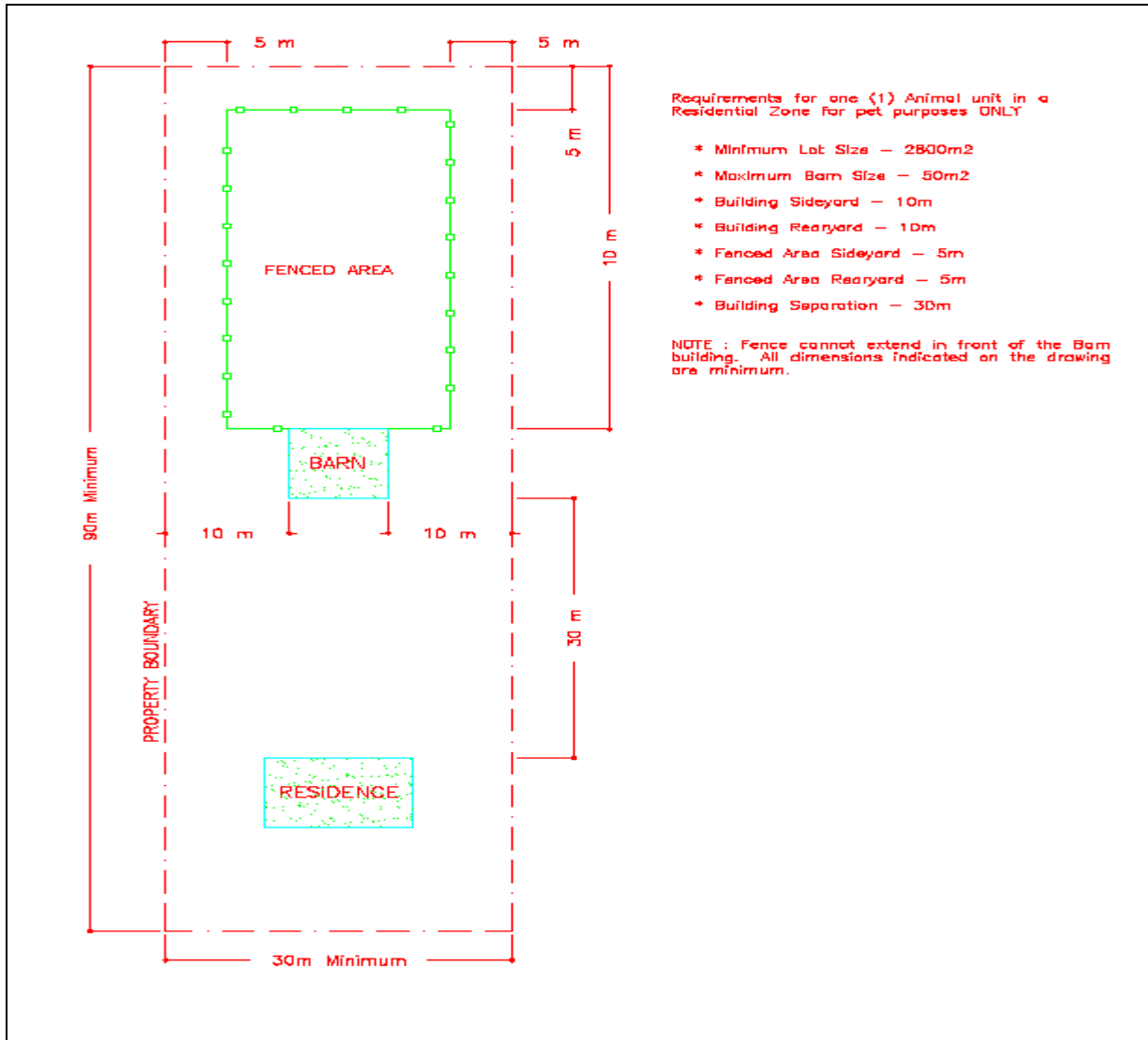


Figure 1: Siting and Construction of Barns and Fenced Enclosures

RESIDENTIAL MEDIUM DENSITY (RMD)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Single Dwelling • Subsidiary Apartment within a Single Dwelling • Double Dwelling • Recreational Open Space • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Apartment Building &Bed and Breakfast Establishment &Child Care &Child Care &Community Centre &Educational &Family and Group Care Centre &Home Based Business &Lodging House &Neighbourhood Center &Place of Worship &Rest/Retirement Home &Row Dwelling &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 20, Section 3.4 Residential Development Policies.

