

# **TOWN OF GRAND FALLS-WINDSOR DEVELOPMENT REGULATIONS**

**IMPORTANT:** To see if there were any changes to this plan since it came into effect, please refer to:

**List of Development Regulation Amendments**

# URBAN AND RURAL PLANNING ACT RESOLUTION TO APPROVE

TOWN OF GRAND FALLS-WINDSOR

MUNICIPAL INTEGRATED COMMUNITY SUSTAINABILITY PLAN (2012-2022)

DEVELOPMENT REGULATIONS (2012-2022)

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act 2000, the Town Council of Grand Falls-Windsor:

- a) Adopted the Town of Grand Falls-Windsor Municipal Integrated Community Sustainability Plan (2012-2022) on the 31st day of July, 2012;
- b) Adopted the Town of Grand Falls-Windsor Development Regulations (2012-2022) on the 31st day of July, 2012;
- c) Gave notice of the adoption of Municipal Integrated Community Sustainability Plan (2012-2022) and Development Regulations (2012-2022) by advertisement inserted on the 23rd day of August and the 6th day of September, 2012 in the Advertiser newspaper; and,
- d) Scheduled the 19th day of September, 2012 at 7:00 p.m. at the Grand Falls-Windsor Town Hall, located at 5 High Street, Grand Falls-Windsor, for the holding of a public hearing to consider objections and submissions to the Municipal Integrated Community Sustainability Plan (2012-2022) and Development Regulations (2012-2022).

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000, the Town Council of Grand Falls-Windsor approves the Municipal Integrated Community Sustainability Plan (2012-2022), and the Development Regulations (2012-2022), as amended by the identified revisions (numbers 1 to 11) noted on the attached pages:

SIGNED AND SEALED this 8 day of Nov, 2012.

Mayor: Al Hawkins

Clerk: Michael Pinsent

Development Regulations/Amendment	
REGISTERED	
Number	1960 - 2013 - 018
Date	August 23, 2013
Signature	<i>[Signature]</i>

(Council Seal)

**Attachment Pages – Amendments to Municipal Integrated Community Sustainability Plan (2012-2022) and Development Regulations (2012-2022)**

1. New Zone areas added or zone boundary adjusted in locations noted as follows:
  - a) RM-1 Zone at Cartwright Street/O'Neil Avenue for low to medium density multi-unit residential use; the zoning boundary is revised to show Commercial Neighbourhood (CN) Zone and RM-1 Zone.
  - b) RM-1 Zone in Corduroy Subdivision (north of Peddle Drive) for low to medium density residential use may also include single family residential and two unit duplex residential dwellings; this entails text changes to the RM-1 Zone within the Development Regulations document to list single family residential and two unit residential as permitted uses within the RM-1 Zone, as well as related housekeeping changes to account for the addition of the subject uses.
  - c) RT Zone on Locke Street (Grenfell Estates) for two unit/ duplex residential use; RT Zone along Griffin Street to be removed.
  - d) Comprehensive Development Area One (CDA-1) Zone at Main Street West (south side) and Lincoln Road (west side) is to be removed in its entirety and replaced with RM-2 High Density Residential Zone, which may also include lower density residential units such as single family residential and two unit duplex dwellings. This zoning change will entail a numbering change for the remaining two CDA zones on the zoning map, as well as varied text revisions to the Municipal Integrated Community Sustainability Plan and the Development Regulations to account for the deletion of the former CDA-1 Zone.
  - e) RM-1 Zone on Memorial Avenue (former Grand Falls Academy site area) is to be changed to RM-2 for high density residential use, which may also include low density residential units such as single family residential or two unit duplex dwellings; this entails text changes to the RM-2 Zone to list single family residential and two unit residential as permitted uses within the RM-2 Zone, as well as related housekeeping text changes to account for the addition of the subject uses.
2. RM-1 and RM-2 Zones: Add to the Development Regulations that these zones will also permit lower density residential uses such as single family residential or two unit duplex dwellings; this entails text changes to the RM-1 and RM-2 Zones to list single family residential and two unit residential as permitted uses within each of the RM-1 and RM-2 Zones, as well as related text housekeeping changes to account for the addition of the subject uses.

3. Duggan Street area: Zoning boundary to be revised for CG (Commercial General) Zone and CH (Commercial Highway) Zone to reflect existing development.
  4. South side of Trans-Canada Highway and west of Mill Access Road: Add existing CH (Commercial Highway) Zone that is not indicated on the Zoning Map.
  5. Mill Road: Area showing as Industrial Heavy (IH) Zone should be RS-2 as indicated on the Zoning Map for revision.
  6. IS (Industrial Special) Zone along Whitmore Street is to be expanded as indicated on the Zoning Map for revision.
  7. IL (Industrial Light) Zone west of Mill Access Road and south of the Trans-Canada Highway is to be changed to IS (Industrial Special) Zone to reflect existing use.
  8. RS-3 Zone area that is north of Pondview Drive and west of Toulette Drive is to be expanded.
  9. CON Zone (10.0 metre buffer): To be added around existing Industrial Zones as indicated on the Zoning Map for revision.
  10. Infill development proposals: Lot area/size may be exempted from standard development regulations of the use zone in order to fit in with existing development within the area. This will entail minor text revisions to wording of Development Regulations to account for the subject exemption.
  11. Exploits River: Insert name of river to Zoning Map and Generalized Future Land Use Map.
-

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10. Infill development proposals: Lot area/size may be exempted from standard development regulations of the use zone in order to fit in with existing development within the area. This will entail minor text revisions to wording of Development Regulations to account for the subject exemption.
11. Exploits River: Insert name of river to Zoning Map and Generalized Future Land Use Map.
12. Expansion of the Management Unit area (Municipal Stewardship Agreement, 1998) to include a suitable buffer around Corduroy and Little Corduroy Ponds as requested by the Corduroy Brook Enhancement Association. This additional area is added to the Zoning Map (Conservation Zone) and the Generalized Future Land Use Map (Natural Open Space Zone). The expansion is to allow for a minimum buffer area of 200 metres from the water's edge except for the most northerly section.

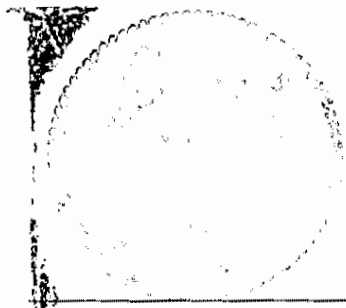


## CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION

I certify that the Town of Grand Falls-Windsor Development Regulations (2012-2022) have been prepared in accordance with the requirements of the Urban and Rural Planning Act (2000).

*Robert Dees, MCIP*

Member of Canadian Institute of Planners (MCIP) signature



MCIP seal

*November 14, 2012*

Date signed and sealed

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# OVERVIEW OF DEVELOPMENT REGULATIONS (2012-2022)

## Intent of Development Regulations

The primary intent of the Development Regulations is to serve as a legal document under the Newfoundland and Labrador (NL) Urban and Rural Planning Act (2000) to manage and regulate the use and density of land, the siting of buildings and development standards for property within the Town of Grand Falls-Windsor, NL in a manner that reflects and conforms to the intent of the land use policies and objectives of the Town's new Municipal Integrated Community Sustainability Plan. The new Development Regulations (2012-2022) replace and supersede the Town's previous Development Regulations (2006).

The Development Regulations additionally:

- Establish varied land use zoning categories and property designations for residential, commercial, comprehensive development, industrial, public use and other uses of land;
- Specify the permitted, accessory, prohibited and discretionary land uses within the varied zoning categories;
- Identify the maximum, and in some instances the minimum, achievable land use density on specific sites;
- Detail the standards for development, including the siting, size and height requirements for new and renovated buildings; and,
- Outline design criterion for specific developments, including site and building design, landscaping provisions, signage, parking and outside storage attention.

The overall objective is to enhance the local quality of life for Grand Falls – Windsor residents by providing for orderly development, protection of the natural environment, achieving an attractive built environment, creating opportunities for economic growth and expansion, and minimizing incompatible land use conflicts.

## Introductory Summary of Regulations within the Development Regulations

The complete listing of permitted and prohibited land uses, and development requirements and standards, for property within the Town of Grand Falls-Windsor, and the companion zoning maps of the Development Regulations, are provided within this document and within attachments hereto.

The following outline provides a brief summary of the general content of the Development Regulations document:

- *Introductory discussion* includes a copy of Town Council's resolution to adopt the Development Regulations, provision for subsequent tracking of amendments to the Development Regulations, reference to the NL Minister's Regulations, Canadian Institute of Planners certification and a Table of Contents.
- *Regulation 1* commences **Part 1** of the Development Regulations by discussing the scope and application of the Development Regulations.
- *Regulation 2* defines and interprets varied words and terminology utilized throughout the Development Regulations.
- *Regulation 3* commences **Part 2** of the Development Regulations by providing for the administration and enforcement aspect of the Regulations.
- *Regulation 4* identifies the varied land use zones that are utilized within the Development Regulations.
- *Regulation 5* defines the varied permitted, accessory, discretionary, prohibited and other types of uses.
- *Regulation 6* defines the basic provisions for building siting, siting exemptions and the discretionary decisions of Town Council.
- *Regulation 7* outlines the general regulations that apply for lot area sizes, height, and minimum floor area and varied other issues such as garage sales.
- *Regulation 8* discusses requirements for subdivision of land.
- *Regulation 9* identifies the role that environmental protection plays within the Development Regulations.
- *Regulation 10* pertains to the requirements for landscaping and fences.
- *Regulation 11* details parking requirements for site developments.
- *Regulation 12* identifies loading requirements for accommodating trucks and other service vehicles.
- *Regulation 13* defines the approach for signage and advertisements.
- *Regulation 14* discusses regulations for Home Based Businesses.
- *Regulation 15* identifies regulations related to subsidiary apartments in residential homes.
- *Regulation 16* briefly discusses Contractors Yards
- *Regulation 17* briefly discusses Commercial Kennels.
- *Regulation 18* commences **Part 3** of the Development Regulations, wherein 23 individual zoning categories for varied uses of land from residential to commercial and Industrial, comprehensive development, public uses, recreation and open space, and other zones are identified; Regulation 18 begins by introducing the *Rural Area Zone*.

- *Regulation 41* commences **Part 4** of the Development Regulations by identifying Development Design Guidelines for 7 distinct land use types and/or specific development areas; Regulation 41 begins by discussing the purpose, application and requirements for land development proposals with respect to the Design Guidelines.
- **Part 5** of the Development Regulations attaches the NL Minister's Regulations, and represents the concluding text aspect of the Development Regulations document.
- **Appendix 1**, as attached, identifies a map copy of the Municipal Area Boundary and the Municipal Planning Area Boundary of the Town of Grand Falls-Windsor.
- *Schedule A-2* represents the zoning map that identifies the zoning designations for all land located within the Town of Grand Falls – Windsor, and thereby serves as an official part of the Development Regulations.

## How to Use the Development Regulations

Commencing in Regulation 18 for each land use zoning category, a listing of permitted and other uses, conditions of use and requirements related to land development standards are provided. The specific land use category or categories applicable to each property within the Town can be identified by referring to the Development Regulations Map Schedule A2.

In order to determine the provisions of the Development Regulations that affect your property, the following step by step process may be followed:

1. Locate the property on the Development Regulations map and determine its zoning designation (for example RS zones for single family residential homes).
2. Turn to the Development Regulations text, and find the applicable Zone that matches the map designation of the property.
3. Determine the permitted, prohibited and other uses, conditions of use, development standards and requirements for the subject zone. Refer also to the General Provisions and other relevant Regulations of the Development Regulations such as required parking, landscaping provisions, and building design requirements, as applicable to the subject property.
4. The NL Minister's Regulations in Part 5 of the Development Regulations are especially critical to review and understand as where there is a conflict between

the requirements of the Development Regulations and the NL Minister's Regulations, the latter shall apply.

5. Discuss with Town staff any questions that you may have with the Development Regulations requirements for your property.

## **Graphic Sketches**

To assist with the understanding of the concepts and requirements of the Development Regulations, graphic sketches and photos are used in varied regulations within the document.

## **NL Minister's Regulations under the Urban and Rural Planning Act (2000)**

A significant component of the Town of Grand Falls-Windsor's Development Regulations is the Minister's Regulations of NL that are applicable to a local government's Development Regulations under the Urban and Rural Planning Act (2000). The Minister's Regulations are extensive and provide for the following considerations:

- Definitions;
- Application and Interpretation;
- Notice of Right to Appeal, Appeal Requirements and Appeal Registration;
- Prohibited Development;
- Hearing Notice and Meetings and Hearing of Evidence;
- Board Decision;
- Variances and Notice of Variance;
- Residential Non-Conformity;
- Notice and Hearings on Change of Use;
- Non-Conformance with Standards;
- Delegation of Powers; and,
- Commencement date of Regulations.

The NL Minister's Regulations shall prevail over the Development Regulations of the Town of Grand Falls-Windsor, when a conflict of interpretation, application or requirement arises.

The NL Minister's Regulations are attached to this latter part of this document as **Part 5**. Reference should be made to the Minister's Regulations to more fully understand the applicability of these provincial regulations.

# URBAN AND RURAL PLANNING ACT RESOLUTION TO APPROVE

## TOWN OF GRAND FALLS-WINDSOR

### MUNICIPAL INTEGRATED COMMUNITY SUSTAINABILITY PLAN (2012-2022)

### DEVELOPMENT REGULATIONS (2012-2022)

Under the authority of section 16, section 17 and section 18 of the Urban and Rural Planning Act 2000, the Town Council of Grand Falls-Windsor:

- a) Adopted the Town of Grand Falls-Windsor Municipal Integrated Community Sustainability Plan (2012-2022) on the 31st day of July, 2012;
- b) Adopted the Town of Grand Falls-Windsor Development Regulations (2012-2022) on the 31st day of July, 2012;
- c) Gave notice of the adoption of Municipal Integrated Community Sustainability Plan (2012-2022) and Development Regulations (2012-2022) by advertisement inserted on the 23rd day of August and the 6th day of September, 2012 in the Advertiser newspaper; and,
- d) Scheduled the 19th day of September, 2012 at 7:00 p.m. at the Grand Falls-Windsor Town Hall, located at 5 High Street, Grand Falls-Windsor, for the holding of a public hearing to consider objections and submissions to the Municipal Integrated Community Sustainability Plan (2012-2022) and Development Regulations (2012-2022).

Now under the authority of Section 23 of the Urban and Rural Planning Act 2000, the Town Council of Grand Falls-Windsor approves the Municipal Integrated Community Sustainability Plan (2012-2022), and the Development Regulations (2012-2022), as amended by the identified revisions (numbers 1 to 11) noted on the attached pages:

SIGNED AND SEALED this \_\_\_\_ day of \_\_\_\_\_, 2012.

Mayor: Al Hawkins \_\_\_\_\_

Clerk: Michael Pinsent \_\_\_\_\_

(Council Seal)

## **Attachment Pages – Amendments to Municipal Integrated Community Sustainability Plan (2012-2022) and Development Regulations (2012-2022)**

1. New Zone areas added or zone boundary adjusted in locations noted as follows:
  - a) RM-1 Zone at Cartwright Street/O’Neil Avenue for low to medium density multi-unit residential use; the zoning boundary is revised to show Commercial Neighbourhood (CN) Zone and RM-1 Zone.
  - b) RM-1 Zone in Corduroy Subdivision (north of Peddle Drive) for low to medium density residential use may also include single family residential and two unit duplex residential dwellings; this entails text changes to the RM-1 Zone within the Development Regulations document to list single family residential and two unit residential as permitted uses within the RM-1 Zone, as well as related housekeeping changes to account for the addition of the subject uses.
  - c) RT Zone on Locke Street (Grenfell Estates) for two unit/ duplex residential use; RT Zone along Griffin Street to be removed.
  - d) Comprehensive Development Area One (CDA-1) Zone at Main Street West (south side) and Lincoln Road (west side) is to be removed in its entirety and replaced with RM-2 High Density Residential Zone, which may also include lower density residential units such as single family residential and two unit duplex dwellings. This zoning change will entail a numbering change for the remaining two CDA zones on the zoning map, as well as varied text revisions to the Municipal Integrated Community Sustainability Plan and the Development Regulations to account for the deletion of the former CDA-1 Zone.
  - e) RM-1 Zone on Memorial Avenue (former Grand Falls Academy site area) is to be changed to RM-2 for high density residential use, which may also include low density residential units such as single family residential or two unit duplex dwellings; this entails text changes to the RM-2 Zone to list single family residential and two unit residential as permitted uses within the RM-2 Zone, as well as related housekeeping text changes to account for the addition of the subject uses.
2. RM-1 and RM-2 Zones: Add to the Development Regulations that these zones will also permit lower density residential uses such as single family residential or two unit duplex dwellings; this entails text changes to the RM-1 and RM-2 Zones to list single family residential and two unit residential as permitted uses within each of the RM-1 and RM-2 Zones, as well as related text housekeeping changes to account for the addition of the subject uses.

3. Duggan Street area: Zoning boundary to be revised for CG (Commercial General) Zone and CH (Commercial Highway) Zone to reflect existing development.
4. South side of Trans-Canada Highway and west of Mill Access Road: Add existing CH (Commercial Highway) Zone that is not indicated on the Zoning Map.
5. Mill Road: Area showing as Industrial Heavy (IH) Zone should be RS-2 as indicated on the Zoning Map for revision.
6. IS (Industrial Special) Zone along Whitmore Street is to be expanded as indicated on the Zoning Map for revision.
7. IL (Industrial Light) Zone west of Mill Access Road and south of the Trans-Canada Highway is to be changed to IS (Industrial Special) Zone to reflect existing use.
8. RS-3 Zone area that is north of Pondview Drive and west of Toulette Drive is to be expanded.
9. CON Zone (10.0 metre buffer): To be added around existing Industrial Zones as indicated on the Zoning Map for revision.
10. Infill development proposals: Lot area/size may be exempted from standard development regulations of the use zone in order to fit in with existing development within the area. This will entail minor text revisions to wording of Development Regulations to account for the subject exemption.
11. Exploits River: Insert name of river to Zoning Map and Generalized Future Land Use Map.
12. Expansion of the Management Unit area (Municipal Stewardship Agreement, 1998) to include a suitable buffer around Corduroy and Little Corduroy Ponds as requested by the Corduroy Brook Enhancement Association. This additional area is added to the Zoning Map (Conservation Zone) and the Generalized Future Land Use Map (Natural Open Space Zone). The expansion is to allow for a minimum buffer area of 200 metres from the water's edge except for the most northerly section.



## CANADIAN INSTITUTE OF PLANNERS (CIP) CERTIFICATION

I certify that the Town of Grand Falls-Windsor Development Regulations (2012-2022) have been prepared in accordance with the requirements of the Urban and Rural Planning Act (2000).

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Member of Canadian Institute of Planners (MCIP) signature

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MCIP seal

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Date signed and sealed

## AMENDMENTS TO THE DEVELOPMENT REGULATIONS

Following adoption and registration of the Town of Grand Falls-Windsor's Development Regulations (2012-2022), subsequent amendments to the Regulations may take place, and the Regulations are updated to reflect the amendment changes. The following amendments to the Development Regulations have occurred and are hereby consolidated:

<u>Amendment No.</u>	<u>Date Adopted</u>	<u>Regulation Amended and brief description</u>
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*Copies of the amendments may be obtained from the Administration staff of the Town of Grand Falls- Windsor.*

## PART I: INTRODUCTION

### 1.0 APPLICATION AND INTERPRETATION

#### 1.1 TITLE

This document and all attachments hereto, including the NL Minister's Regulations, and the Zoning Map (Schedule A-2), shall be cited for all purposes as '**Town of Grand Falls-Windsor Development Regulations (2012-2022)**'.

#### 1.2 PURPOSE

The purpose of the Development Regulations is to regulate and manage the use and development of land, buildings and future growth within the Town of Grand Falls-Windsor by assigning a series of zoning categories to land throughout the community, and prescribing the permitted and other uses of land, and related standards of development and design criterion, where applicable, for each zone.

#### 1.3 APPLICATION

The provisions of the Development Regulations shall apply to the whole of the area and all lands located within the boundaries of the Town of Grand Falls-Windsor Municipal Area Boundary and the area located adjacent on the south side of the Exploits River, collectively defined as the Municipal Planning Area Boundary, and as shown by the **Appendix 1** map attached to these Development Regulations. Unless otherwise provided, no lands or the surface of the water shall be used, and no buildings or structures shall be erected, altered, enlarged, moved or used, unless in conformity with the Development Regulations, and the contrary shall be unlawful.

The Development Regulations come into effect for the entire Municipal Planning Area Boundary of the Town of Grand Falls-Windsor on the date of publication in the Newfoundland Gazette of a notice of registration of the Development Regulations. The Development Regulations are intended to serve as a complimentary and companion document to the Town's Municipal Integrated Community Sustainability Plan (MICSP). As the MICSP is reviewed and updated, the Development Regulations are to be also reviewed and updated to support the intent of the Municipal ICSP.

#### 1.4 INTERPRETATION

1. Words used in the present tense shall include the other tenses and derivative forms; words used in the singular include the plural and vice versa; and the word 'person' includes a

corporation, firm, partnership, trust, and other similar entities as well as an individual. Words have the same meaning whether they are capitalized or not.

2. The words 'shall' and 'is' require mandatory compliance except where a variance has been granted pursuant to the NL Urban and Rural Planning Act (2000).
3. Words, phrases and other terms neither defined in this Regulation nor in the Urban and Rural Planning Act shall be given their usual and customary meaning in the context in which they are used in the Development Regulations.
4. Where a regulation within this document involves two or more conditions, provisions, or events connected by the conjunction 'and', the meaning is that all connected items shall apply in combination; use of the word 'or' indicates that the items shall apply singly but not in combination; and use of 'and/or' conveys that the connected items may apply singly or in combination.
5. Town staff shall interpret, where necessary, the Development Regulations for local residents, property owners, business persons, land developers and other persons. If ambiguity arises, concerning the context, interpretation or application of this bylaw, Town staff, where necessary, shall set forth the relevant information and its interpretation in a recommendation for Town Council. Council shall consider the findings and interpretation of the Town staff and render a final decision and interpretation on the matter.
6. In the event of a conflict between the provisions of the Development Regulations and the provisions of any other Town standard or requirement, the most restrictive provisions shall govern.
7. Where there is a conflict between the Development Regulations and the NL Minister's Regulations, the Minister's Regulations shall apply.
8. Town Council 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 Development Regulations as permitted, accessory, discretionary or prohibited uses for that area.

## **1.5 NOTICE OF RIGHT TO APPEAL**

Where Town Council makes a decision that may be appealed under Sections 42 and 45 of the NL Urban and Rural Planning Act, the Town shall, in writing, at the time of making that decision, notify the person to whom the decision applies of the:

- Person's right to appeal the decision to the board;
- Time by which an appeal is to be made;
- Right of other interested persons to appeal the decision; and,
- Manner of making an appeal and the address for filing of the appeal.

## 1.6 REPEAL OF PREVIOUS REGULATIONS

The previous "Development Regulations" adopted by Town of Grand Falls-Windsor Council on May 9, 2006 and all amendments thereto are hereby repealed.

## 1.7 NO RELIEF FROM OTHER PROVISIONS

Nothing contained within the Development Regulations shall be construed as relieving any person or party to whom a building permit or variance is issued from complying with any other legislation, order or regulation requiring a license or permit to accomplish, engage in, carry on or maintain a particular business, enterprise, occupation, transaction or use.

Nothing contained within the Development Regulations shall be construed as validating or legalizing any land use violation of any Town requirement, or other legislation, order or regulation.

## 1.8 SEVERABILITY

If any Regulation, paragraph or phrase of this document is for any reason held to be invalid by a decision of a Court, such decision will not affect the validity of the remaining portions of the Development Regulations.

## 1.9 STANDARD ABBREVIATIONS

Throughout the Development Regulations, the following standard abbreviations may be used to allow for a more concise format:

Abbreviation	Term
cm	centimeters
CSA	Canadian Standards Association
ESA	Environmentally Sensitive Area
ft	feet
ft <sup>2</sup>	square feet
ha	hectare or hectares (unit of area equal to 10,000 square meters)
m	metre or metres

Abbreviation	Term
m2	metres squared
m3	cubic metres
MICSP	Municipal Integrated Community Sustainability Plan
NL	Province of Newfoundland and Labrador
sm	square metres
sf	square feet
upa	units per acre
upha	units per hectare

## 1.10 UNITS OF MEASUREMENT

Metric units of measurement, area and volume are used throughout the Development Regulations, with imperial measurements also provided, in parentheses for clarity.

Calculations determining the maximum number of parking spaces shall be rounded to the nearest whole number.

Where a Lot contains more than one zone, each zoned area shall be treated as a separate lot for the purpose of calculating minimum lot area (where applicable), lot width, and maximum lot coverage. All uses that are accessory to a Principal Use shall be provided within the area zoned for the Principal Use.

## 1.11 CITATION

For the ease of citing provisions contained within the Development Regulations, and to achieve orderly and sequential structure of the document, the text content is categorized in the following manner and arrangement:

- Regulation 1.0
- Paragraph (i)
- Subparagraph (a)

## 2.0 DEFINITIONS

### 2.1 DEFINITIONS USED IN THE DEVELOPMENT REGULATIONS

1. The following bolded words indicate terms that are defined as part of the Development Regulations document, particularly within the listed uses within each zone category. Capitalized words also represent defined individual words or defined phrases of two or more words.
2. The following definitions are categorized alphabetically by the applicable first letter of the defined word.
3. The following listed definitions shall apply throughout this document, and shall provide specific interpretative meaning to the principal, accessory, discretionary and prohibited uses identified within Regulations 18 to 40 (Land Use Zone Categories) of the Development Regulations.

#### A

**Abattoir** means an industrial Building use where animals are slaughtered or butchered, and the meat is packaged and distributed for domestic consumption.

**Access** means a way or method of approach or entry either utilized or intended to be used by pedestrians, animals or vehicles to go from a Street to adjacent or nearby Land, or to go from land to a Street.

**Accessory** use means a Use customarily associated, incidental, subordinate, secondary, subsidiary and exclusively devoted to a permitted Principal Use.

**Accessory Building** means a separate, smaller Building than the Principal Building and which is used solely and clearly for a secondary or Accessory Use.

**Accessory Employee Residential** means a self-contained residential dwelling use of a maximum Floor Area size not exceeding 110sm (1,184sf) that is secondary to the Principal Use, and located entirely within the Principal Building, and is used for a maximum of one Dwelling Unit for the accommodation of an employee of the business operating from the Principal Building.

**Accessory Retail** means an Accessory Use associated with an Industrial Use located in and limited to 25 percent of the Floor Area of a building which contains an Industrial Use.

**Accessory Unenclosed Storage** means a Use providing for the screened outside Storage of goods or things customarily associated with a Commercial Use and Industrial Use, and where the area size of such Storage is intended to be less than the building Floor Area size of the primary Permitted Use, and where such use does not include discarded, abandoned, unsightly or nuisance Storage materials; includes garden centre displays and excludes automobiles at car dealership and auto sales locations.

**Act** means the Urban and Rural Planning Act (2000) of Newfoundland Labrador (NL), and all amendments related thereto.

**Adjoining** means having a common boundary.

**Adult Care Facility** means a premise where individual Apartment residential units for senior residents are provided in conjunction with common facilities such as a dining room and recreational/ social amenities.

**Adult Entertainment Use** means any premises or part thereof where objects and/or services, including entertainment, of a sexual nature, except contraceptives, are sold or offered for sale, and includes all adult entertainment products and services, adult entertainment dancing and striptease, body rub parlour, adult movie theatre, adult video store, escort service and similar.

**Advertisement** means any word, letter, model, Sign, placard, board, computerized reader board, billboard, notice, computerized screen, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for promoting, advertising, displaying, directing or announcing, by visible or other means, a product, service, place or event; excluding such activities or announcements utilized as a memorial, and any functional advertisement of Town Council, or other local authorities, public utilities and public transportation carriers.

**Agriculture** means a Use providing for the growing, rearing, producing and harvesting of agricultural products including horticulture, fruit growing, grain growing, seed growing, and the preliminary grading of such products for shipment, and the preliminary grading of Land for agricultural products to be grown, the Storage of farm machinery, implements and agricultural supplies and repairs to farm machinery used on that Land, and dairy farming, the breeding or rearing of livestock in accordance with the limitations defined by Animal Unit, (and in conformance with the Environmental Farm Practices Guidelines for Livestock Producers in NL, 2001 of the Agrifoods Development Branch of the NL Department of Natural Resources) including any animal kept for the production of food and wool, or for the purpose of its use in



the farming of Land, the Use of Land for grazing, meadow Land, osier Land, market gardens, nursery grounds, and the Use of Land for woodlands where that Use is ancillary to the farming of Land for an agricultural purpose. Excluded uses consist of all manufacturing, any processing, Storage and/or repairs not specifically included in this definition.

**Agriculture, Small Scale** means an accessory Use providing for the growing and rearing of agricultural products and animals primarily for the consumption by or use of the principal occupants of the property, where agricultural animals are limited to hens on a basis of 1 hen per 1,100.0 square meters (11,840.6 square feet) of Lot Area.

**Amusement Centre** means any premise that contains three or more mechanical or electronic video, pinball, or similar game machines, operated by one or more players, and include billiard and pool halls, and which normally requires the insertion of coin or payment of fee for use.

**Animal Unit** for the purpose of Agriculture uses within Grand Falls-Windsor means, in part, any one of the following animals or groups of animals represents one Animal Unit:

- 1 bull
- 1 dairy cow and 2 heifers plus 5 veal
- 1 beef cattle
- 1 horse (plus foals)
- 4 sow or breed sow
- 6 hogs
- 3 boars
- 24 sheep (including lambs)
- 7 goats
- 125 laying hens
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit)
- 1000 broiler chickens or roosters (1.8 -2.3 kg each)

Animal Units are further defined by the 'animal unit equivalents' of average weight per animal to calculate the estimated amount of manure to be produced by such animals, as outlined within the Environmental Farm Practices Guidelines for Livestock Producers in NL, 2001, and utilized by the Agrifoods Development Branch of the NL Department of Natural Resources.

**Apartment Residential Use** means a higher Density Residential Use where a Building or part of a Building on a Lot is used for two or more dwelling units, and where each Dwelling Unit has its principal access from a common entrance, foyer or hallway.

**Applicant** means a person who has applied to an Authority for an approval or permit to carry out a Land or Building Development.

**Appeal Board** refers to the Appeal Board established under the Act.

**Appurtenances** refer to architectural features added to the main body of a Building, including awnings, canopies, balconies, turrets, cupolas, spires, belfries, dormers and chimneys.

**Art Gallery** is a Commercial Use for the display and sale of original works of artists from varied art mediums.

**Arterial Street** means a Street that serves and functions as a main traffic artery or vehicular route of the community.

**Artist Live-Work Studios** refer to a Commercial Downtown business use intended to serve as a tourism draw and as a cultural commitment by the Town to accommodate artists of varied mediums to conduct their profession and have residential dwelling accommodation within one floor space or building area.

**Asphalt Plant** refers to an Industrial Use that prepares and produces asphalt to be used in road paving and other applications, and where plant siting needs to be sensitive to potential nuisance impacts of noise, odours, smoke, dust, vibrations to adjacent lands.

**Assembly** means a Use which provides for the gathering of persons for religious, charitable, philanthropic, cultural, recreational, entertainment or educational purposes; includes churches, monasteries, cultural centers, cultural events, outdoor concerts, auditoriums, youth and senior centers, social halls, banquet, meeting and reception rooms, group camps, performing arts theatres and similar community functions and events.

**Auction** means a public sale of goods or property in which prospective purchasers place bids for purchase until the highest purchase price is reached.

**Authority** refers to Town Council and other authorized administrators such as Province of NL or a regional administrative entity.

**Auto Body Repair** means a Commercial Use for the repair, painting, fabrication and detailing of the body of auto Motor Vehicles.

**Automotive Repair** means a Commercial Use for the repair and maintenance of Motor Vehicles.

## **B**

**Balcony** means a partially enclosed extension on an above ground floor of a Building.

**Bare Land Strata** refers to the Subdivision of Land into lots and common property, where the bare land strata lots may be sold as individual lots, and where the common property on the subdivision site such as parkland, internal roads, infrastructure services, recreational and amenity facilities are deemed as common assets to all the bare land strata owners, and must be maintained by the Lot owners.

**Basement** means that portion of a Building which is located below the first Storey of a Building and is not less than 50% below Natural Grade of the Lot on which the Building is located.

**Bed and Breakfast** means a business operated and conducted by the members of a Family as an Accessory Home Based Business providing temporary sleeping accommodation and a morning meal, for a prescribed charge on a daily basis, and where such accommodation consists of not more than 4 sleeping rooms within the principal Dwelling Unit, and where the maximum length of stay for any patron shall not be more than 45 days in a 12 month period.

**Beverage Container Return Centre** means a Use located entirely within an enclosed Building for collecting, sorting, refunding, storing and preparing empty beverage containers for shipping to processing centres.

**Boarding** means an Accessory Use providing for the lodging and for the paid accommodation of persons, other than the immediate Family of the home owner or tenant, and that is contained entirely within a Single Unit Residential Dwelling, and is limited to not more than 4 bedrooms and a maximum of 3 persons. Meals for boarders are available from the Single Unit Residential Dwelling.

**Building** means every constructed Structure used or intended for supporting or sheltering any Residential, Commercial, Industrial, Comprehensive Development Area, Public Use and other like uses or occupancies, and also means every erection, alteration or improvement whatsoever placed on, over or under Land, or water, or attached to an existing building, and any part of a Building as so defined, including any fixtures that form part of a Building, and includes a Mobile Home.

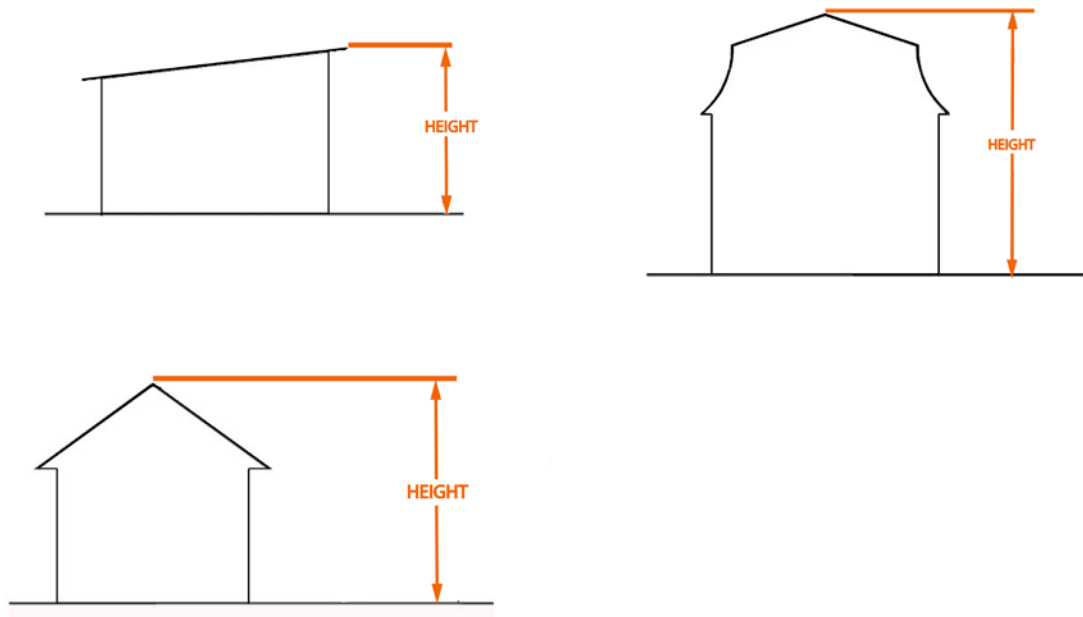
**Building Area** means that portion of a Lot that does not contain Environmentally Sensitive Area or Hazardous Lands, and is available for accommodating a Building in accordance with the Permitted Uses, siting, size, and dimension regulations in this Bylaw.

**Building Code** means the provincial and/ or federal government legislation and related policies, regulations and requirements that are applicable to constructing a Building or Structure, and similar such activities.

**Building Footprint** means the ground level, main Floor Area of a Building or Structure on a Lot or property, and thereby represents the building's footprint on the Land.

**Building Height** means the vertical distance, measured in metres from the Established Grade of the selected Building Area to the highest point of the roof surface, as indicated by the following graphic illustrations.

Building Height shall not include mechanical structures, smokestacks, steeples and purely ornamental structures above a roof.



**Building Inspector** means the person employed by the Town of Grand Falls-Windsor to review and approve Building Permit applications, and to enforce the provisions of the NL Building Code, the Development Regulations and other related legislation and bylaws.

**Building Line** means a line established by an Authority that runs parallel to a Street Line and is set at the closest point of a Street that a Building may be placed, and is synonymous in meaning with Front Lot Line.

**Building Massing** means the extent of bulk and size of any one part of a Building that is the same and devoid of any appealing architectural detail or design such as evident with a long blank wall of a Building.

**Building Permit** means a permit issued by the Town of Grand Falls-Windsor authorizing the owner of Land or his agent to construct a Building or Structure, or to make structural additions and alterations to same.

**Building Supplies Store** a commercial Retail store of hardware, home-ware, equipment and related goods and materials, and providing for the Storage and sale of lumber and building materials, where the Storage of screened and covered lumber as an Accessory Enclosed Storage Use can exceed 15 % of the Floor Area size of the Building.

**Bylaw** refers to a local government bylaw.

## C

**Cabaret** means a commercial business Use providing for the sale and consumption of alcoholic beverages, with or without service of food, in which patron dancing to live or recorded music is available on a dance floor, and includes a nightclub, but excludes stand alone Pubs, and lounges and Pubs within a Hotel, and Adult Entertainment Use.

**Café** means a small or inexpensive Restaurant serving light or easily prepared meals, food and refreshments.

**Campground** means a Use providing for the provision of space for temporary overnight accommodation of the traveling public in camper trailers, Recreation Vehicles and tents, and may include a campground office for guest registration, accessory dining, Convenience Store, laundry facilities and Indoor Amenity Space.

**Car Wash** means a Facility for washing, cleaning and detailing of automotive vehicles.

**Caretaker** refers to a person who is solely employed to look after a house, Building or property.

**Cemetery** means a Facility or Land area reserved and dedicated to the burial of the dead and includes a crematorium, mausoleum, mortuary and related maintenance facility.

**Child Care Centre** means a Personal Care Commercial Use that includes a Building or part of a Building with services and regular activities for children for group day care, family day care, pre-school, play school, out-of-school care, specialized day care and emergency day care, all as licensed and regulated by the Province of NL. A Child Care Centre, that is to be operated as a Home Based Business Use, shall be limited to a maximum of 8 children.

**Church** means a Facility and amenity buildings that provide for the Assembly of persons of any religious denomination for religious, place of worship and charitable purposes.

**Civic Use** means a Use providing for Public Use functions by federal, provincial and municipal governments, and also by a public school board, college board, or library board; includes municipal, provincial and federal offices, schools, colleges, museums and archives, libraries, community centres, public recreational facilities including arenas and stadiums, correctional facilities, courts of law, exhibition grounds, municipal yards, public swimming pools, and public washrooms. A civic use may also include specific community programs such as a Food Bank.

**Club or Lodge** means a building or structure used by a non-profit association or organization for fraternal, social or recreational purposes.

**Cluster Residential Development** means a planning approach to Land wherein either lots or Multi-Unit Residential Dwelling Units are arranged and sited on a portion of the development property in a manner to preserve areas of environmental sensitivity or wildlife habitat, and as indicated by the illustrative sketch that follows.



**Collector Street** means a Street that is designed to accommodate the flow of traffic from, and to link Local Streets with, the primary vehicular routes of the community, Arterial Streets.

**Commercial Composting** means a processing use that converts imported solid waste, including plant debris, decayed organic matter, municipal solid waste or agricultural animal waste, into a material to be sold for the purpose of fertilizing and conditioning the soil for growing produce and nursery plantings.

**Commercial Outdoor Recreation Use** means a use providing for extensive open-air commercial recreation facilities and the minor Retail sales and services customarily associated with such facilities; without limiting the generality of the foregoing, includes drive-in theatres, golf courses, driving ranges, sports clubs, rifle ranges, water slides, paint ball property, marinas and race tracks.

**Commercial Use** means a Use providing for the sale or rental of goods and services, for the provision of personal and non-personal services, or for general servicing and repair of goods and vehicles; without limiting the generality of the foregoing, includes Retail sales, department stores, shops, grocery stores, pharmacy, Shopping Centre, Second Hand Store, Offices, Hotels and Motels, Restaurant uses, Pub, commercial schools, Personal Service Use, Indoor Recreation, Entertainment and Recreation services, household and non-household services and repairs, and similar such uses; excludes a Cabaret, Industrial Use, Auto-Body Repair, welding, Wholesale Use, Mini-Storage, Auctions, and Warehousing Uses.

**Commercial Downtown Use** means a Use primarily providing for a pedestrian sidewalk level and small storefront character of shopping experience that serves the function for the sale or rental of goods and services, or for the provision of personal and non-personal services; without limiting the generality of the foregoing includes Office uses, Retail sales, department store, grocery store, pharmacy, hardware store, computer sales and repair, shoe store, clothing store, Restaurant and Café uses, Financial Services, Art Gallery, Artists Live-Work Studios, Personal Service Use, Apartment dwelling units, Civic use, commercial schools, Hotels, Indoor Recreation, Entertainment and Recreation services, movie theatre, cinema, performing arts theatre, household services and repairs, and similar such Commercial Uses that are deemed as the appropriate fit for the downtown areas; excludes servicing and repair of vehicles, Warehousing Uses, Wholesale Use, Auctions, Mini-Storage, Shopping Centre, veterinary hospitals, Service Stations and gas bars (allowed in Main Street downtown area), auto sales, car and truck dealerships, Drive Through Commercial, Campgrounds, Motels, Accessory Unenclosed Storage, Car Wash, Adult Entertainment Uses and Industrial Use.