CONDITIONS

Standards	Apartment Building (where permitted)						
	Single Dwelling	Double Dwelling	Row Dwelling	1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
Lot area (sq.m)(min)	450	390*	350*	200*	250*	280*	300*
Lot depth (m)(min)	40	40	40	40	40	40	40
Floor area (sq.m) (min)	80	80*	65*	40*	50*	60*	70*
Frontage(m)(min)	16	20	6*	36			
Street Frontage (m)(min)	9	14	5				
Building line setback (m)(min)	8	8	9	8			
Side yard width (Minimum)	1.5 & 3	3 & 3	3 & 3 end unit only	5			
Flanking Yard (m)(min)	8	8	8	8			
Rear yard Depth (Avg)	12	12	12	12			
Minimum Depth	10	10	10	10			
Lot coverage (%) (max)	30	30	30	30			
Height **							

* per dwelling unit

** subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

1. Residential Density

In each Residential Medium Density Zone there shall be no more than 50% apartment units, row housing units or a combination of apartment and row housing units, the remainder being either single or double dwellings or a combination of single and double

dwelling. Town or row housing will be restricted to a maximum of five units per building. No two row house buildings shall be erected immediately adjacent to each other.

2. **Lodging House**

A single dwelling may be used for a lodging house provided that:

- (a) The number of rooms available for rent shall not exceed (3) three.
- (b) No addition or alteration shall be undertaken which changes the roof line; increases the height of the building; or extends into the front or side yards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes.
- (c) Parking is provided as required in Schedule D and only in the side and/or rear of the lot, but not within the required yard.

3. **Parking - Rest/Retirement Homes**

Parking requirements for Rest/Retirement Homes and sponsored seniors residences shall be:

- (a) 1.0 occupant parking space for every two retirement dwelling units;
- (b) 1.0 visitor parking space for every four retirement dwelling units; and
- (c) 0.85 parking spaces per staff member.

RESIDENTIAL HIGH DENSITY-1 (RHD-1)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Single Dwelling • Subsidiary Apartments within a Single Dwelling • Double Dwelling • Row Dwelling • Apartment Building • Recreational Open Space • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Bed and Breakfast Establishment &Child Care &Collective Residential &Community Centre &Convenience Store &Educational &Family and Group Care Centre &Home Based Business &Lodging House &Neighbourhood Center &Office &Place of Worship &Rest/Retirement Home &Shop &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 20, Section 3.4 Residential Development Policies.

CONDITIONS

Standards	Single Dwelling	Double Dwelling	Row Dwelling	Apartments (where permitted)			
				1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
Lot area (sq.m)(min)	390	275*	250* (avg)	170*	210*	230*	250*
Lot depth (m)(min)	35	35	35				
Floor area (sq.m) (min)	80	70*	60*	40*	50*	60*	70*
Frontage(m)(min)	12	20	6*	30			
Street Frontage (m)(min)	7	14	5				
Building line setback (m)(min)	8	8	8	8			
Side yard width (Minimum)	1.5 & 2.75	2 & 3	3 & 3	5			
Rear yard depth (Avg)	12	12	12	12			
Minimum Depth	10	10	10	10			
Flanking Yard (m)(min)	8	8	8	8			
Lot coverage (%) (max)	33	33	33	33			
Height (m)(max)**	10	10	10	10			

* per dwelling unit

** subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

1. **Place of Worship and Educational Uses**

Where permitted a place of worship and an educational use shall conform to the frontage,

building line setback, side yard, rear yard, and height requirements specified in the Public/Institutional Use Zone.

2. Lodging House

A single dwelling may be used for a lodging house provided that:

- (a) The number of rooms available for rent shall not exceed (3) three.
- (b) No addition or alteration shall be undertaken which changes the roof line; increases the height of the building; or extends into the front or side yards of the lot, except for dormers and/or structures necessary for public safety such as fire escapes.
- (c) Parking is provided as required in Schedule D and only in the side and/or rear of the lot, but not within the required yard.

3. Parking - Rest/Retirement Homes

Parking requirements for Rest/Retirement Homes and sponsored seniors residences shall be:

- (a) 1.0 occupant parking space for every two retirement dwelling units;
- (b) 1.0 visitor parking space for every four retirement dwelling units; and
- (c) 0.85 parking spaces per staff member.

4. Commercial Uses in Apartment Buildings

Commercial uses may be permitted in multiple-unit apartment buildings where:

- (a) The proposed use is located on the ground floor of the apartment building;
- (b) The commercial use will serve local needs of the residents and surrounding neighbourhood; and
- (c) The use will not detract from the residential character of the neighbourhood by virtue of generating excessive noise or traffic.

RESIDENTIAL HIGH DENSITY-2 (RHD-2)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Single Dwelling • Double Dwelling • Row Dwelling • Recreational Open Space • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Club and Lounge (see Condition 1) &Collective Residential &Community Centre &Convenience Store &Educational &Family and Group Care Centre &Grouped Dwellings &Home Based Business &Neighbourhood Center &Nursing Home &Place of Worship &Rest/Retirement Home &Shop &Sponsored Seniors Residence &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 20, Section 3.4 Residential Development Policies.