**Commercial General Use** means a Use with a primarily automobile dependent access character and consisting of a mix of large lot 'big-box' and smaller commercial sites and shops that provide for the sale or rental of a wide range of goods and services, or for the provision of personal and non-personal services; without limiting the generality of the foregoing includes Shopping Centre and big-box commercial stores, department store, grocery store, pharmacy, hardware store, Office uses, Personal Service Use, Retail uses, Restaurant and Café uses, Pub, Licensed Lounge, Hotels and Motels, Financial Services, commercial schools, Indoor Recreation, Entertainment and Recreation services, movie theatre, cinema, household services and repairs, Beverage Container Return Centre, automotive servicing and repair, Service Stations and gas bars, Drive Through Commercial, retail wholesale, veterinary hospitals, funeral homes, and similar Commercial Uses; excludes Adult Entertainment Uses, Industrial Use, Pawnshop, Auto-Body Repair, Mini-Storage, Auctions and Warehousing Uses.

**Commercial Highway Use** means a Use for accommodating the needs of the traveling public on properties adjacent to major highways and Arterial Streets, and for providing for local commercial services on large lot properties with possible requirements for Accessory Unenclosed Storage and significant development setbacks to adjacent residential uses; without the generality of the foregoing includes auto sales, car and truck Vehicle Dealership use, automobile servicing and repair, building supply stores, grocery store, department store, movie theatre, cinema, Hotels and Motels, Cabaret, Pub, Licensed Lounge, Restaurants and food services, Drive Through Commercial, Beverage Container Return Centre, Service Stations and gas bars, Car Wash, Convenience Store, Light Manufacturing, Mini-Storage, Warehousing, Truck Terminals, bus terminals, veterinary hospitals, funeral homes, recreation equipment sales and repair, and similar auto dependent Commercial Uses; excludes Adult Entertainment Use, Pawnshop and Industrial Use.

**Commercial Neighbourhood Use** means either a Convenience Store use, or a Use of two to twelve businesses intended to provide for the limited commercial sale of goods and provision of services to meet the daily shopping needs of primarily the nearby residential neighbourhood, in the form of small scale stores and shops, Personal Services, Offices, Restaurants, administrative/consultant/ financial services, medical and other professional offices, barbers, hair stylists, beauty salons, and café and food services, provided no store except a neighbourhood level grocery store or a drugstore-pharmacy, exceeds 375sm (4,036.59sf) of total floor area, and where the total floor area size of the Neighbourhood Commercial Use does not exceed 3,700.0sm (39,827.7sf); includes the seasonal outside sale of Christmas trees; excludes Adult Entertainment Use, Cabaret, Industrial Use, Pub, Pawnshop, Warehousing Use, Wholesale Use, Mini-Storage, Drive Through Commercial, funeral homes, auto repair and



servicing and other auto related uses, Service Station and gas bar, Hotels and Motels, and other Commercial Uses not compatible with the residential character of the neighbourhood.

**Compact Lot** refers to the economically efficient Residential Use of the Urban Development Area through Subdivision creation of 465.0 sm (5005.8 sf) Infill Lots, and development of a small footprint Single Family Residential homes thereon through a Council approval process of design management.

**Comprehensive Development Area** means those large Development site areas within the community that are intended to be comprehensively developed with a range and mix of land uses.

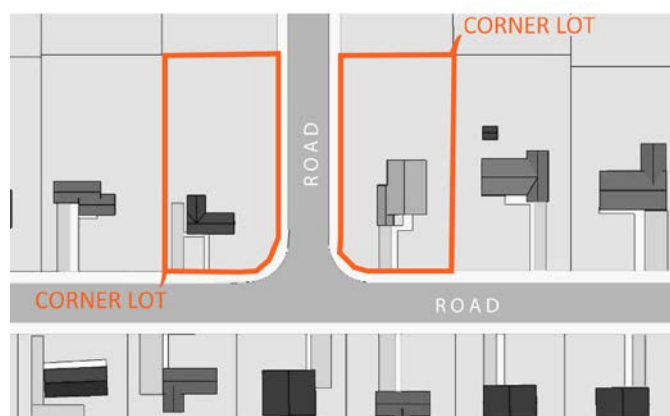
**Congregate Care Apartment** means a Facility providing for varied Apartment Residential Uses for elderly citizens in conjunction with a common dining room and appropriately sized individual kitchen facilities, social and recreational areas, and amenity uses such as a hairdressing salon and a gift shop for use by Apartment residents and may include a Dwelling Unit for a resident manager,.

**Conservation** means a Use where Land is held, preserved, protected and/ or reserved for highway dedication, future potential Environmentally Sensitive Area designated lands and potential future Land Development and other uses befitting the community.

**Contractor Yards** refer to the Use of Land where building construction and related materials and equipment are stored.

**Convenience Store** means a commercial establishment that retails grocery and other daily convenience items and services to the immediate residential neighbourhood, and where the total floor area of the store is less than 1,000.0sm (10,764.2sf).

**Corner Lot** means a Lot situated at the intersection of two or more Streets, as indicated by the following illustrative sketch.



**Cornice** means an architectural design element that is a projecting horizontal decorative moulding along the top of a wall or at the top of a Building where it meets the roof line.

**Council** means the elected members serving on the Council of the Town of Grand Falls-Windsor.

**Covered Parking** means a Motor Vehicle parking use which is located within or under a Building or Structure.

**Crime Prevention Through Environmental Design (CPTED)** is a planning review process that involves the local police authority reviewing proposed site and Building design plans and to amend such plans, where necessary, in a manner to better ensure site, Building and public safety.

**Cultural Use** means a local land Use or activity that involves heritage, historical, artistic, customary, and social expression of local values for economic, tourism, community and entertainment benefit and enjoyment.

## **D**

**Density** means a measurement of the intensity of Use or Development on a Lot which shall either be calculated as Lot Coverage or Unit Density.

**Density, Unit** means the figure expressed as units per hectare (upha) or units per acre (upa) obtained by dividing the total number of Dwelling Units by the Lot Area upon which the units are located or proposed to be located; the calculation of Density includes all Developable Area of the Lot or property, but does not include a Environmentally Sensitive Area that may contain the Natural Boundary of a pond, lake, river, stream, Wetland or other body of water, and sloping or other Hazard lands, unless specifically included by a provision of the Development Regulations, and shall specifically exclude that portion of the Lot required for public Park dedication, public road right-of-way, pedestrian walking trail, stormwater detention, and that portion of the common property in strata development which is used for access routes.

**Department Store** refers to a commercial business outlet that is customarily part of a larger regional or national chain of multiple commercial Retail stores, and may include clothing apparel sales, house-ware goods, hardware items, general merchandise, automotive accessories, furniture, flooring, sporting goods, pharmacy, office supplies and similar varied Retail items.

**Developable Area** means the area of a Lot or property that may be built upon and developed, and does not include any pond, lake, river, stream, Wetland, marsh or other Environmentally

Sensitive Area lands, and does not include the area of the property that is characterized by geotechnical limitations, severe slopes in excess of 20%, protected archaeological sites and unstable soils, and does not include those portions of the property specifically excluded from Land Development in accordance with the provisions of the Development Regulations.

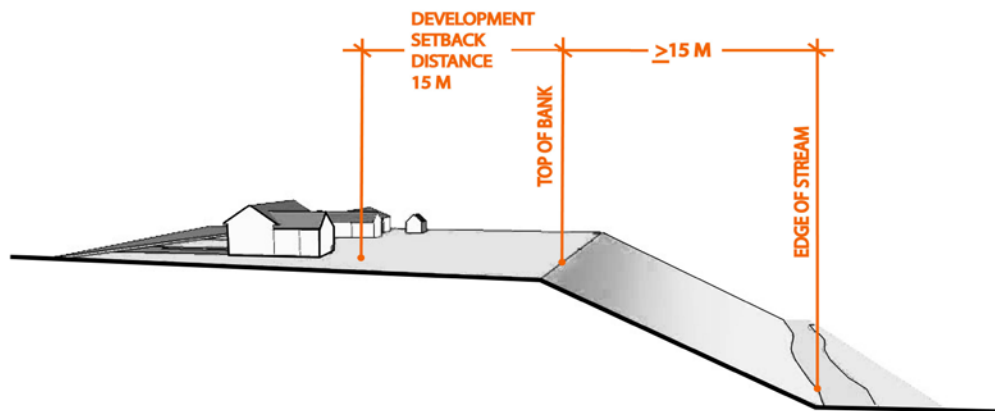
**Development** means the making of any material change in the use, or the intensity of use, of any land, building or premise for any purpose, and shall include the following:

- The carrying out of any building, engineering, construction, mining, forestry or other operations in, on, over or under land;
- Disturbance of soils and the removal, alteration, disruption or destruction of vegetation;
- Construction, erection, alteration, structural renovation or addition of buildings and structures;
- Construction of roads, road access, trails, docks, wharves and bridges;
- Provision and maintenance of sewer, water and drainage services, utility corridors and flood protection works; and,
- Erection of an advertisement or sign.

**Development Permit** refers to an application to Council where consideration to authorize and allow a Land and/or Building Development to proceed is undertaken by Council, and where so authorized, the Town outlines identified conditions and requirements for the proponent to adhere to as part of Development Permit application approval.

**Development Regulations** means the Development standards, regulations and land use categories and requirements enacted by the local Authority to manage Development activity.

**Development Setback Distance** means that portion of a Lot that is to be preserved as a natural undisturbed area from an Environmentally Sensitive Area, and as prescribed in the Development Regulations in accordance with the required building Setback distance intended for each type of Land use for site Development, as illustrated by the following sketch.



**Director** means the person serving as the Director of Urban and Rural Planning.

**Discretionary Use** means a Land Use that may be approved by the Authority within the specific Land Use Zone categories of the Development Regulations on the basis of specific outlined conditions of Use being addressed by an applicant.

**Dog Kennel** means a Use Accessory to a Residential Use for the accommodation of not more than six (6) dogs in a Building, Structure, compound or pen.

**Drive Through Commercial** means a Commercial Use that provides services and goods to customers where the customers have a choice to remain in their vehicle, and includes drive-through Restaurants, banks and similar uses.

**Duplex** means a residential Building limited to two attached Dwelling Units, that are either horizontally connected and share a common party wall at least 4.5 metres (14.76 feet) in length, or are vertically connected with one unit above the other, and with each Dwelling Unit having a separate outside entrance; excludes a self-contained Single Family Residential Dwelling Unit containing a Subsidiary Apartment.

**Dwelling Unit** means a self-contained residential unit consisting of one or more habitable rooms of complimentary use, occupied or intended to be occupied as the residential living quarters by one person or one Family, and providing for only one cooking facility or Kitchen.

## E

**Electric Power Generation Facility** means a Facility for the generation of electricity from wind, biomass and water, or by the burning of fossil fuels.

**Enclosed Storage** means an Accessory Use providing for the Storage of goods or things customarily associated with the primary Permitted Use of the property, and where such Storage must be completely enclosed within a Building.

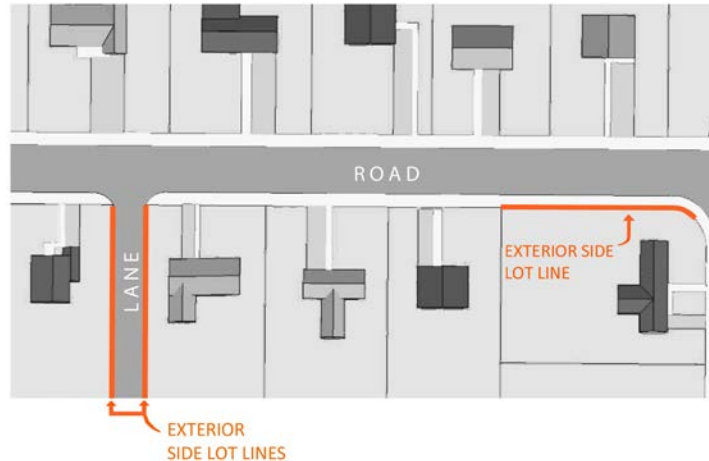
**Engineer** means the person employed by the Town of Grand Falls-Windsor as the municipal engineer, or a consultant professional engineer retained by an Applicant or the Authority.

**Entertainment and Recreation** means a privately operated Commercial Use located within a Building or Structure for members of the public to engage in entertainment or recreation activities, and includes the operation of bowling alleys, indoor arena and skating rink, swimming facility, curling rink, movie theatres, performing arts and similar activities.

**Environmentally Sensitive Area** means that portion of a Lot that is precluded from Development because of its ecologically sensitive features of a water body, endangered species or protected flora, as determined by a professional biologist, or qualified environment representatives of the Province of NL or the federal Department of Fisheries and Oceans.

**Established Grade**, as applying to the determination of Height, means the topography on the property after site construction, including the addition of fill material and removal of soil, and is represented by the lowest of the average levels of finished ground adjoining each exterior wall of a Building, or the ground immediately surrounding a Structure, except that localized depressions such as vehicle or pedestrian entrances need not to be considered in the determination of average levels of finished ground.

**Exterior Side Lot Line** means a property Lot Line that is neither a Front nor Rear Lot Line but is common to a Street or Lane, as illustrated in the following sketch.



## F

**Facility** means Land or a Building, or any portion or combination thereof, intended to be used for a primary Permitted, Accessory or Discretionary Use of a property.

**Family** means a household unit of one or more persons related by blood or marriage including common-law, legal adoption, foster care, Family care or legal guardianship, or not more than four (4) persons not necessarily related by blood or marriage including common-law, legal adoption or legal guardianship, that share one Dwelling Unit.

**Farmers Market** means an indoor or outdoor Use providing for temporary commercial sales by varied vendors of locally grown produce, preserves and other secondary agricultural products such as cheese and honey, smoked and preserved meats and fish, arts and crafts, home baking and light refreshments.

**Fascia Sign** refers to a Sign that is placed and adhered to the flat surface of a Building, such as a Sign on the flat surface above a commercial shop or store window.

**Fence** is a constructed barrier that divides and separates property, and which may provide privacy, security and protection; a fence is only to be installed and constructed in accordance with siting and height requirements of the Development Regulations; except for a farm use for livestock, no fences within residential areas are to use barbed or razor wire materials.

**Financial Services** means an Use providing commercial financial services to the public; includes a bank, trust company, savings and loan, credit union, mortgage and finance company, cheque cashing service, income tax service, investment and stock brokerage management service, accountant and bookkeeping, and similar such uses.

**Fish Bearing Stream** means a stream where fish are present or potentially present.

**Floodplain** means that area defined by the Province of NL as at risk to flooding.

**Floor Area** means the total area of all floors in a Building measured to the outside face of its exterior walls, but not including exits and vertical spaces that pierce the Storey.

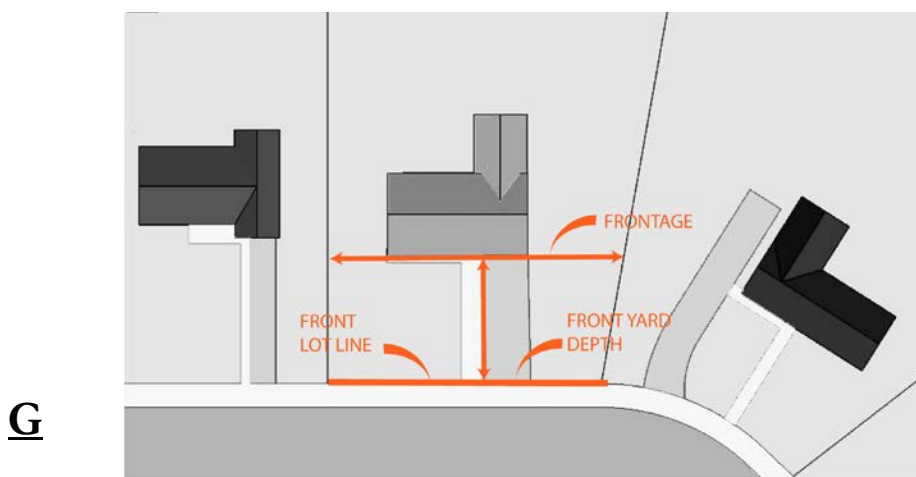
**Floor Area Ratio** means a numerical value that is obtained by dividing the total Floor Area of all the buildings, including any basement, on a Lot by the total site area of the Lot on which they are located; excludes any areas used for parking purposes.

**Forestry** means the Industrial Resource extraction, cutting, grading, commercial harvesting and related processing of trees, and the use of Land, buildings and equipment related thereto.

**Front Lot Line** means a Lot Line that is common to a Street and the Lot, and in the case of a Corner Lot, the shortest lot line facing the Street shall be the front lot line, and in the case of double fronting lots or where the lot lines are equal in length, the front lot line shall be determined by the orientation direction of the majority of adjacent neighbourhood buildings.

**Frontage** means the horizontal distance between side lot lines measured at the Front Lot Line, and where the curve of the front lot line is concave or convex, the Frontage shall be deemed to be the chord connecting the front corners of the Lot.

**Front Yard Depth** means the distance between the Front Lot Line of a Lot and the front wall of the main Building on the Lot, as indicated by the following diagram.



**Garage** means a detached Accessory Building or a portion of a Principal Building used solely for the parking or temporary Storage of motor vehicles, and in which there are no commercial facilities for repairing or servicing such vehicles.

**Garage Sales** represent an informal display for sale of household goods, clothing and materials on the property where the household family resides; excludes off-site ‘flea market roadside tables’.

**General Garage** means Land or buildings used exclusively for repair, maintenance and Storage of motor vehicles, and may include the sale of gasoline, diesel and other petroleum products; excludes Auto Body Repair.

**Grocery Store** typically refers to a Commercial Use food store wherein varied packaged and unpackaged food items are displayed and available for sale; may include meats, poultry and fish, dairy products, fruits and vegetables, frozen foods, packaged and canned foods, and other related consumption items. Emerging marketplace trends define traditional grocery stores as superstores in that the provision of food has evolved to also include a wide range of general merchandise and Personal Service uses, including the commercial sale of pharmacy items, clothing, house wares, furniture and appliances, photography items and similar varied goods, and services ranging from Financial Services to Restaurants to cosmetic care.

## H

**Hazardous Industry** means the Use of Land or buildings for industrial purposes involving the use of materials or processes which because of their inherent character, involve public safety risks, including fire, explosion, noxious, radiation and other similar hazards; includes the industrial stockpiling and Storage of auto tires.

**Hazard Lands** refer to property at risk to Land Development and/ or habitation because of the property characteristics of geotechnical or soil stability concerns, severe slopes in excess of 25 %, floodplain area lands, forest fire interface high risk category lands, and similar property.

**Height** means the greatest vertical distance from Established Grade to the top-most part of the Building.

**Highway** means any Street, Road, Lane, trail, bridge, viaduct and any other way open to use of the public.



**Historic Building** means a Building designated by Council as being of historical importance, or of cultural or heritage value.

**Hobby Greenhouse** means an Accessory Building or Structure to a Residential Use, made primarily of glass or plastic, for household cultivation of plants, including for food production, where the greenhouse structure does not exceed 25.0sm (269.1sf) in area size for properties less than 0.8ha (1.97acres) in the RR-1 zone, and does not exceed 14.0sm (150.7sf) for residential properties located within the Urban Development Area; excludes cultivation of mushrooms.

**Home Based Business** means an Accessory business use to a residential Dwelling Unit where a resident conducts a profession or occupation that is clearly incidental to the primary Residential Use and is in accordance with the provisions defined by Regulation 14.0 Home Based Businesses of the Development Regulations; excludes adult entertainment, automobile repair and servicing, tow truck operations and similar other uses that are not in character with the Residential Use of the neighbourhood.

**Hospital** refers to an institutional Facility that serves as the primary health, medical and emergency care center located within the community, and serving a regional area.

**Hotel** means a Building containing commercial guest accommodation units, interior access to the accommodation units, a lobby area for guest registration and may contain Accessory uses such as a Restaurant, licensed drinking facilities, gift shop and retail sales, internet services, Office use, swimming pool and exercise facilities, health spa, car rental outlet, meeting and banquet rooms, and similar ancillary uses.

**Household Size** refers to the average number of residents within one residential Dwelling Unit as determined by dividing the total population of Grand Falls-Windsor by the total number of residential dwelling units.

## I

**Impervious Surface** means any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to roofs, parking and driveway areas, asphalt, cement or any other hard surface.

**Indoor Amenity Space** means an indoor, non-commercial use that is Accessory to Multi-Unit Residential and Mobile Home Park use zones for the purpose of providing for social or recreational facilities for use by residents and their guests, and includes meeting rooms, games,

crafts and wood-working rooms, common rooms, swimming pools and saunas, and similar amenity facilities.

**Indoor Recreation** means recreational facilities and associated commercial uses operated for gain and contained exclusively within a Building, and include climbing, health and fitness clubs, racquet clubs, yoga and exercising, spa and other similar recreation and exercise activities.

**Industrial Café** means an eating establishment having a Floor Area less than 180 square metres (1,937 square feet), a seating capacity of no more than 40 seats, and intended to serve the immediate industrial area workforce.

**Industrial Use** means a Use providing for the manufacturing, processing, fabricating, assembling, storing, transporting, distributing, wholesaling, testing, servicing, or repairing of goods, materials, machinery or motor vehicles, and associated Accessory Retail Uses and Office Uses.

**Industrial Light** means a Use of Land or a Building that is not offensive by reason of smoke, vibration, smell, toxic fumes, grit, soot, ash, dust, glare, electrical or electronic interference, noise or appearance, and where such Use does not interfere with the Use and amenity of an adjacent Lot and surrounding area, and further where such Use provides for a wide range of manufacturing, processing, assembling, storing, distributing, wholesaling, and fabricating operations that are wholly enclosed within a Building or Structure; includes limited Accessory Retail uses related thereto, includes businesses involved with the repairing and servicing of goods, materials, machinery and vehicles, and also includes uses such as Auto Body Repair for vehicles, Warehousing, Wholesale, truck terminals and refueling centers, distribution centers, bus terminals, Service Stations, Mini-Storage, Industrial Café, related Office uses, and specific personal services businesses such as for Auctions, funeral homes, taxi dispatch locations, Commercial Kennels and similar varied industrial uses.

**Industrial Resource** means a Rural area Accessory Use associated with natural resource materials in extraction and preliminary grading, sorting and processing operations and more extensive manufacturing of the raw materials; includes activities associated with forestry, minerals and Mineral Working, gravel pits and quarries and other resource industries.

**Industrial Special** means a Use that is located on a large Lot area and typically non-serviced site, where the intended industrial business is deemed as incompatible with Residential Uses, and includes activities such as those related to Asphalt Plants, concrete and cement processing plants, gravel sorting, crushing and processing, Abattoirs, septic tank services, waste reduction

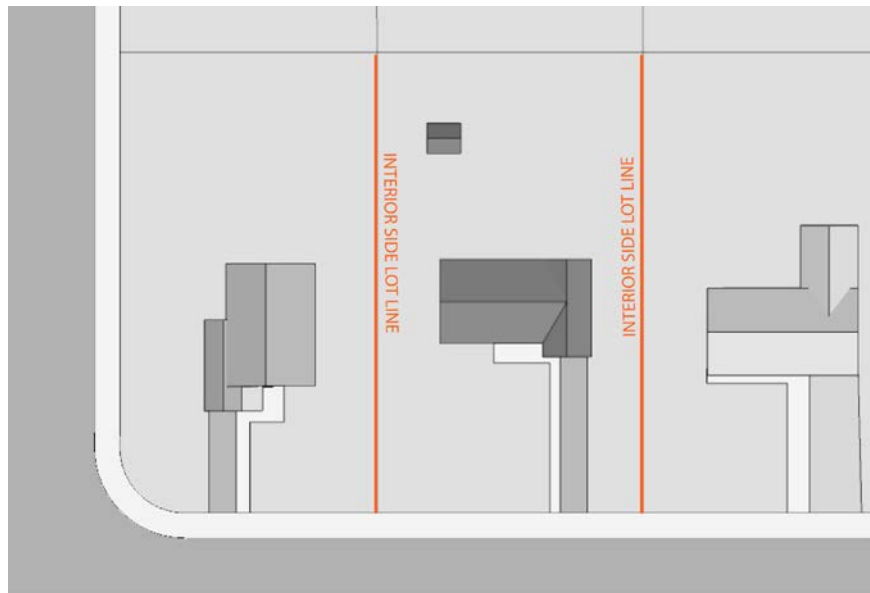
and transfer plants, Commercial Composting, heavy vehicle and equipment repair, Storage of used tires, sawmills and auto Salvage and wrecking of goods, materials or things.

**Industrial Heavy** means a Use that is applicable to the former industrial paper mill lands and uses such as an electrical power generating facility, large scale industrial processing, hydro carbon refining, and bulk storage of fuels.

**Infill Lot** means a Lot which exists, or is created by further Subdivision, potentially as a form of Intensive Residential Development, within an existing built up area.

**Intensive Residential** refers to the Use of 464.5sm (5000sf) Compact residential Lots as representing an economically efficient use of the existing serviced residential area through Development of incremental higher Density forms of housing in conjunction with design guidelines.

**Interior Side Lot Line** means the Lot Line that is not the Front or Rear Lot Line and that is common to an adjoining Lot, Lane or walkway, as indicated by the following sketch.



## K

**Kennel, Commercial** means any Land, Building or Structure used for breeding, boarding or training dogs or cats for commercial purposes, and may include the business of grooming and sale of incidental grooming products, where no more than 16 dogs and 20 cats over the age of 4 months are kept on the premises at any one time.

**Kitchen** means, at a minimum, a portion of a Building containing a fridge, stove or other cooking appliance, sink and lower and upper cabinets.

## L

**Land** includes land covered and not covered by water, and buildings and structures on, over, or under the soil, and fixtures that form part of these buildings and structures.

**Landscaped Area** means a portion of a Development site which is reserved and used to enhance the visual appearance of the property through the planting and required ongoing maintenance of a combination of lawn, shrubs, flowering plants, trees, vegetative ground cover, and other horticultural treatments, and other architectural elements.

**Landscape Screen** means a visual barrier or buffer area on a Development site that is planted with trees, shrubs or other landscape vegetation, and which may be combined with a raised landscape berm, a decorative fence or a brick, stone or masonry wall, so as to minimize the view of the Use of the property from public view such as to screen a hydro junction box or refuse area, or to obscure vehicle lights from the Development site into an adjacent Building or property.

**Lane** means a road allowance more than 3.0m (9.8ft)) in width but less than 10.0m (32.8ft) in width.

**Licensed Lounge** means a commercial establishment used for the sale of alcoholic beverages for on-site consumption by patrons, with or without on-site entertainment provided, and if associated with a restaurant, the total size of the Licensed Lounge shall not exceed 30% of the gross Floor Area of the Restaurant, or if a Licensed Lounge is to operate as a standalone commercial establishment, the total floor space area shall not exceed 280.0sm (3,013.9sf).

**Limited Manufacturing** means a small scale manufacturing Use which is entirely enclosed within a Building , where the total work force is limited to eight persons, and where the discharge of noise, radiation, odorous, toxic or noxious matter, and similar impacts, across a Lot Line does not occur.

**Local Street** means a Street that is part of the municipal road network that is intended to serve local residential and other Land use areas, and connect to the more major municipal Collector and Arterial streets.

**Lot** means any plot, tract or parcel of Land which can be considered as a unit of land for a particular land use or Building.

**Lot Area** means the total horizontal area of Land within the Lot Lines of the Lot.

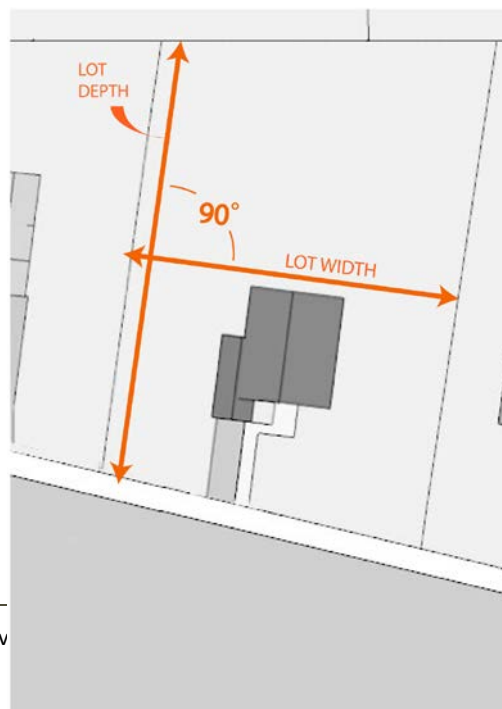
**Lot Coverage** means the proportion of a Lot that is occupied, or may be occupied, by a Building Use, expressed as a percentage of the total Lot Area, and determined as the combined area of all buildings on the Lot measured at the level of the lowest floor above the Established Grade.

**Lot Depth** means the shortest distance within the Lot between the Front Lot Line and the Rear Lot Line.

**Lot Grading** refers to an information requirement of all Land Development proposals that identifies the proposed extent of cut and fill of native soil on the property, and the extent excavation proposed for a Development site, and is to include elevation contours of both the initial property grades and the proposed post-construction grades of the property and how the grade changes to the property interface with adjacent lands and drainage patterns that result.

**Lot Line** means a line forming a boundary of a property or parcel of Land, and may either be a Front, Rear, Exterior or Interior Lot Line.

**Lot Width** means the shortest distance between opposite side Lot Lines measured at right angles to the Lot Depth, as conveyed by the following diagram.



## M

**Medical Clinic** means a Facility for examining and treating patients on an outpatient basis by a group of physicians, dentists, other health care professionals, or similar professions, and includes walk-in clinics.

**Medical Offices** means a Facility containing offices providing medical, dental and other health care or similar professions.

**Mineral Working** means Land or Buildings used for the working or Industrial Resource extraction, grading and processing of any naturally occurring substance; includes gravel and mining operations.

**Minimum Lot Size** means the smallest area into which a parcel may be subdivided, or the smallest parcel size that is allowable to pursue a specific Density or type of Land Use.

**Minister's Regulations** mean the Province of NL requirements for the Development Regulations created by NL communities under the Urban and Rural Planning Act (2000).

**Mini-Storage** means a Building, or group of buildings, that are divided, for rent or lease, into individual self-storage units and used to meet the temporary personal goods, materials and equipment Storage needs of paying customers.

**Mobile Home** means a transportable factory-built and assembled CSA Z240 approved trailer structure, with a minimum Floor Area of 50.0sm (538.2sf), intended to be used as a Single Family Residential home within the approved Zone category of the Town, and that is ready for occupancy upon completion of set-up on a permanent foundation and connection to utility services, as inspected by the local Authority, and which is in full compliance to the Canadian Building Code and applicable provincial and municipal standards and requirements; excludes Recreation Vehicle.

**Mobile Home Park** means a Land development for a minimum of 20 and a maximum of 60 Mobile Homes in accordance with the provisions of the Authority, and under single or joint ownership, cared for and managed by a mobile home park operator where individual mobile home lots are rented or leased, and where ownership and responsibility for the maintenance, Development and replacement of site facilities including underground services, access roads, snow clearing, refuse collection, site landscaping and communal areas, are the responsibility of the mobile home park owners and management.

**Modular Home** means a Single Family Residential dwelling of a minimum 6.5m (21.3ft.) width, constructed of finished sections of a complete dwelling that are built in a factory in accordance with CSA standards, and intended for transport to an appropriately zoned residential lot, and after proper installation on foundation supports and connected to utility services, it is for use as a principal residence; excludes Mobile Home.

**Motel** means a commercial guest accommodation Facility where all of the units are accessed from the exterior of the Building, and may include an Office for motel administration and amenity areas for guests.

**Motor Vehicle** means a motor vehicle defined by the Provincial Act related to automobiles and other motor vehicles.

**Movie Theatre** refers to a Commercial Use wherein motion pictures, films, documentaries, live performances and similar entertainment uses are provided to a paid audience; includes a cinema but excludes Adult Entertainment Use.

**Multi-Unit Residential** means a Use of Land for higher Density residential Development of three or more residential units on one Lot, and includes Apartments, Townhouses, Cluster Developments, Adult Care Facility, Congregate Care Apartment, and bare land strata land developments; excludes subsidiary apartments, except associated with a Single Family Residential use.

**Municipality** refers to the local government Authority.

## N

**Natural Boundary** means the visible high water mark of any pond, lake, river, stream, Wetland, marsh, or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years as to mark upon the soil of the bed of the pond, lake, river, stream, marsh, Wetland or other body of water, a character distinct from that of its banks, in respect of vegetation, as well as in respect to the nature of the soil itself.

**Natural Grade** means the normally existing topography, or the topography established as a component of Subdivision servicing and site Development on the property prior to any construction.

**Non-Conforming Use** means a Use that existed prior to the adoption of the updated Development Regulations, and is deemed as legally existing Use that is not listed in the Development Regulations as a Permitted, Accessory or Discretionary Use for the Zone category in which it is located, or which does not meet the Development standards and requirements of the Development Regulations for that Use Zone; any future proposed additions or expansion of the non-conforming use shall only be considered in accordance with the Permitted Uses and Development standards of the Development Regulations.

## O

**Office Use** means a Use providing for administrative, governmental, professional services and general office functions, and includes accounting and bookkeeping, advertising, architectural, engineering, geological, planning and design, surveying, attorney, counseling, court reporting, data processing, scientific and research, employment agency, social services, public relations and consulting, realty office and similar such uses; excludes tow truck offices and Storage compounds, manufacturing and Storage of any product for sale.

**Off Street Parking** means an Accessory Use for a parking area which is designed to accommodate Motor Vehicles associated with a Permitted Use on a Lot. The front lawn and yard area of a Single Family Residential home use, with or without a Subsidiary Apartment, shall not be used for Off Street Parking.



**Open Space** means an outdoor area of scenic or natural features, a landscaped buffer area, or a reserved passive area , that is located on a portion of a Lot that does not include those areas of site Development required for a Setback, parking area, Storage, or circulation, or an Outdoor Amenity Space, Environmentally Sensitive Area or an area of the site that is not otherwise developable.

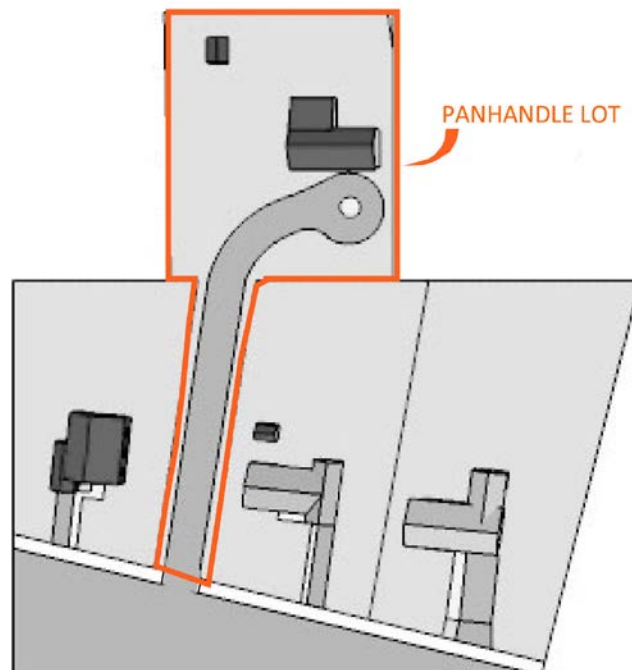
**Outdoor Amenity Space** means an area, or multiple areas, within a Multi-Unit Residential, Industrial and other developments that is intended for convenient use of its occupants for outdoor recreation and leisure activities, and may include shade and bench areas, vegetable garden areas, water features and active use areas for exercise activities such as a playground equipped children’s play area.

**Owner** means a person or organization of persons owning or having the legal right to use Land or a Lot under consideration, where such Use and enjoyment of the property shall be in accordance with the Development Regulations.

## P

**Pad** means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a Mobile Home.

**Panhandle Lot** means a parcel of Land, often referred to as a ‘back lot’, created through Subdivision where safe access from a Street to the Building area is gained by way of a narrow width elongated strip of Land that forms part of the Lot, where such panhandle access dimensions and driveway construction standards are in accordance with the Development Regulations, and as illustrated by the following graphic sketch.



**Parent parcel** means the original parcel of Land that was, or is proposed to be, the subject of a plan of Subdivision.

**Park** means a Land area preserved for the ongoing active and passive recreational needs of residents of the community, and excludes golf courses, Outdoor Amenity Space, Open Space and Environmentally Sensitive Areas.

**Parking Lot** means an open area of a property or site which is designed in accordance with standards established by the Development Regulations to accommodate the parking of Motor Vehicles of clients, customers, employees, members, residents or tenants, where such vehicles have a gross vehicle weight of 4,500 kilograms (9,921 pounds) or less.

**Parking Space** means a space within a Building or parking area for the parking of one vehicle, where the dimensions of the parking space are defined by the Development Regulations.

**Pawnshop** means a commercial business that takes in and receives goods and chattels in pawn.

**Permanent Stream** means a Watercourse, or other water body, that typically contains continuous surface waters or flows for a period more than 6 months in duration.

**Permitted Use** means a Land Use that is listed within the allowable uses of each land use zone category of the Development Regulations, subject to any applicable conditions of use, and may include Principal Use, Accessory Use or Discretionary Use.

**Personal Care** means an accommodation Use providing for the care of sick, injured or aged other than in a public hospital; includes convalescent homes, nursing homes, rest homes and senior citizen homes.

**Personal Service Use** means a commercial business which caters to the personal needs of customers, including such uses as banks, courier service, credit unions, customs broker, custom printing, dry cleaners, barbers, beauty parlour, manicurists, and hair stylists, funeral services, security service, shoe repair, dressmaking, tailors and sewing services, small appliance repair, pet grooming, computer services, financial and investment planning, travel agency, taxi service, and similar such commercial services; excludes Adult Entertainment Uses and Pawnshop use.

**Pier** means a Structure consisting of a fixed platform above the water that abuts the shoreline and is used as a landing or wharf place for watercraft.

**Pit and Quarry Working** carries the same meaning as Mineral Working.

**Place of Worship** carries the same meaning as a Church.

**Planning Area** refers to the defined geographical area wherein the Town has land use management authority. The Planning Area for the Town of Grand Falls- Windsor extends beyond its Municipal Boundary area.

**Principal Building** means a Building or Structure containing the Principal Use, where all portions of such Building or Structure share a common foundation, wall and roof structure.

**Principal Use** means the primary Permitted Use and main purpose for which the Land, Buildings and Structures, and occupancy within a single lot are to be used, as defined by the Land Use Zone categories of the Development Regulations.

**Private School** refers to a commercial, non publicly funded, educational Facility.

**Produce Sales** means an Accessory Use providing for the incidental Retail sale of agricultural products, fruits and vegetables that are produced on the same Lot or an adjacent Lot owned by the same Owner, and where the agricultural activity occurs.

**Professional and Business Office** means a low impact, commercial Office Use that takes place entirely within a Building and does not involve any outside Storage, or result in ongoing and significant daily volumes of vehicle traffic visiting the business, and includes accountant, architect, consultant engineer, computer servicing, designer, lawyer and similar professional offices; excludes a real estate office within residential areas due to the high volume of traffic this Use may generate.

**Prohibited Use** means a Use that is not listed in a Zone as a Principal, Accessory or Discretionary Use, or means an identified Use within a Zone category of the Development Regulations where such Land use activity is specifically not allowed or permitted.

**Pub** means a Commercial Use providing for the sale and consumption of alcoholic beverages and food in an establishment licensed by the Province under the Liquor Control Act, where entertainment may be provided and includes a tavern; excludes Adult Entertainment Use.

**Public Services** means a Use providing for servicing of the community with water, sewer, storm drainage, electricity, telephone, cable, internet, and similar services where such a Use is established and operated by the Town, by another government body, or by a utility company; includes traffic controls, transmission substations, pumping and booster stations, and easements and rights-of-way for accommodating the services.

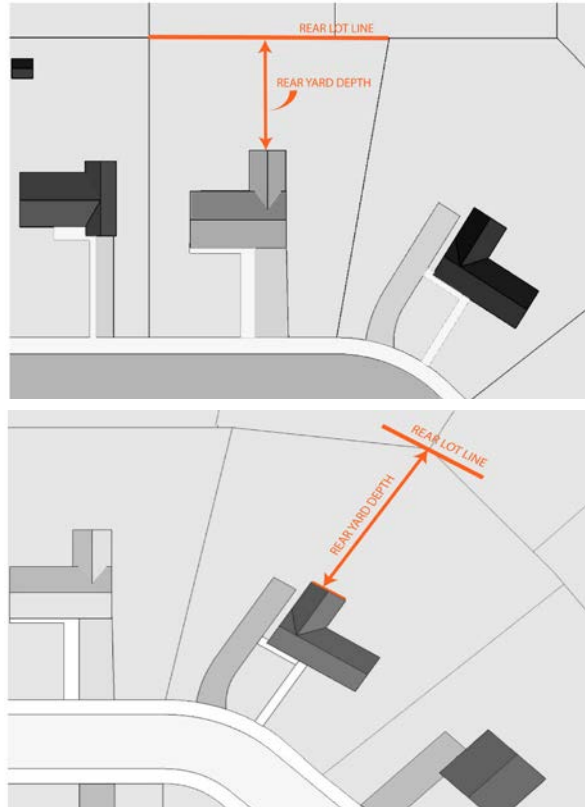
**Public Use** means a Use that primarily provides for a significant government function or service, for public Assembly and for educational facilities, and includes public schools, municipal offices, correctional, prison and detention facilities, police and emergency service offices, fire departments, public works operations, cemetery, sports playing fields, and parks, and also includes community care facilities such as for Adult Care Facility, Congregate Care Apartment, Personal Care, Residential Care and Hospitals.

**Public Utility Use** is a Use providing for additional infrastructure services by the Town, other Authority, or private utility company and includes garbage dumps, refuse disposal site and incineration operations, Recycling Depot, mortuary/crematorium, animal pound, cellular telephone towers, broadcast transmission facilities, public works yards, and similar facilities.

## **R**

**Rear Lot Line** means the Lot Line opposite to and most distant from the Front Lot Line, or, where the rear portion of the Lot is bounded by intersecting interior side lot lines, the Rear Lot Line shall be deemed to be the point of such intersection.

**Rear Yard Depth** means the distance between the Rear Lot Line and the Rear Lot Line and the rear wall of the Principal Building on the Lot, as illustrated by the following two sketches.