CONDITIONS

Standards	Single Dwelling	Double Dwelling	Row Dwelling	Multiple Unit Dwellings (where permitted)			
				1 Bdrm	2 Bdrm	3 Bdrm	4 Bdrm
Lot area (sq.m)(min)	390	275*	250* (average)	170*	210*	230*	250*
Lot depth (m)(min)	35	35	35				
Floor area (sq.m) (min)	70	70*	60*	40*	50*	60*	70*
Frontage(m)(min)	12	20	6*	30			
Street Frontage (m)(min)	7	14	5				
Building line setback (m)(min)	7	7	7*	8			
Side yard width (Minimum)	1.5 & 3	3 & 3	3 & 3	5			
Rear yard depth (Avg)	12	12	12	12			
Minimum Depth	10	10	10	10			
Flanking Yard (m)(min)	8	8	8	8			
Lot coverage (%) (max)	33	33	33	33			
Height (m)(max)**	10	10	10	10			

* per dwelling unit

** subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

1. Club and Lounge

Club and lounge uses may be permitted as accessory uses in Rest/Retirement Homes and

sponsored seniors' residences.

2. **Parking – Rest/Retirement Homes**

Parking requirements for Rest/Retirement Homes and sponsored seniors residences shall be:

- (a) 1.0 occupant parking space for every two retirement dwelling units;
- (b) 1.0 visitor parking space for every four retirement dwelling units; and
- (c) 0.85 parking spaces per staff member.

3. **Parking - Nursing Homes**

Parking requirements for Nursing Homes shall be:

- (a) 1.0 visitor parking space for every four beds; and
- (b) 0.85 parking spaces per staff member.

RESIDENTIAL MOBILE HOME (RMH)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Mobile Home/ Mini Home • Recreational Open Space • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <p>&Antenna &Child Care &Convenience Store &Community Centre &Home Based Business &Neighbourhood Center &Utilities</p>

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies, and, page 20, Section 3.4 Residential Development Policies.

CONDITIONS

Standards	Mobile Home 4.27m	Mobile Home 4.88m	Shed	Fence
Lot Size (m)(min)				
Width	12	12		
Depth	38	38		
Set back from Lot Line	8	8		
Street Frontage (m)(min)	5	5		
Minor Side yard (minimum)	1.5	1.5	1	
Major Side yard (minimum)	3	3	1	
Minimum Rear yard Depth	10	10		
Minimum Flanking yard	8	8		
Height				
min			3	0.8
max				1.8
Max Lot Coverage	26%	26%	6%	

* Extensions not permitted unless approved by Town of Gander.

COMMERCIAL DOWNTOWN (CD)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Communications • Conservation • Convenience Store • Cultural and Civic • General Assembly • General Service • Medical and Professional • Office • Personal Service • Place of Worship • Take-Out Food Service • Theatre • Shop • Shopping Centre 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> • Amusement • Antenna • Apartments (over permitted uses) • Apartment Building • Catering • Club and Lodge • Child Care • Collective Residential • Educational (See Condition 2) • Indoor Assembly • Outdoor Market • Recreational Open Space • Single Dwellings (see condition 4) • Utilities

Refer to *Gander Municipal Plan*, page 14, Section 3.2 General Development Policies; page 24, Section 3.5 Commercial Development Policies; and Subsection 3.5.2 Commercial Downtown.

DRA-2013-12 and [NL Gazette](#)

CONDITIONS

1. **Development Standards**

The development standards for this zone shall be as follows:

- | | | |
|-----|---|-------------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yard Width, except where buildings are built with adjoining party walls. | 5 metres |
| (c) | Minimum Rear yard Dept. | 10 metres |
| (d) | Maximum Height | 15 metres * |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

2. **Educational**

Educational uses shall be limited to private educational schools.

3. **Single Dwellings**

Single Dwellings may be permitted as a conversion of public building such as a church manse to a private residential use.

COMMERCIAL GENERAL (CG)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Cultural and civic • Communications • Conservation • General Service • Indoor Market • Medical and Professional • Office • Passenger assembly • Personal Service • Police Station • Shop • Shopping Centre • Taxi Stand • Veterinary 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> • Animal (DRA-2017-26 and Gazette) • Amusement • Antenna • Apartment Building • Apartments (over permitted uses) • Autobody Shop (See Condition 3) • Automobile Sales Establishment • Catering • Child Care • Collective Residential • Commercial Residential • Convenience Store. • Club and lodge • Educational • Funeral Home • General Assembly • General Assembly • Light Industry • Manufacturing (See Condition 2) • Outdoor Market • Place of Worship • Recreational Open Space • Service Station • Shopping Centre • Take-out Food Service • Utilities

Refer to *Gander Municipal Plan*, page 14, Section 3.2 General Development Policies; page 24, Section 3.5 Commercial Development Policies; and Subsection 3.5.1 Commercial General.