**Recreation and Open Space** refers to Land reserved and preserved for outdoor activities such as pedestrian walking trails, parks, a municipal Campground, athletic playing fields, scenic vistas and lands such as the former railway corridor through the community.

**Recreation Vehicle** means a vehicle designed as a temporary seasonal dwelling for travel, recreational, and vacation use, and which is either self propelled or mounted on, or pulled by another vehicle, and includes a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer, camper van, converted bus and boat. A Recreation Vehicle is not permitted to be used as a permanent Dwelling Unit within Grand Falls-Windsor.

**Recycling Depot** means a Facility where recyclable materials are collected and processed, and may include separation, sorting, cleaning and storing for shipment.

**Registration** refers to the official date of effect of the Development Regulations.

**Relative** means father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, sister, brother, grandchildren, grandparents, and great grand-parents.

**Remainder Lot** means the remaining area of a parent parcel that is being subdivided into one or more lots.

**Repair Services, Industrial** means repair of industrial and Motor Vehicles exceeding a vehicle gross weight of 4500 kilograms (9,921 pounds), truck trailers and heavy equipment.

**Repair Services, Personal** means repair to household goods, electrical or electronic appliances and personal items, excludes Vehicle and Equipment Repair Services.

**Repair Services, Vehicle and Equipment** means repair of Motor Vehicles with a gross weight of 4500 kilograms (9,921 pounds) or less, utility trailers and light equipment, excludes Industrial Repair Services.

**Residential Care** means a Provincially licensed and authorized Facility located within a detached residential dwelling, and established by the Province of NL for the group home personal care, supervision, social or educational training, or physical or mental rehabilitative therapy to not more than 5 persons, and may include residential care of children, specialized adult residential care, personal care, intermediate care to seniors, and similar supportive care uses.

**Residential Use** means a Dwelling Unit use providing for the accommodation and home life of a persons or persons as a Family or not.

**Residential, Row Dwelling** refers to the historic Development in Grand Falls-Windsor of three or more attached side by side Dwelling Units at ground level in one Building (commonly referred to as row-housing), where each dwelling is separately vertically from the others, and present a monotonous repetition of façade design that is dominated by Building Massing and limited architectural detail to individual unit identity; the Row Dwelling Residential use is now prohibited within these Development Regulations and the Use is replaced with the more highly designed Townhouse Residential Use.

**Residential, Seasonal** means a Residential Use of one Dwelling Unit for temporary seasonal accommodation in a smaller cabin or cottage Structure, and sited in detached non-urban Rural locations, and not sited within a designated Floodplain area, and where such Use is not intended as permanent living quarters.

**Residential, Single Family** means a Residential Use of one Dwelling Unit on one Lot in the form of a typical detached wood frame residential house or Modular Home, of varied building sizes,

and used exclusively by one household for residential purpose, and on residential lots of varying parcel size densities as identified by the Development Regulations; excludes a Mobile Home.

**Residential, Two Unit** means a Residential Use of two attached Dwelling Units on a Lot, each with separate entrances, and often referred to as Duplex residential units, but not including a Single Family Residential use with a Subsidiary Apartment.

**Residential Use, Townhouse** means a highly designed and landscaped Residential Use located within the Urban Development Area and consisting of three or more Dwelling Units on a Lot or site that may be either attached or detached residential Dwelling Units, and if attached, there shall be a maximum of six attached Dwelling Units; each Dwelling Unit with a Townhouse Residential Use shall have a private entrance and direct ground level access to the outside and to private Open Space other than a Balcony or sundeck; may include a two unit Duplex form of housing on Multi-Unit and/or Cluster Residential Development sites; excludes a Row Dwelling Residential form of housing development. The following photograph illustrates the high design standard of appearance provided by a Townhouse Residential Use.



**Resort** refers to a destination form of holiday travel for tourists and visitors and includes a Hotel and similar accommodation, and related high quality site amenities.

**Resource Use** means a Use providing for the Conservation, management, and extraction of primary forest materials, and excludes all manufacturing and processing.

**Restaurant** means a commercial establishment where meals and/or refreshments are prepared and served for consumption on or off the premises; includes cafes, tea rooms and outdoor cafes, and may include an authorized Licensed Lounge as part of its Floor Area space..

**Retail** means a Commercial Use providing for the sale of tangible goods, wares, merchandise and other items where the customer can take away the purchased goods for their household use; includes Grocery, Department, general merchandise, hardware, pharmacy, convenience, automotive parts, book and liquor stores, smaller commercial businesses and shops, Second Hand Store, video, and household equipment rental and similar commercial goods stores, and flea markets located within an enclosed Building; excludes pawnshops and adult entertainment use.

**Row-housing** refers to the dated Use of attached residential Dwelling Units with very limited front façade building design attention and lacking in individual unit identity, and as a housing form are intended to be replaced with the more highly designed Townhouse Residential Use form of housing for future higher Density Residential Uses within the Town of Grand Falls-Windsor.

**Rural** means that geographical area within the Town boundaries that is not serviced with sanitary sewer; also includes the more detached and largely forested portions of Town.

## S

**Salvage** means an Industrial Use relating to the stripping and sales of Motor Vehicle parts, sales of used Building materials, and the storing, wrecking, crushing, piling and similar operations of Motor Vehicles, machinery and other equipment which is considered as no longer useable.

**Screening** means a continuous view obstructing Fence, masonry or brick wall, compact evergreen hedge or combination thereof, which would effectively screen the areas which it encloses, and is broken only by access driveways and walkways.

**School** means an institution of learning, either public or private, that includes primary, elementary, junior and senior high schools, college and trades training, and that does not provide overnight accommodation of students.

**Seasonal Residential** means a temporary Residential Use of a cottage or camp within the outlying rural zoned area of the municipality where a separate system for domestic drinking water and septic effluent disposal is approved before the use is provided.



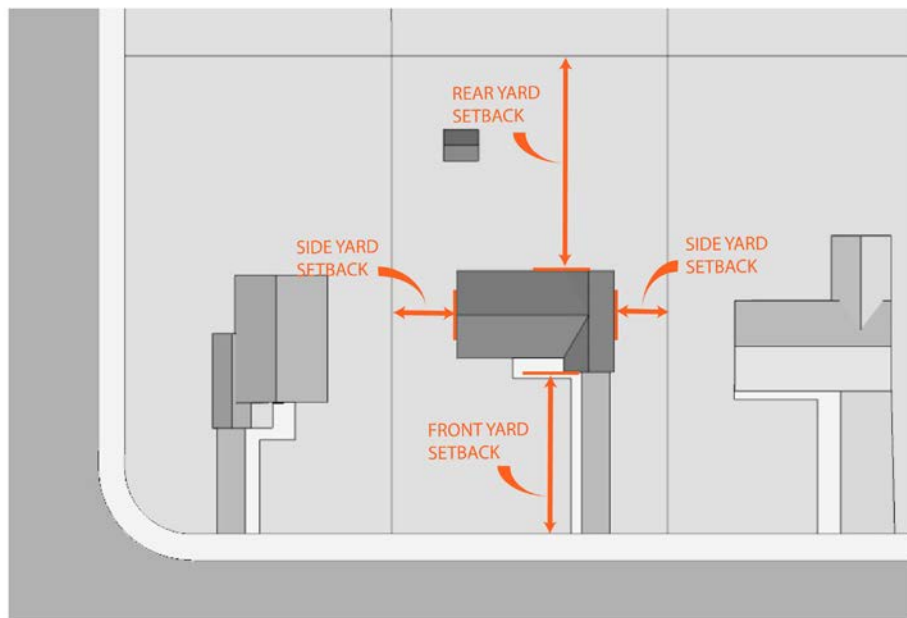
**Second Hand Store** means a Commercial Retail Use of the sale of previously used household and general merchandise such as clothing, household furnishings and appliances, sports and recreational equipment, and the like; excludes sale of second hand Motor Vehicles, Recreational Vehicles, machinery, equipment and similar non-household merchandise.

**Security Fence** means a Fence intended to prevent access to hazardous or environmentally sensitive areas, or to prevent trespass.

**Service Station** means any Land or Building used exclusively for the sale of gasoline, diesel and other petroleum products such as lubrication oils for Motor Vehicles, and the washing of Motor Vehicles; may include the sale of automotive parts and accessories, the servicing or repair of Motor Vehicles, the rental of utility trailers and vehicles, and an ancillary Convenience Store use.

**Service Street** means a Street constructed parallel to or in close proximity to another Street for the purpose of limiting direct access to that Street.

**Setback** means the horizontal minimum separation distance between a Building or Structure on a Lot and a Front, Rear or Interior side Lot Line, as illustrated by the following sketch, or also meaning the separation distance that is to be maintained for Development from the Top of Bank of an Environmentally Sensitive Area.



**Sewer Specified Area** means that geographical area of the Town where sanitary sewer service is available or may be extended, as defined by Town Council.

**Shopping Centre** means a group of a minimum of five Retail, Personal Service, Office, Restaurant and other Commercial Use stores and shops, often referred to as Big Box stores, and integrated with a parking area, pedestrian accesses, signage and site landscaping, with or without an internal pedestrian shoppers walking mall area, and designed, planned, constructed and managed as a total commercial shopping Development entity.

**Showroom** means a Building or part of a Building where commercial display items, or photo representations thereof, are available for customer viewing and where purchase orders may be taken for goods, including Motor Vehicles, residential units and equipment, for later delivery, includes Accessory Retail associated with Industrial Use; excludes pawnshop and adult entertainment uses.

**Sidewalk Downtown Commercial** means the opportunity for downtown business merchants to enter into lease and liability agreements with the Town, following Council creation and adoption of a 'sidewalk downtown commercial' policy, to occupy a small part of the sidewalk area at their store frontage for limited Commercial Use during the warmer summer months season; uses limited to commercial display items such as rack clothing sales, book sales, and other Retail goods, and Café and Restaurant patio type seating within a railed enclosure.

**Sign** means a word, letter, model, placard, board, computerized display, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of visual advertisement, announcement or direction; excludes those mediums employed wholly as a memorial, advertisements of local government and provincial highways, utilities and emergency services, realty company signs located on private properties for sale and those structures used for the display of advertisement.

**Site Plan** means a mapping information document, drawn to scale, that is to be submitted as determined by the Authority for all Land Development proposals, and that in a minimum clearly identifies the Developable Area of a site and the proposed Development on a property, and may also include where applicable, the physical design and dimensions of proposed and existing Buildings and Structures, existing topography and proposed elevations, Environmental Sensitive Areas, Hazard Lands, treed locations and trees to be preserved, Lot Grading, existing municipal services, proposed drainage, interface with adjacent properties and including proposed Building Setbacks, any rights-of-way and easements, proposed landscaping, fencing and screening improvements, vehicular and pedestrian access, other site improvements, and the interrelationship of these elements, and other site Development information as required from an Applicant by the Authority.

**Stoop** is an architectural design term used to identify a small platform and entrance stairway at a Building entrance, commonly covered by a secondary roof, canopy or awning.

**Storage** refers to the accumulation of goods and materials, and the area where they are kept; Storage may be entirely enclosed within a Building or may be located unenclosed outdoors, but generally screened from public view.

**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, that portion between the top of such floor and the ceiling above it; for the purposes of determining Height within the Development Regulations, a Basement of a Building is not considered a Storey when the finished floor elevation of the Basement is greater than 0.3 meters below the average finished grade.

**Street** means a Street, Highway or other road allowance 10.0 metres (32.81 feet) or more in width and which is intended to provide primary access to parcels of Land; excludes a Lane, Walkway, trails and bridges.

**Street Line** means the edge of a Street reservation as defined by the Authority.

**Structure** means anything constructed or erected, the Use of which requires location on the ground or sunk into water, or attachment in some manner to the ground or water, includes sheds, platforms, decks, gazebos, tanks, poles, towers, wharfs, swimming pools, windmills and chimney towers; excludes any Fence or wall that are less than the maximum Fence Height permitted in any Zone of the Development Regulations.

**Subdivision** means the dividing of Land, whether in single or joint ownership, into two or more parcels of Land for the purpose of Development, and in accordance with the permitted minimum Lot Area sizes of the applicable Zone where the Land is located.

**Subsidiary Residential Apartment** means an Accessory Use for a secondary residential Dwelling Unit that is contained entirely within an owner occupied Single Family Residential Dwelling Unit, has its own external access to the outside and is separated from the principal dwelling by an approved Canadian Building Code fire wall separation; the size of the Subsidiary Residential Apartment shall not exceed 40% of the habitable floor space of the principal Dwelling Unit, and shall have a maximum Floor Area space of 90.0sm (968.7sf).

**Suburban** refers to that area of a community that is located adjacent to but outside of the Urban Development Area, and is not a Rural location.

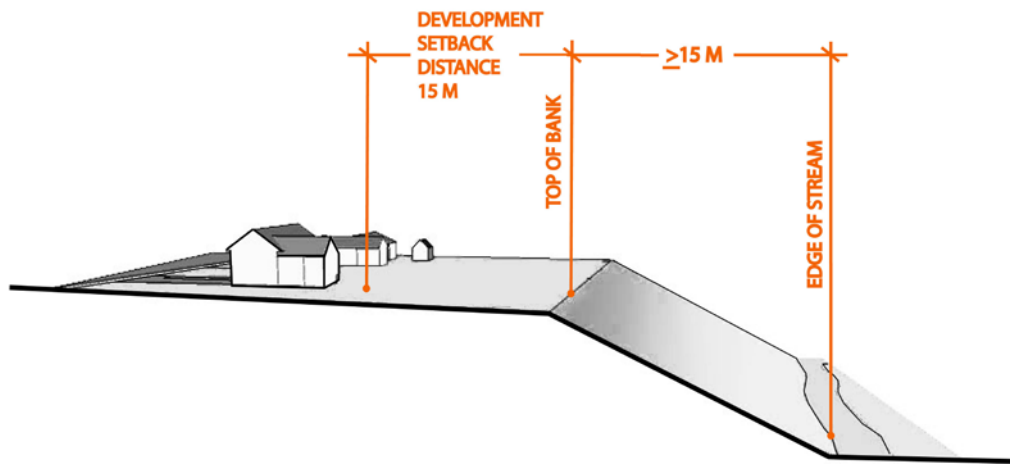
## T

**Tank Vehicle Storage** means the parking of any Motor Vehicle with a cargo tank having a capacity of more than 900.0 litres (198.2 gallons), mounted or built as an integral part of the vehicle and used for transportation of fuel products, and including tank trucks, trailers and semi-trailers.

**Telecommunications Antennae** refers to a tower Structure consisting of radio, television, and telephone, cellular, digital and satellite transmitting, relay and receiving apparatus that are preferred to be located on Civic and other Building roof tops, on utility poles, and where appropriate as standalone facilities, as determined through consultation with the Antennae proponent and the Town.

**Technology Centre** means a Use providing for a higher skill level of potential employment in businesses and enterprises for research and development, laboratory, call centres, high technology training centres, and similar uses.

**Top of Bank** means the point closest to the Natural Boundary of an Environmentally Sensitive Area where a break in the slope of Land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15.0m (49.2ft) measured perpendicularly from the break. The Setback distance for Development from an Environmental Sensitive Area shall be a minimum of 15.0m (49.2ft) from Top of Bank, as indicated by the following sketch.



**Town** means the Town of Grand Falls-Windsor, including both Town Council and municipal staff.

**Truck Terminal** refers to a large Lot area Use where trucks and truck trailers that transport goods and materials on the regional, provincial and national Highway networks, are parked, stored, maintained and mobilized.

## U

**Undevelopable Area**, or non-developable area, means any portion of a Lot that contains a pond, lake, river, Watercourse, Wetland or marsh and is deemed as an Environmentally Sensitive Area, or that contains Hazard Lands of any Land area of the lot characterized by geotechnical limitations of unstable soils and slopes in excess of 25%, any portion of the lot with protected archaeological areas of significance, any utility easement and rights of way corridors, required Development Setback areas and other portions of the lot as determined non-developable by the Authority, are individually and collectively deemed as not available for Land Development; property owners seeking to refine the extent of the identified Undevelopable Area shall provide supportive analysis and recommendations from relevant professionals such as a biologist or geotechnical engineer for consideration and review by the Authority.

**Unenclosed Storage** refers to an Accessory Use for the outdoor Storage of goods and materials associated with the primary Permitted Use of the property, and limited to a maximum Storage area of a percentage of the area size of the Principal Building on the Lot; all Unenclosed Storage uses are to be screened from public view.

**Unlicensed Vehicle** means a Motor Vehicle as defined by the Provincial Motor Vehicle Act which does not have a valid license prominently displayed on it.

**Urban** means that Development area shown on the Municipal Integrated Community Sustainability Plan maps as representing the sanitary sewer serviced and Urban Density Development locale of the community.

**Urban Development Area** refers to that geographical area of the Town that is either serviced, or capable of being serviced, with full municipal services of piped water, sanitary sewer and storm drainage, and other utility and community services, and wherein the highest Density of Land uses within the Town are permitted,

**Urban and Suburban Ancillary Uses** are Accessory Uses and activities that are located within either an Urban location or a Suburban residential setting, and where such uses are customarily associated with the Residential Use and home life and enjoyment of the property.

**Use** means a Building, Land Use activity or form of Development that is permitted on a Lot.

## V

**Variance** means a relaxation of an outlined numeric requirement of the Development Regulations, to a maximum of 10% from the yard, area, Lot Coverage, Setback, size, Height, and Frontage standards of a Zone; excludes a relaxation of the Top of Bank Setback from Environment Sensitive Areas unless substantiated by a professional biologist report and consideration of approval by Council.

**Vehicle Dealership Use** means a commercial business establishment that sells or leases new or used automobiles, trucks, vans, trailers, Recreational Vehicles, snowmobiles, boats or motorcycles, or other similar motorized transportation vehicles. A vehicle dealership may contain an inventory of Motor Vehicles for sale or lease on-site, may include a Showroom, and may provide on-site facilities for the maintenance, repair and service of the vehicles sold or leased by the dealership, and may include a car rental service.

**Vendor Stand** means a portable and temporary Downtown Commercial Use that is removed each evening, approved by Ministry of Health officials and licensed by the Town, for the sale of the limited food items such as hot dogs and similar convenience foods.

## W

**Walkway** means a public access route for pedestrians or non-motorized vehicles, and which provides access connection between two Streets.

**Warehousing Use** means a use of Buildings for Storage, distribution and Wholesaling of large quantities of goods.

**Watercourse** means any natural or man-made depression with well defined banks below the surrounding Land area, and serving to give direction to a current of water at least six months of the year, and shall have the same meaning as a Permanent Stream.

**Water Specified Area** means that geographical area of Town where municipal water service is available or where it may be extended.

**Wetland** means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal conditions that supports, vegetation typically adapted for life in saturated soil conditions, and includes swamps, marshes, bogs, and estuaries; Wetlands are Environmental Sensitive Areas and are typically Non-Developable except for uses such as cranberry production and as approved by the environmental representatives of the Province of NL.

**Wholesale Use** means a Use providing for selling to the retailer rather than to consumers.

**Wrecked Vehicle** means a Motor Vehicle, not enclosed within a Building, which either is, or has the appearance, as deemed by the Authority to be, dismantled, dilapidated, physically damaged or disabled so that it cannot be safely operated by its own mode of power, or is in a state of disarray in its parts, frame or bare body of a vehicle.

## Y

**Yard** means that area of a Lot created by a Setback.

## Z

**Zone** means a defined area, including Land and water, to which a uniform set of regulations pertaining to uses, Development standards and conditions of Use apply.

**Zoning Map** means the map attached to and forming part of the Development Regulations as Schedule A-2.



## **PART II: ADMINISTRATION, DEVELOPMENT PERMIT AND GENERAL REGULATION REQUIREMENTS**

### **3.0 ADMINISTRATION AND ENFORCEMENT**

#### **3.1 ADMINISTRATION**

The Development Regulations shall be administered by the staff of the Town of Grand Falls-Windsor under the direction of Council.

#### **3.2 INSPECTION**

The Municipal Engineer, Town Planner and the Building Inspector, or any other specified inspector official of the Town, is hereby authorized to enter, at all reasonable times, on any property, to ascertain whether provisions of the Development Regulations are being or have been complied with. No person shall prevent or obstruct, or attempt to prevent or obstruct authorized entry.

#### **3.3 ENFORCEMENT**

1. It is unlawful for any person to cause, suffer, or permit any building or structure to be constructed, reconstructed, altered, moved, extended, occupied, or used, or any land to be occupied or used, in contravention of the Development Regulations, or otherwise to contravene or fail to comply with the Development Regulations.
2. No person shall carry out any development within the Municipal Planning Area Boundary except where otherwise provided in these Regulations unless a Development Permit or authorization for development has been issued by the Town.
3. The Town may cause notice in writing to be served to the owner or occupier of real property found to contravene the provisions of the Development Regulations, identifying the details of the contravention and the action required of the party so notified.
4. The notice in writing may be served by the Town by hand delivering it to the owner or occupier of the real property that is subject to the notice, by posting it on a conspicuous place on the subject property, or by registered mail.

5. No liability or responsibility other than set out in accordance with the Development Regulations rests with the Town to prove delivery of the notice.

### **3.4 VIOLATION, FINES AND STOP WORK ORDER**

1. Every person who commits an offence contrary to the provisions of the Development Regulations, as amended from time to time, is liable, upon summary conviction, to a penalty in the form of a fine.
2. Each day that such a violation is caused to continue, or allowed to continue, constitutes a separate offence.
3. Every inspector referred to in Regulation 3.2 shall keep a record of any violation of these Regulations which comes to his or her knowledge and report that violation to the Authority.
4. Where a person begins a development contrary or apparently contrary to these Regulations, or undertakes work at any time during the development that is contrary to these Regulations, the Authority may order that person to stop the development or related work to the development in the form of a Stop Work Order pending final adjudication in any prosecution arising from work activity related to the development.
5. Where, contrary to a Development Permit or to these Regulations, a person has commenced or undertaken land development or building construction, the Authority where it is deemed necessary, may order that within a specified time period that the offending person to pull down, remove, stop construction, fill in or destroy the land development work or building, and may order the person to restore the development site or area to its original state.
6. Failure to comply with an order issued by the Authority under Regulation 3.4 (5) may necessitate that the Authority take the action that it considers as necessary to carry out the order, and any costs, expenses and charges incurred by the Authority in carrying out the order are recoverable against the person against whom the order was made as a debt owed to the Authority.

### **3.5 DEVELOPMENT PERMIT APPLICATIONS**

Prior to undertaking development of land within the Planning Area of the Town of Grand Falls-Windsor, an individual is to submit to the Town, as the Authority, a Development Permit application form, as prescribed by Authority, along with the application fee required by the

Authority, and in accordance with the procedure established by the Authority, and as regulated by the NL Urban and Rural Planning Act (2000) and any amendments related thereto. Every Development Permit application shall also include supporting background information and documentation, site and legal plans, development specifications, and engineering and building drawings as the Authority may require.

A Development Permit application will be required in the following instances:

1. Rezoning – If the current zoning designation for the property to be developed does not allow a specific type or density of land use, a Development Permit application for rezoning will be required to be submitted to the Authority for consideration of approval.

If an individual wishes to make a request to amend the text wording or requirements of the Development Regulations, where permissible, an application for a Development Permit and approval from the Authority will similarly be required.

2. Subdivision – If the property to be developed seeks to create new parcels of land through subdivision, the zoning designation of the property needs to support this intent, and a Development Permit application for subdivision will be required to be submitted to the Authority for consideration of approval.
3. Development Design – If the property to be developed seeks to build a commercial or industrial use, or to expand an existing use, with a building area of 111.48sm (1,200.0sf) or more, or to develop a property for an intensive residential use, a Multi-Unit Residential Zone, a project within a CDA or a Public Use zone, submission of design proposal details in accordance with the guidelines of Part 4 of the Development Regulations will be required to accompany a Development Permit application to the Authority.
4. Building Permit – If a property to be developed seeks to construct a new building, or to construct an addition or renovation to an existing building, a Development Permit application for such building is to be submitted to the Authority.

The Authority shall supply to every applicant a copy of the Development Permit application forms referred to in Regulation 3.5 and shall further provide to every applicant a description of the site plans, development specifications, engineering drawings and all other supporting information and documentation required to be submitted with the application. Until the identified supporting plans, specifications and drawings, and accompanying background

information and documentation, are provided by the applicant, the application shall be deemed deficient and premature for the Authority to consider.

### **3.6 DISCRETIONARY CONSIDERATION OF DEVELOPMENT PERMIT APPLICATIONS**

Each type of Development Permit application submitted to the Town will have its own distinct approval requirements and approval consideration procedures. Beyond the supporting information required for each application, the Authority will additionally consider the Development Permit application on the basis of conformity to the land use intent and policy statements of the Town's Municipal Integrated Community Sustainability Plan, the requirements of the Town's Development Regulations, the NL Minister's Regulations, other applicable policies of the Authority such as those pertaining to signs and advertisements, and other local bylaws, provincial regulations and legislation.

The Authority shall also assess and evaluate the general appearance and character of present development within the area proposed to be developed, the design and fit of the proposed development into the existing neighbourhood, the nearby amenities to support the proposed development, issues of public safety and traffic patterns, as well as consideration of public interest, and other relevant and material factors, where applicable.

The Authority may, in its discretion, determine the uses that may or may not be developed and utilized within a specific use zone in accordance with the listed principal, accessory, discretionary and prohibited uses of each zone category, and as interpreted by the definitions of Regulation 2.

In consideration of an application for development, the Authority may, in its discretion and as a result of its review and consideration of issues identified within Regulation 3.6, conditionally approve or refuse and reject the application.

In the evaluation and review of the Development Permit application, the Town Council as the approving Authority on development proposals may further determine to make a decision on an application on the basis of the following Regulations 3.6.1 to 3.6.11.

#### **3.6.1 Deferment of Application**

With written agreement of the applicant, the Authority may defer consideration of an application.

When an application is submitted in accordance with these Regulations, and where consideration of the application has not been deferred, nor has a decision on the application been communicated to the applicant within eight weeks of receipt thereof by the Authority, the application shall be deemed to be refused.

### **3.6.2 Approval in Principle of Application**

The Authority may grant approval in principle of the application on the basis of that the development is in compliance with the Development Regulations and specific approval conditions being addressed by the applicant and/or specific plans, specifications, drawings and development detail being adhered to.

Where approval in principle is granted under this Regulation, the application shall be subject to the subsequent approval by the Authority of such details as may be listed and identified within the approval in principle.

Approval of outstanding details and requirements as identified within the approval in principle shall be received by the Authority not later than two years from the date of issuance of approval in principle.

### **3.6.3 Provision of Financial Guarantees by the Applicant**

The Authority, in consideration of an application, may require a developer to provide financial guarantees to support the development, as identified within Regulation 8.7.

The financial provisions required of the developer may be required before the commencement of the development, or by the developer entering into a financial agreement with the Authority to guarantee the performance of specific works and conditions attached to a Development Permit or license, or to ensure site reinstatement or reclamation.

The required financial provisions of Regulation 3.6.3 may be made to the Authority in the form of any of the following guarantees:

- (i) A cash deposit from the developer to be held by the Authority;
- (ii) A financial guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer;
- (iii) A performance bond provided by an insurance company or a bank;
- (iv) An annual contribution to a sinking fund held by the Authority;
- (v) A Letter of Credit in a form approved by the Authority; or,
- (vi) Another type of financial guarantee that the Authority may approve.

### **3.6.4 Provision of Service Levy by the Applicant**

In consideration of an application, the Authority may require a developer to pay a service levy where development is made possible, or where the density of the potential development is increased, or where the value of the property is enhanced, by the construction of public works either on the development site or off site of the development.

A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority, of constructing and improving the public works referenced within the Regulation 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.

A service levy shall be assessed on the real property based upon the following:

- The amount of real property benefited by the constructed public works and in relation to all real property so benefited;
- The density of the development achieved or increased by the public works improvements

The Authority may require that a service levy be paid by the owner of the real property at the following times:

- At the time when the levy is imposed;
- At a time before the property development commences;
- At a time when the property development is completed; or,
- At such other time that the Authority determines.

### **3.6.5 Provision of Landscaping Security by the Applicant**

For applications where the Authority deems that site landscaping is required, Landscaping Security may be required from the applicant in accordance with Regulation 10.5

### **3.6.6 Dedication of Land for Public Use by the Applicant**

The Authority, in consideration of an application, may require a developer to dedicate a portion of the land of the development site for open space for public use in accordance with Regulation 8.10.

The Authority may further require an applicant to provide for easements and rights-of-way to support the development and to transfer at no cost to the Authority all installed utilities and streets and other works, as in accordance with Regulation 8.9.

### **3.6.7 Consideration of Variances**

In consideration of an application, where approval or permit authorization cannot be provided by the Authority because a proposed development does not comply with the development and numeric standards and requirements established within the Development Regulations, the Authority may in its discretion, vary the development standards. The variance to the standards may be 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.

The Authority shall not allow a variance from the development standards of the Development Regulations if that variance, when considered with other variances made or proposed to be made 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 each no more than 10%.

The Authority shall not permit a variance from the development standards of the Development Regulations where the proposed development would increase the non-conformity of an existing development.

Where the Authority is to consider a proposed variance, the Authority shall give written notice of the proposed variance from the development standards of the Development Regulations, to all persons whose land is located in the immediate vicinity of the property that is the subject of the variance. The Authority shall allow a minimum period of seven (7) days to allow for response from those persons so notified.

### **3.6.8 Conditions Where Permit is to be issued**

Subject to Regulation 3.6 and Regulation 3.6.10, a permit shall be issued for development within the Planning Area when the permit application conforms to the entirety of applicable requirements of the Development Regulations with respect to uses, use regulations, basic provisions, general regulations, development standards, conditions of use, density, subdivision requirements, building code standards and/or other ancillary codes, and other municipal regulations in force to manage and regulate the development, conservation and use of land and buildings.

The Authority shall also determine the applicable design guidelines of Part 4 of the Development Regulations that may apply to the development.

### **3.6.9 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 or construct a building or structure in accordance with these Regulations but such permission shall 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 therein.
2. The Authority may attach to a Development Permit or to an approval in principle such conditions as it deems necessary in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.
3. Where an Authority deems necessary, Development 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 exceeding two years.
4. A Development Permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced during the initial outlined valid time period, 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 case of a Permit for an Advertisement, which may be renewed in accordance with the Sign Policy of the Town of Grand Falls-Windsor.
5. The approval of any application and plans or drawings or the issue of a Development 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 undertaken, in the event that the same is in violation of this or any other regulations or statute.
6. The Authority may revoke a Development 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 Development Permit to develop land or a building has been issued by the Authority.
8. There shall be kept available on the premises where any work or activity is 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 entire progress of such work or activity until completion.

### **3.6.10 Certain Cases Where Permit is not to be Issued**

Neither a Development Permit or approval in principle shall be issued for development within the Planning Area when, in the opinion of the Authority, the proposed development is premature by reason of the site lacking adequate onsite and offsite services and servicing capacity. The deficient services may include road access and capacity, power and utility services, sanitary sewer facilities and downstream capacity, domestic water supply, storm water drainage and supporting amenities such as schools, and fire and emergency services. The Authority, in its discretion, may also determine that the proposed development site location is distant from existing patterns of property development and servicing capability, and unless the development applicant volunteers and contracts to pay to the Authority for the full costs of offsite servicing extensions to and into the development site, the proposed development shall not be considered further, and no permit for development will be issued.

### **3.6.11 Reasons for Refusing Permit**

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

### **3.6.12 Notice of Right to Appeal**

Where the Town makes a decision to perform any of the following:

- To refuse to issue a Development Permit to undertake a proposed land and/or building development, or other form of development;
- To revoke an approval or a permit to undertake a development;
- To issue a stop work order or other order; and/or
- To make a decision under the Urban and Rural Planning Act, or other Act, that is permitted to be appealed;

The person to whom the Authority's decision applies shall have the right to appeal that decision in accordance with the provisions of Sections 40 to Section 46 inclusive of the NL Urban and Rural Planning Act.

## **3.7 REGISTER OF APPLICATIONS**

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.

### **3.8 AMENDMENT PROCEDURE**

Subject to the NL Urban and Rural Planning Act, where a Development Permit application for a land or building development or for an amendment to the Development Regulations has been effectively denied by a resolution of Town Council, application for the same development, building or amendment shall not be considered within 12 months of the date of the previous refusal.

## 4.0 ZONES AND ZONE BOUNDARIES

### 4.1 ESTABLISHMENT OF ZONES

For the purpose of the Development Regulations, the Town of Grand Falls-Windsor Planning Area has established varied land use zones for the regulation of the *Use* and *Density* of land.

### 4.2 APPLICATION OF LAND USE ZONES

The following land use zones, and their abbreviated equivalents, shall apply:

Land Use Area	Land Use Zone Name	Abbreviated Zone Name
<b>1. Rural</b>		
	Rural Area Zone	RUR
<b>2. Rural Residential</b>		
	Rural Residential Zone	RR-1
	Residential Mobile Home Park Zone	RMHP
<b>3. Urban Residential</b>		
	Single Unit Compact Residential Zone	RS-1
	Single Unit Small Lot Residential Zone	RS-2
	Single Unit Urban Residential Zone	RS-3
	Single Unit Mixed Lot Residential Zone	RS-4
	Two Unit Urban Residential Zone	RT
	Low and Medium Density Multi-Unit Residential Zone	RM-1
	High Density Multi-Unit Residential Zone	RM-2
<b>4. Commercial</b>		
	Commercial General Zone	CG
	Commercial Highway Zone	CH
	Commercial Neighbourhood Zone	CN
	Commercial Downtown Zone	CD
<b>5. Industrial</b>		
	Industrial Light Zone	IL
	Industrial Special Zone	IS
	Industrial Heavy Zone	IH
<b>6. Comprehensive Development Area</b>		
	Comprehensive Development Area One Zone	CDA-1
	Comprehensive Development Area Two Zone	CDA-2
<b>7. Public Use</b>		
	Public Use Zone	PU
<b>8. Preservation</b>		
	Recreation and Open Space Zone	ROS
	Environmentally Sensitive Area Zone	ESA
	Conservation Area Zone	CON

### **4.3 ZONE BOUNDARIES**

1. The zone boundaries of each land use designation category are identified on the Zoning Map that is attached and forms part of these Development Regulations. The boundary lines of all zones are either, property lines, natural boundaries, jurisdictional boundaries and/or adjoining zone boundaries on individual parcels of land.
2. Where a zone boundary follows a road allowance, watercourse or former railway line, the center of the road, watercourse or railway line shall be the zone boundary.
3. Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location and extent of the zone boundary shall be determined by scaling the applicable zone map.

## **5.0 USE REGULATIONS**

### **5.1 GENERAL INTERPRETATION**

This Regulation is intended to primarily assist in the interpretation of principal uses within each zone by categorizing like uses. While the listings of uses in this Regulation are not intended to be totally comprehensive, or to definitively define a use, the outlined information included in Regulation 2.0 Definitions does allow for the interpretation of which uses may be pursued in each zone, so as to more effectively determine what uses are included and excluded as part of the use regulations.

### **5.2 USES PERMITTED IN ALL ZONES**

The following uses are permitted in all Zones.

1. Utility poles; electricity, cellular, radio, television and cable transmission towers, where such telecommunication towers are in compliance with Council's policy on siting criterion and public consultation for such towers; air or marine navigational aid; wires, cables, light standards, traffic control devices; highways and municipal directional signs; municipal water system, water reservoirs, municipal sanitary sewer and storm water management systems, and associated underground utilities, and pump houses; group mail boxes; roads and highways; parks; and associated Buildings, structures, sub-stations and storage established by the Town, by another government body or by a company operating under the Utilities Commission Act; and all other similar Grand Falls-Windsor municipal services are permitted in all zones.
2. A Historic Building.
3. A lot created to allow for a use permitted in Regulation 5.2 (1) that is less than the minimum required lot size for the applicable zone shall not be considered non-conforming, and may be used or have buildings or structures constructed provided such construction conforms in every other respect to the Development Regulations.

### 5.3 USES PROHIBITED IN ALL ZONES

The following uses are prohibited in all Zones:

1. Signs, except as approved by the Town of Grand Falls-Windsor in accordance with Council's Signs and Advertisement Policy, and unless specifically permitted within the Development Regulations;
2. A use located partly or totally in a tent, camper, trailer, recreational vehicle or mobile home, unless specifically permitted within the Development Regulations;
3. Disposal of any waste matter on land or in marine areas, except such waste that may be lawfully discharged under the Waste Management Act or sewage disposal approval;
4. Storage of special wastes as defined by Waste Management Act beyond a six month 'temporary' period;
5. Shipping containers used for any use or storage, other than their intended use;
6. The production or cultivation of mushrooms for commercial purposes;
7. Methadone treatment clinics and related facilities, including but not limited to, needle exchange programs, unless such use occurs within the local hospital setting and/ or a licensed pharmacy;
8. Adult Entertainment Uses;
9. Hazardous Waste disposal, storage or processing facility.

### 5.4 USE CATEGORIES

The primary interpretation tools for identifying which uses are permitted or may be considered as accessory or discretionary uses within these Development Regulations are noted as follows:

- The uses listed in each zone of Part 3 of these Regulations; and,
- The definitions provided within Regulation 2.0.

The varied land uses defined within Regulation 2.0 Definitions of the Development Regulations may be described as following under more generic land use categories, as provided within this

Regulation 5.4. Recognizing that not every type of land use activity or business can be identified within Regulation 2.0, the intent of the following listing of general land uses of Regulation 5.4 is to primarily identify the principal permitted land uses in each target zone. A limited number of accessory uses, or secondary uses to the principal use, and uses that are determined at the discretion of Town Council are also provided within Regulation 5.4.

This approach provides for an additional interpretation framework to help identify the primary permitted uses allowed within the varied zones. Additional conditions of use, requirements and regulatory detail, for principal, accessory, discretionary and prohibited uses are defined within each zone category of Part 3 of these Regulations.

### Accommodation

The intent of the Accommodation category is to allow uses that allow for the temporary accommodation of the traveling public, and include:

Uses	Zones
Bed and Breakfast (Discretionary)	RR-1, RS-2, RS-3, RS-4
Boarding Use (Accessory)	RR-1, RS-1, RS-2, RS-3, RS-4
Campground	ROS
Hotel	CD, CG, CH, CDA-1 (Discretionary)
Motel	CD, CG, CH

### Agriculture

The intent of the Agriculture category is to allow uses for the growing, rearing, harvesting and incidental sales, where permitted, of agricultural products, and includes:

Uses	Zones
Agriculture	RUR
Farmers Market	CD
Hobby Greenhouse or Greenhouse (Accessory)	<i>All Rural and Urban Residential Zones</i>
Outdoor Amenity Space (Accessory)	RM-1, RM-2, IL
Produce Sales (small farm sales) (Accessory)	RUR, RR-1
Small Scale Agriculture (Accessory)	RR-1

## Automotive

The intent of the Automotive Category is to allow uses associated with the sales, rental, servicing, and repair of motor vehicles, and includes:

Uses	Zones
Auto Body Repair	CH, IL
Automotive Repair	CG, CH, IL, IS
Car Wash	CG, CH, IL
Garage (residential accessory building)	<i>All Residential Zones</i>
General Garage (commercial auto repair)	CG, CH, IL
Industrial Repair Services (heavy vehicles)	IL, IS
Salvage	IS
Service Station	CG, CH, CD (Main St.), IL
Vehicle Dealership Use	CG, CH
Vehicle and Equipment Repair Services (Autos)	CG, CH, IL, IS
Wrecked Vehicle	IS

## Cultural

The intent of the Cultural category is to allow uses for the social enhancement and enrichment of the community, and includes:

Uses	Zones
Art Gallery	CD, CG
Artists Live-Work Studios	CD
Assembly (non-governmental social and cultural uses)	CD, CG, CH, PU
Churches	CD, CG, CH, PU
Cultural	PU, CD,CG,CH,CN
Historic Building	<i>All Zones</i>

## Entertainment and Recreation

The intent of the Entertainment and Recreation category is to allow for uses that provide entertainment and gathering opportunities to the general public, and includes:

Uses	Zones
Adult Entertainment	<i>Prohibited</i>
Amusement Centre (pinball, video arcade)	CD, CH,CG
Assembly	CD, CG, CH, PU, ROS,RUR
Cabaret and Nightclub	CG, CH, CD (Discretionary)



Uses	Zones
Club or Lodge (non-profit organization)	CD, CG, CH
Commercial Outdoor Recreation (golf, drive-in theatres)	CH
Entertainment and Recreation (bowling alleys)	CD, CG, CH
Indoor Amenity Area (social and recreational areas)	RM-1, RM-2, RMHP
Indoor Recreation (racquet clubs, yoga)	CD, CG, CH, CN
Movie Theatre or Cinema	CD, CG, CH

## Food and Beverage

The intent of the Food and Beverage category is to allow for uses that principally serve food, and beverages, to the general public, and includes:

Uses	Zones
Coffee shop, café	<i>All Commercial Zones</i>
Drive-Through Commercial	CG, CH
Industrial Café	IL
Licensed Lounge	CG, CH, CD
Pub	CD, CG, CH
Restaurant	<i>All Commercial Zones</i>
Sidewalk Downtown Commercial (patio restaurants)	CD
Vendor Stand (hot dogs) (only Council approved CG sites)	CG, CH, CD, IL

## Industrial

The intent of the Industrial category is to allow for uses that produce, manufacture, process goods and materials, or provides a service that is industrial in nature, to provide for gainful local employment to the general public, and goods and services to other businesses, and includes:

Uses	Zones
Asphalt Plant	IS, IL (Discretionary)
Auction	IL
Beverage Container Return Centre	CG, CH, IL
Commercial Composting	IS
Commercial Kennel	IL, RUR and RR-1 (Discretionary)
Contractors Yards	IL
Electric Power Generating Facility	IH
Hazardous Industry	<i>Prohibited</i>
Industrial Light	IL, CDA-1
Limited Manufacturing (eight or less employees)	CH, IL

Uses	Zones
Manufacturing/ Processing	IL
Mineral Working (gravel and mining operations)	RUR(DISCRETIONARY)
Mini-Storage	CH, IL, IS
Pit and Quarry Working	RUR (DISCRETIONARY)
Recycling Depot	IS
Repair Services, Industrial (heavy equipment and vehicles)	IS, IL
Resource (forestry operations)	RUR (DISCRETIONARY)
Retail, Accessory (limited sales with industrial business)	IL
Tank Vehicle Storage (parking of hazardous goods vehicles)	IS
Truck Terminal	IL, IS
Warehousing	CG, CH, IL
Wholesale	CG, CH, IL

### Commercial – Personal Service

The intent of the Commercial – Personal Service category is to allow uses that provide for the care and appearance of individuals, the cleaning or repair of personal effects, and for the provision of day to day financial needs.

Uses	Zones
Child Care Centre (when not a home occupation)	CG, CD, PU
Financial Services (banks, accountant, income tax)	CD, CG, CH, CN
General Garage (motor vehicle repair)	CG, CH
Funeral Home	CH, IL
Medical Offices	CD, CG, CH, CN
Medical Clinics (patient walk-in treatment clinics)	CD, CG, CH, CN
Office Use (administrative, professional services)	All Comm./Ind. zones
Professional and Business Office	CD, CG, CH, CN
Personal Service	CD, CG, CH, CN
Personal Repair Services (household, electrical appliance)	CD, CG, CH

### Commercial – Retail

The intent of the retail category is to allow for uses and businesses that sell goods or merchandise to the end consumer for personal consumption and utility, and includes:

Uses	Zones
Accessory Retail	IL (Accessory)
Building Supplies Store	CG, CH

Uses	Zones
Commercial Shop	CD, CG, CH, CN,
Convenience Store	CD, CG, CH, CN, RMHP (Discretionary)
Department Store	CD, CG, CH
Grocery Store	CD, CG, CH, CN (Discretionary)
Pawnshops	Prohibited
Pharmacy	CD, CH, CG, CN (Discretionary)
Second Hand Store	CD, CG
Service Station	CD, CG, CH, IL, CDA-1(Discretionary), CD (Main Street)
Shopping Centre	CG, CH
Showroom	CG, CH
Vehicle Dealership Use	CG, CH

## Residential

The intent of the Residential category is to allow uses that are intended to provide for the permanent accommodation of a person or persons.

Uses	Zones
Accessory Employee Residential	CD, CG, CH, IL (Access.)CN (Discretionary)
Adult Care Facility	RM-2, PU
Apartment	RM-2, CDA-2, CG (Discretionary)
Bare Land Strata	RM-1
Cluster Development (siting of housing units to preserve ESA's)	RM-1, RM-2, CDA-1/2
Duplex (two attached residential units)	RT, RM-1, RM-2 (PART OF LARGER SITE)
Mobile Home Park	RMHP
Modular Home (as defined by Single Family Residential)	RUR, RR-1, RS-2, RS-3, RS-4
Multi-Unit Residential (3 or more dwelling units)	RM-1, RM-2, CDA-1/2
Personal Care (Convalescent, nursing, rest and senior homes)	PU, RM-2
Residential Care (Group Home)	RR-1, all RS zones
Residential Use, (Adult Care)	RM-2, PU
Residential, Row Dwelling	Prohibited
Residential, Seasonal (Cottage, cabin and camps for temporary use)	RUR
Residential, Single Family (detached house)	RR-1and all RS Zones, RM-1 and RM-2
Residential, Two Unit (duplex)	RT, RM-1 and RM-2
Residential Use, Townhouse (attached, highly designed units)	RM-1, RM-2, CDA-2
Rural Residential Secondary Dwelling Unit	Prohibited
Subsidiary Residential Apartment (apartment in house)	All RS Zones

## Public Use

The intent of the Public Use category is to allow for uses that provide a public service, and includes:

Uses	Zones
Cemetery	PU, RUR
Civic Use (Government services such as offices, library, law courts)	PU, CD, CG, CH, ROS, CDA-1 (Discretionary)
Hospital	PU
Prison and other correctional and detention facility	PU
Public Services (services such as water, sewer, telephone)	<i>All Zones</i>
Public Use	PU, CD
Public Utility Uses (refuse disposal site, animal pound)	<i>All Zones(Council approval)</i>
School and College (public)	PU
School (private)	CD, CG, CH

## Preservation

The intent of the Preservation category is to allow for uses to protect environmentally sensitive lands, recreation areas and conservation lands, and includes:

Uses	Zones
Environmentally Sensitive Area	ESA, CON,CDA-1
Park	ROS, CD
Recreation and Open Space	ROS, ESA, RUR,CDA-1 CON (Discretionary)
Conservation	CON, RUR

## Storage

The intent of the Storage category is to allow for uses that provide storage for items typically associated with the Principal Use of a lot, and includes:

Uses	Zones
Accessory Unenclosed Storage (screened outside storage)	CG, CH, IL, IH, IS, RUR
Enclosed Storage (accessory storage within a building)	CD, CN, PU

## 5.5 TYPES OF USES

The Development Regulations identify four primary types of land uses as follows:

- Principal permitted land uses allowed within each zone.
- Accessory, or secondary uses that are clearly subservient to the principal use, and that can only be pursued in conjunction with an existing and active principal land use.
- Discretionary uses are identified uses within a specific zone that Town Council may consider for approval on the basis of being satisfied that the proposed development would not be contrary to the general intent and purpose of the Development Regulations, the Municipal Plan, and other municipal objectives; consideration of the public interest; and any specific outlined conditions of use being addressed and approved by Council. To utilize a Discretionary Use in any zone, an applicant will be required to submit an application form, as prescribed by Council policy, with relevant background and supporting information to Town Council to enable an evaluation of the Discretionary Use request. As part of the Discretionary Use request, an applicant may be required to pay for costs related to the holding of a neighbourhood meeting, if deemed necessary and appropriate by Council, to determine adjacent area residents' views on the proposed Discretionary Use application.
- Prohibited uses are identified as not a permitted land use.

Conditions of use for the manner and density that the uses may be pursued are also outlined within most zoning categories.

## **5.6 NON-CONFORMING USES**

Where a use of land existed prior to the adoption of these Development Regulations but no longer conforms to the new Development Regulations, the use shall be deemed to be legally non-conforming. The provisions of Section 108 of the NL Urban and Rural Planning Act, 'Non-Conforming Use' shall apply.

The following provisions outline the primary intent for non-conforming uses:

1. A non-conforming use of land shall be allowed to continue.
2. A right to resume a discontinued non-conforming use of land shall not exceed 6 months after the discontinuance of the land use.
3. Where a non-conforming use is to continue, no building or structure shall be internally or externally varied, constructed, reconstructed, altered, moved or extended so as to render the subject building, or any existing building or structure on the same lot as non-conforming, or without prior approval of Council.

4. The non-conforming building shall not be structurally modified except as required for the safety for the building, structure or development.
5. Any future proposed additions or expansions of a building, structure or development that is a non-conforming use shall only occur in accordance with the permitted uses, conditions of use, development standards and other requirements of the Development Regulations, and as approved by the Authority, or as identified within the Minister's Regulations.
6. Council may consider a building extension that is not more than 50% of the existing structure.
7. Where 50 % or more of the value or building footprint of a non-conforming building, structure or development has been destroyed by fire or other event, the use shall not be reconstructed or repaired in a non-conforming manner.
8. Where a building or structure is primarily zoned or used for residential purposes, and where more than 50% or more of the value of the building or structure is destroyed, the building may be repaired or rebuilt in accordance with the Town's Plan and Development Regulations.
9. The existing use for a non-conforming building may be varied by Council to a use that is deemed more compatible with the Town's Plan and Development Regulations.

## **6.0 BASIC PROVISIONS**

### **6.1 APPLICATION OF THE REGULATIONS**

A lot which has been created and exists at the date of the Registration of these Development Regulations, and that is less than the minimum required lot area size for the applicable zone, shall not be considered as non-conforming and may be used or have buildings or structures constructed, repaired, altered or extended thereon provided the permitted use, construction, repair, alteration or extension conforms in every other respect to the Development Regulations.

### **6.2 PRINCIPAL BUILDINGS PER LOT**

Except as permitted in Commercial, Industrial, RM, CDA and PU zones, and otherwise permitted in the Development Regulations, not more than one principal building may be sited on one lot.

### **6.3 LOCATION AND SITING OF BUILDINGS**

1. Except as approved through a Variance by Town Council, no building on a lot shall be located within a required setback.
2. The siting of new buildings and structures, and the siting of additions to existing buildings, shall consider the future subdivision potential of the lot.

### **6.4 SITING FOR BUILDINGS ON STRATA LOTS**

Setbacks for buildings and structures in a bare land strata title development shall be measured from the internal strata lot boundaries in accordance with the setback requirements of the applicable zone.

### **6.5 GENERAL SITING EXCEPTION**

1. Where chimneys, fireplaces, cornices, sunlight control projections, sills, bay windows or ornamental design features and appurtenances project beyond the face of a building, the minimum distance from an abutting lot line or between buildings on the same lot as permitted elsewhere in the Development Regulations, may be reduced by not more than 0.61m (2.0ft), provided such reduction shall only apply to the projecting feature.
2. Where leaders, gutters or eaves project beyond the face of a building, the minimum distance from an abutting lot line, or between buildings on the same lot as permitted

elsewhere in the Development Regulations, may be reduced by not more than 0.91m (3.0ft), provided such reduction shall only apply to the projecting feature.

3. Where canopies, stoops, unenclosed balconies or porches project beyond the face of a building, the minimum distance from an abutting front, rear, or exterior side lot line permitted elsewhere in the Development Regulations may be reduced by not more than 1.22m (4.0ft), and the minimum distance from an interior side lot line permitted elsewhere in the Development Regulations may be reduced by not more than 0.61m (2.0 ft), provided such reductions shall apply only to the projecting feature.
4. Except as provided in other bylaws and regulations, structural retaining walls, steps, landscape features, fences, freestanding light poles or clothes line poles, warning devices, antennas, masts and municipal and utility works may be located anywhere on a lot.

## **6.6 DISCRETIONARY DECISIONS OF TOWN COUNCIL**

Beyond the standards and outlined requirements of the Development Regulations, Town Council of Grand Falls-Windsor has the capability to make decisions that in their view, best meet the interests of the community, and a particular property or development site, as follows:

1. Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of Town Council, the development proposal is premature by reason of having deficient offsite servicing, including the site lacking adequate road access, power, storm water management and drainage, sanitary sewer capacity, or municipal water service, or by it being deemed that the proposed development site is located beyond the natural development pattern of the community at the time of the submission of the development application; unless the applicant contracts with the Authority to pay the full cost of construction of the services deemed necessary by the Authority to support the intended land use and development.
2. In considering an application for a permit or for approval in principle to carry out development, Town Council shall take into account the land use policies expressed in the Municipal Integrated Community Sustainability Plan, and any further scheme, plan or regulations pursuant thereto, and shall further assess the general appearance of the development of the area, the amenity of the surroundings, 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 the Development Regulations, Town Council may, in its discretion, conditionally approve or refuse the application.



3. As outlined in Regulation 3.6.7, where an approval or permit cannot be granted by Town Council because a proposed development does not comply with the numeric development standards identified within the Development Regulations, Town Council may in its discretion, vary the applicable development standards to a maximum of 10% if, in Town Council'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 the public interest.
4. As outlined in Regulation 3.6.7, Town Council shall not consider or approve a variance from development standards identified within the Development Regulations if that variance, when considered together with other variances made or to be made with respect to the same land, building or structure, would have a cumulative effect that is greater than a 10% variance, even though individual variances are separately no more than 10%.

## **6.7 OCCUPANCY AND MAINTENANCE REQUIREMENTS**

All properties located within the Planning Area, including all land, buildings, structures, dwellings, fences, sheds, garages, parking lots, driveways, landscaping and all appurtenances shall be maintained in a state of good condition and repair, and as otherwise directed and ordered by Town Council as the enforcement Authority. Failure to maintain buildings and property may necessitate remedial actions by the Municipality to address identified maintenance and occupancy issues on private property.

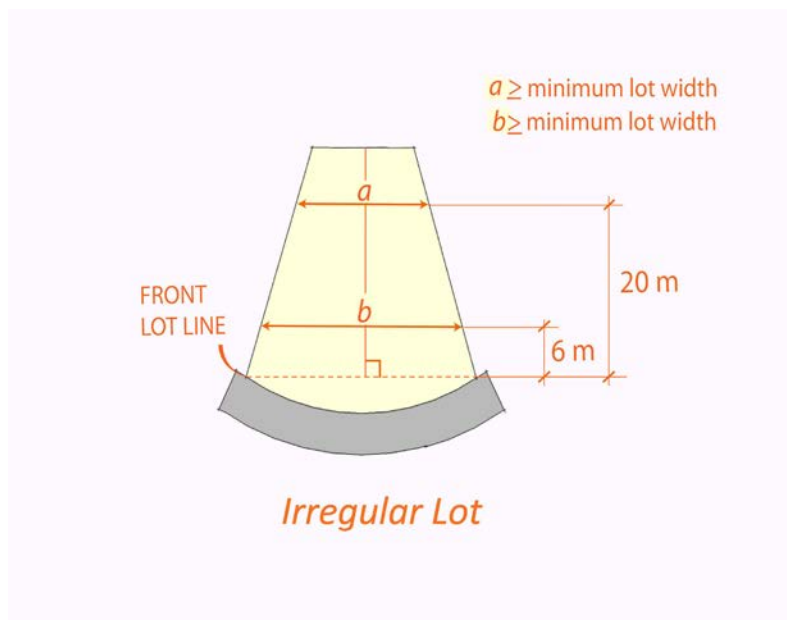
## **6.8 REINSTATEMENT OF LAND**

Where the use of land is discontinued or the intensity of its use is decreased, Town Council may order the developer, the occupier of the site, or the property owner, or all of them, to reinstate the site, to repair or to remove all or any buildings or erections, to cover or fill all wells or excavations, and/or to close all or any accesses, and the developer, occupier or owner shall carry out the order of Town Council as the enforcement Authority and shall put the site in a clean, visually appealing and sanitary condition to the satisfaction of Town Council.

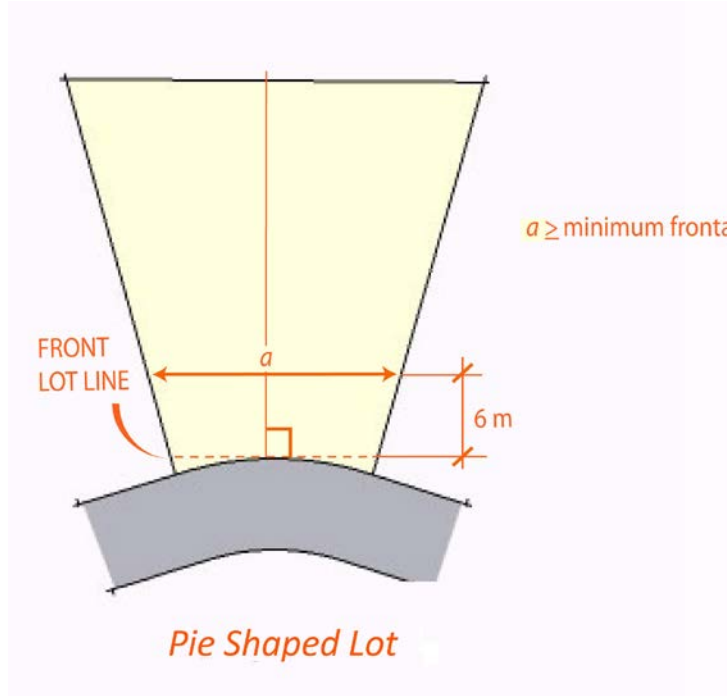
## 7.0 GENERAL REGULATIONS

### 7.1 LOT AREA, WIDTH, AND FRONTAGE

1. The Authority may approve the development of a dwelling on a lot in any residential zone which exists at the time of a coming into effect of these Development Regulations, and where such lot has insufficient lot area or lot frontage to permit the owner or purchaser of the lot to comply with the provisions of these Regulations. Exemption by the Authority may be permitted if the Authority has determined that the proposed development will blend in with the overall character and scale of the existing neighbourhood area.
2. New and Existing Lots:
  - Notwithstanding Regulations 3.6.7 and 6.6 (3) Discretionary Decisions of Council, the minimum lot area, lot frontage and lot width requirements for new lots shall conform to the requirements of the Development Regulations for the applicable zone.
3. Lots of Irregular Shape:
  - For pie shaped or irregular shaped lots, frontage may be reduced below the prescribed minimum width by 50%, provided that the minimum frontage is met at a point 6.0 m (19.7 ft.) back from the front lot line, as illustrated by the following sketch:



- For pie shaped or irregular shaped lots, lot width may be reduced provided that the minimum lot width is met at a point 6.0 m (19.7 ft.) and 20.0 m (65.6 ft.) back from the front lot line, as illustrated by the following sketch:



#### 4. Corner Lots:

- All corner lots shall be a minimum of 1.5 m (4.9 ft.) wider than the minimum lot width prescribed by the zone requirements.

## 7.2 VISION CLEARANCE AT INTERSECTIONS

Unless otherwise provided in the Development Regulations, within all zones, no fence, landscape screen, building, sign, structure or other screening shall be constructed, erected, or planted, on a lot to a height exceeding 1.0m (3.28ft) within 6.0m (19.68ft) of the intersection of an exterior side lot line and a front lot line.

## 7.3 LOT COVERAGE FOR UNDERGROUND PORTION OF BUILDINGS

Any portion of a building wholly below grade used for underground parking, in any non-residential area, may have lot coverage up to 100%.

## **7.4 HEIGHT EXEMPTIONS**

1. The following types or parts of buildings or structures shall not be subject to the building height requirements of the Development Regulations: church spires, domes, monuments, fire and hose towers, roof top air conditioning and mechanical systems, observation towers, stadiums, transmission and telecommunications towers (in accordance with provisions of Council's telecommunications policy), lightning rods, chimneys, flag poles, ham radio towers, masts, air and marine navigational aids, water tanks, drive-in theatre projection screens, and elevator and ventilating machinery shafts.
2. The Authority may permit the erection of principal buildings of a height greater than that specified in the applicable zone requirements for the development, but in such instances, the building line setback and rear yard setback requirements shall be varied as follows:
  - The building line setback shall be increased by 2.0m (6.56ft) for every 1.0m (3.28 ft.) increase in height.
  - The rear yard setback shall not be less than the minimum building line setback calculated as described in Regulation 7.4 (1) plus 6m (19.68ft).

The provision for greater height shall not apply to accessory buildings.

## **7.5 ACCESSORY BUILDING AND STRUCTURE REGULATIONS**

1. Except as otherwise provided for within the Development Regulations, where an accessory building or garage is attached to the principal building by way of a continuous foundation, walls and a roof, it shall be considered as part of the principal building and shall comply in all respects with the setback requirements of the principal building.
2. All accessory buildings, structures and garages on a property, except those for multi-unit dwellings within the RM-1 and RM-2 zones, and those that are not attached to a principal building shall maintain the following minimum setbacks:
  - 2.44m (8.0ft) from the principal building;
  - 3.96m (12.0ft) from exterior lot lines;
  - 1.0m (3.28ft) from rear and interior lot lines;
  - 10.0m (32.8ft) from the front lot line and no closer to the front lot line than the siting of the principal building(s) on the lot.

3. The eaves of all accessory buildings and other structures must be setback no less than 1.0m (3.28ft) from any power line easements.
4. The maximum height of an accessory building from finished grade to roof peak shall not exceed the maximum permitted height 6.096m (20.0ft), and in no instance shall the height of any accessory building exceed the height of the principal building(s) on the lot.
5. The maximum lot coverage of accessory buildings on a lot shall not exceed 8% of the total lot area.

## **7.6 LOT AREA FOR STRATA LOTS**

Except as otherwise provided in the Development Regulations, in the case of an existing or proposed strata development, each bare land strata lot shall conform to the minimum lot area provisions of the applicable zone, and references to 'lot' in determination of lot width, lot coverage, density, and open space shall mean that area within the strata lot boundaries.

## **7.7 MINIMUM RESIDENTIAL FLOOR AREA**

1. Any building to be erected and used for a Single Family Residential dwelling shall contain not less than 79.0sm (850.3sf) of finished floor area of the Building Footprint.
2. Any building to be erected and used for a Two Unit Residential dwelling shall contain not less than 60.0sm (645.8sf) of finished floor area per dwelling unit of the Building Footprint.
3. Any self contained dwelling unit to be constructed as part of a larger Apartment or Townhouse building, and used within any of the RM zones shall contain not less than 47.0sm (505.9sf) of finished floor area of the Building Footprint.

## **7.8 USE OF MOBILE HOMES AND TRAILERS**

No new building permits or occupancy permits to use or occupy a mobile home or trailer as a dwelling unit or living or sleeping quarters within the Urban Development Area shall be approved by the Town except where such mobile home or trailer is located within a RMHP zone.

## **7.9 GARAGE SALES**

Garage sales (including yard, moving and similar types of sales) are permitted as an accessory use in residential zones, subject to the following requirements:

1. A garage sale may not occur on more than 4 days in a calendar year;
2. A garage sale may occupy no more than 100.0sm (1,076.4sf) in lot area size; and,
3. A garage sale may not involve the sale of new goods.

## **8.0 SUBDIVISION OF LAND**

### **8.1 APPLICATION REQUIREMENTS**

1. The subdivision of land shall only be permitted where such land is appropriately zoned for the intended use and density of development.
2. An application for a Development Permit for subdivision of land shall be submitted to the Town by the developer, or by an agent representing the developer, on the prescribed application form.
3. The application shall also include, as determined by the Authority, a site plan of the proposed development, drawn to scale, that includes some or all of the following information:
  - Parent property lot line dimensions and lot area size;
  - Proposed subdivision lot layout, lot line dimensions and lot area sizes;
  - Existing and proposed site access locations;
  - All existing buildings and structures;
  - Site topography to 2.0m (6.56ft) contour elevation;
  - Drainage patterns on the property;
  - Location of all environmentally sensitive areas on or adjacent to site;
  - Location of treed areas on the property;
  - Location of existing municipal water, sewer and stormwater services;
  - Location of NL Power easements and other utility corridors to be shown on plan drawings;
  - Existing and/ or proposed Canada Post mail boxes to be shown on plan drawings;
  - Existing and proposed septic disposal field locations, if applicable;
  - Location of any existing water wells; and,
  - Identification of any rights-of-way or easements.
4. Other deficient background information as deemed necessary by the Town, may be required, including the potential need for the applicant to pay for and provide for specific professional studies on such subdivision issues as traffic impacts, environmental concerns, site landscaping and design and other land use issues resulting from the proposed development.

## 8.2 SUBDIVISION APPLICATION REVIEW

1. Upon receipt of the required subdivision application form, application fee, site plan and supporting information, the Town shall review the subdivision proposal, with consideration, in whole or in part, of the following issues:
  - Whether the subdivision contributes to orderly growth patterns;
  - Whether the subdivision demonstrates sound design principles and will provide for a visually appealing development;
  - Whether the subdivision provides for full municipal servicing of the site within the Urban Development Area, or satisfactorily addresses water, septic effluent and drainage issues in the non-serviced Rural areas;
  - Whether the subdivision is in full compliance to the Town of Grand Falls-Windsor Municipal Master Specifications for subdivision servicing, and meets the NL Department of Environment Design criterion for water and sewer servicing;
  - Whether the subdivision will address the housing needs of the community;
  - Compliance to the Municipal Integrated Community Sustainability Plan and Development Regulations;
  - Compliance to applicable NL Provincial Regulations, Policies and Guidelines;
  - The location of the land;
  - The demand created on local area schools, municipal services and utilities, and the capacity to meet the needs created by the subdivision;
  - The neighbourhood character, adjacent land uses and potential impact of the proposed subdivision development;
  - The existing municipal transportation network and projected traffic volumes from the subdivision;
  - The site's soil, subsoil, topography and drainage patterns;
  - Impact to environmental sensitive areas, other natural features and proposed extent of tree cutting;
  - Extent of adherence to sustainability features and consideration of energy conservation, passive solar and prevailing winds in siting and construction of proposed housing units;
  - Potential impact to community recreation and other facilities;
  - Opportunity for parkland and open space amenities from the subdivision development;
  - The relationship of the proposed subdivision to existing or potential sources of nuisance; and,



- Such other matters as may affect the proposed development.
2. The subdivision proposal will further be reviewed to ensure that the potential development of adjacent lands is not prejudiced by the subject subdivision.
  3. Subdivision review may additionally address whether any existing natural, historical, archaeological or architectural feature of the site or part thereof, is to be retained as part of the proposed subdivision development.
  4. Subdivision review shall determine that the Developable Area of each proposed lot shall be a minimum of 150.0sm (1,614.6sf), and not including any site area required for the development setback.
  5. Upon completion of the subdivision application review, the Town as the Authority may approve the subdivision, or may determine to not approve the subdivision application and thereby refuse to issue a Development Permit; or the Authority may require additional supporting information from the applicant; or the Authority may provide approval in principle for the subdivision development on the basis that specific outlined outstanding subdivision requirements need to be further addressed by the applicant.

### **8.3 SERVICES TO BE PROVIDED**

1. All subdivision developments shall be fully serviced with municipal water, sanitary sewer, and storm water servicing within the Urban Development Area and for any proposed subdivisions located outside the municipal service area, a drinking water supply of sufficient quantity and quality in accordance with the Canadian Drinking Water Standards, a professionally designed septic effluent disposal system(s) approved by Services NL, and professionally designed stormwater drainage system, shall be provided.
2. All subdivision developments shall be serviced with the required level of road standards, including provision for sidewalks and lighting where applicable, as necessary to support the location and density of the subdivision, and as determined by the Authority.

### **8.4 SUBDIVISION DESIGN STANDARDS**

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

- Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial	30m	8.0m for two travel lanes	1.5m	Discretion of Council
Collector	20m	8.0m for two travel lanes	1.5m	2
<b>Local/Residential</b>				
<i>*Where more than 50% of the units are single or two unit dwellings</i>	18m	9m	1.5m	1
<i>*Where more than 50% of the units are Apartments or Townhouse dwellings</i>	18m	9m	1.5m	2
Service Streets	18m	9m	1.5m	Discretion of Council

**In addition, the following standards shall apply to all subdivisions:**

- The finished grade of streets shall not exceed 10 percent.
- The maximum length of a cul-de-sac shall be:
  - 200.0m (656.1ft) in the Urban Development Area;
  - 300.0m (984.2ft) for the area located outside the Urban Development Area.
- The turning circle diameter of cul-de-sac bulbs shall not be less than 30.0m (98.4ft).
- Emergency vehicle access to a cul-de-sac shall not be less than 3.0m (9.8 ft) wide and shall connect to the cul-de-sac bulb with an adjacent street.
- No cul-de-sac shall be designed, constructed or located in a manner so as to appear to terminate a collector street.
- New subdivisions shall have street connections to an existing street or streets.
- No more than four streets shall join at any street intersection.

8. All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for a minimum length of 30.0m (98.4ft) from the intersection.
9. No street intersection shall be closer than 40.0m (131.2ft) to any other street intersection.
10. No residential street block shall be longer than 490.0m (1607.6ft) between intersections.
11. No lot intended for residential use shall have a depth exceeding four times the length of the frontage of the lot.
12. Residential lots shall not be permitted in a manner where both the front and the rear lot lines abut a local street.

## **8.5 UTILITY STRUCTURES**

Within any street reservation, the placing of any utility structure or service such as a hydro pole, telephone pole, underground hydro service boxes, internet or cable services, Canada Post group mail boxes, fire hydrant, fire alarm or sign post, shall receive the prior approval of the Authority with regard to the proposed location of utilities, safe construction, required easements and the relationship to other structures within the street reservation and to adjoining buildings.

## **8.6 ENGINEERING CERTIFICATION OF WORKS**

1. Plans and specifications for all engineered works, including all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto, and all streets, paving, curbs, sidewalks, gutters, catch basins and all other utilities deemed necessary by the Authority to service the area proposed to be developed or subdivided, shall be designed by, prepared and approved by a Professional Engineer who is a current member in the Province of NL. Such design plans and specifications shall, upon approval by the Authority, be incorporated in the plan of subdivision.
2. Upon approval in principle by the Authority of the proposed subdivision, the land developer's Engineering Consultant shall certify all subdivision lot layout construction work drawings.
3. Upon certification of the engineered subdivision drawings, and upon approval of the subdivision by the Authority, the developer shall proceed, at his own cost, to construct and

install the engineered works as certified by the developer's Engineer, and as approved by the Authority, as requirements to service the said area and develop the subdivision.

## **8.7 PAYMENT OF FEES AND SERVICE LEVIES**

No subdivision approval shall be provided until the subdivision applicant has reached an agreement for the payment of all fees deemed necessary for the proper development of the subdivision and levied by the Authority for the following:

- Connection to services, utilities and streets;
- Extension of offsite deficiencies and upgrade of same, where applicable;
- All service levies;
- Financial guarantees by the developer of the subdivision to pay for the subdivision construction works.

## **8.8 DEFERMENT OF STREET WORKS**

The construction and installation of all curbs, sidewalks, gutters, catch basins and paving specified by the Authority as being required for the subdivision or site development, may, at the Authority's discretion, be deferred until a later stage of the work on the development of the subdivision. If deferred, the developer shall deposit with the Authority before approval consideration of the subdivision, 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 account in a bank and all interest earned thereon shall be credited to the developer.

## **8.9 TRANSFER OF STREETS AND UTILITIES**

1. The developer shall, following the approval of the subdivision of land, and upon request of the Authority, transfer at no cost to the Authority, and clear and free of all liens and encumbrances:
  - All lands in the area proposed to be developed or subdivided which are approved and designated by the Authority for public uses, or other rights-of-way, or for other public use.

- All services or works including streets, water supply, sanitary sewer and storm drainage systems and distribution lines 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 developer's cost, inspect and test the streets, services and public works installed in the subdivision, and certify approval of the 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 and accepted by the Authority.

## **8.10 DEDICATION OF LAND FOR PUBLIC OPEN SPACE**

1. As part of the subdivision review process, the Authority shall determine the need for the developer to dedicate a portion of the subdivision site for public open space. If such open space is deemed necessary and required, the developer shall dedicate, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25.0sm (269.1sf) for every dwelling unit permitted in the subdivision, whichever is the greater, provided that:
  - Where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage amount of land to be dedicated;
  - If in the opinion of the Authority, no open space is required, the land dedicated by the developer may be used for such other public use as the Authority may determine;
  - The location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority, in that the Authority shall not accept land, which in its opinion is incapable of development for any purpose;
  - The Authority may accept from the developer in lieu of dedicated land, the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
  - Cash-in-lieu of dedicated open space received by the Authority 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 prior to subdivision approval in accordance with the provisions of the NL Urban and Rural Planning Act (2000) ; the conveyed land may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of the Development

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 requires that a linear portion of land 15.0m (49.21 ft) wide be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, fulfill the requirement for public open space land dedication, in whole or in part.

### **8.11 BUILDING PERMITS REQUIRED**

Notwithstanding the approval of a subdivision by the Authority, a separate application for a building permit shall be submitted and approved for each building proposed to be erected on the subdivided lots of the subdivision, and no building permit for any building within the subdivision site shall be issued until the developer has complied with all the provisions of the Development Regulations with respect to the development of the subdivision.

### **8.12 BUILDING LINES**

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

### **8.13 RESTRICTION ON SALE OF LOTS**

The developer of a subdivision shall not develop or dispose of any lot within a subdivision for the purposes of development, and no Development Permit approval for a building permit shall be issued, until the Authority has approved the plan of subdivision, and all issues related to site access and infrastructure servicing have been addressed.

### **8.14 BOUNDARY CHANGES**

Where an application is made to subdivide two or more adjoining lots, any of which are less than the minimum lot size area required for that zone within these Development Regulations, and where such subdivision proposes to relocate the common boundary or boundaries between the lots being subdivided, the subdivision may be considered for approval by the Authority, provided that:

1. None of the lots proposed to be created are less in area size than the smallest of the lots being subdivided.

2. The number of lots proposed to be created is not greater than the number of lots being subdivided.
3. Such subdivision will not render any existing land use or building(s) of the lots being subdivided as non-conforming.
4. The lots proposed to be created will comply with all other applicable provisions of the Development Regulations.
5. No greater number of lots which do not comply with the minimum lot size area requirements shall be created.

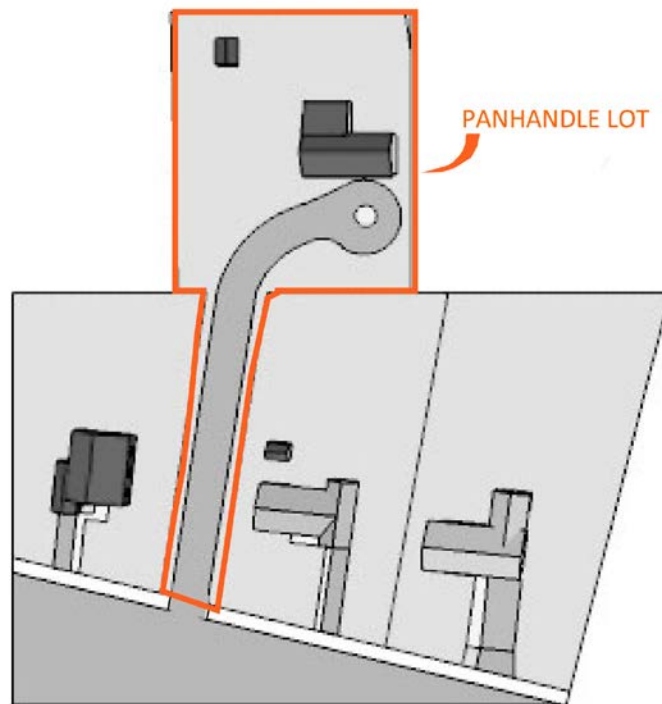
### **8.15 PANHANDLE LOTS**

Where the configuration of existing parcels of land does not support traditional residential subdivision of land where each lot has a minimum frontage to a street, the Authority may entertain a proposal to subdivide land and develop new parcels through the creation of panhandle shaped lots, more commonly known as Back lots, where a narrow driveway from the street, forming part of the lot, provides access to the larger developable portion of the parcel, provided that:

1. (a) The narrow panhandle driveway access area of the lot shall not be calculated as part of the minimum parcel size area required by the Development Regulations for that zone, and the panhandle driveway shall be constructed and certified by the applicant's engineer to meet standards to provide for a durable road surface for emergency access vehicles, and include provision for road drainage.  
  
(b) All panhandle driveways are be paved with asphalt or concrete by the applicant, and also be provided with approved drainage for the driveway to the satisfaction of the Authority.
2. The panhandle width shall be a minimum of an unobstructed 6.0m (19.68 ft) for a single panhandle.
3. For two adjacent panhandles, the minimum width of each panhandle may be 4.0m (13.1ft) subject to compliance with the following at time of subdivision:
  - Registration of a cross easement access agreement on the title of both parcels for shared use and maintenance of the panhandle driveway access; and,

4. There shall be a maximum of two shared panhandle accesses in any one subdivision, and such shared panhandle accesses shall not be located beside each other.
5. There shall be a maximum of three single panhandle access driveways in any one subdivision, and none of the panhandles shall be located next to each other unless they are shared.
6. The maximum length of a panhandle access shall be 200.0m (656.1ft).
7. The maximum length of a corner truncation for a panhandle shall be no more than 27.0m (88.5ft).
8. Panhandle lots shall not be permitted in Commercial and Industrial Zones.

A graphic illustration of a panhandle lot is shown as follows:





## **9.0 ENVIRONMENTAL PROTECTION**

### **9.1 INTENT**

The intent of this section of the Development Regulations is to apply the principle of comprehensive environmental stewardship to all land development within the Planning Area. The primary focus of environmental protection shall be to preserve environmentally sensitive areas within proposed land development sites by requiring environmental setbacks to sensitive lands and features.

Identification of archaeological sites protected under the Historic Resources Act, and development setbacks to Hazard Lands are further required.

### **9.2 SITE PLAN IDENTIFICATION OF ENVIRONMENTAL, ARCHAEOLOGICAL AND HAZARD AREAS**

All land development applications as part of their required site plan information submission, and as determined by the Authority, shall identify all environmentally sensitive areas, protected archaeological sites and hazard lands including any watercourse or water body, endangered species and protected flora, sloping lands and unstable soils that are located on the property subject to the development application. In identifying environmental, archaeological and hazard locations of a property to be protected, the permissible Developable Area of a proposed site shall also be identified.

### **9.3 ENVIRONMENTAL, ARCHAEOLOGICAL AND HAZARD LANDS REVIEW**

As part of the Town's review of land development applications with environmentally sensitive, protected archaeological and hazard lands, the Authority may:

1. Require the applicant to engage a professional biologist, a geotechnical engineer, a hydrologist or other accredited professional as determined as warranted by the Authority, to further delineate the environmentally sensitive area and hazard lands features of the site, and provide site development recommendations related thereto.
2. Refer the land use application to the Department of Fisheries and Oceans for further review and comment under their 'Policy for the Management of Fish Habitat' and 'Guidelines for the Protection of Freshwater Fish Habitat in NL'.

3. Refer the land use development application to the NL Ministry of Environment for more detailed review and recommendations.
4. Proposed land development locations with protected archaeological sites, as identified by the information Map 5 insert of the Municipal Integrated Community Sustainability Plan, shall be referred to the Provincial Archaeology Office before any soil is disturbed or any ground breaking activity occurs on the site.

## **9.4 MINIMUM ENVIRONMENTAL AND HAZARD LANDS SETBACK REQUIREMENTS**

Land development setback separation distances from any watercourse or water body shall be based upon the density and type of the proposed land use development, and shall be measured from the top of bank foreshore area of the watercourse and water body, and shall apply, in a minimum, as follows:

- 15.0m (49.2 ft.) for single family residential developments;
- 30.0m (98.4 ft.) for all multi-unit residential, commercial and industrial projects;
- A minimum of 15.0m (49.2 ft.) setback for Comprehensive Development Area and Public Use land development projects;
- 30.0m (98.4 ft.) from the shoreline of all ponds; and,
- A minimum of 60.0m (196.8 ft.) for all forestry, mineral workings and gravel pit and similar resource operations.

Hazard Lands shall similarly provide development setbacks, based upon recommendations from a professional engineer, but in a minimum, all land development shall be setback 30.0m (98.4ft) from the hazard feature.

Archaeological features shall be protected in conformance with the requirements identified through referral to the Provincial Archaeology Office.

## **9.5 PROHIBITED USES WITHIN ENVIRONMENTALLY SENSITIVE AREAS AND HAZARD LANDS**

1. All identified environmentally sensitive areas on a development site shall be preserved in their natural state, and any adjacent land development shall prevent any silt or erosion from degrading the integrity of the environmental lands.
2. All Hazard Lands, once identified, shall not be disturbed.

3. No buildings, no structures and no development shall occur within the setback separation area to the environmentally sensitive and hazard areas.

## **9.6 PERMITTED USES WITHIN SETBACK AREA**

Within the environmentally sensitive and/ or hazard area specified setback location, existing natural vegetation and soil shall not be disturbed except for the planting of additional vegetation, as recommended by a professional biologist and for the placement of a low impact public pedestrian trail, as approved by the Authority, at the edge of the setback area most distant from the environmental feature or hazard land.

## **9.7 ENVIRONMENTAL COVENANT**

The Authority may require as part of a land development application approval consideration that an environmental and/or archaeology protection legal covenant be placed on the title of the subject property to protect and preserve the environmental area in perpetuity.

## **9.8 ENVIRONMENTAL SIGNAGE**

Where an environmentally sensitive or archaeological significant area has been identified and protected as part of a land development application, the applicant shall provide at their cost, signage in a form prescribed by the Authority, to identify the environmentally sensitive and archaeological lands as being a non-disturbance area.

## **9.9 ZONING DESIGNATION**

All environmental and archaeological areas within the Planning Area that are currently known, and that are subsequently identified through a land development application process, and by other means, shall be zoned as ESA on the zoning maps of the Development Regulations.

## **9.10 FLOODPROOFING REQUIREMENTS**

All land and building development within the Planning Area shall be in full compliance with the requirements of the Provincial Flood Risk Policy.

## **9.11 SOIL REMOVAL, DEPOSIT AND SITE GRADING**

1. Removal or deposit of soil on any property, or the excavation and removal of excavated material, or the preliminary site grading of any property, in conjunction with a development project approved by the Authority, or where less than 125 cubic metres of soil, sand, gravel

or other substance down to and including bedrock is to be removed or deposited, shall not be subject to Development Permit approval from the Authority. All other cut or fill work, excavation, removal and deposit of material, or site grading, requires a Development Permit.

2. Removal or deposit of soil, or the excavation and removal of excavated material, or site grading, that is subject to Development Permit approval consideration by the Authority, shall be subject to the following conditions:
  - Submission of a site grading plan that indicates existing topography, proposed final site slopes and grades, and interface contours to adjacent properties;
  - Information that verifies that the intended soil removal, excavation, deposit and/ or site grading will result in an improved site profile for the proposed land use of the property;
  - The subject site has an existing slope of less than 25 %;
  - Final site grades are shown by a certified Professional Engineer drawing to result in slopes and site topography that is stable and without geotechnical hazards;
  - The subject site, upon completion of grading and other work, shall be covered with topsoil and other required material, and planted with appropriate vegetation;
  - The site's final drainage will be designed and certified by a Professional Engineer so as not to impair existing surface drainage patterns, nor to create erosion either on site or on adjacent sites;
  - Resolution of any other issues identified by the Authority; and,
  - Payment by the proponent to the Authority of a minimum cash deposit of \$750., the final amount to be determined by the Authority on the basis of the scale and volume of material of the proposed work, to assure that the conditions of an approved Development Permit are complied with. The deposit shall be returned when the work has been completed to the in accordance with the Development permit and to the satisfaction of the Authority.