DRA-2013-12 and [NL Gazette](#)

CONDITIONS

1. **Development Standards**

The development standards for this zone shall be as follows:

- | | | |
|----------------|---|-----------------------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) | Minimum Rear yard Depth | 10 metres |
| (d) | Maximum Height | 15 metres* |
| (e) | Maximum Building Footprint | 1850 sq. m |
| (f) | Developments within the Commercial General Zone are subject to the design standards and recommendations contained within the <i>Town of Gander Downtown Redevelopment Study, 2006</i> . | |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

DRA-2013-10 and [NL Gazette](#)

2. **Manufacturing Uses**

Manufacturing uses shall be limited to those which may involve the assembly of component parts for business or office uses such as computer equipment, but do not involve the use of chemical processes, which result in the emission of gases, use of significant volumes of water or which generate significant levels of truck traffic.

3. **Autobody Shop**

Autobody shops shall be permitted where they are part of an existing or proposed auto sales establishment.

COMMERCIAL SHOPPING CENTRE (CSC)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • General Assembly • Medical and Professional • Office • Personal Service • General Service • Shop • Shopping Centre • Theatre 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> • Antenna • Automobile Sales Establishment • Catering • Child Care • Conservation • Outdoor Market • Light Industry • Recreational Open Space • Service Station • Utilities

Refer to *Gander Municipal Plan*, page 14, Section 3.2 General Development Policies; page 24, Section 3.5 Commercial Development Policies; and Subsection 3.5.3 Commercial Shopping Centre.

DRA-2013-12 and [NL Gazette](#)

CONDITIONS

1. **Development Standards**

The development standards for this zone shall be as follows:

- | | | |
|-----|--|------------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) | Minimum Rear yard Depth | 10 metres |
| (d) | Maximum Height | 15 metres* |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

2. **Open Storage**

No open storage of goods or materials shall be permitted and all uses shall be conducted within the enclosed building.

3. **Minimum Landscaped Open Space**

50% of all yards abutting a street or residential zone shall be landscaped by the developer.

4. **Off-Street Parking**

In accordance with Schedule D: Off-Street Parking Requirements.

COMMERCIAL HIGHWAY (CH)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Commercial Residential (Hotels/Motels) • Conservation • Passenger Assembly 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> • Antenna • Apartment Building • Catering • Collective Residential • Communications • Convenience Store • Office (See Condition 2) • Service Station • Shop (see condition 3) • Taxi Stand • Takeout Food Service • Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; page 24, Section 3.5 Commercial Development Policies; and Subsection 3.5.4 Commercial Highway.

DRA-2013-12 and [NL Gazette](#)

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | |
|---|------------|
| (a) Minimum Building Line Setback | 15 metres |
| (b) Minimum Side yard width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) Minimum Rear yard Depth | 10 metres |
| (d) Maximum Height | 15 metres* |

*** Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.**

2. Offices

Offices may be permitted provided they are for a purpose which serves the travelling public such as a Car Rental Agency or Taxi stand.

3. Shop

Shop shall be limited to Car Sales Establishments which may be permitted at the discretion of Council as a subsidiary, not primary, use only. The use shall meet the following Stipulations:

1. Vehicles must be new or have a current license.
2. The use must be clearly incidental to the primary use.
3. Car sales must not occupy more than 25% of the area developed for the permitted use.
4. Car sales must have designated signage and an office.
5. Separate parking must be provided for car sales
 - i) Lots must be one per vehicle measuring 3m x 6m
 - ii) Lots must be hard surface
 - iii) Parking lots must be in addition to those required for the permitted use.

- iv) Parking of vehicles for sales must not obscure or hinder access to the permitted use.
6. A Development scheme must be submitted to the Town of Gander for approval showing as required information before an application is approved.

COMMERCIAL LOCAL (CL)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Convenience Store • General Service • Medical and Professional • Personal Service • Shop 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Apartments (Over permitted uses) &Catering (See Condition 5) &Child Care &Conservation &Place of Worship &Service Station &Take-out Restaurant &Utilities

Refer to *Gander Municipal Plan*, page 14, Section 3.2 General Development Policies; page 24, Section 3.5 Commercial Development Policies; and Subsection 3.5.5 Commercial Local.

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|--|-----------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) | Minimum Rear yard Depth | 10 metres |
| (d) | Maximum Height | 5 metres* |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

2. Design

Building design, landscaping, lighting, and advertisements must ensure sound, attractive development which preserves the appearance and amenities of surrounding residential areas.

3. Location, Access and Parking

Commercial local uses shall be restricted to arterial or collector roads. Access points shall be limited to curb ramps at selected points agreed upon between the developer and the Town. Building sites shall provide for adequate off-street parking, loading, and other required facilities.