## **10.0 FENCES AND LANDSCAPING**

### **10.1 FENCES**

1. A fence may only be constructed of wood, masonry materials (excluding poured concrete), metal, pre-cast manufactured perforated or decorated concrete blocks or panels, and any combination thereof.
2. The installation of electrical, barbed, or razor fencing is prohibited in all residential and multi-unit residential zones.
3. The height of a fence or wall shall be determined by measurement from the ground level at the average grade level within 1.0m (3.28ft) of both sides of such fence, wall or hedge.
4. Unless otherwise provided within the Development Regulations, no fence shall be constructed on a lot in a residential zone to a height exceeding 1.8m (5.9ft), and where a fence is to be constructed within 6.0m (19.68 ft) of the intersection of an exterior side lot line and a front lot line of a residential lot, the height of a fence shall not exceed 1.0m (3.28ft).
5. Where a fence is erected in a required front yard or a side yard of a flanking street of a residential lot, the fence shall be a visually permeable picket, rail, metal or other material fence. To be considered visually permeable, a fence must have a minimum of 33% open.
6. In all zones other than residential zones, the maximum height of a fence shall be 2.0m (6.56ft), except where provided for elsewhere within the Development Regulations.
7. Regulation 10.1 (6) shall not apply to open mesh or chain link type fences erected on a cemetery, public playground, park, playfield, elementary or high school area, industrial storage yards and utility yards. In these instances, fences may be erected to a maximum height of 3.0m (9.8ft)

### **10.2 GENERAL LANDSCAPING PROVISIONS**

The intent of regulatory guidelines for landscaping within the Planning Area is to enhance the visual appearance and character of the community. While Part 4 Development Design Guidelines of the Development Regulations provide for detailed site landscaping and building design guideline requirements for all multi-unit and intensive residential, commercial, industrial,

comprehensive development area and Public Use zoned sites, this part of the Development Regulations addresses basic regulations for the installation requirements, maintenance and security bonding for landscaping.

1. The owner of a developed residential property is responsible for the placement and proper maintenance of landscaping on the site for all yards and adjacent rights-of-way, up to the edge of the road and/ or sidewalk. All yards visible from a street shall be seeded with grass or have grass sod placed within 18 months of occupancy. Alternative forms of landscaping may be substituted for seeding and grass sod, provided that all areas of the exposed earth are designed as either flower beds or cultivated gardens.
2. Where landscaping is deemed required by Council on a property by the Development Regulations for Intensive and multi-unit residential, commercial, industrial, comprehensive development area and public use zones, and on other development properties as determined by the Authority, no development shall commence unless:
  - A landscaping plan or scheme has been submitted to the Town by the owner, or owner's representative, of a property proposed to be developed, and such landscaping plan or scheme is subsequently approved by the Authority;
  - The required security or bonding for the landscaping plan or scheme has been submitted to the satisfaction of the Authority;
  - The property owner provides to Council detail on how ongoing landscaping maintenance will be conducted and assured.
3. Existing native species landscape plantings should be conserved wherever feasible, and used through replanting to meet the landscaping provisions of the Development Regulations, and as approved by the Authority.
4. Where a commercial zoned lot abuts a lot zoned as residential, a landscape screen that has a minimum height of 1.5m (4.92ft); and an industrial zoned lot abuts a lot zoned as residential, a landscape buffer area with a minimum 10.0m (32.8ft) width; shall be provided by the owner of the commercial or industrial zoned lot along the full length of the abutting lot line.
5. An accessory unenclosed storage use in the commercial and industrial zones, which existed at the effective date of these Development Regulations, shall be bounded on all sides by a landscape screen of not less than 1.5m (4.92ft) in height.

6. A use providing for bulk outdoor storage, scrap and other similar junk that is not contained within a building, which existed at the effective date of these Development Regulations, shall be bounded on all sides by a landscape screen of not less than 2.5m (8.2ft) in height, and no material shall be stored at a height greater than the landscape screen. The screen may include a raised and landscaped earth berm.

### **10.3 LANDSCAPING FOR PARKING AND STORAGE AREAS**

1. All surface parking areas shall provide for a minimum 3.0m (9.84ft) landscape area between the hard surface parking locations on the site and property lines, including the planting of trees at a minimum of one (1) tree for every five (5) parking spaces, or for every 10.0m (32.8ft) of property frontage to an adjacent roadway, whichever is less.
2. A parking area having eight (8) or more parking spaces and which is visible from an adjacent site in a residential zoned area, or visible from a road other than a lane, shall be fenced or have landscape screen. Attention to vehicle headlight glare to nearby residential lots shall be addressed. The specific location, length, thickness and height of the landscape screen or fence shall be in accordance with the landscaping approved by the Authority.
3. Where off-road parking for thirty (30) or more vehicles is provided at grade on site, such as in a commercial shopping centre development, there shall be landscaped open space within the development provided at a minimum ratio of 2.0sm (21.5sf) for each parking space. The required landscaping shall not be located in one area and shall be placed within the parking area so as to provide visual relief and break up large areas of parking into smaller cells through provision of landscaped islands. Attention to pedestrian safety in circulation and shaded bench areas shall also be incorporated into the landscape plan.
4. A garbage collection area, an open storage area, or an outdoor service area, including any loading and vehicular service area, which is visible from an adjacent site in a residential zoned area or from a public road other than a lane, shall be fenced and/or have landscape screen planting to a minimum height of 2.0m (6.56ft). The fencing and landscape detail shall be determined through a landscape plan approved by the Authority.
5. Commercial and industrial zone lots that abut the Trans Canada Highway corridor shall improve the appearance of parking areas open to the traveling public view by planting tree and landscape features.

6. New Single Family Residential subdivision developments of more than twenty (20) residential lots shall provide, where determined by the Authority, a development site entry landscape area with signage, as approved by the Authority.

## **10.4 OPEN SPACE LANDSCAPING ON DEVELOPED COMMERCIAL AND INDUSTRIAL LOTS**

1. Grass, ground cover, shrubs and other landscape materials shall be used to cover all open ground within 6.0 m (19.68ft) of any building, paving area or other use such as storage.
2. All buildings and structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any unsightly appearance.
3. In all non-residential zones within the Urban Development Area, a minimum of 10% of the total site shall be devoted to landscaping. This objective can be most effectively achieved by focusing landscape treatment within the property's front and side yard setback areas, within parking areas and adjacent to site buildings.
4. Trees shall be included on the landscaping plan and planted in non-vehicular open space to meet the following requirements:
  - One tree for each 10.0 m (32.8ft) of property frontage to all adjacent roadways in all non- industrial areas;
  - One tree for each 12.0m (39.3ft) of property frontage to on industrial zoned sites;
  - Approved shrubbery plantings shall be installed between trees; and,
  - One tree and one shrub for each landscaped parking area island within large parking areas of commercial and industrial zoned sites.
5. When existing trees that are retained on a development site are at least 15.0 cm (6.0 in) in caliper, such trees may count double towards meeting the tree requirements of this Section. When existing trees are at least 25.0 cm (9.8 in) in caliper, they may count triple towards meeting the tree requirements of this Section.
6. All required landscaping shall conform to the following at time of installation:
  - Deciduous trees shall be at least 60.0 mm (2.4 in.) caliper;
  - Coniferous trees shall have a minimum height of 2.5m (8.2 ft.);
  - Deciduous tree species at maturity shall have an average spread of crown greater than 4.0m (13.1 ft.), and planted trees with a lesser mature crown may



be grouped so as to create the equivalent of 4.0m (13.1 ft.) or greater crown at maturity.

7. All plant materials to be used shall be hardy to the Grand Falls-Windsor area, and to the specific development site and location.

## 10.5 LANDSCAPING SECURITY

The owner, or owner's representative, based upon the landscape plan or scheme submitted to the Town for a site development, shall calculate the landscaping costs associated with the landscape plan or scheme, and submit those costs to the Authority. If the Authority does not accept the submitted landscape costs, a different landscape cost may be calculated by the Authority to determine the value required for the landscaping security.

1. Where landscaping is required on development sites, the Authority may require that the owner and/or developer provide a guaranteed security to ensure that the landscaping is installed in accordance with the approved landscaped plan, and maintained for two growing seasons after initial planting.
2. Where required, the security to be provided to the Authority is to be for a value equal to 50% of the established landscaping costs, and such security may be provided in one of two forms, as follows:
  - Cash may submitted as the landscaping security; it shall be held by the Authority, without interest payable, until the landscaping has been installed, successfully maintained for two growing seasons and inspected during the growing season by the Town after the two year period; or,
  - A Letter of Credit, in a form satisfactory to the Authority, may be provided as the landscaping security. The initial Letter of Credit shall be for a one year period, and shall be renewed for a further one year term thirty (30) days prior to expiry. This process shall be repeated as necessary until the installed landscaping has been maintained for a two year period to the satisfaction of the Authority.
3. Upon application by the owner/ applicant, or owner's representative, a letter of credit may be amended to a reduced amount, and a cash deposit may be reduced in the amount that the Authority holds, when any of the following events occur and are to the satisfaction of the Authority:
  - The required landscaping has been properly installed.
  - The required landscaping has been well maintained and is in healthy condition after one growing season.

- The required landscaping has been well maintained and is in a healthy condition after two growing seasons. In this case, the letter of credit or the cash deposit shall be fully released.
4. Any letter of credit shall allow for partial draws. If the landscaping is not installed in accordance with the approved landscape plan within one growing season after completion of the development, or if the landscaping is not well maintained and is not in a healthy condition two growing seasons after installation completion of the landscaping, the following actions by the Authority may occur:
- The Authority may draw on the cash security or the letter of credit to use the funds to complete the landscaping;
  - If expenses incurred by the Authority to complete the landscaping work are insufficient, the Authority shall detail these accounting costs and the owner of the development site shall pay to the Authority any such deficiency incurred by the Authority immediately upon being so invoiced.

## 11.0 OFF STREET PARKING REQUIREMENTS

### 11.1 ACCESSIBILITY AND USE

1. Within the Urban Development Area, the following shall apply within zoned areas for single family residential homes:
  - Vehicle parking shall occupy no more than 20% of the lot area.
  - No vehicle parking shall be permitted in the required front yard, unless on a paved driveway located to the side of the front yard landscape area.
  - No parking shall be permitted within 1.5m (4.92ft) of any rear or side lot line bounded by a street.
2. Within the Urban Development Area, parking or storage of the following shall be completely enclosed within a building, unless otherwise approved by the Authority through issuance of a permit, or as otherwise provided for within the Development Regulations:
  - Vehicles exceeding 4500 kilograms (9,921 pounds) of gross vehicle weight.
  - Equipment exceeding 300 kg (661 lbs.) that is used or designed for use in construction or maintenance purposes.
  - Recreation vehicles, boat trailers or boats exceeding 7.5m (24.6ft) in length.
  - More than one unlicensed vehicle.
  - Dismantled or wrecked vehicle.
3. All automobile parking spaces on all development sites shall be located and designed to permit unobstructed vehicular access to all parking spaces by way of a maneuvering aisle.
4. In Commercial, Industrial, Multi-unit Residential, Public Use and Comprehensive Development Area zoned sites, parking spaces shall not be accessible directly off a lane or street.
5. In Multi-Unit Residential zones, off street parking shall:
  - Provide at least one enclosed parking space per dwelling unit within a garage.
  - Not be placed within the required front, rear or side yard setbacks.
6. Tandem parking spaces for two vehicles may be provided to meet the required number of parking spaces for a single unit residential use, a subsidiary apartment, and for up to 25 percent of the required parking spaces for a townhouse residential use, provided they are designed for the exclusive use of the same dwelling unit.

7. A parking space for a subsidiary apartment must be a dedicated space on a lot where the use is located, and must not impede access to parking for the primary residential use.
8. Disabled parking spaces shall be clearly marked by painting a blue handicapped symbol on each space; and visitor parking spaces shall be clearly marked by painting the word 'VISITOR' on each space.

## 11.2 DESIGN AND MAINTENANCE

1. Within the Urban Development Area, each Off Street Parking space and the required maneuvering aisle to access the parking space shall be surfaced with asphalt or concrete.
2. All parking areas shall provide landscaping in accordance with the provisions of Regulation 10.0 Fences and Landscaping and in accordance with the applicable Development Design Guidelines of Part 4 of the Development Regulations.
3. All parking spaces and aisles shall adhere to accepted best management practices for storm water management, and all parking lot areas providing for more than 25 spaces shall provide for an oil interceptor within the storm management catch basins.

## 11.3 PARKING SPACE SIZES

1. The minimum dimensions for a parking space and the associated maneuvering aisle shall be as follows:

Parking Angle (In degrees)	Width of Space	Length of Space	Width of Aisle	Traffic Direction
90	2.6m (8.5 ft.)	5.5m (18.0 ft.)	7.0m (23.0 ft.)	Two Way
90	2.6m (8.5 ft.)	5.5m (18.0 ft.)	6.5m (21.3 ft.)	Two Way (within building)
60	2.6m (8.5 ft.)	5.5m (18.0 ft.)	6.5m (21.3 ft.)	Two Way
45	2.6m (8.5 ft.)	5.5m (18.0 ft.)	6.5m (21.3 ft.)	Two Way
180 (Parallel)	2.6m (8.5 ft.)	6.7m (22.0 ft.)	6.5m (21.3 ft.)	Two Way
90 (Compact Car)	2.5m (8.2 ft.)	5.0m (16.4 ft.)	7.0m (23.0 ft.)	Two Way
60 (Compact Car)	2.6m (8.5 ft.)	5.0m (16.4 ft.)	6.5m (21.3 ft.)	Two Way
45 (Compact Car)	2.7m (8.9 ft.)	5.0m (16.4 ft.)	6.5m (21.3 ft.)	Two Way

2. All maneuvering aisles for one-way traffic shall have a minimum width of 3.5m (11.48ft).

3. Where the total number of required parking spaces exceeds 25 spaces, up to 20% of the total required parking spaces may be provided for smaller vehicles, referred to as 'compact parking'. All compact parking spaces shall be clearly marked as "Small Car Only".
4. For underground parking, parking areas shall be illuminated and building support columns shall not intrude into the minimum width or length of parking spaces.
5. Parking spaces that abut a wall, retaining wall, fence or similar structure shall have minimum width of 3.0m (9.8ft), and shall provide adequate curb or wheel stops.
6. Parking spaces adjacent to pedestrian walkways and sidewalk areas shall have adequate curb or wheel stops.
7. Driveways that do not provide access to parking spaces shall have a decreased minimum width of 6.0m (19.68ft) for two way traffic, and 4.0m (13.1ft) for one way traffic.

## 11.4 REQUIRED NUMBER OF PARKING SPACES

1. In determination of the total number of required parking spaces, the total capacity for which the building is designed shall be the numerical measurement for parking requirements.
2. Parking spaces shall be provided on a Lot for all the intended uses for the Lot in accordance with this Regulation 11.4 of the Development Regulations.
3. Off Street Parking shall be provided for each category of land use, or for each specific listed use, in accordance with the following tables:

### Accommodation

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	1 space per sleeping unit
Campground	1 space per 5 camping spaces to a maximum of 15 centrally located parking spaces
Meeting Space within hotels	1 space per 20.0sm (215.2sf) so used

## Automotive

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	2 spaces per 100.0sm (1,076.4sf) of floor area <i>plus</i> 3 spaces per vehicle service bay and 1 space per fuel pump located parking spaces
Car Wash	1 space per wash bay
Vehicle Dealership	2 spaces per 100.0sm (1,076.4sf) of floor area
Vehicle Rental Office	1 space per 20.0sm (215.2sf) of office floor area

## Cultural

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	1 space per 4 seats of total capacity of assembly area <i>Plus</i> 3 spaces per 100.0sm (1,076.4sf) of other floor area
Cultural Assembly	1 space per 5 seats of total capacity of assembly area <i>Plus</i> 3 spaces per 100.0sm (1,076.4sf) of other floor area
Gallery and Museum	1.5 spaces per 100.0sm (1,076.4sf) of floor area

## Entertainment and Recreation

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	1 space per 4 seats of total capacity and/or where occupancy is not determined by seating 1 space per 10.0sm (107.6sf) of floor area
Movie Theatre or Cinema	1 space per 5 seats of total capacity
Billiard Hall and Amusement Centre	1 space per 25.0sm (269.1sf) of floor area
Bowling Alley	3 spaces per bowling lane
Golf Driving Range	1.5 spaces per driving tee
Park	Spaces to be determined by authority on basis of projected intensity of use of park space

## Food and Beverage

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	1 space per 4 seats of total capacity and/or where occupancy is not determined by seating 1 space per 10.0sm (107.6sf) of floor area
Coffee Shop	1 space per 6 seats of total capacity
Pub, Restaurant, Licensed Lounge	1 space per 4 seats of total capacity

## Industrial

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	1 space per 100.0sm(1,076.4sf) of floor area
Auction and wholesaling	The greater of 20 spaces, or 1 space per 30.0sm (322.9sf) of floor area
Heavy Industry	1 space per 150.0sm(1,614.6sf) of floor area
Mini Storage	1 space per 200.0sm (2,152.8sf) of floor area
Recycling Depot	1 space per 200.0sm (2,152.8sf) of floor area
Warehousing	1 space per 200.0sm (2,152.8sf) of floor area
Asphalt Plant, Quarry and Resource	As determined required by the Authority.

### Commercial – Personal Service

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	2.5 spaces per 100.0sm (1,076.4sf) of floor area
Child Care Centre	1 space per employee plus 2 spaces for drop off
Financial Services and Offices	3 spaces per 100.0sm (1,076.4sf) of floor area
Medical Clinic	4 spaces per 100.0sm (1,076.4sf) of floor area
Medical Office	3 spaces per 100.0sm (1,076.4sf) of floor area
Spa	4 spaces per 100.0sm (1,076.4sf) of floor area

### Commercial – Retail

Use	Minimum Number of Required Parking Spaces
All uses with a floor area space ≤ 375.0sm (4,036.5sf)	2.5 spaces per 100.0sm (1,076.4sf) of floor area
All uses with a floor area space of 376.0sm to 4,500.0sm (4,047.3sf to 48,439.1sf)	3 spaces per 100.0sm (1,076.4sf) of floor area
All uses with a floor area space ≥ 4,501.0sm (48,449.1sf)	4 spaces per 100.0sm (1,076.4sf) of floor area

### Residential

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	2 spaces per Dwelling Unit
Apartment	1.5 spaces per Dwelling Unit, <i>plus</i> 0.2 spaces per Dwelling Unit for visitor parking
Adult Care Facility	1 space per two beds for employee parking, <i>plus</i> 1 space per 4 beds capacity for visitor parking, <i>plus</i> 2 spaces for drop-off area

Use	Minimum Number of Required Parking Spaces
Bed and Breakfast	1 space per every 2 guest rooms used
Boarding Use	1 space per every room used
Personal Care Facility	0.75 spaces per bed
Home Based Business	1 space per every non-resident employee
Mobile Home Park	2 spaces per Dwelling Unit, <i>plus</i> 0.2 spaces per Dwelling Unit for visitor parking
Residential Care	1 space for every 3 beds
Subsidiary Residential Apartment	1 space
Townhouse Residential	2 spaces per Dwelling Unit, <i>plus</i> 0.2 spaces per Dwelling Unit for visitor parking
Single Family House in RS and RM zones	2 spaces per Dwelling Unit

## Public Use

Use	Minimum Number of Required Parking Spaces
All uses other than uses listed below	1 space per 35.0sm (376.7sf) of floor are
Cemetery	Total spaces to be determined by Authority
Civic Use	1 space per 5 seats of total capacity within assembly area <i>Plus</i> 3 spaces per 100.0sm (1,076.4sf) of other floor area
Hospital	1 space per 100.0sm (1,076.4sf) of other floor area
Library	1 space per 100.0sm (1,076.4sf) of other floor area
Prison and Detention Facility	1 space per 100.0sm (1,076.4sf) of other floor area
Schools (Elementary or Middle)	1 space per classroom, <i>plus</i> 9 spaces for drop-off area and 2 spaces for bus loading and drop-off
Schools (Secondary)	5 spaces per classroom, <i>plus</i> 2 spaces for bus loading and drop-off

## 11.5 BICYCLE PARKING

The Municipal Integrated Community Sustainability Plan (MICSP) discusses the need for future attention to alternative mobility options within the Planning Area, including provisions for bicycling. The MICSP identifies that larger commercial, industrial and public use developments with building floor space of 2787.0sm (30,000.0sf) and more, both existing and proposed, and multi-unit residential projects, and particularly for major recreation venues in the community and within the downtown areas, provision should be made for the public's and employee's use of bicycling parking racks. Through successful municipal application for a 'Green Mobility Capital



Grant' and similar funding sources, the majority of cost for bicycle racks for local businesses and other organizations to provide for local bicycle infrastructure needs can be significantly discounted.

Bicycle racks for parking are a fixed structure that support the bicycle frame and front wheel in a stable position, and may provide for up to 8 individual bicycle parking spaces per rack, and allow for the cyclist's own locking device to be used.

1. Within the Urban Development Area, commercial, industrial and public use buildings in excess of 2787.0sm (30,000.0sf) shall provide for bicycle parking rack facilities, and new multi-unit residential developments shall provide for bicycle storage and parking amenities.
2. Bicycle parking racks, where provided, shall be situated near the primary entrance to the principal building on a site, or with recreation centres and within the downtown areas, small open space nodes adjacent to pedestrian sidewalks shall be pursued.

## **11.6 BICYCLE PARKING REQUIREMENTS**

1. Bicycle parking racks shall be provided for larger commercial, industrial and public use buildings at a ratio of 1 space in a bicycle rack for every 250.0sm (2,691.0sf) of building floor area.
2. Within multi-unit residential townhouse and apartment projects, provision for the common area storage of residents' bicycles within the building shall be made at a ratio of 1 space for every 5 dwelling units.
3. Parking for bicycles with multi-unit residential developments shall be provided at a ratio of one outside bicycle rack for every 20 dwelling units.

## **12.0 OFF STREET LOADING REGULATIONS**

### **12.1 INTENT**

1. Buildings that require shipping and delivery, and loading and unloading, by trucks and other service vehicles of goods, materials and merchandise, as part of their operation shall provide for sufficient dedicated area adjacent to their buildings for the loading and unloading spaces.
2. Required off street loading spaces shall not be used for any other use.

### **12.2 LOADING SPACE SIZES**

1. The minimum dimension for an off street loading space shall be 4.0m (13.1ft) in width, 12.0m (39.4ft) in length, and 4.0m (13.1ft) in vertical height clearance.

### **12.3 DESIGN AND MAINTENANCE STANDARDS**

1. Each loading space shall be sited within 12.0m (39.4ft) of the loading door it is designed to serve.
2. Off street loading spaces shall be surfaced with asphalt or concrete.
3. Off street loading spaces shall have adequate curb stops to retain vehicles within the off street loading space, to prevent vehicles from obstructing pedestrian walkways, or causing damage to landscaped areas.

### **12.4 ACCESS**

1. Direct vehicular access, a minimum of 6.0m (19.68ft) wide, from the adjacent highway or street shall be provided to each loading space.

### **12.5 REQUIRED NUMBER OF LOADING SPACES**

1. For development sites with building floor area space greater than 500.0sm (5,382.1sf), one loading space shall be provided.
2. For development sites with building floor area space greater than 2,000.0sm (21,528.5sf), two loading spaces shall be provided.

## **13.0 SIGNS AND ADVERTISEMENTS**

Signs and advertisements within the Town of Grand Falls-Windsor include the following types:

- Prohibited
- Portable
- Billboard
- Third Party
- Business and Special Event Promotion
- Business Premises
- Election Signs

Permit requirements for such signs and advertisements shall be addressed through a separate Council Policy for Signs and Advertisements. All proposed signs for placement upon any property within the Town, except exempted signs, are to receive Council approval in accordance with the said Policy.

Provincial highway corridor signage, specific business displays and other signage types are exempt from the provisions of the Signs and Advertisement Policy.

Signage displays for new site developments, where applicable, shall additionally comply with the Design Guidelines for Development Proposals, commencing with Part 4 of the Development Regulations. Other signage provisions of the Development Regulations, including those pertaining to Home Based Businesses shall also apply.

## **14.0 HOME BASED BUSINESSES**

### **14.1 ACCESSORY USE**

All home based businesses shall:

- Be considered clearly as secondary and accessory uses to the primary residential use of the property;
- Maintain the privacy and enjoyment of adjacent residences and the character of the neighbourhood;
- Be entirely enclosed within a building, except a Child Care Centre is to use the rear yard as a play area;
- Not involve any internal or external structural alterations to the primary residential dwelling unit;
- Not externally indicate in any manner, other than one permitted sign, that the residential dwelling is being used for any other use than a residential use;
- Not involve the unenclosed storage or display of any materials related to the Home Based Business use;
- Be subject to a potential additional municipal water fee as determined by the Authority; and,
- Be subject to an annual business licensing requirement, as determined by the Authority.

### **14.2 PERMITTED USES**

Only the following occupations and professions, and similar uses not specifically listed as follows, may be conducted as a home based business:

- Business and professional offices, excluding real estate offices, but including medical and dental offices;
- Artisan and other home crafts;
- Food preparation for catering services and baking;
- Bed and Breakfasts;
- Music and dance lessons and educational tutoring;
- Telephone and mail order business;
- Art gallery and framing shop;
- Pet grooming services;
- Shoe repair, dressmaking, sewing repairs and tailor shop;
- Furniture repair and upholstery;
- Sale of bedding plants and trees grown on the same lot;

- Varied personal service uses that do not disrupt the residential character of the neighbourhood such as small appliance, clock/watch, bicycle, ski and snowboard and computer repair, locksmiths, manicurists and insurance agents; and,
- Discretionary Uses as approved by the Authority.

### 14.3 EXCLUDED USES

An accessory home based business shall not include any business activity related to any of the following uses:

- Occupations that discharge or emit odors, noxious or toxic matter or vapors; heat, glare, noise and/or radiation;
- Manufacturing, welding or any other light industrial use;
- The salvage, repair, maintenance or sales of motor vehicles, or motor vehicle engines or parts;
- Tow truck operations;
- The use of mechanical or electrical equipment except as ordinarily utilized in purely domestic, household, recreational hobbies or a home office use;
- The use of any motor vehicle exceeding 4,500kg (9,920lbs.) licensed gross vehicle weight, or a commercial vehicle unless such vehicle is completely enclosed within a building;
- Materials and commodities that involve delivery to and from the home based business residence in such bulk or quantity as to require regular or frequent delivery by a commercial vehicle or trailer;
- Occupations that result in traffic congestion, on street parking overflow, electrical interference, fire hazards or health hazards;
- Veterinary clinics, pet breeding and boarding kennels;
- Orchestra and band training;
- Tutoring or lessons for more than three classes per day to a maximum of six students per day;
- Office uses that generate regular daily visits by clients;
- Public assembly use;
- Telephone or mail order sales of goods where customers enter the premises to inspect, purchase or take possession of goods;
- The sale of any commodity not produced on the premises;
- Warehouse outlet;
- Contractors Yards;
- Adult Entertainment Uses; and,
- Any other use that is not complimentary to the quiet enjoyment of a residential neighbourhood.

## 14.4 BEAUTY SALONS AND OTHER USES

- Beauty salons, hair stylists, barbers, massage services and tanning salons shall only be permitted as Home Based Business uses as a Discretionary Use, on the basis of specific outlined conditions being addressed by an applicant, and as approved by the Authority, except on properties larger than 0.8ha (2.00 acres) within the RR-1 and Rural zones where such uses are permitted as a Home Based Business.
- Beauty salons, hair stylists, barbers, massage services and tanning salons that are currently licensed as home base business but become non-conforming upon registration of these Development Regulations, shall be allowed to continue, and are subject to Regulation 14.5 (5) and (6); and,
- Home based businesses for beauty salons, hair stylists, barbers, massage services and tanning salons shall not be open nor operate past 9 p.m. each evening.

## 14.5 GENERAL REGULATIONS

- No more than two home based businesses shall be permitted within any one residential dwelling unit or accessory building;
- A home based business shall only be conducted by the residents of the dwelling unit where the business is located;
- A home based business use shall occupy less than 25% of the total floor area space of the dwelling unit, to a maximum of 45sm (484.4sf), except for a Child Care Centre which may use 50% of the total area space of the dwelling unit and where an accessory building is used for the home based business, the accessory building size shall not exceed 46sm (495sf), except for property in excess of 2.0ha (5.0 acres) in the RR-1 and Rural zones, the accessory building size for a home based business shall not exceed 140sm (1,507sf);
- Home based businesses shall have a maximum of 3 employees per home based business use, including not more than 1 non-resident employee;
- Any and all persons intending to conduct a home based business shall apply to the Town for an application for a business license on the form prescribed by Council Policy; and,
- Home based business licenses may be subject to annual review and evaluation, including an assessment of any neighbourhood complaints received. Council may determine to not renew any home based business license for an operation that is deemed not to be in full compliance to the requirements of Regulation 14.0 of the Development Regulations.

## **14.6 HOME BASED BUSINESS PARKING REQUIREMENTS**

- In addition to the two required parking spaces for a residential zone use, a Home Based Business shall provide one additional parking space for each non-resident employee working at such facility;
- A minimum of two parking spaces are required for Home Based Business uses involving students, patrons and a Child Care Centre, and for a Bed and Breakfast Use;
- All parking spaces are to be provided on the Lot for the Home Based Business use and are to be paved or otherwise made durable and dust free; the front yard shall not be used to provide the required parking spaces; and,
- The Home Base Business applicant shall provide a Site Plan that indicates the parking spaces location and any landscape improvements related thereto at time of business license application.

## **14.7 SIGNAGE FOR HOME BASED BUSINESSES**

A Home Based Business may have one non-illuminated sign not exceeding 0.20sm (2.15sf) which includes the name of the Home Based Business and/or that of the license holder. The sign shall be placed within or flat against the main front wall of the dwelling unit or on an entry feature such as a gate, fence or steps, as approved by the Authority.

## **14.8 BED AND BREAKFAST USE**

- Bed and Breakfast uses are only allowed as a discretionary use within the Principal Building in the RS, RR-1 and Rural zones, and within Single Family Residential dwellings in the RM zones, and where such dwelling units are well maintained and attractive to the intended tourism accommodation use;
- Bed and Breakfast proposed uses will need to address the discretionary use provisions for conditions of use, including neighbourhood consultation and receive approval of the Authority
- The principal use of the residential dwelling unit shall continue to be the home for the ongoing occupation by a single family; no other use such as for a Residential Care or Boarding use shall be permitted at the same time as a Bed and Breakfast use;
- The person(s) operating the Bed and Breakfast shall hold a valid license issued by the agency/ agencies having jurisdiction or authority;
- No more than three bedrooms accommodating not more than six persons at any one time may be used by residential homes for a Bed and Breakfast use;
- The maximum stay for any one patron shall be not more than 45 days in a 12 month period;

- Bed and Breakfast amenities shall include a minimum of sleeping accommodation area per bedroom of 12.0sm (129.1sf) and full bathroom and washroom facilities with potable hot and cold water for each bedroom;
- Breakfast is the intended meal to be provided to the Bed and Breakfast patrons; and,
- A Bed and Breakfast Use is not permitted within a subsidiary apartment, a mobile home or within multi-unit dwellings units in the RM zones.

## **14.9 CHILD CARE CENTRE AS HOME BASED BUSINESS**

- A Child Care Centre shall be permitted in the Rural and RR-1 zones, but shall be a discretionary Use within the identified RS and RT zones;
- A Child Care Centre shall be duly licensed and approved, staffed, equipped and operated in accordance with the requirements of the agencies having jurisdiction or authority; and,
- A Child Care Centre operating as Home Based Businesses shall be sited a minimum of 300.0m (984.2ft) from another Child Care Centre.

## **14.10 HOME BASED BUSINESS APPLICATION**

All Home Base Businesses are to apply for a license to operate or to continue to operate within a residential zone property, on the application form prescribed by Council Policy.



## **15.0 SUBSIDIARY APARTMENTS**

### **15.1 PURPOSE**

Subsidiary Apartments are to provide affordable residential rental dwelling units as an accessory use within a Single Family Residential home within the RR-1, RS-2 to RS-4, and RM zones in accordance with the following provisions:

- Shall be limited to one Subsidiary Apartment per lot;
- Shall be contained within the same building as the Single Family Residential use;
- Shall retain the façade appearance as a single family dwelling, and is subject to the Authority approval;
- Shall have a separate entrance and access to the outside;
- Shall have a minimum floor area size of 46.0sm (495.1sf) and a maximum floor area size of 90.0sm (968.7sf), and shall not exceed 40% of the total floor area size of the principal residential building; and,
- Subsidiary Apartment use shall be provided with a minimum of 20.0sm (215.2sf) of private outdoor space.

### **15.2 FIRE SAFETY**

Subsidiary Apartments shall comply with all requirements of the Canadian Building Code, including a minimum of a 45 minute firewall separation between the two dwelling units.

### **15.3 SERVICING**

Within the Rural area, Subsidiary Apartments require approval from the applicable Authority for septic effluent disposal.

### **15.4 PARKING**

Subsidiary Apartments shall provide for a minimum of one parking space on the lot where it is so used, and except for the Rural Zone, be paved or finished with a durable and dust-free surface.

### **15.5 PROHIBITED USES**

- Subsidiary Apartments shall not be permitted within mobile homes, or where there is an existing Boarding or Bed and Breakfast Use, or within the RM zones; and,
- Subsidiary Apartments shall not be strata-titled.

## **16.0 CONTRACTORS YARDS**

### **16.1 PURPOSE**

Contractor Yards for the storage, maintenance and repair of vehicles, and for equipment and materials related to the construction industry, shall only be permitted within the IL zone.

### **16.2 CONDITIONS OF USE**

Contractor Yards shall include one principal building, and all outside storage of vehicles, equipment and materials shall not exceed an area on the lot greater than 50% of the area of the principal building, unless such outside storage is screened from public view by a combination of fencing and landscaping.

### **16.3 PROHIBITED LOCATIONS**

Contractor Yards shall not be permitted as a Home Based Business, nor shall Contractor Yards, including any ongoing storage of construction equipment and materials, be allowed to locate in residential zones except for when new residential homes are under construction.

## **17.0 COMMERCIAL KENNELS**

### **17.1 LOCATION AND SIZE**

A Commercial Kennel shall only be permitted in the IL zone, or as a discretionary use on Rural and RR-1 zoned lots that are greater than 2.0ha (4.9 acres) in area size, and shall be limited to a maximum of 10 dogs per hectare (4 dogs/acre) and 20 cats per hectare (8 cats/acre).

### **17.2 BUILDINGS**

- A Kennel operation shall not cover more than 30% of the Lot area, including all buildings related to the kennel use;
- All buildings related to the Kennel use shall contain at least 8cm (3 in) of insulation in all exterior walls and ceilings for the purpose of soundproofing;
- All buildings for the Kennel use shall be inter-connected with a communication system to enable monitoring of the dog kennel area and dog runs;
- The outside perimeter of all areas related to the Kennel where animals are kept shall be enclosed by a solid fence or a solid hedge at least 1.8 m (5.9ft) in height to screen the areas from adjacent properties; and,
- All buildings, pens and runs shall be sited not less than 15.0m (49.2ft) from any property line, and 90.0m (295.2ft) from any residence except the Kennel site.

# **PART III: INDIVIDUAL ZONE CATEGORIES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, COMPREHENSIVE DEVELOPMENT AND PUBLIC USES AND THEIR ZONING REQUIREMENTS**

## **Overview**

This Part 3 of the Development Regulations identifies 23 distinct land use zone categories, their uses of land, conditions of use, development standards and other requirements. For interpretation of the varied principal, accessory, discretionary and prohibited uses of land listed within each zone category, reference should be made to definitions provided within Regulation 2.0 Definitions of Part 1 of the Development Regulations.

Principal uses are the primary permitted land uses allowed in each zone category. Accessory uses may only occur in association with a principal or primary permitted use, and are to be clearly secondary to the principal permitted use in intensity and occupation of use, and in area and building size and building height. Listed Discretionary land uses within each zone category, if applicable, represent potential land uses that may be considered by Council for approval based upon their possible benefits to the Town and an evaluation of the potential impacts to the environment and to the community and its residents, as well as impacts to the individual neighbourhood and area where the use is proposed to be located. Prohibited uses are land use activities that are explicitly not permitted within an individual zone category. Any use that is not listed or defined as being a Principal use is deemed to be not allowed by the Development Regulations as a permitted land use activity.

Additional requirements applicable for each zone category may be referenced within Regulation 5.0 Use Regulations, Regulation 6.0 Basic Provisions, Regulation 7.0 General Regulations , Regulation 8.0 Subdivision of Land , Regulation 9.0 Environmental Protection , Regulation 10.0 Fences and Landscaping , Regulation 11.0 Off Street Parking Requirements, Regulation 12.0 Off Street Loading Requirements, Regulation 13.0 Signs and Advertisements, Regulation 14.0 Home Based Businesses, Regulation 15.0 Subsidiary Apartments, Regulation 16.0 Contractor Yards, and Regulation 17.0 Commercial Kennels, of Part 2 of the Development Regulations.

For specific land uses for intensive residential, multi-unit residential, commercial, industrial, comprehensive development area and public uses, reference should be further made to the Development Design Guidelines of Part 4 of the Development Regulations.

## **18.0 RURAL AREA ZONE (RUR)**

### **18.1 ZONE INTENT**

The intent of the Rural Area Zone is to provide for a land use framework to manage and regulate agricultural activity, seasonal and acreage residential uses, conservation and recreation and open space lands, and proposals for discretionary approval for resource land uses that are located within the more geographically detached and outlying rural areas of the municipality.

### **18.2 SERVICING**

There are no Town services of sanitary sewer or water required for RUR zoned properties but any proposed residential or other use thereon at time of application for building permit will require Provincial approval for septic effluent disposal and a proof of a potable water supply of sufficient quantity and quality.

### **18.3 USES OF LAND**

*The following uses and no others shall be permitted within the RUR zone:*

#### **Principal Uses**

Agriculture (subject to the provisions of Regulation 18.4 (2) (3) Conditions of Use)

Assembly

Cemetery

Conservation

Recreation and Open Space

Seasonal Residential

#### **Accessory Uses**

Accessory Building

Produce Sales

*The following use may be considered by the Authority as a permitted use:*

#### **Discretionary Use**

Commercial Kennel

Forestry (subject to the provisions of Regulation 18.4 (4) Conditions of Use)

Mineral Working (subject to Regulation 18.4 (5) Conditions of Use)

## 18.4 CONDITIONS OF USE

1. The following land uses shall only be permitted on property with an area size greater than the following minimum sizes:
  - Seasonal Residential – 0.4 ha (0.98 acres);
  - Forestry and Mineral Working – 8.0 ha (19.76 acres);
  - All other land uses – 2.0 ha (4.94 acres).
2. Agricultural uses are to be in conformance with the regulations, requirements, licensing and guidelines of the Provincial Agriculture section of the NL Department of Natural Resources.
3. New Agricultural Use activities and structures within Grand Falls-Windsor's rural areas, including barns for livestock, manure management and other related farm practices shall comply with the provisions of the Agrifoods Development Branch of NL Provincial Agriculture, and further, maintain the following minimum setback distances:
  - Where a barn is defined as a structure designed to contain more than five animal units, the barn shall be sited a minimum of 60.0m (196.8ft) from property line and from the nearest watercourse, wetland or well water source, 90.0m (295.2ft) from the centre line of the most adjacent street and 600m (1968.5ft) from the nearest residential use, except for a farm residence, and 600m from an area designated for future residential use.
  - Manure storage setbacks will be dependent on the type of storage, where if stored within a concrete or synthetic enclosure, the minimum setback distance shall be 60.0m (196.8ft) from a watercourse, wetland or well water source, and all other manure storage types shall be setback a minimum distance of 100m (328ft) from a watercourse, wetland or well water source.
4. Forestry proposals shall provide to the Authority a Professional Forester's report on proposed site areas proposed to be harvested, the amount of timber proposed to be removed, the proposed timeframe for the resource extraction activity, any secondary grading or processing activity to take place, visual screens and buffers to nearby and further distance public views, setback distances to adjacent land uses, proposed access roads and volume of off-site truck traffic to result from the use, and the manner in which the proposed forestry operation adheres to best management practices for the environment and forestry operations. The proposal shall also provide an environmental assessment report, prepared by a Professional Biologist, that comprehensively addresses all and any possible impacts to Environmentally Sensitive Areas, protected flora and endangered species, and provides case specific recommendations to address any potential impacts. A tree replanting scheme and

financial guarantee to ensure its implementation shall further be submitted to address site reclamation. The proposal submission shall also provide for the Permit requirements of the Department of Natural Resources. Upon receipt of the outlined information, and any other requirements deemed necessary, The Authority may consider the approval and issuance of a Development Permit.

5. Industrial Resource proposals for both short term and longer term Mineral Workings shall identify and submit to the Authority a Professional Engineer's report on the proposed site boundary area to be developed and mined, how the site will be accessed, the resource operation, equipment and employment details, the commencement and working life of the proposed resource activity, a comprehensive Site Reclamation Plan and address issues to the satisfaction of Town Council related to the following:
  - Professionally prepared surveyed site plan identifying existing topography, the location of on-site and adjacent water bodies, treed area locations and proposed development site area that illustrates the precise location of the mining extraction operation, related equipment, site access and other proposed improvements;
  - Proposed treed or other vegetation screening of a minimum 40m (131.2ft) to provide an effective visual buffer from adjacent roadways and adjacent land uses, and proposed future land uses, except for forestry and agriculture uses. Where a comprehensive visual screen cannot be accomplished within a 40m setback, the setback shall be increased at the discretion of the Authority;
  - Fencing and enclosure provisions for the mineral working site or the excavated area of a pit or quarry to provide for a minimum of a 1.8m (5.9ft) high fence;
  - Environmental assessment report and recommendations prepared by a professional and accredited biologist or similar professional, addressing the integrity of the proposed site layout of the mineral working operation, the use of water as part of any operational processes, the location of access roads and their impact to the natural environment, operational management approaches to address potential site erosion risks, extent of tree cutting and proposed site reclamation tree planting, operational noise levels and abatement measures to address possible noise nuisance issues, and the mineral working operation's overall short and longer effect on local area aquifers, watercourses, wetlands and other environmentally sensitive area features, and remedial measures to address any or all of these issues;
  - Any proposed processing and manufacturing activity related to the resource extraction, proposed buildings to be erected and other site improvements;
  - Fire safety measures;

- The estimated amount of mined ore, sand or gravel to be removed from the mineral working, and the projected number of trucks per day and per year on local streets that will result from proposed operation. The Authority may require that off-site road improvements be made at the cessation of the mineral working operation as a result of the cumulative impact of truck use on local roads;
  - The proposed lease permit timeframe for the operation from the Department of Natural Resources, and an identification of provincial requirements for the Permit approval;
  - Schedule of ongoing regularly scheduled site inspections by a Professional Engineer to report and verify operator's adherence with the Authority's requirements and conditions for site development and mineral working operation;
  - Provision of a financial guarantee in the form of a performance bond or unconditional letter of credit or other form acceptable to the Authority based upon the greater of \$5,000.per hectare, prorated on the basis of area to a minimum of \$2,000., or an amount required to restore, landscape and reclaim the site to the satisfaction of the Authority upon cessation of the quarry or mining operation. The financial guarantee shall only be returned after all site Development Permit requirements have been addressed and the Site Reclamation Plan has been completed, as endorsed by a Professional Engineer; and,
  - Upon satisfactorily addressing the entirety of issues identified by the Authority, and any other additional issues that may be identified during the course of review of the mineral working proposal submission, the Authority may consider the issuance of a Development Permit, with an accompanying fee, for a minimum one year duration with potential extensions based upon conformance to the requirements of the Development Permit.
6. No Industrial Resource uses of forestry, mineral workings and other extraction activities shall be considered for those lands located on the south side of the Exploits River so as to maintain a high level of natural visual aesthetics and views-capes from the north side of the Exploits River.

## 18.5 OTHER DEVELOPMENT STANDARDS

Requirements for lot configuration, lot dimensions and for site development considerations such as building setbacks to property lines and building height for all other land uses of the RUR zone shall be determined by the Authority on a case by case basis with regard to the rural character of the area, the development standards of the uses in other zones and upon submission of a development proposal.



## **19.0 RURAL RESIDENTIAL ZONE (RR-1)**

### **19.1 ZONE INTENT**

The purpose of the RR-1 zone is to provide for a larger lot residential property and accompanying lifestyle, both within a suburban and a more rural acreage setting.

### **19.2 SERVICING**

All RR-1 zoned properties are to be serviced with municipal water and provided with provincial approval for septic effluent disposal.

### **19.3 USES OF LAND**

*The following uses and no others shall be permitted in the RR-1 zone:*

#### **Principal Uses**

Single Family Residential (limited to one residential building per lot)

Residential Care (subject to Regulation 19.4 (1) Conditions of Use)

#### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Boarding

Dog Kennel (subject to Regulation 19.4 (2) Conditions of Use)

Enclosed Storage

Greenhouse (subject to Regulation 19.4 (3) Conditions of Use)

Home Based Business (subject to Regulation 19.4 (4) Conditions of Use)

Produce Sales

Small Scale Agriculture

Subsidiary Residential Apartment

Suburban Ancillary Uses (subject to Regulation 19.4 (5) Conditions of Use)

Unenclosed Storage

*The following uses may be considered by the Authority as permitted uses:*

#### **Discretionary Uses**

Commercial Kennel (subject to Regulation 19.4 (6) Conditions of Use)

Home Based Business for Bed and Breakfast

Home Based Business for Child Care

### **19.4 CONDITIONS OF USE**

1. Only one of Residential Care, Boarding or Bed and Breakfast use shall be permitted;
2. Dog Kennel use shall only be permitted on a lot with an area size of 1.2ha (3.0 acres) or larger;
3. Greenhouse Use shall be limited to a maximum building area size of 25.0m (269.1sf);
4. Home Based Business for beauty salons, hair stylist, barber, massage services and tanning salon shall only be permitted on a lot with an area size of 0.8ha (2.0 acres) or larger;
5. Suburban Ancillary Uses shall be limited to the following:
  - Gardening and recreational activities;
  - Household storage and maintenance of buildings and yard areas;
  - The keeping of pets not exceeding 5 in number, provided no more than 3 are of any one species;
  - The off-street parking of licensed motor vehicles in association with the residential use of the lot;
  - The parking of no more than one unlicensed motor vehicle unless completely contained within an enclosed building;
  - Subject to the preceding provision, the repair and restoration of motor vehicles owned by a resident of the property; and,
  - The off street parking of no more than one vehicle having a gross vehicle weight in excess of 5,000kg (11,022 lbs.) on a property with a lot area size of 1.2ha (3.0 acres) or larger, and provided such vehicle is not a commercial trailer or vehicle used for the hauling of solid waste, sewage, or hazardous materials.
6. Commercial Kennel shall only be considered on a lot with an area size of 2.0ha (4.9 acres) or larger, and where a site and building plan depicting kennel structure and dog run layout, separation distances to adjacent properties and noise abatement measures is submitted to the Authority for consideration.

## **19.5 MINIMUM LOT AREA**

Except for such lots that existed at the time of Registration of these Development Regulations, the minimum lot area size for all newly created properties through subdivision within the RR-1 zone, and for properties making application for rezoning to RR-1 shall be 0.4ha (1.0 acres).

## **19.6 LOT COVERAGE**

All buildings and structures shall together cover not more than 40% of the lot area.

## **19.7 MINIMUM BUILDING FOOTPRINT**

The principal building shall have a minimum building footprint area of 110.0sm (1,184sf).

## **19.8 MINIMUM LOT FRONTAGE**

All lots within the RR-1 zone shall have a minimum frontage of 22.0m (72.18ft) to an adjacent road, except for panhandle lots approved by the Authority through subdivision shall have a minimum frontage of 6.0m (19.68ft).

## **19.9 MINIMUM LOT DEPTH**

The minimum depth for the lot from the front to rear lot line shall be 60.0m (196.85ft), with the minimum rear yard depth to be not less than 15.0m (49.21ft).

## **19.10 BUILDING SETBACKS TO PROPERTY LINES**

- Principal Single Family Residential buildings in the RR-1 Zone shall maintain setbacks to property lines and to a building line as follows:
- A minimum of 10.0m (32.8ft) from either the front property line or the building line for properties 0.6ha (1.5 acres) and less in lot area size, and a minimum of 15.0m (49.2ft) from the front lot line or building line for all properties greater than 0.6ha (1.5 acres) in lot area size;
- A minimum of 15.0m (49.21ft) from the rear property line;
- A minimum of 6.0m (19.68ft) from an exterior lot line;
- A minimum of 4.0m (13.1ft) from an interior lot line, except that the residential dwelling on the adjacent lot shall be no closer than 8.0m (26.2ft) to their common side lot line when one lot uses this minimum setback; and,
- All other buildings and accessory buildings and structures shall be sited in conformance with the provisions of Regulation 7.5 Accessory Building and Structure Regulations.

## **19.11 HEIGHT OF BUILDINGS**

- Buildings used for residential use shall have a maximum height of 10.0m (32.8ft); and,
- All other accessory and other buildings and structures shall have a maximum height as outlined in Regulation 7.5 Accessory Building and Structure\_Regulations.

## **19.12 LANDSCAPING**

All single family residential dwellings shall provide for a landscaped and well maintained property area, with a focus of the front yard area facing public view, and may include grassed areas, flowering plants, shrubbery, installation of street tree plantings at 15.0m (49.2ft) spacing and/ or other landscape treatments.

### **19.13 OFF STREET PARKING**

Off Street Parking shall be provided and maintained in accordance with the requirements of Regulation 11.0 Off Street Parking Requirements of these Development Regulations.

### **19.14 IMPERVIOUS SURFACES**

- All RR, RS and RT zoned residential lots shall have no more than 50% of their lot area covered with impervious surfaces of building rooftops, paved driveways, patio areas and other hard surfaces.
- Site and building design for RS and RT zoned lots shall provide, where feasible, for permeable surface treatments so as to promote greater groundwater absorption and less site drainage runoff.

## **20.0 RESIDENTIAL MOBILE HOME PARK ZONE (RMHP)**

### **20.1 ZONE INTENT**

The intent of the RMHP zone is to provide, through rezoning, for a more affordable housing alternative in the form of a mobile home park containing a minimum of 20 and a maximum of 60 mobile homes.

### **20.2 SERVICING**

A Mobile Home Park is to be serviced by municipal water and sanitary sewer service, with off-site servicing deficiencies to be provided by the Mobile Home Park owner/developer. Where sanitary sewer service is not available, a common system consisting of an engineered alternative sewage treatment plant may be considered by the Authority on the basis the alternative sewage system meets provincial standards of Services NL, the Mobile Home Park owner provides for an ongoing maintenance program and provides the Authority with a Letter of Credit in an amount equal to the capital replacement cost of the alternative treatment system. A Mobile Home Park shall further provide for a storm water management plan for the Authority's review and consideration of approval. All access and internal roads of the site shall be paved.

### **20.3 USES OF LAND**

*The following uses and no others shall be permitted in the RMHP zone:*

#### **Principal Uses**

Mobile Home Park (subject to the provisions of Regulation 20.4 (1 to 4) Conditions of Use)

#### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Enclosed Storage

Home Based Business (subject to Regulation 20.4 (5), Conditions of Use)

Indoor Amenity Space

Off Street Parking

Outdoor Amenity Space

*The following use may be considered by the Authority as a permitted use:*

## **Discretionary Uses**

Convenience Store

### **20.4 CONDITIONS OF USE**

1. The density for a Mobile Home Park shall not exceed 20 dwelling units per hectare (8 units per acre) of site area;
2. Mobile Home Park developments must be strata titled, and costs for site servicing and maintenance for water, sewer, storm drainage, roads, street lights, refuse collection and disposal, snow clearing and similar are the responsibility of the Park.
3. The minimum parcel size for each mobile home strata site shall be 335sm (3,606sf) with a minimum frontage to an internal road of 12.0m (39.37 ft);
4. As part of rezoning consideration by the Authority, the Mobile Home Park applicant shall provide a site layout, access and circulation, amenity area and servicing plan of the proposed Mobile Home Park; and
5. Home Based Business uses shall be limited to the uses in Regulation 14.2 (1), (3), (10) and (13 Home Based Businesses).

### **20.5 MINIMUM LOT AREA**

A Mobile Home Park shall not be permitted on a lot less than 2.0ha (4.9 acres).

### **20.6 SETBACKS TO PROPERTY LINES**

All buildings, structures and mobile homes shall be sited in accordance with the following minimum setbacks:

1. A principal building on the property, such as an existing single family home retained as the administrative office or similar use, or a new administrative building, and a Convenience Store use, where permitted, shall be sited a minimum of 6.0m (19.68 ft) from all lot lines;
2. Mobile Homes shall be sited 6.0m (19.68 ft) from the front and rear strata site boundaries, 1.5m (4.92 ft) from an interior side boundary and 4.5m (14.8 ft) from an exterior side boundary; and,
3. Accessory buildings and structures shall be sited not less than 6.0m (19.68 ft) from the front strata site boundary, 1.5m (4.92 ft) from the rear and interior boundary and 4.5m (14.8 ft) from an exterior side boundary.

### **20.7 HEIGHT**

1. The height of a principal building and Convenience Store shall not exceed a height of 7.5m (24.6 ft);
2. The height of a mobile home shall not exceed 4.5m (14.8 ft);
3. The height of an Indoor Amenity Building shall not exceed 10.0m (32.8 ft); and,
4. The height of all accessory buildings and all structures shall not exceed 4.5m (14.8 ft).

## **20.8 INDOOR AMENITY SPACE**

Mobile Home Parks shall provide for an Indoor Amenity Space at a rate of at least 2.8sm (30.0sf) per unit.

## **20.9 OUTDOOR AMENITY SPACE**

Outdoor Amenity Space shall be provided for all Mobile Home Parks at a rate of at least 7.0sm (75.3sf) per unit, and such area shall be useable with a slope less than 5% and a level children's play area with play equipment shall be provided.

## **20.10 LANDSCAPING**

Landscape treatment for the Mobile Home Park shall be provided in detail on the site plan submission, and shall include the following minimum requirements:

1. The front entry to the site shall provide for an entrance sign and prominent landscape feature;
2. The primary access road into the site shall provide for street tree plantings at a 9.0m (29.5ft) spacing on both sides of the road;
3. The principal building on the site, a Convenience Store where permitted and the Indoor Amenity building shall provide for landscaping; and,
4. The Outdoor Amenity Space area shall be landscaped.

## **20.11 OFF STREET PARKING**

Off Street Parking shall be provided in accordance with Regulation 11.0 of these Development Regulations.

# **21.0 SINGLE UNIT COMPACT RESIDENTIAL ZONE (RS-1)**

## 21.1 ZONE INTENT

The intent of the RS-1 zone is to provide for intensive use of the limited serviced urban land supply through rezoning and infill subdivision of compact lots and development of one Single Family Residential dwelling on a 465sm (5005sf) lot on the basis of design guideline management.

## 21.2 SERVICING

All new residential development within the RS-1 zone shall be fully serviced by the developer with urban infrastructure of Town water, sanitary sewer, paved roads, storm water management and other services as required by the Authority. Rezoning applicants for the RS zones shall provide for deficient off site services as required by the Authority.

Servicing capacity to provide for the increased density of a subsidiary apartment shall be determined at time of building permit. If required by the Authority, additional annual service levy fees for water, sewer and refuse collection shall apply to the subsidiary apartment.

## 21.3 USES OF LAND

*The following uses and no others shall be permitted in the RS-1, RS-2, RS-3 and RS-4 zones:*

### **Principal Uses**

Single Family Residential

### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Enclosed Storage

Hobby Greenhouse (subject to the provisions of Regulation 21.4 (1), Conditions of Use)

Home Based Business (subject to Regulation 21.4(2) Conditions of Use)

Boarding (subject to Regulation 21.4(3) Conditions of Use)

Residential Care Use (subject to Regulation 21.4(4) Conditions of Use)

Garage

Off Street Parking

Unenclosed Storage

Urban Ancillary Uses

*The following uses may be considered by the Authority as permitted uses:*

### **Discretionary Uses**



Home Based Businesses for Bed and Breakfast

Home Based Business for beauty salons, hair stylists, barbers, massage services and tanning salons

Home Based Business for Child Care Centre (subject to Regulation 21.4 (4) Conditions of Use)

## 21.4 CONDITIONS OF USE

1. A Hobby Greenhouse use shall not exceed a building area size of 14.0sm (150.7sf);
2. Home Based Businesses are permitted as accessory uses as approved by the Authority, except for those Home Based Business uses identified as Discretionary Uses.
3. There shall only be one of either a Boarding use, a Residential Care use, or a Bed and Breakfast use where approved, permitted within any RS zone residential use; and,
4. Child Care Centre use shall only be considered on residential lots that are greater than 558.0sm (6,006.4sf) in area size.

## 21.5 RS-1 ZONE AND BUILDING DEVELOPMENT STANDARDS REQUIREMENTS

All RS-1 lots created through subdivision and all Single Family Residential homes built thereon shall comply with the following minimum requirements:

Development Standard	Minimum Zone Requirement
Minimum Lot Area	465sm (5005.8sf)
Minimum Lot Frontage	16.0m (52.49ft)
Minimum Lot Depth	25.0m (82.0ft)
Minimum Setback from Front Lot Line	5.0 m (16.4ft) or 5.5m (18.0ft)
Minimum Setback from Rear Lot Line	7.0m (23.0ft)
Minimum Setback from Interior Side Lot Line	1.25m (4.1ft) and 3.0m (9.8ft)
Minimum Setback from Exterior Side Lot Line	3.75m (12.3ft)
Maximum Height of Building	11.0m (36.08ft)
Maximum Lot Coverage	40 % of the lot area
Minimum Building Footprint	84.0sm (904sf)

## 21.6 NUMBER OF RESIDENTIAL BUILDINGS

Buildings for a Single Family Residential use shall be limited to one per lot.

## 21.7 RS-1 SITE DESIGN

Site and house design for new compact lots of the RS-1 zone shall be in accordance with the guidelines identified within Part 4 Development Design Guidelines of these Development Regulations. Application for Development Design review and approval is required.

## **21.8 PROPERTY LANDSCAPING**

The homeowner of a Single Family Residential use within the RS-1Zone shall provide for the following landscape elements:

1. The front yard area shall be seeded with grass, and otherwise vegetated and landscaped in keeping with the neighbourhood character, and maintained;
2. The front yard area, except for the driveway and garage, shall not be used for the parking of vehicles;
3. New subdivision developments of more than 3 residential lots shall provide for street tree planting, in a species as approved by the Authority, in the front yard area of each adjacent lot at tree spacing intervals of every 9.0m (29.52ft).

## **21.9 URBAN ANCILLARY USES**

Urban Ancillary uses within the RS-1zone shall be limited to the following:

1. Gardening, social and recreational activities;
2. Household storage and maintenance of buildings and yards;
3. The keeping of pets not exceeding 5 in number, provided no more than 3 are of any one species;
4. The off street parking of licensed vehicles in association with the residential uses of the property and with the offsite recreational pursuits of the residents of the property;
5. The parking of no more than one unlicensed motor vehicle unless completely enclosed within a building;
6. Subject to 4 and 5 above, the repair and restoration of motor vehicles owned by a resident of the property.

## **21.10 OFF STREET PARKING**

1. All driveways and parking areas shall be paved or otherwise provided with a durable and dust free surface; and
2. Regulation 11.0 of these Development Regulations shall apply.

## **22.0 SINGLE UNIT SMALL LOT RESIDENTIAL ZONE (RS-2)**

### **22.1 ZONE INTENT**

The intent of the RS-2 zone is to provide for the efficient use of the serviced urban land supply to provide one Single Family Residential home through subdivision development of 550sm (5920.3sf) residential lots.

### **22.2 SERVICING**

All new development within the RS-2 zone shall be fully serviced by the subdivision developer or rezoning applicant with full urban infrastructure of Town water, sanitary sewer, paved roads with sidewalks as required, storm water management and other services as required by the Authority.

Servicing capacity to provide for the increased density of a subsidiary apartment shall be determined at time of building permit. If required by the Authority, additional annual service levy fees for water, sewer and refuse collection shall apply to the subsidiary apartment.

### **22.3 USES OF LAND**

*The following uses and no others shall be permitted in the RS-2 zone:*

#### **Principal Uses**

Single Family Residential

#### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Boarding (subject to the provisions of Regulation 21.4 (3) Conditions of Use)

Enclosed Storage

Hobby Greenhouse (subject to the provisions of Regulation 22.4, Conditions of Use)

Home Based Business (subject to the Discretionary Uses of Regulation 22.3)

Garage

Off Street Parking

Subsidiary Apartment (subject to the provisions of Regulation 15.0, Subsidiary Apartments)

Unenclosed Storage

Urban Ancillary Uses

*The following uses may be considered by the Authority as permitted uses:*

### **Discretionary Uses**

Home Based Businesses for Bed and Breakfast

Home Based Business for beauty salons, hair stylists, barbers, massage services and tanning salons

Home Based Business for Child Care Centre (subject to Regulation 22.4 (4) Conditions of Use)

## **22.4 CONDITIONS OF USE**

1. A Hobby Greenhouse use shall not exceed a building area size of 14.0sm (150.7sf);
2. Home Based Businesses are permitted as accessory uses as approved by the Authority, except for those Home Based Business uses identified as Discretionary Uses.
3. There shall only be one of either a Boarding use, a Residential Care use, or a Bed and Breakfast use where approved, permitted with a residential use; and,
4. Child Care Centre use shall only be considered on residential lots that are greater than 550.0sm (5,920.0sf) in area size.

## **22.5 RS-2 ZONE AND BUILDING DEVELOPMENT STANDARDS REQUIREMENTS**

All RS-2 lots created through subdivision and all Single Family Residential homes built thereon shall comply with the following minimum requirements:

<b>Development Standard</b>	<b>Minimum Zone Requirement</b>
Minimum Lot Area	550.0sm (5,920.3sf)
Minimum Lot Frontage	18.0m (59.05ft)
Minimum Lot Depth	30.0m (98.4ft)
Minimum Setback from Front Lot Line	6.0 m (19.68ft) or 5.5m (18.0ft)
Minimum Setback from Rear Lot Line	7.5m (24.60ft)
Minimum Setback from Interior Side Lot Line	1.50m (4.92ft) and 3.0m (9.8ft)
Minimum Setback from Exterior Side Lot Line	3.75m (12.3ft)
Maximum Height of Building	11.0m (36.08ft)
Maximum Lot Coverage	40% of the lot area
Minimum Building Footprint	93.0sm (1,001.1sf)

## **22.6 NUMBER OF RESIDENTIAL BUILDINGS**

Buildings for a Single Family Residential use shall be limited to one per lot.

## **22.7 PROPERTY LANDSCAPING**

1. The homeowner of a Single Family Residential use within the RS-2 Zone shall provide for the following landscape elements:
  - The front yard area shall be seeded with grass, and otherwise vegetated and landscaped in keeping with the neighbourhood character, and maintained;
  - The front yard area, except for the driveway and garage, shall not be used for the parking of vehicles;
  - New subdivision developments of more than 3 residential lots shall provide for street tree planting, in a species as approved by the Authority, in the front yard area of each adjacent lot at tree spacing intervals of every 9.0m (29.52ft).

## **22.8 URBAN ANCILLARY USES**

Urban Ancillary uses within the RS-2 zone shall be limited to the following:

- Gardening, social and recreational activities;
- Household storage and maintenance of buildings and yards;
- The keeping of pets not exceeding 5 in number, provided no more than 3 are of any one species;
- The off street parking of licensed vehicles in association with the residential uses of the property and with the offsite recreational pursuits of the residents of the property;
- The parking of no more than one unlicensed motor vehicle unless completely enclosed within a building;
- Subject to 4 and 5 above, the repair and restoration of motor vehicles owned by a resident of the property.

## **22.9 OFF STREET PARKING**

1. All driveways and parking areas shall be paved or otherwise provided with a durable and dust free surface; and
2. Regulation 11.0 Off Street Parking Requirements of these Development Regulations shall apply.

## **23.0 SINGLE UNIT URBAN RESIDENTIAL ZONE (RS-3)**

## 23.1 ZONE INTENT

The intent of the RS-3 zone is to provide for the varied use of the serviced urban land supply to provide for one Single Family Residential home through subdivision development of larger 770sm (8,288sf) residential lots.

## 23.2 SERVICING

All new development within the RS-3 zone shall be fully serviced by the subdivision developer or rezoning applicant with full urban infrastructure of Town water, sanitary sewer, paved roads with sidewalks as required, storm water management and other services as required by the Authority.

Servicing capacity to provide for the increased density of a subsidiary apartment shall be determined at time of building permit. If required by the Authority, additional annual service levy fees for water, sewer and refuse collection shall apply to the subsidiary apartment.

## 23.3 USES OF LAND

*The following uses and no others shall be permitted in the RS-3 zone:*

### **Principal Uses**

Single Family Residential

### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Boarding (subject to the provisions of Regulation 21.4 (3) Conditions of Use)

Enclosed Storage

Hobby Greenhouse (subject to the provisions of Regulation 23.4, Conditions of Use)

Home Based Business (subject to the Discretionary Uses limitations)

Garage

Off Street Parking

Subsidiary Apartment (subject to the provisions of Regulation 15.0, Subsidiary Apartments)

Unenclosed Storage

Urban Ancillary Uses

*The following uses may be considered by the Authority as permitted uses:*

### **Discretionary Uses**

Home Based Businesses for Bed and Breakfast

Home Based Business for beauty salons, hair stylists, barbers, massage services and tanning salons

Home Based Business for Child Care Centre (subject to Regulation 23.4 (4) Conditions of Use)

## **23.4 CONDITIONS OF USE**

1. A Hobby Greenhouse use shall not exceed a building area size of 14.0sm (150.7sf);
2. Home Based Businesses are permitted as accessory uses as approved by the Authority, except for those Home Based Business uses identified as Discretionary Uses.
3. There shall only be one of either a Boarding use, a Residential Care use, or a Bed and Breakfast use where approved, permitted with a residential use; and,
4. Child Care Centre use shall only be considered on residential lots that are greater than 550.0sm (5,920.0sf) in area size.

## **23.5 RS-3 ZONE AND BUILDING DEVELOPMENT STANDARDS REQUIREMENTS**

All RS-3 lots created through subdivision and all Single Family Residential homes built thereon shall comply with the following minimum requirements:

Development Standard	Minimum Zone Requirement
Minimum Lot Area	770.0sm (8,288.4sf)
Minimum Lot Frontage	18.0m (59.05ft)
Minimum Lot Depth	30.0m (98.4ft)
Minimum Setback from Front Lot Line	6.0 m (19.68ft) or 7.0m (23.0ft)
Minimum Setback from Rear Lot Line	7.5m (24.6ft)
Minimum Setback from Interior Side Lot Line	1.5m (4.92ft) and 3.0m (9.8ft)
Minimum Setback from Exterior Side Lot Line	3.75m (12.3ft)
Maximum Height of Building	11.0m (36.08ft)
Maximum Lot Coverage	40 % of the lot area
Minimum Building Footprint	110.0sm (1,184.0sf)

## **23.6 NUMBER OF RESIDENTIAL BUILDINGS**

Buildings for a Single Family Residential use shall be limited to one per lot.

## **23.7 PROPERTY LANDSCAPING**

The homeowner of a Single Family Residential use within the RS-3 Zone shall provide for the following landscape elements:

1. The front yard area shall be seeded with grass, and otherwise vegetated and landscaped in keeping with the neighbourhood character, and maintained;
2. The front yard area, except for the driveway and garage, shall not be used for the parking of vehicles;
3. New subdivision developments of more than 3 residential lots shall provide for street tree planting, in a species as approved by the Authority, in the front yard area of each adjacent lot at tree spacing intervals of every 9.0m (29.52ft).

## **23.8 URBAN ANCILLARY USES**

Urban Ancillary uses within the RS-3 zone shall be limited to the following:

1. Gardening, social and recreational activities;
2. Household storage and maintenance of buildings and yards;
3. The keeping of pets not exceeding 5 in number, provided no more than 3 are of any one species;
4. The off street parking of licensed vehicles in association with the residential uses of the property and with the offsite recreational pursuits of the residents of the property;
5. The parking of no more than one unlicensed motor vehicle unless completely enclosed within a building; and,
6. Subject to 4 and 5 above, the repair and restoration of motor vehicles owned by a resident of the property.

## **23.9 OFF STREET PARKING**

1. All driveways and parking areas shall be paved or otherwise provided with a durable and dust free surface; and,
2. Regulation 11.0 Off Street Parking Requirements of these Development Regulations shall apply.

# **24.0 SINGLE UNIT MIXED LOT RESIDENTIAL ZONE (RS-4)**

## **24.1 ZONE INTENT**



The intent of the RS-4 zone is to provide for a mixed lot size zone within the serviced urban area to provide for a lot size choice of 550sm and 770sm in developing Single Family Residential homes through Development Permit application for rezoning approval consideration and subdivision development.

## **24.2 SERVICING**

All new development within the RS-4 zone shall be fully serviced by the subdivision developer or rezoning applicant with full urban infrastructure of Town water, sanitary sewer, paved roads with sidewalks as required, storm water management and other services as required by the Authority.

Servicing capacity to provide for the increased density of a subsidiary apartment shall be determined at time of building permit. If required by the Authority, additional annual service levy fees for water, sewer and refuse collection shall apply to the subsidiary apartment.

## **24.3 USES OF LAND**

*The following uses and no others shall be permitted in the RS-4 zone:*

### **Principal Uses**

Single Family Residential

### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Boarding (subject to the provisions of Regulation 21.4 (3) Conditions of Use)

Enclosed Storage

Hobby Greenhouse (subject to the provisions of Regulation 24.4 (1), Conditions of Use)

Home Based Business (subject to the Discretionary Uses limitations)

Garage

Off Street Parking

Subsidiary Apartment (subject to the provisions of Regulation 15.0, Subsidiary Apartments)

Unenclosed Storage

Urban Ancillary Uses

*The following uses may be considered by the Authority as permitted uses:*

### **Discretionary Uses**

Home Based Businesses for Bed and Breakfast

Home Based Business for beauty salons, hair stylists, barbers, massage services and tanning salons

Home Based Business for Child Care Centre (subject to Regulation 24.4 (4) Conditions of Use)

## 24.4 CONDITIONS OF USE

1. A Hobby Greenhouse use shall not exceed a building area size of 14.0sm (150.7sf);
2. Home Based Businesses are permitted as accessory uses as approved by the Authority, except for those Home Based Business uses identified as Discretionary Uses.
3. There shall only be one of either a Boarding use, a Residential Care use, or a Bed and Breakfast use where approved, permitted with a residential use; and,
4. Child Care Centre use shall only be considered on residential lots that are greater than 550.0sm (5,920.0sf) in area size.

## 24.5 RS-4 ZONE AND BUILDING DEVELOPMENT STANDARDS REQUIREMENTS

All RS-4 lots created through subdivision and all Single Family Residential homes built thereon shall comply with the following minimum requirements:

Development Standard	Minimum Zone Requirement
Minimum Lot Area	550sm ( 5920sf) and 770.0sm (8,288.4sf)*
Minimum Lot Frontage	18.0m (59.05ft)
Minimum Lot Depth	30.0m (98.4ft)
Minimum Setback from Front Lot Line	6.0 m (19.68ft) or 7.0m (23.0ft)
Minimum Setback from Rear Lot Line	7.5m (24.6ft)
Minimum Setback from Interior Side Lot Line	1.5m (4.92ft) and 3.0m (9.8ft)
Minimum Setback from Exterior Side Lot Line	3.75m (12.3ft)
Maximum Height of Building	11.0m (36.08ft)
Maximum Lot Coverage	40 % of the lot area
Minimum Building Footprint	110.0sm (1,184.0sf)

*\*In the RS-4 Zone, a maximum of 30 % of the total lots may be 550sm (5920sf) and a minimum 70 % of the total lots shall be 770sm (8288sf in lot area size.*

## 24.6 NUMBER OF RESIDENTIAL BUILDINGS

Buildings for a Single Family Residential use shall be limited to one per lot.

## 24.7 PROPERTY LANDSCAPING

The homeowner of a Single Family Residential use within the RS-4 Zone shall provide for the following landscape elements:

1. The front yard area shall be seeded with grass, and otherwise vegetated and landscaped in keeping with the neighbourhood character, and maintained;
2. The front yard area, except for the driveway and garage, shall not be used for the parking of vehicles;
3. New subdivision developments of more than 3 residential lots shall provide for street tree planting, in a species as approved by the Authority, in the front yard area of each adjacent lot at tree spacing intervals of every 9.0m (29.52ft).

## **24.8 URBAN ANCILLARY USES**

Urban Ancillary uses within the RS-4 zone shall be limited to the following:

1. Gardening, social and recreational activities;
2. Household storage and maintenance of buildings and yards;
3. The keeping of pets not exceeding 5 in number, provided no more than 3 are of any one species;
4. The off street parking of licensed vehicles in association with the residential uses of the property and with the offsite recreational pursuits of the residents of the property;
5. The parking of no more than one unlicensed motor vehicle unless completely enclosed within a building;
6. Subject to 4 and 5 above, the repair and restoration of motor vehicles owned by a resident of the property.

## **24.9 OFF STREET PARKING**

1. All driveways and parking areas shall be paved or otherwise provided with a durable and dust free surface; and
2. Regulation 11.0 Off Street Parking Requirements of these Development Regulations shall apply.

## **25.0 TWO UNIT URBAN RESIDENTIAL ZONE (RT)**

### **25.1 ZONE INTENT**

The intent of the RT zone is to provide for increased density and affordability within the Urban Development Area through rezoning for an attached two dwelling unit, or duplex, residential

use that is built in general accordance with development design guidelines of Part 4 of the Development Regulations.

## **25.2 SERVICING**

All new residential development within the RT zone shall be fully serviced with Town water, sanitary sewer, paved roads with sidewalks as required, storm water management and other services as determined by the Authority.

## **25.3 USES OF LAND**

*The following uses, and no others, shall be permitted in the RT zone:*

### **Principal Uses**

Two Unit Residential

### **Accessory Uses**

Accessory Building (subject to Regulation 7.5 Accessory Buildings and Structures)

Enclosed Storage

Hobby Greenhouse (subject to the provisions of Regulation 25.4 (1), Conditions of Use)

Home Based Business (subject to listed limitations of Regulation 25.4 (2) Conditions of Use)

Garage

Off Street Parking Use

Unenclosed Storage

Urban Ancillary Uses

*The following uses may be considered by the Authority as permitted uses:*

### **Discretionary Use**

Home Based Business for beauty salons, hair stylists, barbers, massage services and tanning salons

*The following uses are prohibited in the RT zone:*

### **Prohibited Uses**

Boarding Use

Home Based Business for Bed and Breakfast and for Child Care Centres

Residential Care

## 25.4 CONDITIONS OF USE

1. A Hobby Greenhouse use for each dwelling unit shall not exceed a building area size of 14sm (150.7sf) and shall be sited within the rear yard area of the lot;
2. A Home Based Business use for beauty salons, hair stylists, barbers, massage services and tanning salons shall be a discretionary use;
3. Applicants for rezoning for a RT zone shall submit a site plan of the proposed development as part of the Development Permit application for rezoning review and consideration by the Authority;
4. No more than two duplex residential buildings may be sited on adjacent lots, except as part of a RM zoned development;
5. Rental tenancy duplex and/or two unit buildings shall only be strata titled upon approval from the Authority, and upon the Authority's consideration of the local rental vacancy rate as established by the Canada Mortgage and Housing Corporation;
6. There shall be only one residential building per lot in the RT zone; and,
7. Development for new dwellings on RT lots shall be considered for review through the Development Design Guidelines of Part 4 of the Development Regulations.

## 25.5 RT ZONE AND BUILDING DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Area	790.0sm (8,503.7sf)
Minimum Lot Frontage	22.0m (72.18ft)
Minimum Lot Depth	33.0m (108.2ft)
Minimum Setback from Front Lot Line	6.0 m (19.68ft)
Minimum Setback from Rear Lot Line	7.5m (24.6ft)
Minimum Setback from Interior Side Lot Line	2.25m (7.4ft)
Minimum Setback from Exterior Side Lot Line	3.75m (12.3ft)
Maximum Height of Building	10.0m (32.8ft)
Maximum Lot Coverage	40 % of the lot area
Minimum Building Footprint	70.0sm (753.5sf)

## 25.6 ADDITIONAL REQUIREMENTS OF THE TWO UNIT RESIDENTIAL BUILDING

1. Each dwelling unit shall have a maximum total floor area size of 120.0sm (1,291.7sf) and a minimum floor area size of 70.0sm (753.49sf);

2. The dwelling units shall be located adjacent to each other and share a common wall extending from the building foundation to the roof;
3. The façade design of the duplex building proposed shall be addressed in the rezoning applicant's site plan submission, and shall focus on individual dwelling unit identity by providing for limited massing of the front face of the building, attention to front door entrance, porches, window trim and an attractive streetscape view; and,
4. A minimum of 30.0sm (322.9sf) of private outdoor space shall be provided in the rear yard for each dwelling unit.

## **25.7 RT-1 SITE DESIGN**

Site and house design for new duplex lots of the RT-1 zone shall be in accordance with the guidelines identified within Part 4 of these Development Regulations.

## **25.8 PROPERTY LANDSCAPING**

1. As part of the site plan submission for rezoning to a RT zone, the applicant shall provide for a landscape plan for the property, including the front and rear yard areas, with attention to grassed areas, shrubbery and flowering plants;
2. Each dwelling unit shall provide for a street tree to be planted in their front yard area; and,
3. Landscaping shall be maintained by the property owner.

## **25.9 URBAN ANCILLARY USES**

Urban Ancillary Uses shall be in accordance with Regulation 24.8.

## **25.10 OFF STREET PARKING**

Off Street Parking Uses shall be in accordance with the provisions of Regulation 24.9 and Regulation 11.0 Off Street Parking Requirements.

# **26.0 LOW AND MEDIUM DENSITY MULTI-UNIT RESIDENTIAL ZONE (RM-1)**

## **26.1 ZONE INTENT**

The intent of the RM-1 zone is to provide for a low to medium density, infill oriented and well designed multi unit residential developments of bare land strata, cluster housing and

townhouse residential forms with full urban services and located within the Urban Development Area.

## 26.2 USES OF LAND

*The following uses and no others shall be permitted in the RM-1 zone:*

### **Principal Uses**

Bare Land Strata

Cluster Residential

Multi Unit Residential

Single Family Residential (subject to provisions of Regulation 26.3 (4)(5) Conditions of Use)

Townhouse Residential Use

Two Unit Residential (subject to the provisions of Regulation 26.3 (4)(5) Conditions of Use)

### **Accessory Uses**

Accessory Building (subject to Regulation 26.5)

Duplex (As one component as part of larger site development)

Enclosed Storage

Garage

Home Based Business (subject to provisions of Regulation 26.3 (3) Conditions of Use)

Indoor Amenity Area

Outdoor Amenity Area

Off Street Parking Use

Urban Ancillary Uses – Multi

*The following uses are prohibited in the RM-1 zone:*

### **Prohibited Uses**

Row Dwelling Residential

Subsidiary Apartment

## 26.3 CONDITIONS OF USE

1. For a Cluster form of development, innovative housing forms of attached and detached townhouses will be reviewed on a site specific basis and in consideration of the preserved environmental features of the site;

2. For a bare land strata form of development where individual small lot residential homes are proposed as part of a comprehensive site development, the minimum lot size area for bare land strata lots shall be 372.0sm (4,004.3sf);
3. Home Based Businesses shall be limited to business and professional offices, and artisan and other home crafts as identified by Regulation 14.2 (1) and (2);
4. Single Family Residential and Two Unit Residential dwellings shall be sited in accordance with the applicable zone and Development Standards of Regulations 21.5, 22.5, 23.5, 24.5 and 25.5; and,
5. Development for new RS-1 and RT-1 dwellings shall be considered for review through the Development Design Guidelines of Part 4 of the Development Regulations.

## 26.4 RM-1 ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Frontage	25.0m (82.02 ft)
Minimum Setback from Front Lot Line	6.0 m (19.68ft)
Minimum Setback from Rear Lot Line	7.5m (24.68ft)
Minimum Setback from Interior Side Lot Line	7.5m (24.68ft)
Minimum Setback from Exterior Side Lot Line	7.5m (24.6ft)
Maximum Height of Building	11.0m (36.08ft)
Minimum setback from any undevelopable area of the site	15.0m (49.2ft)

## 26.5 RM ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Development Standard	Minimum Zone Requirement
Minimum Setback from Front Lot Line	10.0m (32.8ft)
Minimum Setback from Interior Side Lot Line	5.0m (16.4ft)
Minimum Setback from Rear and Exterior Lot Lines	5.0m (16.4ft)
Minimum Separation to Principal Building(s)	2.5m (8.2ft)
Maximum Height of Building	6.0m (19.68ft)
Maximum Lot Coverage	10 % of yard area*

\* Accessory buildings and structures shall only be permitted in the side and rear yard areas of the lot.

## 26.6 BUILDING FORM



The varied types of design and building form for multi-unit cluster residential and townhouse residential dwelling units within the RM-1 zone are flexible and may include single or two storey level attached townhouse units, detached ground oriented smaller footprint residential homes, individual small lot single family residential homes in a townhouse form of site development, or in another layout scheme approved by the Town, two unit duplex dwellings as part of a multi-unit housing site or well designed three and four unit residential buildings, that are each complimentary to the residential character of the existing neighbourhood.

## **26.7 INDOOR AMENITY SPACE**

Multi-unit residential developments that contain 20 dwelling units or more shall provide an Indoor Amenity Space at a rate of at least 2.8sm (30.1sf) per dwelling unit.

## **26.8 OUTDOOR AMENITY SPACE**

1. Outdoor Amenity Space shall be provided at a rate of at least 50sm (538sf) per dwelling unit;
2. Landscaping and/or screening shall be provided to define the private outdoor space area for each residential dwelling unit;
3. Outdoor Amenity Space shall be an useable area on the development site and shall have a slope of 5 % or less;
4. Provision for onsite vegetable gardens for use by residents is encouraged to be provided as a component of the Outdoor Amenity Space; and,
5. For developments that contain 10 or more dwelling units, either a level children's play area with play equipment shall be provided with a minimum area of 100sm (1,076.4sf), or for seniors oriented housing developments, a similar sized finished outdoor area of shade trees, rest benches with other amenities shall be provided.

## **26.9 SITE, BUILDING AND LANDSCAPE DESIGN**

1. As part of the Development Permit application for rezoning for a RM zone use, the applicant shall provide a site plan submission of the proposed development, with specific attention to site layout and design, design appearance of proposed buildings, provision for landscaping and street tree planting, bicycle and off street parking;
2. Site, building and landscape design shall be determined for consideration through the Development Design Guidelines of Part 4 of the Development Regulations; and,
3. Multi-unit residential sites located mid-block and internally on residential streets, and sites on a corner lot, shall in the minimum provide for a landscaped screen or decorative fence, or a combination of both, as approved by the Authority, of not less than 2.0m (6.56ft) in height on all property lines adjoining adjacent single family residential uses, and such

landscaped screen and/or decorative fence shall be maintained to the satisfaction of the Authority.

## **26.10 OFF STREET PARKING**

1. Off street parking and provision for bicycle parking shall be in accordance with the provisions of Regulation 11.0 of these Development Regulations;
2. Off street parking for RM uses shall be designed in conformance with Regulation 44.0 Multi-Unit Residential Design Guidelines of the Development Regulations;
3. A minimum of 75 % of the required parking spaces for the site development shall be completely enclosed within a garage attached to each dwelling unit, within detached garage associated with each dwelling unit or within a fully enclosed parking structure;
4. Parking within the required building setback areas is not permitted; and,
5. Visitor parking areas shall be bounded by a landscape screen of not less than 1m (3.28ft) in height.

## **26.11 URBAN ANCILLARY USES – MULTI**

Urban Ancillary Uses – Multi shall be limited to the following:

1. Gardening, social and recreational activities;
2. The keeping of pets not exceeding 3 in number;
3. Home Based Businesses as permitted; and,
4. The off street parking of licensed vehicles in association with the residential use of the property, and provision for bicycle parking.

## **27.0 HIGH DENSITY MULTI-UNIT RESIDENTIAL ZONE (RM-2)**

### **27.1 ZONE INTENT**

The intent of the RM-2 zone is to provide for a larger property size, urban densification land use focused on well designed high density multi unit residential projects of apartment buildings, cluster residential, and personal and adult care facilities located on Urban Development Area sites near the core of the community where commercial and health services, employment and education opportunities, recreation facilities, pedestrian mobility systems and other urban amenities are available.