4. Buffer Zones

A minimum buffer zone of 15 metres shall be required between Local Commercial sites and the boundaries of adjoining residential lots. Developers shall be required to landscape and plant trees and shrubs on this buffer to a standard defined by the Authority. Rear yards shall be maintained and kept free of debris.

5. Catering

Catering uses shall be limited to restaurants in the Commercial Local Use Zone.

COMMERCIAL / LIGHT INDUSTRIAL (CLI)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Light Industry • Manufacturing (excluding uses required to be registered under Schedule A of the <i>Environmental Assessment Act</i> - See Condition 4) • Office 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Automobile Sales Establishment &Business and Personal Service Use Group (all use classes) &Catering &Child Care &Education &Funeral Home &Passenger Assembly &Recreational Open Space &Fitness Centre &Service Station &Shop &Take-out Service &Taxi Stand &Utilities &Veterinary

Refer to *Gander Municipal Plan*, page 14, Section 3.2 General Development Policies; page 31 Section 3.6 Industrial Uses; and Subsection 3.6.1 Commercial Light Industrial.

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|--|------------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) | Minimum Rear yard Depth | 15 metres |
| (d) | Maximum Height | 15 metres* |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

2. Service Stations

In the Commercial Light Industrial use zone where a proposed development is for an automobile service station and garage, the following provisions shall apply:

- (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) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 metres of the lot line.
- (d) Accesses shall not be less than 7 metres wide and shall be clearly marked.
- (e) Notwithstanding Section 52, Part II - General Development Regulations, where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction. The lot line between entrances shall be clearly indicated.

3. **Shop**

Retail uses may be permitted in this zone provided that:

- (a) In the opinion of the Authority the use is not more appropriately located in the Commercial Downtown use zone,
- (b) The retail use is deemed to be unsuitable for a pedestrian oriented environment by nature of its size, extensive use of land, outdoor storage and/or its need for direct access.

Examples of retail uses which may be permitted to locate in this zone are: building supply and masonry products outlets, vehicle and heavy equipment sales, tree, shrub and plant sales, furniture outlets, boat and marine sales, etc.

4. **Manufacturing**

Manufacturing uses which are required to be registered under the *Environmental Assessment Act* shall **not be permitted** uses in the Commercial/Light Industrial Use Zone. These include:

- Processing of meat, fish and poultry products
- Feed Mills
- Distilleries, breweries or wineries
- Manufacture of rubber products such as tires and tubes
- Manufacture of plastic products
- Leather and allied products such as leather tanneries
- Manufacture of textile products
- Sawmills, planing mills, shingle mill products industries
- Paper and allied products manufacturing
- Manufacturing, refining and fabricating of metal products
- Manufacturing of clay products, cements, and other non-metallic mineral products
- Refining of petroleum products
- Manufacture of chemical and chemical products including industrial, agricultural, plastics and synthetic resins, paints and varnishes, soaps and cleaning compounds
- Other manufacturing uses including photographic films and plates, floor tiles and coated fabrics manufacturing.

5. **Light Industry**

Light industry as permitted in this zone shall be defined as any manufacturing, industrial assembly, or warehousing operation conducted and wholly contained within an enclosed building and which is not obnoxious by reason of noise, vibration, odour, dust, smoke, unsightly outdoor storage, refuse matter, or water carried waste.

6. **Airport Boulevard**

Uses in the Commercial/Light Industrial Use Zone located along Airport Boulevard shall be limited to light industry uses. Such uses shall:

- (a) Maintain the natural open space appearance of the Boulevard by maintaining the existing trees;
- (b) Maintain landscaped front yards;
- (c) Where possible, share driveway accesses.

INDUSTRIAL GENERAL (IG)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Autobody Shop • Concrete Plants • Conservation • General Industry • Light Industry • Repair Garage • Service Station 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Automobile Sales Establishment &Retail Sales &Business and Personal Service Use Group (all use classes) &Catering &Educational &Fuel Storage &Passenger Assembly &Recreational Open Space &Shop &Utilities

Refer to *Gander Municipal Plan*, page 14, Section 3.2 General Development Policies; page 31, Section 3.6 Industrial Uses; and Subsection 3.6.2 Industrial General.

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|--|------------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) | Minimum Rear yard Depth | 15 metres |
| (d) | Maximum Height | 15 metres* |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

2. Service Stations

In the Industrial General use zone where a proposed development is for an automobile service station and garage, the following provisions shall apply:

- (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) A canopy for sheltering pump islands may be erected provided that no part of the canopy is located within 3 m of the street or lot line.
- (d) Accesses shall not be less than 7 metres wide and shall be clearly marked.
- (e) Notwithstanding Section 52, Part II - General Development Regulations, where a service station is located on a corner lot, the centre line of any access shall be at least 30 metres from the centre line of the junction. The lot line between entrances shall be clearly indicated.

3. Industrial Streets and Services

All industrial and light industrial uses must be provided with streets and municipal services designed for industrial use including fire fighting capability. Any industrial establishment must provide adequate off-street parking facilities for all employees. Customer parking may be provided in the street right-of-way by the construction of suitable bays in which parked vehicles will not interfere with moving traffic.

4. **Storage of Flammable Liquids**

All uses and structures for the on-site bulk storage of flammable liquids shall conform to the requirements of the Provincial Fire Commissioner and shall be surrounded by such buffers and landscaping as the Authority may require in order to prevent damage to adjacent uses by fire, explosion or spillage of flammable liquids.

5. **Outdoor Storage**

Storage is not permitted in front yards. It may be permitted in side yards and/or backyards. Council may require fencing or other form of screening where quantity and/or type of material would lead to unsightly appearance.

AIRPORT	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Armed Forces Installations • Conservation • Passenger Assembly • Transportation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Catering &Collective Residential &Commercial Residential &General Industry &Light Industry &Police Station &Recreational Open Space &Service Stations &Shop &Taxi Stand &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; page 34, Section 3.7 Airport Uses.

CONDITIONS

1. **Airport Master Plan, 1999**
 Uses permitted in the Airport Use Zone shall be determined according to the provisions of the Gander International Airport Master Plan, 1999, administered by Transport Canada in cooperation with the Town.

PUBLIC/INSTITUTIONAL (PI)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Child Care • Conservation • Cultural and Civic • Educational • General Assembly • Medical Treatment and Special Care • Place of Worship 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12,13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Catering &Club and Lodge &Collective Residential &Correctional Detention &Indoor Assembly &Manse &Medical and Professional &Office &Passenger Assembly &Police Station &Recreational Open Space &Shop &Theatre &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies and page 37, Section 3.9 Public Institutional.

CONDITIONS

1. **Development Standards**

The development standards for this zone shall be as follows:

- | | | |
|-----|--|------------|
| (a) | Minimum Building Line Setback | 10 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 5 metres |
| (c) | Minimum Rear yard Depth | 15 metres |
| (d) | Maximum Height | 15 metres* |

* Subject to airport and associated height limitations shown in Schedule E, Zoning Plan, Part C.

2. **Access and Parking**

In assessing proposed new public uses, the Authority will require vehicular and pedestrian access to the site and off-street parking that meets the standards of these development Regulations.

3. **Municipal Services**

Full municipal services shall be required for new public uses.

4. **Accessory Buildings**

Accessory buildings shall be developed in accordance with the *Town of Gander Accessory Buildings Regulations* for non-residential buildings.

5. **Landscaping**

All land except that used for parking and vehicle access shall be landscaped and maintained by the owner or occupier to the satisfaction of the Authority.

OPEN SPACE/RECREATION (OSR)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Conservation • Recreational Open Space 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Catering &Child Care &Club and Lodge &Convenience Store &Cultural and Civic &Indoor Assembly &Outdoor Assembly &Take-out Food Service &Theatre &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; page 39, Section 3.10 Open Space; and Subsection 3.10.1 Open Space Recreation.

CONDITIONS

1. **Commercial Uses**

Commercial uses such as childcare, catering, convenience and take-out food service may be permitted as an accessory use to a recreational facility, provided that they are contained within the building envelope of the recreational building.

OPEN SPACE/CONSERVATION (OSC)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Conservation 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Antenna &Boardwalks &Cemetery &Forestry &Walking and Nature Trails &Utilities

*Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; page 39, Section 3.10 Open Space; page 39. Subsection 3.10.2 park Hierarchy; and, page 42, Subsection 43.10.3 Open Space Conservation.*

CONDITIONS

1. See *General Provisions* for all use zones, page 2.

TOURISM RECREATION (TR)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Conservation • Recreational Open Space 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> &Amusement &Antenna &Catering &Club and Lodge &Collective Residential (See Condition 5) &Commercial Recreation &Commercial Residential &Cultural and Civic &General Assembly &Indoor Assembly &Outdoor Assembly &Outdoor Theatre &Utilities

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; page 43, Section 3.11 Tourism and Recreation.

CONDITIONS

1. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|-----|--|-----------|
| (a) | Minimum Building Line Setback | 25 metres |
| (b) | Minimum Side yards width (except where buildings are built with adjoining party walls) | 10 metres |
| (c) | Minimum Rear yard Depth | 20 metres |
| (d) | Maximum Height | 8 metres |

2. Planning and Design

The discretionary use classes listed in this table may be permitted provided that they are located, designed, and constructed to the Authority’s specifications, which will be based on the planning and design guidelines outlined in Sections 3.11 and 3.12; and Subsection 3.12.1 of the Municipal Plan. Overall, they will be required to be compatible with the natural character, environment, and scenic vistas that will be maintained in this zone. They will also be complementary to the permitted use classes within this zone.