### **27.2 USES OF LAND**

*The following uses and no others shall be permitted in the RM-2 zone:*

#### **Principal Uses**

Apartment Residential

Adult Care Facility

Cluster Residential

Multi Unit Residential

Single Family Residential (subject to provisions of Regulation 26.3 (4)(5) Conditions of Use)

Personal Care Home

Two Unit Residential (subject to provisions of Regulation 26.3 (4)(5) Conditions of Use)

#### **Accessory Uses**

Accessory Building (subject to Regulation 27.5)

Enclosed Storage

Garage

Home Based Business (subject to the provisions of Regulation 27.3, Conditions of Use)

Indoor Amenity Area

Outdoor Amenity Area

Off Street Parking

Urban Ancillary Uses – Multi

*The following uses are prohibited in the RM-2 zone:*

#### **Prohibited Uses**

Row Dwelling Residential and Subsidiary Apartments

### 27.3 CONDITIONS OF USE

1. Home Based Businesses shall be limited to business and professional offices, and artisan and other home crafts, as identified by the initial two listed items of Regulation 14.2, and in accordance with other provisions of Regulation 14.0 of these Development Regulations.

### 27.4 RM-2 ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Frontage	30.0m (98.42 ft)
Minimum Setback from All Lot Lines	9.0 m (29.52ft)
Maximum Height of Building	15.0m (49.2ft)
Minimum Setback from any Undevelopable Area of the site	15.0m (49.2ft)

### 27.5 RM-2 ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

1. Accessory buildings on a RM-2 site, except for parking use and as considered by the Authority through the Development Design process, shall be limited to one accessory building on each development site.
2. Accessory buildings shall conform to the zone and development standard requirements of Regulation 26.5.

### 27.6 BUILDING FORM

Apartment Residential Buildings may be 3 or 4 storey structures, and through Council consideration approval of a height variance, the building height may be increased.

Cluster Residential projects may consist of varied housing forms that are sited in a high density orientation to preserve the environmental features of the site.

An Adult Care Facility and a Personal Care Home may be a one storey form of development, or of more than one storey in height.

RM-2 uses shall be considered in accordance with Regulation 43.0 Development Design Guidelines.

### 27.7 INDOOR AMENITY SPACE

Indoor Amenity Space shall be provided in accordance with the provisions of Regulation 26.7.

### **27.8 OUTDOOR AMENITY SPACE**

Outdoor Amenity Space shall be provided in accordance with the requirements of Regulation 26.8.

### **27.9 SITE, BUILDING AND LANDSCAPE DESIGN**

Site, building and landscape design of RM-2 zoned sites shall be in accordance with the provisions of Regulation 26.9.

### **27.10 OFF STREET PARKING**

Provisions for off street parking shall be in accordance with the requirements of Regulation 11.0 and Regulation 26.10.

### **27.11 URBAN ANCILLARY USES – MULTI**

Urban Ancillary Uses for Multi-Unit Residential dwelling units shall be in accordance with the provisions of Regulation 26.11.

## **28.0 COMMERCIAL GENERAL ZONE (CG)**

## 28.1 ZONE INTENT

The intent of the General Commercial Zone is to provide for comprehensive and diversified commercial locations for fully serviced properties within the Urban Development Area to accommodate a wide range of shopping, personal service and business opportunities for local residents, and over time to effect the existing the automobile dependent access character of the area to provide for more opportunities for the pedestrian, site design and enhanced landscaping.

## 28.2 USES OF LAND

*The following uses and no others shall be permitted in the CG zone:*

### **Principal Uses**

Child Care Centre

Church

Civic Use

Club or Lodge

Parking Lot

Commercial General Use and specifically including the following uses:

- Art Gallery
- Amusement Centre
- Beverage Container Centre
- Building Supply Store
- Cabaret
- Car Wash (subject to the provisions of Regulation 28.3 (1), Conditions of Use)
- Club or Lodge
- Convenience Store
- Department Store
- Drive Through Commercial
- Entertainment and Recreation
- Financial Services
- General Garage (subject to Regulation 28.3 (2), Conditions of Use)
- Grocery Store
- Hotel and Motel
- Indoor Recreation
- Licensed Lounge (subject to Regulation 28.3 (3), Conditions of Use)
- Medical Clinic and Medical Office
- Movie Theatre

- Office
- Personal Service and Personal Repair Services
- Private School
- Pub
- Restaurant
- Retail
- Second Hand Store
- Service Station (subject to the provisions of Regulation 28.6)
- Shopping Centre
- Vehicle Dealership and Showroom
- Vehicle and Equipment Repair Services
- Vendor Stand
- Warehousing and Wholesale
- Other Commercial Uses (subject to Regulation 28.3(4) Conditions of Use)

#### **Accessory Uses**

Accessory Building (subject to Regulation 28.3 (5) Conditions of Use)

Accessory Employee Residential (subject to Regulation 28.3(6) Conditions of Use)

Accessory Unenclosed Storage (subject Regulation 29.3(7) Conditions of Use)

Advertisement and Signs (subject to Regulation 28.3(8) Conditions of Use)

Enclosed Storage

Garage

Off Street Parking and Loading

*The following use may be considered by the Authority as a permitted use in the CG zone:*

#### **Discretionary Use**

Apartment (subject to Regulation 29.3 (9) Conditions of Use)

*The following uses are prohibited in the CG zone:*

#### **Prohibited Uses**

Adult Entertainment Uses

Auto body repair

Industrial Use

Mini-storage, auctions and warehousing

Pawnshop

## 28.3 CONDITIONS OF USE

1. A Car Wash use shall only occur with a Service Station use and shall provide for an oil - water separator storm water drainage system, or similar;
2. The use of a General Garage shall be limited to a maximum of any six motor vehicles, licensed or unlicensed, stored outside for more than three consecutive days;
3. A Licensed Lounge may be permitted as part of a restaurant;
4. Other Commercial Uses not specifically identified shall be interpreted by the Authority on the basis of the definition interpretations of permitted commercial uses identified within Regulation 2.0 Definitions of the Development Regulations.
5. Accessory buildings shall be secondary to the principal buildings on the site, shall conform to the design appearance of the principal commercial building and shall not be located in the front area of the site, unless approved by the Authority through the site plan review process of the rezoning or building permit application;
6. An accessory employee residential use shall be a self contained dwelling unit, not exceeding 110sm (1,184sf), that is located entirely within the principal commercial use building, and primarily on the second storey of the building or above;
7. A permitted commercial use shall be located within a completely enclosed building, except for:
  - Outdoor display or sales area for garden supplies and other retail goods;
  - Vehicle Dealership sales area for automobiles;
  - Parking area and Off Street Parking;
  - Vendor Stand (outside locations as approved by Council);
  - Construction work, installation projects, maintenance and a range of other outside commercial services occupations and businesses;
  - Building material and lumber supplies on CH sites



- Accessory Unenclosed Storage provided the storage area is not larger in area size than 5 % of the floor area size of the principal building, and that such storage is not located in the front yard area, and the storage has a landscape screen of uniform height not less than 1.5m (4.92ft), nor more than 1.8m (5.9ft), to obscure and minimize the view of the storage from an adjacent lot or roadway;
8. Advertisements and Signs shall be in accordance with Council's Policy on Signs and Advertisements and proposals for signage shall be considered through the Development Design Guidelines of Part 4 of the Development Regulations review process. Only one free standing per lot shall be permitted in the CG and CH commercial zones and all industrial zones *unless* through the site plan information submission and design review process, the Authority exercises its discretion that the visual and aesthetic character of the lot or adjacent area will not diminished by more than one free standing sign on the lot, and deems that an additional sign will not create an obstruction for vehicular traffic, including access to, and egress from the site;
  9. An Apartment Use within the CG shall be considered by the Authority for those properties adjacent and nearby to the Main Street downtown area so as to provide additional population density to support commercial growth;
  10. All new CG and CH uses that are located within public view of the Trans Canada Highway shall provide for site, landscape and building design attention to the highway corridor; and,
  11. Commercial site access and egress locations to the adjacent roadway for new developments shall be minimized, and determined through the preliminary site plan review process.

## 28.4 CG ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Frontage	25.0m (82.02 ft)
Minimum Lot Depth	30.0m (98.42ft)
Minimum Lot Coverage of Principal Buildings	15 % of Lot Area
Maximum Lot Coverage of all buildings	70 % of Lot Area
Maximum Coverage of Impervious Surfaces	75 % of Lot Area
Minimum Setback from Front Lot Line	12.0 m (39.37ft)
Minimum Setback from Rear Lot Line	6.0m (19.68ft)
Minimum Setback from Interior Side Lot Line	3.0m (9.84ft)
Minimum Interior Side Lot Line Setback for	6.0m (19.68ft)

Development Standard	Minimum Zone Requirement
Drive-Through Businesses	
Minimum Setback from Exterior Side Lot Line	4.5m (14.76ft)
Maximum Height of Building	11.0m (36.08ft)
Minimum Setback from any Non-developable Area of the site	15.0m (49.2ft)

In addition to the minimum requirements, the following provisions apply:

- More than one Principal Building shall be permitted on a commercial development site;
- Additional building setback and site layout requirements may be deemed required through the Development Design review process for drive-through business buildings to provide for sufficient on-site drive aisle movement and accommodation for vehicles, and to avoid spillover traffic to adjacent roadways.

## 28.5 CG ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Development Standard	Minimum Zone Requirement
Minimum Setback from Front, Rear and Interior Lot Line	3.0m (9.84ft)
Minimum Setback from Exterior Lot Line	4.5m (14.76ft)
Minimum Separation to Principal Building(s)	2.5m (8.2ft)
Maximum Height of Building	6.0m (19.68ft)
Maximum Lot Coverage	5 % of lot area

## 28.6 SERVICE STATION USE

The following site requirements shall apply to a service station use:

1. No lot shall be created or proposed for use as a service station which is less than 1300.0sm (13,993.5sf) in area size;
2. Fuel pumps, pump islands and canopies shall be located not less than 4.5m (14.76ft) from any lot line;
3. Service Station uses shall provide for an outside amenity area that includes a rest bench and shade area as part of the landscape planning for the site.

## 28.7 LANDSCAPING, SITE AND BUILDING DESIGN

1. As part of the application submission for rezoning to a commercial use or for building permit application for a new commercial development on a site, the applicant is to provide the

Authority with site plan information including site, landscaping, signage and building design detail and drawings for the proposed development in accordance with Part 4 Development Design of these Development Regulations. Application for Development Design approval shall be required.

2. Required site landscaping shall be provided within front, rear and side yard setback areas; adjacent to buildings; as landscaped access/egress medians, landscaped islands and on raised pedestrian sidewalks within parking areas; and with site amenity and shade rest areas.
3. Landscaping proposed for a CG, CH or CN zoned site, shall provide for the following minimum landscape requirements within the identified areas of the site:

Area of Lot to be Landscaped	Minimum Landscape Requirements
Total Lot Area	5 % of the total Lot Area
Along front and exterior lot lines	2.1m (7.0ft) wide landscape treatment
Along front and exterior lot lines	9.0m (29.52ft) spacing for required street trees to be planted
Along property line adjacent to a Residential Use	2.0m (6.56ft) wide landscape screen of maximum 2.0m (6.56ft) height

4. CG, CH and CN development sites shall additionally provide for the following site design and amenity areas:
  - refuse areas shall be fenced with solid materials and locked, and integrated with the landscape and site design of the developed lot;
  - within all new development site parking areas, landscape treatment is required adjacent to buildings so no paved parking areas abut a building face;
  - for parking areas of 25 or more parking spaces, landscape treatment shall additionally include provision for internal landscape islands with curbs and installation of raised sidewalks for pedestrian safety and circulation; and,
  - site developments with floor area space larger than 1858.0sm (20,000sf) shall provide for amenity areas of rest benches with shade areas as part of the landscape planting for the site.
5. Site and building design, in a minimum for a Commercial zoned site, shall provide for an attractive streetscape and storefront façade appearance through the visual articulation of the front entrance to the building, limited use of building massing and blank walls on exterior sides of the building, use of articulated windows and window treatment, attention to rooflines, and use of complimentary building materials;

6. Advertisements and Signs within the CG, CH and CN zones shall be in accordance with the Signs and Advertisement Policy of Council, and proposals for signage shall be considered through the Development Design review process.

## **28.8 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading and provisions for bicycles shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations of the Development Regulations.

## 29.0 COMMERCIAL HIGHWAY ZONE (CH)

### 29.1 ZONE INTENT

The intent of the Commercial Highway zone is to primarily provide for the commercial needs of the traveling public on development sites adjacent to the Trans Canada Highway, and to provide for larger lot local commercial business development opportunities, and over time to enhance the site, landscape and building design appearance of properties within this highway corridor.

### 29.2 USES OF LAND

*The following uses and no others shall be permitted in the CH zone:*

#### **Principal Uses**

Civic Use

Church

Club or Lodge

Parking Area

Pub

Commercial Highway Use and specifically including the following uses:

- Auto Body Repair (subject to the provisions of Regulation 29.3 (3), Conditions of Use)
- Amusement Center
- Automotive Repair
- Beverage Container Centre
- Building Supply Stores
- Cabaret
- Car Wash (subject to Regulation 28.3 (1) Conditions of Use)
- Commercial Outdoor Recreation Use (subject to Regulation 29.3 (2) Conditions of Use)
- Convenience Store
- Department Store
- Drive Through Commercial
- Entertainment and Recreation
- Financial Services
- General Garage (subject to Regulation 28.3 (2) Conditions of Use)
- Grocery Store
- Hotel and Motel
- Indoor Recreation
- Licensed Lounge (subject to Regulation 28.3 (3) Conditions of Use)

- Limited Manufacturing
- Medical Clinics and Medical Offices
- Mini-Storage
- Movie Theatre
- Office
- Personal Service Use
- Personal Repair Services
- Private School
- Restaurant
- Retail (subject to Regulation 29.4 Conditions of Use)
- Service Station (subject to Regulation 28.6 Service Station Use)
- Shopping Centre
- Vehicle Dealership and Showroom
- Vehicle Equipment and Repair Services
- Vendor Stand
- Warehousing and Wholesale

#### **Accessory Uses**

Accessory Building (subject to the provisions of Regulation 29.5)

Accessory Employee Residential (subject to Regulation 29.3 (5) Conditions of Use)

Accessory Unenclosed Storage (subject to Regulation 29.3 (8) Conditions of Use)

Advertisement and Signs (subject to Regulation 28.3 (8) Conditions of Use)

Enclosed Storage

Garage

Off Street Parking and Loading

*The following use may be considered by the Authority as a permitted use in the CH zone:*

#### **Discretionary Use**

Mini-Storage

*The following uses are prohibited in the CH zone:*

#### **Prohibited Uses**

Adult Entertainment Uses

Industrial Use

Auctions and warehousing

Pawnshop

## **29.3 CONDITIONS OF USE**

1. All CH uses are to be fully serviced with Town water and sanitary sewer; rezoning and development proposals without full town servicing shall be evaluated on a case by case basis by the Authority;
2. A Commercial Outdoor Recreation Use shall have a minimum site area size of 1.2ha (2.96acres) and provide for a minimum of one building of a minimum area size of 110sm (1,184.0sf);
3. Auto Body Repair and Automotive Repair uses shall be limited by a maximum of six motor vehicles, licensed or unlicensed, stored outside for more than three consecutive days, and all paint vapors, toxic fumes, smells, smoke, noise and vibration from an auto body or automotive repair business shall not cross property line and become offensive and a nuisance to adjacent and nearby lots;
4. Retail building uses within a CH zoned site shall have a total floor area size for retail uses that does not exceed 1000sm (10,764.2sf), enclosed storage areas are not considered as part of a retail floor area;
5. All new buildings and structures that are proposed for a CH zoned property, including those that are visible to the traveling public on the Trans Canada Highway, shall provide for superior design attention through the site plan information submission consideration of the Authority relating to site, landscaping, signage and building design detail for the development as part of the Development Design Guidelines of Part 4 of the Development Regulations, and in conjunction with a rezoning or building permit application to the Authority.
6. New development within the CH zone shall additionally be in accordance with the relevant provisions (1, 2, 3, 4, 5, 7, 8, 10, and 11) of Regulation 28.3 Conditions of Use.

## 29.4 CH ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Frontage	30.0m (98.4 ft)
Minimum Lot Depth	32.0m (104.9ft)
Minimum Lot Coverage of Principal Buildings	15 % of Lot Area
Maximum Lot Coverage of all buildings	70 % of Lot Area
Maximum Coverage of Impervious Surfaces	75 % of Lot Area
Minimum Setback from Front Lot Line	7.5 m (24.6ft)

Development Standard	Minimum Zone Requirement
Minimum Setback from Rear Lot Line	3.0m (9.84ft)
Minimum Setback from Interior Side Lot Line	3.0m (9.84ft)
Minimum Interior Side Lot Line Setback for Drive-Through Businesses	6.0m (19.68ft)
Minimum Setback from Exterior Side Lot Line	4.5m (14.76ft)
Maximum Height of Building	10.0m (32.8ft)
Minimum Setback from any Non-developable Area of the site	15.0m (49.2ft)

In addition to the outlined siting requirements, the following provisions also apply:

- More than one Principal Building shall be permitted on a commercial development site;
- Additional building setback and site layout requirements may be deemed required through the Development Design review process for drive-through business buildings to provide for sufficient on-site drive aisle movement and accommodation for vehicles, and to avoid spillover traffic to adjacent roadways.
- Interior lot line setbacks of 3.0m shall be reduced to 0.0m where buildings on adjacent lots are built with an adjacent wall at 0.0m lot line; and,
- Where an interior side line of a CH zoned lot adjoins a residential use property, the interior lot line setback shall be increased to 6.0m (19.68ft).

## 29.5 CH ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Accessory Building development standards and requirements for the CH zone shall be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards

## 29.6 LANDSCAPING, SITE AND BUILDING DESIGN

Landscaping, site and building design development standards and requirements for the CH zone shall be in accordance with the provisions of Regulation 28.7 Landscaping, Site and Building Design.

## 29.7 OFF STREET PARKING AND LOADING



Requirements for off street parking and for loading and provisions for bicycles shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations of the Development Regulations.

## **30.0 COMMERCIAL NEIGHBOURHOOD ZONE (CN)**

### **30.1 ZONE INTENT**

The intent of the Commercial Neighbourhood Zone is to provide for the personal service and daily shopping needs for residents of surrounding neighbourhoods through the development of well designed, low impact and small scale commercial businesses.

### **30.2 USES OF LAND**

*The following uses and no others shall be permitted in the CN zone:*

#### **Principal Uses**

Convenience Store

Neighbourhood Commercial Use, including the following indicative uses:

- Café and/or Restaurant (except drive-through restaurants)
- Commercial Shop
- Indoor Recreation
- Medical Clinic and Medical Office
- Personal Service
- Professional and Business Office, excluding real estate
- Retail

#### **Accessory Uses**

Advertisement and Signs (subject to Regulation 30.3 (6) Conditions of Use)

Enclosed Storage

Off Street Parking and Loading

*The following uses may be considered by the Authority as a permitted use in the CN zone:*

#### **Discretionary Uses**

Neighbourhood grocery store and/or Pharmacy (subject to Regulation 30.4 CN Zone and Principal Building(s) Development Standards Requirements)

Accessory Employee Residential (subject to Regulation 28.3 (6) Conditions of Use)

*The following indicative uses, and those further defined as excluded by the Neighbourhood Commercial Use definition, are prohibited in the CN zone:*

**Prohibited Uses**

Accessory Unenclosed Storage  
Adult Entertainment  
Automotive Repair  
Cabaret  
Drive-Thru Commercial  
Licensed Lounge  
Pawn Shop  
Pub  
Service Station

### **30.3 CONDITIONS OF USE**

1. All Neighbourhood Commercial developments shall be fully serviced with Town water, sanitary service and adequate roadway standard to service the intended level of commercial use; all Convenience Store uses shall in a minimum be serviced with Town water and provide for approval for a septic effluent disposal;
2. Site plan information submission for rezoning development of a new Neighbourhood Commercial use or a Convenience Store shall include site, landscaping, signage and building design detail through the Development Design Guidelines of Part 4 of the Development Regulations and demonstration to the Authority that the site and the proposed development is an appropriate fit for the neighbourhood;
3. Neighbourhood Commercial building developments in excess of 1,114.8sm (12,000.0sf) of floor area shall provide for an outdoor landscaped amenity area location on site that consists of shade areas, rest benches and decorative plantings;
4. Landscaped areas, including planting of trees, shall cover a minimum of 10 % of Neighbourhood Commercial sites;
5. Use of Advertisement and Signs shall be minimized on the site for a Convenience Store and Neighbourhood Commercial use, and limited to one decorative base sign at the front entrance of the site, not to exceed 2.0sm (21.5sf) in surface area size, and façade signs on individual storefronts as approved by the Authority;

6. A Licensed Lounge shall not be permitted as part of a Restaurant use with a Neighbourhood Commercial development, and no Pub or Cabaret or similar use providing alcohol for sale or consumption shall be permitted; and,

### 30.4 CN ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Frontage	25.0m (82.0 ft)
Minimum Lot Depth	30.0m (98.4ft)
Minimum Lot Coverage of Principal Buildings	30 % of Lot Area
Maximum Lot Coverage of all buildings	50 % of Lot Area
Maximum Coverage of Impervious Surfaces	60 % of Lot Area
Minimum Setback from Front and Rear Lot Line	3.0m (9.84ft)
Minimum Setback from Interior Side Lot Line	3.0m (9.84ft)
Minimum Setback from Exterior Side Lot Line	6.0m (19.68ft)
Maximum Height of Building	10.0m (32.8ft)
Minimum Setback from any Non-developable Area of the site	15.0m (49.2ft)
Maximum Floor Area of CN Convenience Store, Pharmacy or Grocery	375sm (4036.59sf)
Maximum Floor Area of all buildings on CN site	3,700sm (39,827.7sf)

In addition to the outlined siting requirements, the following provisions also apply:

- More than one Principal Building may be permitted on a neighbourhood commercial development site; and,
- Additional building setback and site layout requirements may be deemed required through the Development Design review process to address the specific needs of the neighbourhood.

### 30.5 CN ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Accessory Building development standards and requirements for building size, setbacks, lot coverage and height for the CN zone will be determined on a case by case basis by the Authority, and shall in the minimum be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards.

## **30.6 LANDSCAPING, SITE AND BUILDING DESIGN**

Landscaping, site and building design development standards and requirements for the CN zone shall be in accordance with the provisions of Section 28.7 Landscaping, Site and Building Design.

## **30.7 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading and provisions for bicycles shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations of the Development Regulations.

## **31.0 COMMERCIAL DOWNTOWN ZONE (CD)**

### **31.1 ZONE INTENT**

The intent of the Commercial Downtown Zone is to provide core commercial shopping, services and business opportunities for the High Street and Main Street areas of the community, to provide commercial support to the recent High Street revitalization and to stay focused on the commercial role of the Main Street downtown area.

### **31.2 USES OF LAND**

*The following uses and no others will be permitted in the CD zone:*

#### **Principal Uses**

Artists Live-Work Studios

Church

Civic Use

Club or Lodge

Park

Public Use

Commercial Downtown Use and specifically including the following uses:

- Art Gallery
- Amusement Centre
- Cafe
- Convenience Store
- Department Store
- Entertainment and Recreation
- Farmers Market (subject to the provisions of Regulation 32.3 (3), Conditions of Use)
- Financial Services
- Grocery Store
- Hotel and Motel
- Indoor Recreation
- Licensed Lounge
- Medical Clinic and Medical Office
- Movie Theatre
- Office
- Personal Services and Personal Repair Services
- Private School

- Pub
- Restaurant (subject to Regulation 32.3 (4) Conditions of Use)
- Retail
- Second Hand Store
- Sidewalk Downtown Commercial
- Vendor Stand

#### **Accessory Uses**

Accessory Employee Residential

Advertisement and Signs (subject to Regulation 32.3 (5) Conditions of Use)

Apartment (subject to Regulation 32.3 (6) Conditions of Use)

Enclosed Storage

Off Street Parking and Loading

*The following uses may be considered by Council as permitted uses in the CD zone:*

#### **Discretionary Uses**

Accessory Building (subject to Regulation 32.3 (7) Conditions of Use)

Cabaret and Nightclub

Child Care Centre (subject to Regulation 32.3 (8) Conditions of Use)

Service Station (subject to Regulation 32.3 (9) Conditions of Use)

Limited Manufacturing (subject to Regulation 32.3 (10) Conditions of Use)

*The following indicative uses are prohibited uses in the CD zone:*

#### **Prohibited Uses**

Adult Entertainment Uses

Accessory Unenclosed Storage

Automotive Repair

Civic Use for Correction and Detention Facilities

Drive-Thru Commercial

Industrial Use

Pawn Shop

## **31.3 CONDITIONS OF USE**

1. All new developments shall be provided by full Town services and with sufficient capacity for the intended use within the Commercial Downtown zone;
2. Site Plan information submission for rezoning development of a new building, or structural or façade modifications to an existing building within the Commercial Downtown Zone shall include site, landscaping, signage, building and building façade design detail through application through Development Design Guidelines consideration of Part 4 of the Development Regulations, including attention to such design elements as weather protection for pedestrians in the form of store canopies and awnings;
3. A Farmer's Market use in the downtown area shall be facilitated upon identification of a suitable site by a community organization, and subsequent approval by the Authority;
4. A Restaurant and café use may utilize a sidewalk area of the downtown for a customer seating area upon approval from the Authority; retail sales and outdoor display areas may also be considered for use of sidewalk space within the downtown areas;
5. Advertisement and Signs within the downtowns shall be minimized and limited to signage on the building, in accordance with Council's Policy on Signs and Advertisements, and as approved by the Authority;
6. An Apartment Use shall only occur in a building on the second storey and above and represents the only use on the second storey and above, and the main floor at sidewalk level of the building shall be used for Commercial Downtown use;
7. An Accessory Building shall not permitted unless the applicant can substantiate its critical role to the Principal Building and to the successful use of the property – setbacks, siting and design will be at discretion of Authority;
8. A Child Care Centre shall only be permitted within the downtown areas when a private and landscaped outside amenity play area of a minimum size of 14.0sm (150.6sf) is provided on the subject property;
9. A Service Station use may be considered in the Main Street area but shall not include a car wash, and Regulation 28.6 Service Station Use shall apply;
10. A Limited Manufacturing Use may be considered by the Authority as a permitted discretionary use in the downtown on the basis that it would provide for a tourism



attraction for local visitors or that it represents a low impact and economically beneficial business use to the downtown.

### **31.4 CD ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS**

<b>Development Standard</b>	<b>Minimum Zone Requirement</b>
Minimum Lot Area Size	500sm (5382sf)
Minimum Lot Frontage	10.0m (32.8 ft)
Minimum Lot Coverage of Principal Buildings	70 % of Lot Area
Maximum Lot Coverage with enclosed refuse located in rear of lot	90 % of Lot Area
Maximum lot coverage with underground parking	100% of Lot Area
Minimum Setback from Front Lot Line	0.0m (0.0ft)
Maximum Setback from Front Lot Line	3.0m (9.84ft)
Minimum Setback from Rear Lot Line	0.0m (0.0ft)
Minimum Setback from Rear Lot Line where Off Street Parking is provided on the site	6.0m (19.68ft)
Minimum Setback from Interior Side Lot Line	0.0m (0.0ft)
Minimum Setback from Exterior Side Lot Line	0.0m (0.0ft)
Maximum Height of Building	20.0m (65.6ft)

### **31.5 CD ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS**

Accessory Building development standards and requirements for building size, setbacks, lot coverage and height for the CD zone will be determined on a case by case basis by the Authority, and such use may not be permitted, but shall in the minimum be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards.

### **31.6 BUILDING FORM AND DESIGN**

1. New downtown area buildings within the High Street area shall incorporate the design theme of the downtown revitalization with an emphasis on brick material and strong structural elements. Building orientation to the street and to sidewalk pedestrian activity shall be achieved through prominent street front store entrances, recessed window displays, heritage design articulation on the building face and use of artistic signage;

2. New development within the Main Street area shall incorporate more of a landscaping approach with new buildings, including within the front and interior lot areas, and use of planters and hanging baskets. Building focus shall be to add new development in context of the history of Main Street and the railway;
3. All new site and building development within the CD zone shall be considered through review of the Development Design Guidelines of Part 4 of the Development Regulations; and,
4. The first floor use of all buildings within the CD zone shall be for one or more of the primary permitted uses listed in Regulation 31.2, and in accordance with the Commercial Downtown definition of Regulation 2.0 Definitions.

### **31.7 AMENITY SPACE WITH APARTMENT RESIDENTIAL UNITS**

1. Outdoor Amenity Space is not required with the Apartment residential dwelling units of this CD zone; and,
2. For Apartment residential developments of 15 units or more, Indoor Amenity Space shall be provided at a rate of at least 2.8sm (30.0sf) per dwelling unit.

### **31.8 OFF STREET PARKING AND LOADING**

1. Requirements for off street parking and loading shall be in accordance with the provisions of Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations;
2. For development sites that cannot provide all required parking on site, an nearby vacant lot may be used for parking for the subject use within the CD zone on the basis that:
  - The lot to be used for parking is within 200.0m (656.1ft) of the subject developed site;
  - The lot to be used for parking is either owned or leased by the developed site property owner;
  - The lot to be used for parking is not used for any other land use; and,
  - The required parking spaces for the parking site shall be clearly marked for parking use.

## **32.0 INDUSTRIAL LIGHT ZONE (IL ZONE)**

### **32.1 ZONE INTENT**

The intent of the Industrial Light Zone is to serve as the primary land use zone within Grand Falls-Windsor to provide for a diversified mix of fully serviced industrial businesses and limited commercial uses that are located predominantly within the Urban Development Area.

## **32.2 USES OF LAND**

*The following uses and no others shall be permitted in the IL zone:*

### **Principal Uses**

Auto Body Repair (subject to the provisions of Regulation 29.3 (3) Conditions of Use)

Automotive Repair

Beverage Container Return Centre

Car Wash (subject to the provisions of Regulation 28.3 (1) Conditions of Use)

Commercial Kennel

Contractor Yards (subject to the provisions of Regulation 16.0 Contractor Yards)

General Garage (subject to Regulation 28.3 (2) Conditions of Use)

Industrial Café (subject to Regulation 32.3 (3) Conditions of Use)

Industrial Repair Services (subject to the provisions of Regulation 35.3 (4), Conditions of Use)

Indoor Recreation

Limited Manufacturing

Mini Storage

Service Station

Vehicle Equipment and Repair Services (subject to Regulation 35.3 (4) Conditions of Use)

Vendor Stand

Wholesale

Industrial Light, specifically including the following indicative uses:

- auction marts;
- commercial kennel for dogs and cats;
- funeral parlor and/ or memorial service facility;
- manufacturing, processing, assembling, storing, distributing and fabricating operations;
- multi unit strata industrial developments;
- taxi dispatch offices;
- truck and bus terminals and refueling centers;
- warehousing

### **Accessory Uses**

Accessory Building

Accessory Employee Residential

Accessory Retail (subject to Regulation 32.3 (5) Conditions of Use)

Accessory Unenclosed Storage (subject to Regulation 32.3 (6) Conditions of Use)  
Advertising and Signs (subject to Council Policy on Signs and Advertisements)  
Enclosed Storage  
Office (subject to Regulation 32.3 (7) Conditions of Use)  
Off Street Parking and Loading  
Outdoor Amenity Space (subject to Regulation 32.3 (8) Conditions of Use)  
Showroom (subject to Regulation 32.3 (9) Conditions of Use)

*The following use may be considered by the Authority as a permitted use:*

**Discretionary Use**

Asphalt Plant (subject to Regulation 32.3 (10) Conditions of Use)  
Child Care Centre  
Parking for Recreational Vehicles (subject to Regulation 32.3 (11) Conditions of Use)  
Technology Centre

*The following uses are prohibited in the IL zone:*

**Prohibited Uses**

Adult Entertainment  
Industrial Special  
Industrial Resource  
Pawn Shop  
Storage of used tires

## **32.3 CONDITIONS OF USE**

1. All development on IL zoned sites shall only occur with full Town services.
2. Other Industrial Uses not specifically identified within Regulation 32.2 Uses of Land shall be interpreted by the Authority on the basis of the definition interpretations of permitted industrial uses identified within Regulation 2.0 Definitions of the Development Regulations.
3. An Industrial Café Use shall only be developed as part of a multi-unit strata industrial development where there are a minimum of 5 strata units of a minimum individual unit floor area size of 110sm (1184sf) as part of the site development;
4. Industrial Repair Services and Vehicle and Equipment Repair Services shall provide for a dedicated area of the site for the outside storage of vehicles and equipment for repair, and no one vehicle or equipment may be stored for a period longer than 60 days, and the

storage area shall be located distant from streetscape and public view, and a landscape screen not less than 2.0m (6.56ft) in height and 2.0m (6.56ft) in width shall be required on the total perimeter of the dedicated storage area;

5. Accessory Retail shall be limited to 25% of the floor area size of the Principal Use, and shall be directly related to the business activity of the Principal Use;
6. Accessory Unenclosed Storage shall not exceed 15 % of the lot area. IL uses such as transportation, trucking terminals, equipment and vehicle repair, bus terminals, and other industrial uses as determined by the Authority, may exceed the 15 % maximum limit of unenclosed storage on a site to an area not larger than 50 % of the total floor area of the Principal Building on a lot, provided that the storage area is well maintained and screened in accordance with Regulation 32.3 (2) Conditions of Use. No lot or property in the IL zone shall be used for unenclosed storage as the Principal use;
7. An Office Use shall only be permitted as an Accessory Use providing an administrative function to the Principal Use on the property and as enclosed entirely within the Principal Use building;
8. An Outdoor Amenity Area shall be provided for employees of an industrial zoned developments where the Principal Use building has a floor area space of 1800.0sm (19,375.6sf) and larger, and at a rate of 3.0sm (32.2sf) of Outdoor Amenity Space for every 100.0sm (1,076.4sf) of floor area space of the Principal Building;
9. A Showroom may not be used as additional floor space in a Principal Building with an existing Accessory Retail use;
10. Proposals for an Asphalt Plant will only be considered by the Authority for a site within the IL zone on the basis of criterion such as adequate site size, provisions for siting of equipment, buildings and materials, site landscaping and screening, adjacent land uses, and other issues as determined by the Authority.
11. Parking for unoccupied commercial and recreational vehicles and boats may be considered on a lot as a principal use where the discretionary use applicant demonstrates to the Authority a superior site landscape plan for the property to screen the use, and that the use is of benefit to the Town;
12. New developments seeking to rezone to the IL zone or to construct new buildings on IL zoned sites shall be considered through the Development Design Guidelines of Part 4 of the

Development Regulations for review of site layout, property characteristics, and proposed landscaping, parking, signage and building design detail.

13. More than one principal building may be permitted on an IL zoned site.

## 32.4 IL ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Area Size	2,000sm (21,528.5sf)
Minimum Lot Frontage	30.0m (98.42 ft)
Minimum Lot Coverage of Principal Buildings	15 % of Lot Area
Maximum Lot Coverage	70 % of Lot Area
Minimum Lot Depth	60.0m (196.85ft)
Minimum Setback from Any Lot Line	
<i>Adjoining a Residential Use</i>	30.0m (98.42ft)
<i>Adjoining a Commercial Use</i>	15.0m (49.21ft)
Minimum Lot Line Setback from other uses	
<i>Minimum Setback from Front Lot Line</i>	12.0m (39.37ft)
<i>Minimum Setback from Rear Lot Line</i>	6.0m (19.68ft)
<i>Minimum Setback from Interior Side Lot Line</i>	4.5m (14.76ft)
<i>Minimum Setback from Exterior Side Lot Line</i>	6.0m (19.68ft)
Maximum Height of Building	15.0m (49.21ft)

## 32.5 IL ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Accessory Building development standards and requirements for building size, setbacks, lot coverage and height for the IL zone will be determined on a case by case basis by the Authority, and shall in the minimum be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards.

## 32.6 BUILDING FORM AND SITE DESIGN

1. Site and building development on an IL zoned property shall be designed to provide for a functional business layout while maintaining an attractive building façade to the adjacent street, providing for quality site landscaping and minimizing unsightly outside storage, and

be in accordance with the design guidelines identified within the Industrial Development Design Guidelines of Part 4 of the Development Regulations.

2. The building design to the street shall focus on a prominent front entrance for the building, complemented by site entrance landscaping, including trees.
3. All portions of an IL zoned property not occupied by buildings or structures, off street parking and loading areas, and unenclosed storage, shall be landscaped and maintained in good condition.

### **32.7 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations of the Development Regulations.

## **33.0 INDUSTRIAL SPECIAL ZONE (IS)**

### **33.1 ZONE INTENT**

The intent of the Industrial Special Zone is to provide for detached large lot locations for primarily non-serviced industrial activities and businesses in a manner that protects the visual character of the community.

### **33.2 USES OF LAND**

*The following uses and no others shall be permitted in the IS zone:*

#### **Principal Uses**

Industrial Special and specifically including the following indicative uses:

Asphalt Plant  
Automotive Repair  
Commercial Composting  
Equipment and Vehicle Repair  
Industrial Repair Services  
Mini Storage  
Recycling Depot  
Salvage and Wrecked Vehicles  
Tank Vehicle Storage  
Truck Terminal

#### **Accessory Uses**

Accessory Building  
Accessory Unenclosed Storage (subject to Regulation 33.3 (1) Conditions of Use)  
Advertising and Signs (subject to Council Policy on Signs and Advertisements)  
Office (subject to Regulation 33.3 (2) Conditions of Use)  
Off Street Parking and Loading  
Recreational Vehicle Parking (subject to Regulation 32.3 (1) Conditions of Use)

*The following may be considered as potential permitted uses in the IS zone:*

#### **Discretionary Uses**

Abattoir and rendering plants and facilities (subject to Regulation 33.3 (3) Conditions of Use)



*The following uses are prohibited in the IS zone:*

**Prohibited Uses**

Hazardous Industry

Storage of Used and/or Shredded Tires and Other Rubber Material

### **33.3 CONDITIONS OF USE**

1. Accessory Unenclosed Storage on the site shall be located within one dedicated area of the site and may exceed the floor area size of the Principal Building on the site, but shall not exceed a storage area greater than 30 % of the lot area size of the property, and shall be fully screened from adjacent streets by a fence and/ or by raised landscape berms, or by a combination of both, as determined required by the Authority;
2. An Office use for the administrative support of the primary business use on the property shall only occur within a Principal building for the business use on the site;
3. The Authority may consider an Abattoir and related rendering facility as a permitted discretionary use upon an evaluation of the proposed economic benefits from the industrial operation, including local employment opportunities, assessed building values and site improvements, significant site buffers to adjacent land uses, a minimum 4.0ha (9.88acres) site size, and an analysis of the site's location in relation to adjacent land uses, water and sewer service requirements, and required transportation infrastructure;
4. In the absence of Town services of water and sanitary sewer to IS zoned sites, all site development must receive provincial approval for septic effluent disposal and address water issues in relation fire protection and for domestic consumption for office and other uses; and,
5. New developments seeking to rezone to the IS zone or to commence new business operations on existing IS zoned properties, shall be considered for Development Design Guidelines approval in accordance with Part 4 of the Development Regulations and provide to the Authority site plan information on the intended use, the design of proposed buildings, how site landscaping and screening is to be addressed, how site servicing is to be addressed, and how the proposal adheres to the design guidelines for Industrial uses within these Development Regulations.

### 33.4 IS ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS

Development Standard	Minimum Zone Requirement
Minimum Lot Area Size	2.02ha (5.0acres)
Minimum Lot Frontage	30.0m (98.42ft)
Minimum Lot Coverage of Principal Buildings	60.0m (196.85ft)
Maximum Lot Coverage	70 % of Lot Area
Minimum Lot Depth	60.0m (196.85ft)
Minimum Setback from Any Lot Line	
<i>Adjoining a Residential Use</i>	60.0m (98.42ft)
<i>Adjoining a Commercial Use</i>	30.0m (98.42ft)
Minimum Lot Line Setback from other uses	
<i>Minimum Setback from Front Lot Line</i>	12.0m (39.37ft)
<i>Minimum Setback from Rear Lot Line</i>	12.0m (39.37ft)
<i>Minimum Setback from Side Lot Lines</i>	12.0m (39.37ft)
Maximum Height of Building	15.0m (49.21ft)

### 33.5 IS ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Accessory Building development standards and requirements for building size, setbacks, lot coverage and height for the IS zone will be determined on a case by case basis by the Authority, and shall in the minimum be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards.

### 33.6 IS ZONE SITE DESIGN

1. All development in the IS zone shall site buildings and storage uses in a manner to enhance the visual quality of the site, and to maintain the aesthetic character of the immediate neighbourhood area and overall community appearance, through the use of significant and substantial site landscape improvements, including the planting of trees at 9.0m (29.5ft) spacing within a landscape screen on the lot lines of all adjacent streets and inclusion of a landscaped front entrance to the site.
2. Site and building development on an IL zoned property shall be designed to provide for a functional business layout while maintaining an attractive building façade to the adjacent street, providing for quality site landscaping and minimizing unsightly outside storage, and be in accordance with the design guidelines identified within the Development Design Guidelines of Part 4 of these Development Regulations.

### **33.7 OTHER IS REQUIREMENTS**

1. There shall be no accumulation and storage of used tires on the site;
2. Use of site lighting shall not result in glare to offsite land uses such as residential;
3. Operations that involve noise being generated from on site industrial activities shall be limited in operating hours from 7am to 7pm each day; and,
4. Where deemed necessary from a fire protection service, and where no Town water service is available, industrial operations in the IS zone may be required to provide an onsite water supply for emergency fire protection.

### **33.8 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading\_Regulations of the Development Regulations.

## **34.0 INDUSTRIAL HEAVY ZONE (IH)**

### **34.1 ZONE INTENT**

The intent of the Industrial Heavy Zone is to address the former paper mill lands near the Exploits River and to provide for future land use management for potential future land uses on the site, or on portions thereof, following environmental site assessment review and remedial work on the site.