3. Buffer Zone

A minimum buffer zone of 15 metres shall be required between individual sites and the main street on which they front. Developers will be required to retain desirable trees and clumps of trees within the buffer and to landscape and plant new trees and shrubs to a standard defined by the Authority.

4. Residential Uses

Residential use in this use zone shall be limited to collective residential uses associated with permitted uses or permitted uses in the Public Institutional Use Zone. Such uses may include a residence for hospital personnel.

RURAL (R)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Conservation • Agriculture • Forestry 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <ul style="list-style-type: none"> • Aggregate Extraction • Animal • Antenna • Cemetery • General Industry • Mineral Working • Outdoor Assembly • Outdoor Market • Recreational Open Space • Seasonal Residential (See Condition 1) • Service Station • Utilities • Veterinary • Hazardous Industry

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 35, Section 3.8 Rural Resource Areas.

DRA-2012-8 and [NL Gazette](#)

CONDITIONS

1. **Seasonal Residential**
Seasonal residential development shall only be permitted in the form of infilling in Cottage areas identified by the Department of Government Services and Lands.
2. **Hazardous Industry**
Hazardous Industry Development shall only be permitted in Rural zones and must be located a minimum distance of two kilometres from developed areas.

DRA-2012-8 and [NL Gazette](#)

3. **Mineral Workings**
The following conditions shall apply to the development of mineral workings in the Rural Use Zone:
 - a) **Separation from Adjacent Uses** - Unless the Authority is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no mineral working shall be permitted to locate or expand, closer than the minimum distances set out below to the specified development or natural feature:

Type of Development	Minimum Separation Distance
Existing or proposed Residential Development	300 metres (985 ft)
Any other developed area or area likely to be developed during the life of the pit or quarry working.	150 metres (500 ft)
Public highway or street	50 metres (165 ft)
Protected Road	90 metres (300 ft)
Water body or watercourse	50 metres (165 ft)
Recreational Trail or other recreational facilities	50 metres (165 ft)

- (b) Effective tree screens shall be maintained around the periphery of any mineral working. Where trees are not present to create an effective screen, Council may require the installation of a landscaped embankment or fence, particularly where the workings are visible from the Trans Canada Highway.
- (c) Topsoil removed for mineral working shall be retained for restoration of the site.
- (d) No mineral working shall be conducted which causes danger or nuisance to the public.
- (e) Proposed mineral working operations will be evaluated carefully by Council in conjunction with the Department of Mines and Energy.
- (f) No mineral working shall unacceptably reduce the quality of water in a watercourse or water body. Any access road which crosses a watercourse shall be bridged or culverted according to the regulations of the Department of Environment and Labour.
- (g) No mineral working shall result in the excavation of land below the level of the water table nor cause the ponding of water. However, settling ponds may be permitted with the approval of the Department of Environment and Labour.
- (h) No mineral working shall be carried out in a manner which causes the erosion of adjacent land.
- (i) The mineral working shall be kept clean of refuse, abandoned vehicles and equipment, and derelict buildings.
- (j) Upon completion of mineral working, and when there is no intention to re-open such operations, all buildings and machinery shall be removed from the site and the site restored so as not to constitute a danger to the public or present an unsightly appearance.
- (k) Applications for mineral workings located in the Gander Lake Protected Watershed will be referred to the Gander Lake Watershed Management Committee for consideration and recommendation.

4. **Waterways**

No development will be permitted within 15 metres of rivers or streams or within 30 metres of the shoreline of Gander Lake and other lakes and ponds.

- (a) Where natural topography creates a visual screen between a scrap yard or solid

waste storage of disposal site and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.

- (b) Where effective screening for any scrap yard or solid waste disposal or storage use cannot be installed or located as required in (a) - (c) above, or where the site is highly visible from a distance the Authority may refuse to permit the use or associated activity.

5. **Screening**

The Authority may require scrap yard or solid waste storage or disposal site to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

6. **Waste Disposal Site**

Applications for development located within 1.6 km of the Gander Municipal Waste Disposal Site shall be forwarded to the Department of Government Services and Lands for review and approval.

COMPREHENSIVE DEVELOPMENT AREA (CDA)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Maintenance and Operation of Existing and previously approved uses 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <p>&Agriculture &Conservation &Forestry &Utilities</p>

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 45, Section 3.12 Comprehensive Development Areas (CDAs).

CONDITIONS

1. **Comprehensive Development Scheme**

Before any development is permitted, a Comprehensive Development Scheme will be prepared under the *Urban and Rural Planning Act* and the Gander Municipal Plan 2009 - 2019. Policies applicable to these schemes are laid out in the Gander Municipal Plan 2009-2019, Section 3.12 Comprehensive Developments Areas (CDAs).

WASTE DISPOSAL (WD)	
<p>PERMITTED USE CLASSES - (see Regulation 109)</p> <ul style="list-style-type: none"> • Municipal Solid Waste Disposal • Recycling 	<p>DISCRETIONARY USE CLASSES - (see Regulations 12, 13; and 110)</p> <p>&Antenna &Scrap Yard &Utilities</p>

Refer to **Gander Municipal Plan**, page 14, Section 3.2 General Development Policies; and page 35, Section 3.8 Rural Resource Areas, paragraph 6, Waste Disposal Site.

CONDITIONS

1. Separation for Adjacent Uses

Unless the Authority is satisfied that the use will not create a nuisance and will not adversely affect the amenity of the specified development or natural feature, no scrap yard or solid waste storage or disposal site shall be located closer than the minimum distances set out below to the specified development or natural features:

	Minimum Distance of Solid Waste Storage or Disposal Site
Existing or proposed Residential Development	300 metres
Any other developed area or area likely to be developed during the life of the scrap yard or solid waste storage or disposal site	150 metres
Public highway or street	50 metres
Protected road	90 metres
Water body or watercourse	50 metres

2. Screening

A scrap yard or solid waste storage or disposal site shall be screened in the following manner where it is visible from a public street or highway, developed area, or area likely to be developed during the life of the use:

- (a) Where tree screens exist between the 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 minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 5(b) must be undertaken.
- (b) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berm shall be constructed to a height sufficient to prevent visibility of any part of the use from adjacent uses (exception forestry and agriculture) or adjacent public highways and streets. The berm shall be landscaped to the Authority's satisfaction.

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

The off-street parking requirements for uses in the various use classes set out in Schedule B shall be as set out in the following table.

2. In the case of developments including uses in more than one use class, these standards shall be regarded as cumulative.
3. Adequate off-street provision for drop-off and pick-up of persons shall be provided in developments where required, such as uses within the educations, passenger assembly, child care, medical treatment and special care, commercial residential and take-out food service use classes.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
A	1	(a) Theatre	One space for every 5 seats.
	2	(a) Cultural and Civic	One space for every 50 square metres of gross floor areas.
		(b) General Assembly	One space for every 10 square metres of gross floor area.
		(c) Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
		(d) Place of Worship	One space for every 5 seats.
		(e) Passenger Assembly	As specified by the Authority.
		(f) Club and Lodge	One space for every 3 persons that may be accommodated at one time.
		(g) Catering	One space for every 3 customers that may be accommodated at one time.
		(h) Funeral Home	One space for every 10 square metres of gross floor area.
		(i) Child Care	One space for every 20 square metres of gross floor area.
		(j) Amusement	One space for every 10 square metres of gross floor area.
	3	(a) Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
	4	(a) Outdoor Assembly	As specified by the Authority.
B	1	(a) Penal and Correctional Detention	As specified by the Authority.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
C	2	(a) Medical Treatment and Special Care	One space for every 2 patients.
	1	(a) Single Dwelling	Two spaces for every dwelling unit.
		(b) Double Dwelling	Two spaces for every dwelling unit.
		(c) Row Dwelling	Two spaces for every dwelling unit.
		(d) Apartment Building	Three spaces for every 2-dwelling units.
	2	(a) Collective Residential	As specified by the Authority.
		(b) Commercial Residential	One space for every guest room.
		(c) Seasonal Residential	One space for every residential unit.
		(d) Mobile Home	Two spaces for every dwelling unit.
D	1	(a) Office	One space for every 20 square metres of gross floor area.
		(b) Medical and Professional	One space for every 20 square metres of gross floor area.
		(c) Personal Service	One space for every 20 square metres of gross floor area.
		(d) General Service	One space for every 20 square metres of gross floor area.
		(e) Communications	As specified by the Authority.
		(f) Police Station	As specified by the Authority.
		(g) Taxi Stand	As specified by the Authority.
		(h) Take-out Food Service	One space for every 20 square metres of gross floor area.
		(i) Veterinary	One space for every 20 square metres of gross floor area.
E	1	(a) Shopping Centre	One space for every 15 square metres of gross floor area.
		(b) Shop	One space for every 20 square metres of gross floor area.
		(c) Indoor Market	As specified by the Authority.
		(d) Outdoor Market	As specified by the Authority.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
		(e) Convenience Stores	One space for every 20 square metres of gross floor area.

G R O U P	D I V I S I O N	CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
F	1	(a) Hazardous Industry	One space for every employee.
	2	(a) General Industry	One space for every employee.
		(b) Service Station	One space for every 20 square metres of gross floor area.
	3	(a) Light Industry	One space for every employee.