### **34.2 USES OF LAND**

*The following uses and no others shall be permitted in the IH zone:*

#### **Principal Uses**

Industrial Heavy (subject to the provisions of Regulation 34.3 (1 to 4), Conditions of Use)

#### **Accessory Uses**

Accessory Building  
Accessory Unenclosed Storage  
Office  
Off Street Parking and Loading

*The following uses may be considered by the Authority as a permitted use:*

#### **Discretionary Use**

Industrial Light

*The following uses are prohibited uses in the IH zone:*

#### **Prohibited Use**

Hazardous Industry  
Storage of Used and Shredded Tires and other rubber materials

### **34.3 CONDITIONS OF USE**

1. No further development of Heavy Industrial designated and/ or zoned lands shall occur until an environmental site contamination assessment of the lands has been undertaken and remedial recommendations addressed to the satisfaction of the Authority.
2. A development proposal in the future for IH zoned lands shall address the Part 4 Development Design Guidelines of the Development Regulations, and submit site plan information to the Authority for evaluation of the proposed industrial use, including

preliminary information on the proposed land use activity, proposed buildings and site design, projected employment levels, water and sewer servicing requirements, and value of land improvements to the site, and following the initial evaluation review by the Authority, more substantive and detailed business and site design detail may be required from the proponent.

3. Site land use management regulations for permitted and accessory uses, building form and site design, and building site density detail including building height, setbacks, lot coverage and lot frontage and lot depth requirements shall be determined by the Authority following review and analysis of the preliminary and more detailed site plan information submission from a proponent seeking to utilize IH zoned property; and,
4. All relevant provincial and other government requirements for use of IH land shall be addressed and resolved by a proponent, including any issues related to potential soil contamination and reclamation.

#### **34.4 IH ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS**

Development Standard	Minimum Zone Requirement
Minimum Lot Area Size	8.1ha (20.0acres)
Minimum Setback from any non-developable area of the site (Environmental Sensitive Area, Hazard Lands)	60.0m (196.8ft)

- All other building setback, building height and siting criterion shall be determined by the Authority on a case specific basis and upon review consideration of a site development proposal submission.

#### **34.5 IH ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS**

Accessory Building development standards and requirements for building size, setbacks, lot coverage and height for the IH zone will be determined on a case by case basis by the Authority, and shall in the minimum be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards.

#### **34.6 IH ZONE SITE DESIGN**

1. All future development in the IH zone shall site buildings and storage uses in a manner to enhance the visual quality of the site, and to maintain the aesthetic character of the immediate neighbourhood area and overall community appearance, through the use of significant and substantial site landscape improvements, including the planting of trees at 6.0m (19.68ft) spacing within a landscape screen of shrubbery and other planting materials on the lot lines of all adjacent streets and inclusion of a landscaped front entrance to the site;
2. Site and building development on an IH zoned property shall be designed to provide for a functional business layout while maintaining an attractive building façade to the adjacent street, providing for quality site landscaping and minimizing unsightly outside storage, and be in accordance with the design guidelines identified within Regulation 46.0 Industrial Development Design Guidelines;
3. Site land use management regulations for permitted and accessory uses, building form and site design, and building site density detail including building height, setbacks, lot coverage, and lot frontage and lot depth requirements shall be determined by the Authority following review and analysis of the preliminary and more detailed site plan information submission for a future IH use; and,
4. Use of site lighting shall not result in glare to offsite land uses such as residential.

### **34.7 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading\_Regulations of the Development Regulations.

## **35.0 COMPREHENSIVE DEVELOPMENT AREA ONE ZONE (CDA-1)**

## 35.1 ZONE INTENT

The intent of the Comprehensive Development Area One Zone is to provide for comprehensive land use management direction and planning design focus to an approximate 40.0ha (98.8acres) portion of property that is strategically located on the north side of the Trans Canada Highway, to the west of Scott Avenue, and to the south of Grenfell Heights.

## 35.2 USES OF LAND

*The following uses represent the varied future uses intended for the site:*

### **Principal Uses**

Environmentally Sensitive Area (subject to the provisions of Regulation 35.3 (1), Conditions of Use)

Cluster Residential Development (subject to Regulation 35.3 (2) Conditions of Use)

Multi Unit Residential

Industrial Light (subject to Regulation 35.3 (3) Conditions of Use)

Commercial Neighbourhood (subject to Regulation 35.3 (4) Conditions of Use )

Recreation and Open Space

### **Accessory Use**

Off Street Parking and Loading and as determined by actual ultimate Uses

*The following uses may be considered by the Authority as permitted uses:*

### **Discretionary Uses**

Civic Use

Hotel Use

Service Station

*The following uses are prohibited in the CDA-1 zone:*

### **Prohibited Uses**

Industrial Special

## 35.3 CONDITIONS OF USE

1. Prior to any land development consideration of the CDA-1 site, the Authority will require a comprehensive environmental assessment of the entire property to ascertain which portions of the site are to be preserved, and designated and zoned as Environmentally Sensitive Area, and which areas of the property possess potential for land development;
2. A Cluster Residential Development for the property will provide for preservation of the sensitive environmental lands and allow for varied densities of single family residential lots, including bare land strata parcels, and multi-unit residential development on the remaining developable lands;
3. Employment generating uses in the form of high quality, well designed and low impact IL uses for the CDA-1 zone may be pursued on the south portion of the property following a comprehensive 'best environmental practices' approach to land development, and shall not include a single development proposal for one use;
4. Commercial Neighbourhood use of the property shall be only pursued in conjunction with a Cluster Residential Development for the property;
5. All development proposals for the CDA-1 zone shall be considered for review through the Development Design process in accordance with Regulation 46.0 Comprehensive Development Area Design Guidelines. This may include submission of varied site plan information to the Authority for evaluation of the proposed use and site development, including such issues as preliminary information on the intended site development size and location, proposed site layout and building design – site and building development phasing – comprehensive site landscaping provisions – amenity design features, targeted site density, parking area configuration, access/ egress locations and transportation access thereto, community benefit of the development, related projected employment levels, capacity of off-site infrastructure services and proposed water/ sewer/ and stormwater management systems, and overall value of land improvements to the site, and following review by the Authority, more substantive, specific and detailed site design detail may be required from the proponent;
6. Site land use management regulations for additional permitted and accessory uses, and additional building site density detail including minimum lot area, building height, setbacks, lot coverage, and lot frontage and lot depth requirements shall be determined by the Authority following review and analysis of the preliminary and more detailed site plan information submission from a proponent seeking to utilize the property, or portions thereof, for the CDA-1 use; and,



7. All relevant provincial and other government requirements for CDA-1 use of the property shall be addressed and resolved by the proponent prior to consideration of CDA-1 development by the Authority.

#### **35.4 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations of the Development Regulations.

## 36.0 COMPREHENSIVE DEVELOPMENT AREA TWO (CDA-2)

### 36.1 ZONE INTENT

The intent of the Comprehensive Development Area Two Zone is to provide comprehensive land use management direction and superior site design attention to a strategically situated, approximate 5.0ha (12.35acres) portion of property that is located north of Scott Avenue and to the east of Railway Road.

### 36.2 USES OF LAND

*The following uses represent the varied future uses of land intended for the site:*

#### **Principal Uses**

Multi Unit Residential  
Cluster Residential  
Townhouse Residential  
Apartment Residential

#### **Accessory Uses**

As determined by the Authority upon ultimate end uses and densities of the site

*The following uses may be considered by the Authority as permitted uses:*

#### **Discretionary Uses**

Commercial Neighbourhood (subject to Regulation 36.3 (4) Conditions of Use)

*The following uses are prohibited uses in the CDA-2 zone:*

#### **Prohibited Uses**

Industrial Special  
Commercial General

### 36.3 CONDITIONS OF USE

1. Prior to site development consideration of the property, an evaluation of slope stability, storm water drainage options , infrastructure servicing alternatives, off site infrastructure capacities, and potential presence of protected archaeological sites shall be undertaken;

2. Higher density residential use of the property in the form of Cluster, Townhouse or Apartment Uses shall consider a comprehensive site plan for development, and may include other land uses that complement the primary residential use of the land;
3. A superior level of site design aesthetics shall preserve the natural view corridors of the property to the Exploits River, and provide for a high level of streetscape design to Scott Avenue;
4. Commercial Neighbourhood use may be considered upon development of the said future residential lands;
5. All development proposals for the CDA-2 zone shall be considered by the Authority through the Development Design process in accordance with Regulation 46.0 Comprehensive Development Area Design Guidelines. This may include submission of varied site plan information to the Authority for evaluation of the proposed use and site development, including such issues as preliminary information on the intended site development size and location, proposed site layout and building design – site and building development phasing – comprehensive site landscaping provisions – amenity design features, targeted site density, parking area configuration, access/ egress locations and transportation access thereto, community benefit of the development, related projected employment levels, capacity of off-site infrastructure services and proposed water/ sewer/ and stormwater management systems, and overall value of land improvements to the site, and following review by the Authority, more substantive, specific and detailed business and site design detail may be required from the proponent;
6. Site land use management regulations for additional permitted and accessory uses, and additional building site density detail including minimum lot area, building height, setbacks, lot coverage, and lot frontage and lot depth requirements shall be determined by the Authority following review and analysis of the preliminary and more detailed site plan information submission from a proponent seeking to utilize the property, or portions thereof, for the CDA-2 use; and,
7. All relevant provincial and other government requirements for CDA-2 use of the property shall be addressed and resolved by the proponent prior to consideration of CDA-2 development by the Authority.

## **36.4 OFF STREET PARKING AND LOADING**

Requirements for off street parking and for loading shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading Regulations of the Development Regulations.

## **37.0 PUBLIC USE ZONE (PU)**

### **37.1 ZONE INTENT**

The intent of the Public Use Zone is to provide for public assembly, civic uses, cultural, religious, educational facilities, health care and senior care services and facilities within the community.

### **37.2 PERMITTED USES**

*The following uses and no others shall be permitted in the PU-1 zone.*

#### **Principal Uses**

Adult Care Facility

Assembly (subject to the provisions of Regulation 37.3 (1), Conditions of Use)

Cemetery

Church

Civic (subject to Regulation 37.3 (2) Conditions of Use)

Cultural

Detention and Correctional Facilities (as defined by Public Use)

Hospital

Personal Care

Public Use

School and College

#### **Accessory Uses**

Accessory Building

Child Care Centre (subject to Regulation 37.3 (3) Conditions of Use)

Enclosed Storage

Office (subject to Regulation 37.3 (4) Conditions of Use)

Off Street Parking and Loading (subject to Regulation 37.3 (5) Conditions of Use)

*The following use may be considered by the Authority as a permitted use:*

#### **Discretionary Use**

Dwelling Unit (subject to Regulation 37.3 (6) Conditions of Use)

*The following uses are prohibited.*

**Prohibited Uses**

Commercial

Industrial

**37.3 CONDITIONS OF USE**

1. An Assembly Use shall not be permitted on a lot less than 1,200.0sm (12,917.1sf);
2. A Civic Use for a corrections or rehabilitation use for more than 10 beds shall not be permitted on a lot less than 0.4ha (.98acre) within the Urban Development Area and shall be located on a site approved by Council;
3. A Child Care Centre shall only occur as an accessory use to a Principal Use on a lot, such as a child care program within a college setting;
4. An Office use shall be directly related to the principal use of the building in which the Office Use is located;
5. The parking area for an Off Street Parking Use shall not exceed 40% of the lot area;
6. A Dwelling Unit for a residential use shall be limited to one per property, and shall be solely for a caretaker, employee, as a rectory to a church, or similarly related to the principal use, and shall be sited in accordance with the provisions of an applicable RS zone use; and,
7. All new developments shall be considered through the Development Design process in accordance with Regulation 47.0 Public Use Development Design Guidelines, and be subject to the design guidelines for site layout, building appearance, landscaping, signage, and parking.

**37.4 PU ZONE AND PRINCIPAL BUILDING(S) DEVELOPMENT STANDARDS REQUIREMENTS**

Development Standard	Minimum Zone Requirement
Minimum Lot Area Size	
<i>Urban Development Area site</i>	929.0sm (10,000sf)
<i>Site located outside of Urban Area</i>	0.6ha (1.48acres)
Minimum Lot Frontage	25.0m (82.02ft)
Minimum Setback from Any Lot Line	

Development Standard	Minimum Zone Requirement
<i>Adjoining a Residential Use</i>	7.5m (24.6ft)
<i>Adjoining a Commercial Use</i>	6.0m (19.68ft)
Minimum Lot Line Setback from other uses	
<i>Minimum Setback from Front Lot Line</i>	6.0m (19.68ft)
<i>Minimum Setback from Rear Lot Line</i>	6.0m (19.68ft)
<i>Minimum Setback from Side Lot Lines</i>	6.0m (19.68ft)
Minimum Setback from any non-developable area of the site (Watercourse, Wetland)	15.0m (49.21ft)
Maximum Height of Principal Building	30.0m (98.4ft)
Maximum Height of Accessory Building	6.0m (19.68ft)

### 37.5 PU ZONE REQUIREMENTS FOR ACCESSORY BUILDING DEVELOPMENT STANDARDS

Accessory Building development standards and requirements for building size, setbacks, lot coverage and height for the PU zone will be determined on a case by case basis by the Authority, and shall in the minimum be in accordance with the provisions of Regulation 28.5 Zone Requirements for Accessory Building Development Standards.

### 37.6 OFF STREET PARKING AND LOADING

Requirements for off street parking and for loading shall be in accordance with Regulation 11.0 Off Street Parking Requirements and Regulation 12.0 Off Street Loading\_Regulations of the Development Regulations.

## **38.0 RECREATION AND OPEN SPACE ZONE (ROS)**

### **38.1 ZONE INTENT**

The Intent of the Recreation and Open Space Zone is to accommodate parks, playing fields and varied recreation facilities.

### **38.2 PERMITTED USES**

*The following uses and no others shall be permitted in the ROS zone:*

#### **Principal Uses**

Campground (subject to the provisions of Regulation 38.3 (1) Conditions of Use)

Civic Use (subject to Regulation 38.3 (2) Conditions of Use)

Park

Recreation and Open Space

#### **Accessory Uses**

Accessory Building

Advertisement and Signs (subject to 38.3(3) Conditions of Use and Council Policy on Signs and Advertisements)

Assembly (subject to Regulation 38.3 (4) Conditions of Use)

Off Street Parking

*The following use may be considered by the Authority as a permitted use:*

#### **Discretionary Use**

Dwelling Unit (subject to Regulation 37.3 (6) Conditions of Use)

*The following uses are prohibited in the ROS zone:*

#### **Prohibited Uses**

Commercial

Industrial



### **38.3 CONDITIONS OF USE**

1. A Campground Use, and including a marina, shall be maintained and operated by the Municipality or a provincial authority;
2. A Civic Use shall be limited to the following uses in the ROS zone:
  - Swimming pool
  - Exhibition or fairgrounds
  - Public recreation facility and public washroom
3. Advertisements and Signs shall be limited to the principal use; and,
4. Assembly uses shall be limited to those uses related to recreation and open space activities.

### **38.4 SITE DENSITY AND SITING**

1. Within the ROS zone, there shall be no regulation provisions for minimum lot area, lot frontage or for lot coverage;
2. All Principal Buildings shall be sited no closer than 6.0m (19.68ft) from all lot lines;
3. Accessory Buildings shall be sited a minimum of 7.5m (24.6ft) from the front and rear lot lines, and 4.5m (14.76ft) from the interior and interior side lot lines; and,
4. Dwelling Unit, where permitted, shall be sited no closer than 6.0m (19.68ft) to all lot lines.

### **38.5 BUILDING HEIGHT**

1. The height of a principal building or structure shall not exceed 18.0m (59.0ft);
2. The height of accessory buildings shall not exceed 11.0m (36.0ft); and,
3. A Dwelling Unit, where permitted, shall not exceed a height of 10.0m (32.8ft).

### **38.6 OFF STREET PARKING**

Requirements for off street parking and for loading shall be in accordance with Regulations 11.0 and 12.0 of the Development Regulations.

## **39.0 ENVIRONMENTALLY SENSITIVE AREA (ESA)**

### **39.1 ZONE INTENT**

The intent of the Environmentally Sensitive Area zone is to provide for a new designation to protect and preserve lands with environmentally sensitive features, including where feasible on particular sites in partnership with Eastern Habitat Joint Ventures and other land stewardship and preservation organizations.

### **39.2 PERMITTED USES**

*The following use and no others shall be permitted in the ESA zone:*

#### **Principal Use**

Environmentally Sensitive Area

#### **Accessory Use**

Accessory Building (subject to the provisions of Regulation 39.3 (1) Conditions of Use)

Advertisement and Signs (subject to Regulation 39.3 (2) Conditions of Use and Council Policy on Signs and Advertisements)

Off Street Parking (subject to Regulation 39.3 (3) Conditions of Use)

*The following use may be considered by the Authority as a permitted use.*

#### **Discretionary Use**

Recreation and Open Space (subject to Regulation 39.3 (4) Conditions of Use)

*The following uses are prohibited in the ROS zone:*

#### **Prohibited Uses**

Commercial

Industrial

Residential

### **39.3 CONDITIONS OF USE**

1. An Accessory Building may only be permitted within a developable area of a lot, adjacent to the environmentally sensitive portion of the site;
2. Advertisements and Signs shall be limited to public environmental education information and directional signs related to public trails;

3. Off street parking shall only be permitted on the developable area of the lot, adjacent to the environmentally sensitive portion of the site; and,
4. Recreation and Open Space uses shall be limited to a pedestrian trail system sited at the edge of the environmentally sensitive areas, as approved by the Authority.

### **39.4 SITE DENSITY, SITING AND BUILDING HEIGHT**

The placement of buildings adjacent to the environmentally sensitive lands shall observe a minimum 15.0m (49.2ft) setback, and all other siting and density considerations will be determined on a case specific basis by the Authority.

### **39.5 OFF STREET PARKING**

Off street parking shall be in accordance with Regulation 11.0 Off Street Parking Requirements, except that the parking area is not required to be paved, and design of the parking area shall further address site drainage issues from the parking lot to preserve the integrity of the environmentally sensitive lands.

## **40.0 CONSERVATION AREA ZONE (CON)**

### **40.1 ZONE INTENT**

The intent of the Conservation Area Zone is to preserve lands for highway dedication corridors, for future lands to be considered for environmentally sensitive lands designation, and for potential limited areas of land development through rezoning.

### **40.2 PERMITTED USES**

*The following uses are the only permitted uses in the CON zone;*

#### **Principal Uses**

Conservation  
Public Services  
Environmentally Sensitive Area

#### **Accessory Uses**

Advertisements and Signs (subject to Council Policy on Signs and Advertisements and the signage provisions of the NL Ministry of Transportation and Highways)

*The following use may be considered by the Authority to be permitted:*

#### **Discretionary Use**

Recreation and Open Space (subject to Regulation 40.3 (2) Conditions of Use)

*The following uses are prohibited in the CON zone:*

#### **Prohibited Uses**

Commercial  
Industrial  
Residential

### **40.3 CONDITIONS OF USE**

1. No land or building development shall occur within the CON zone, except as permitted by the Authority; and,
2. Recreation and Open Space uses shall be limited to consideration by the Authority of development of a pedestrian trail.

## **PART IV: DEVELOPMENT DESIGN GUIDELINES FOR INTENSIVE RESIDENTIAL, MULTI-UNIT RESIDENTIAL, COMMERCIAL, INDUSTRIAL, COMPREHENSIVE DEVELOPMENT AND PUBLIC USE SITE DEVELOPMENT PROPOSALS**

### **41.0 DEVELOPMENT DESIGN GUIDELINES**

#### **41.1 PURPOSE OF DEVELOPMENT DESIGN GUIDELINES**

The Development Design Guidelines support the goals of the Municipal Integrated Community Sustainability Plan of building livable neighbourhoods, enhancing the visual appearance of the community and focusing on overall community growth, rather than only development of land.

The guidelines are established to achieve the following:

1. A high standard of livability in both residential and non-residential areas;
2. A high standard for new building form and character by incorporating basic design elements for site planning, building appearance, building materials, energy efficiency and specifically limiting development practices such as building massing;
3. A high quality public realm with new developments through emphasis on site landscaping, planting of trees, creation of open spaces, giving attention to the pedestrian and minimizing site signage; and,
4. A more enhanced sense of place with new developments by retaining natural features and vegetation, and maintaining local history through the use of architectural design elements

#### **41.2 APPLICATION**

1. The guidelines identify general design criteria for specific types of new developments to follow and form a basis for Council to review and consider approval of new building development before a building permit is issued and site construction begins;

2. Where deemed required by Council, Development Design applicants are to review the guidelines and incorporate the design intent within their proposed development, and provide a statement of rationale to the Authority how the guidelines have been adhered to;
3. At the discretion of Council, certain design guidelines may be waived;
4. In the event of a conflict between the Development Design Guidelines and the requirements outlined within the individual zone categories of the Development Regulations, the latter shall take precedent.

### **41.3 GENERAL PROVISIONS**

All development proposals for higher intensity uses of land, including projects for intensive residential housing of RS-1 single unit compact lots and RT duplexes, multi-unit residential, commercial, industrial, comprehensive development and public uses, and building additions greater than 111.48sm (1,200.0sf) to existing multi-unit residential, commercial, industrial, comprehensive development and public use buildings, shall be reviewed by the Authority as to the requirement for consideration review of the Development Design Guidelines. The intent is for design of all development proposals to be in general accordance with the applicable design guidelines of Regulations 41.0 to 48.0, and the applicant shall provide to the Authority for review and evaluation, the proposed property development details as follows:

1. Site plan information in accordance with Regulation 8.1 (3);
2. Comprehensive site layout development information including principal and accessory buildings siting, parking configuration, unenclosed storage and landscaped areas;
3. Building façade and design appearance, and building elevation drawings;
4. Site landscape plan; and,
5. Signage detail.

### **41.4 COMPREHENSIVE SITE LAYOUT DEVELOPMENT INFORMATION**

In addition to the site plan information submitted in accordance with Regulation 8.1 (3), at the discretion of Council, a land development applicant shall provide the following information on the proposed site development:

1. Identification of Developable Area of site;

2. Proposed siting of new buildings, or additions, including building square footage area size, building height, and setback distances to property lines;
3. Building lot area coverage and floor area ratio where applicable;
4. Total number of proposed multi-unit residential dwellings, or strata unit commercial and/or industrial units, and interior floor plans;
5. Layout drawing of proposed parking area, total number and size of parking spaces and maneuvering aisles, access and egress locations to parking area, provisions for bicycle parking where applicable, landscape screening for parking areas and storm water drainage management;
6. Identification of outdoor amenity and open space improvement areas;
7. Identification of unenclosed storage areas and area size; and,
8. Overview of landscaping treatment and approach for the site development.

## **41.5 BUILDING DESIGN**

In addition to the information provided in accordance with Site Plan property detail and to address the Development Design Guidelines, at the discretion of Council, a land development applicant shall provide in the minimum, in whole or in part, the following building design information on the proposed site development:

1. The front, rear and building side elevation views of all buildings proposed for the site;
2. Detailed building design articulation elements such as for the front entrance, facades, roof lines, cornices and window placement and trim, and design attention to the building form and character to avoid monotony of design, use of blank walls and massing of the building;
3. Building materials and colour schemes;
4. Coordination of design of all buildings on site, and integration with the design character of the adjacent neighbourhood;
5. Integration of site design elements of landscaping, parking and amenity areas with building design; and,

6. A statement of rationale of how the proposed building design meets the intent of the design guidelines.

## **41.6 LANDSCAPE PLAN**

In addition to the site design information on a proposed site development that is provided, at the discretion of Council, a land development applicant shall provide in a minimum, in whole or in part, the following landscape plan information on the proposed site development:

1. Landscape plans shall be for the entire site and shall include all proposed new plantings of hedges, shrubbery, trees, flowering plants, groundcover and grass areas, as well as existing landscaping, including trees proposed to be retained;
2. Landscape improvements shall include those identified minimum landscape requirements within the applicable zone category for the proposed use;
3. Landscape plans shall focus on the front and exterior side yard areas to the adjacent streets, on the front entrance to the principal building and on landscape treatments that compliment the exterior of the principal building;
4. Landscape plans shall additionally provide for screening of unenclosed storage areas, to minimize offsite glare from vehicle lights from the parking area, to screen rooftop heating, ventilation and air conditioning systems, and to provide for privacy and separation from adjacent land uses;
5. All site developments shall provide for landscaping between the asphalt area of the parking area and the building face;
6. Landscape plans are to include all proposed fences, masonry walls and landscape berms; and,
7. A statement of rationale of how the proposed landscape design meets the intent of the design guidelines.

## **41.7 SIGNAGE DETAIL**

In addition to the site design and landscape information provided on a proposed site and building development, at the discretion of Council, a land development applicant shall provide, in whole or in part, the following signage detail information on the proposed site development:



1. Signage design shall be in accordance with Council's Policy on Signage and Advertisements;
2. Signage shall be complimentary to the overall site, building and landscape design for the development project;
3. Multi-tenant use of a commercial, industrial or comprehensive development zone site, shall utilize one shared sign;
4. Decorative landscape treatment to the base of site signage shall be incorporated with the landscape plan for the development; and,
5. A statement of rationale of how the proposed signage detail meets the intent of the design guidelines.

## **41.8 DEVELOPMENT DESIGN APPROVAL**

Review and approval consideration by the Authority of a proposal's compliance to the Development Design Guidelines shall be subject to the following conditions:

1. The procedural process for consideration of Approval of the Development Design application shall be established by the Authority, and shall be in compliance with the Urban and Rural Planning Act (2000);
2. Development Design Approval consideration may occur in conjunction with the Authority's consideration of approval of a rezoning application for the same property;
3. The Development Design Approval shall be valid for a two year period from the date of Approval by the Authority;
4. Upon expiration of the two year period, and in the absence of an extension from the Authority, a new application for Development Design Approval will be required;
5. No Building Permit for a development subject to a Development Design Approval shall be issued except in compliance to the approved Development Design;
6. All site, building, landscape and signage detail approved by the Authority for the Development Design shall be adhered to in site construction and development, except for minor changes as subsequently approved by the Authority; and,

7. A Landscape Letter of Credit to ensure suitable growth and adaptation of the landscape planting materials as part of the site development may be required by the Authority.

## 42.0 INTENSIVE RESIDENTIAL DESIGN GUIDELINES

### 42.1 DEVELOPMENT DESIGN INTENT

The intent of design guidelines for RS-1 compact single unit residential lots and RT duplexes is to address house and siting design so as to successfully integrate the smaller lot size development and two unit residential uses into predominant single family residential neighbourhoods. The design process will entail Council approval.



### 42.2 DESIGN OBJECTIVES

1. To facilitate a high standard of building design, site compatibility and site aesthetics that lead to neighbourhood cohesiveness;
2. To minimize the impact of intensive residential development on existing neighbourhoods;
3. To provide for a mix of housing forms, choices, densities and affordability opportunities for residents;
4. To pursue a more sustainable form of residential development in Grand Falls-Windsor through economic efficient growth patterns of capitalizing on existing urban services and infrastructure; and,
5. To promote a neighbourhood environment that focuses on social interaction and pedestrian mobility.

### 42.3 DEVELOPMENT DESIGN GUIDELINES

1. All RS-1 and RT lot, house and landscape design shall consider traditional housing design of existing homes located on the periphery of the High Street area downtown, Craftsman housing designs, pitched roofs and similar local historic building forms as a basis for the form and character of developing intensive residential homes within existing neighbourhoods;

2. All compact and duplex lot houses shall have their principal façade and entry facing the front lot line and the street;
3. The front façade of the residential house shall not be blank but shall include prominent and identifiable design articulation building forms and features such as appurtenances, porches, verandas and stoops so as to promote the home's exterior living space and street orientation to enhance social interaction and contribute to the ambiance of the neighbourhood;
4. Columns and posts at the front entry shall be spaced no farther apart than they are tall;
5. The front facades of compact and duplex homes should be finished with more than one finish material, and where more than one material is used, traditionally heavier materials such as stone and brick shall be located below lighter building materials such as wood, and fiber cement board;
6. Unless designed as a continuous architectural theme, adjacent compact and duplex lot buildings shall be visually distinct from each other;
7. At least two of the following design elements should vary for each adjacent compact and duplex residential building along a street: (a) building materials; (b) roofline; (c) windows; (d) building recesses; (e) building setbacks; (f) height; (g) entries; (h) colour; (i) building form; or (j) architectural details.
8. Use of wood and materials such as hardi-board for building cladding, and incorporation of other architectural details such as to accent window trim and doorways, and cornices, is encouraged;
9. Use of heritage colors is encouraged;
10. Vinyl siding as building cladding is not encouraged;
11. Blank walls along the side and rear of the home are not permitted, the side and rear elevations of homes shall have design variation;
12. Windows shall be framed with design detail materials, and shall include a sill that is wider than the window opening;

13. Windows should be oriented to make best use of passive solar;
14. Downspouts should match rain gutters in material and finish, and where feasible all roof drains should be recharged into the site;
15. Parking shall be provided on-site within garages or within discrete parking areas and to the rear of residences accessed by a lane, and where parking is to be accommodated at the front of the house, if unenclosed, the area shall be landscaped, and where parking is to be provided within a garage, design attention shall include recessing the front of a garage from the house and use of similar design features and materials as the façade of the house;
16. All buildings should reflect environmentally responsible design and construction practices, and include consideration of the Energy Star program;
17. All areas of a compact or duplex lot located outside of the building envelope shall be fully landscaped and maintained with grassed areas, a variety of shrubs, hedges, and flowering plants, and a minimum of one street tree in the front yard area;
18. Energy efficiency and conservation should be considered in the design of landscaped areas and in the selection of plantings through:
  - Retention of existing mature trees and vegetation where feasible;
  - The use of native and/ or drought resistant plant species;
  - Designing the landscaping to moderate the effect of the wind, to provide shade in the summer and to allow daylight into residential dwellings; and,
  - Allowing natural drainage and permeation throughout the site.
19. Fences, garden walls or hedges should be used along all side lot lines, and lot lines which abut alleys; and,
20. The front yard area of the lot shall provide for an attractive landscape area and a pleasing streetscape view.

## **43.0 MULTI-UNIT RESIDENTIAL DESIGN GUIDELINES**

### **43.1 DEVELOPMENT DESIGN INTENT**

The intent of development design for multi-unit residential developments is to promote orderly and compatible development of higher density residential forms of housing within the urban area by facilitating a high standard of building design, livability and site aesthetics, and minimizing potential conflicts with existing residential neighbourhoods.

### **43.2 DESIGN OBJECTIVES**

1. To facilitate a high standard of building design, site compatibility and site aesthetics that lead to neighbourhood cohesiveness;
2. To minimize the impact of multi-unit residential development on existing neighbourhoods;
3. To provide for a mix of housing forms, choices, densities and affordability opportunities for residents. Single Family and Two Unit Residential uses are permitted, and where applicable, shall comply with the design intent outlined within Regulation 42.
4. To pursue a more sustainable form of residential development in Grand Falls-Windsor through economic efficient growth patterns of capitalizing on existing urban services and infrastructure; and,
5. To encourage residential development densities that can support the community's commercial land uses and help to improve over the longer term, specific commercial nodes such as the Main Street downtown area.

### **43.3 BUILDING DESIGN GUIDELINES**

1. Design and siting of multi-unit residential buildings shall seek to preserve and maximize views of the existing neighbourhood, to enhance privacy and livability of the neighbourhood, to add attractive residential design to the neighbourhood, and to not overwhelm the character of the neighbourhood;
2. All multi-unit residential projects, especially those for congregate care, shall include provisions for universal accessibility including power assisted door openers, wide doorways, weather protection and exterior safety lighting, as well as specific dwelling unit design considerations;

3. Building materials, colour and architectural design of all multi-unit residential projects should complement the existing neighbourhood character and the natural landscape;
4. A common architectural theme of building form and character is encouraged to be used throughout the residential project while emphasizing strong individual dwelling unit identity through smaller design components;
5. The livability of all new multi-unit residential dwelling units with regard to views and sunlight shall be considered in the building design through utilization of staggered building elevations, having all units above grade, and locating landscaped open spaces next to windows and adjacent buildings;
6. All multi-unit residential developments are to face the street, or give the appearance of facing the street, so as to provide an attractive street front orientation through attention to the building façade, unique building entrances, landscaping and fence treatment along the street;
7. Multi-unit residential developments adjacent to lower density residential homes shall create a transition in building mass and form, and where feasible, concentrate density to the centre of the development site, and locate lower density components of the development adjacent to nearby lower density residential homes;
8. Buildings that are more than two storeys in height should be set back further than adjacent one and two storey houses so that the multi-unit residential buildings seem smaller from the street;
9. Clustering of buildings on sites with environmentally sensitive areas or significant natural areas is encouraged;
10. Small clusters of townhouse units are a preferred design for townhouse developments;
11. Townhouse developments that contain more than three units per structure should provide variation in building facades to help reduce the visual length of individual buildings, and incorporate design components such as porch covered and ground level door entries that express strong individual unit identity so as to avoid significant repetition in adjacent dwelling units;

12. Larger apartment buildings and long rows of building frontages that reflect too much building massing, shall avoid large expanses of any one building cladding material, and shall incorporate architectural detail design elements that break up building massing through incorporation of variation in colour, recesses and articulation such as chimneys, projections and balconies, strategically placed windows and doors, use of varying building materials, and attention to appropriate and compatible roof forms to reduce and provide relief to building monotony;
13. Blank and/or flat building facades on all sides of a multi-unit residential development shall be avoided through the differentiating design articulation attention to wall lines and texture, use of protrusions such as bay windows, and innovative use of building materials;
14. Balconies and ground level patios of multi-unit residential buildings shall be designed with initial attention to the usability of the space by the resident, and secondly to the overall design of the building to ensure a cohesive attractive building image;
15. Recessed or semi-recessed balconies are preferred over projecting balconies that have the appearance of being 'tacked on';
16. Adequate storage space should be provided within each multi-unit dwelling or within a common area of a building so as to avoid 'clutter' of storage on balconies, patio areas and garages;
17. The exposed undersides of balconies and porches that are visible from the street should be covered with exterior finishes to provide a finished appearance to public view;
18. All proposed flat roofs shall have a prominent articulated cornice treatment;
19. Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development;
20. Garage doors as part of a multi-unit residential development should not individually face the street but rather should be recessed behind the main building façade, grouped in pairs between adjacent residential units to allow individual unit entrances and facades to achieve more visual prominence to the street, or have garages sited in a manner that avoids multi-driveway accesses to the adjacent street;



21. Pedestrian pathways, with adequate lighting and landscaping treatment, are encouraged throughout multi-unit developments to connect the residential dwelling units with the site parking areas, and with the sidewalks;
22. Site design elements such as park benches, formal open space courtyards, shade areas and community gardens are encouraged with multi-unit residential sites;
23. Fencing for screening purposes should complement the overall site and building design by being in short lengths, and constructed of materials similar to the building design, or of decorative brick;
24. The size, height, location and design of multi-unit residential project name signs shall be architecturally integrated into the overall design of the form and character of project buildings; and,
25. Integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is required.

#### **43.4 LANDSCAPE GUIDELINES**

1. Attractive site landscaping that creates visual interest and identity, a pleasing street image, and a buffer to adjacent land uses, must be incorporated into the design and development of all multi-unit residential projects;
2. In addition to the landscaping objectives of Regulation 47.3 (18), the intent for multi-unit residential sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating vegetated swales and rain gardens into the parking lot areas to capture and absorb rainwater runoff;
3. The frontage of new multi-unit residential developments should be entirely landscaped with specific attention to providing deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
4. All multi-unit residential buildings should have immediately adjacent landscaped areas that include shrubbery and flowering plants;

5. The use of landscaping pockets of vegetation such as flowering shrubs within a well maintained and cut grassed area is encouraged throughout the site, and in side yard and perimeter areas of the site, the use of decorative brick walkways to open space elements such as shade areas, park benches and formal courtyards is encouraged;
6. Large continuous open spaces on the site shall be used to serve as a landscaped buffer to adjacent properties and buildings, and to provide privacy and access to sunlight for residents;
7. In non-apartment multi-unit development sites, each dwelling unit shall be provided with its own private open space, and landscape attention to the site shall delineate private open space from the more public open space areas;
8. Use of attractive fencing materials, including decorative masonry walls, shall be complimented by landscaping treatment at the base, but long monotonous lengths of fencing is not encouraged; and,
9. Where on site community vegetable gardens are to be provided to residents, water from rooftop runoff and downspouts should be redirected into rain barrels for later irrigation use, or directly into vegetated areas.

### **43.5 DESIGN OF PARKING AREAS**

1. Successful site design of multi-unit residential projects extends to blending the parking areas of higher density residential developments into the overall site goals for form and character. For apartment residential developments, wherever feasible, automobile parking is encouraged to be sited underground, and where parking for multi-unit residential projects is not underground, surface paved parking areas will require design attention;
2. Surface parking areas shall not be located within the building setback areas for the site, and they should be visually screened as much as possible from streetscape and frontage view through the use of landscape hedges, raised landscape berms, sloped grassed or flower bed areas, or by design elements such as decorative and brick fences;
3. Access to parking areas should occur from a rear lane whenever possible, and where access is to originate from a street, the number of site access and egress locations shall be minimized to maintain the streetscape appearance of the development, and to minimize disruption to pedestrian movement on the sidewalks adjacent to the street;

4. 'Viewing aisles' into the development and into the parking areas to maintain site safety should be integrated into site screening considerations;
5. Multi-unit residential developments with large parking requirements shall break up the surface parking locations into several smaller parking nodes, and connect the parking nodes with internal shared driveways;
6. Townhouse and similar multi-unit residential projects shall not create individual driveway access to the street for each dwelling unit but through site design layout, shall coordinate the site parking to provide for a minimum number of accesses to the street;
7. The use of alternative construction materials to asphalt such as paving stones, brick or aggregate concrete is encouraged to complement the overall landscape design of the site; and,
8. Pedestrian pathways that are clearly articulated and landscaped are encouraged to be provided to safely connect the multi-unit residential buildings with the site's parking areas, and to the sidewalks of the abutting streets.
9. Provision for bicycle parking and storage shall also be addressed.

#### **43.6 SIGNAGE AND OTHER DESIGN CONSIDERATIONS**

1. The size, height and design of multi-unit project name signs shall be architecturally integrated into the overall design of the site buildings and landscaping; and,
2. Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, underground or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment.

### **44.0 COMMERCIAL DEVELOPMENT DESIGN GUIDELINES**

#### **44.1 DEVELOPMENT DESIGN INTENT**

The intent of development design for commercial projects is to promote enhanced landscaping, increased opportunities for pedestrians and attractive and functional site and building design within all new commercial development in Grand Falls-Windsor.

## **44.2 DESIGN OBJECTIVES**

1. The form and appearance of new commercial buildings should reflect the desired character and pattern of development in the local area of the community where the building is to be constructed by incorporating appropriate architectural building styles, features, materials, size and scale, and as compatible with the applicable commercial zone;
2. To encourage a high standard of site and building design to reflect the unique historical and future focus of the community;
3. In order to reinforce the outstanding natural environment and forested setting of Grand Falls-Windsor, extensive use of landscaping and general 'greening' of commercial sites will be pursued;
4. Promote sustainable development with provision for the bicycle, streetscape trees, reduction in impermeable surfaces and fostering local economic growth;
5. To facilitate a pedestrian scale with new commercial developments by reducing the building setbacks to property lines, and bringing the stores closer to the street, providing for more shade areas, rest benches and amenity areas with commercial developments, creating more streetscape visual appeal, and making parking lot areas safer for the pedestrian; and,
6. To continue commercial development and economic growth within the High Street downtown redevelopment precinct, including comprehensive land use and design management of newly zoned Exploits River lands.

## **44.3 BUILDING DESIGN**

1. While it is acknowledged that existing commercial developments in the community have limited or no consistent building and landscape design pattern, new commercial development is intended to be coordinated with regard to building siting, form and character by encouraging a more aesthetically attractive and appealing streetscape and site appearance;

2. Building form and character must include designing new buildings that are pleasant to look at, by providing for design attention and variation to the storefront façade, roof lines, exterior finish, colors and materials, and limiting the size and massing of buildings. Flat roof lines, blank expanses of exterior walls, buildings that appear to be temporary structures and asphalt paving that abuts the building face are commercial construction practices that are not encouraged;
3. The streetscape created by new building forms should complement each other and those existing buildings on adjacent sites, thereby avoiding monotony, but creating a positive visual effect;
4. Exterior finishes of new commercial buildings should be wood, brick, finished and textured concrete, natural stone or other materials of warm appearance. Substantial areas of unfinished concrete or metal cladding should be avoided;
5. Significant corners of new commercial buildings should be given added design emphasis with vertical architectural features and roof cornice elements;
6. Where a commercial building or development is located at a street intersection, the building design appearance shall be orientated to have the building 'front' all the adjacent streets;
7. New building development should be sited to have the building frontage on the main street alignment;
8. Buildings should be designed and located on a site to minimize impacts to adjacent land uses such as residential, to preserve views, to retain mature trees, to setback from any environmentally sensitive areas and retain natural vegetation, and to accommodate the natural grades of the site as much as possible to ensure that minimal site grading is required;
9. Within the CG zone, new commercial developments are encouraged to site closer to the front lot line and provide for attractive storefront design through façade attention, articulated window design and prominent store entry locations, and for enhanced pedestrian elements such as widened walkways and rest benches and overhead weather protection, and planting of deciduous street trees;

10. Large lot commercial developments within the CG zone shall provide for site development of buildings that are coordinated with each other, and are connected by pedestrian sidewalk linkages and incorporation of public spaces for open space amenity areas, public art, and shade areas with rest benches;
11. Within the CH zone, site development will involve greater attention to the streetscape and Trans Canada Highway appearance of buildings and site landscaping, and while pedestrian focus is not as pronounced as in the CG zone, superior site landscaping and an attractive storefront façade and use of murals depicting the community's history, as approved by Council, on exterior building walls are encouraged;
12. Commercial developments within the CN zone will involve the siting and design of buildings to respect the residential character of the neighbourhood through a smaller commercial scale of buildings, to provide for a design theme that is compatible with the neighbourhood, significant site landscaping to provide for an effective transition from residential to commercial land uses and attention to parking area design to prevent lighting glare spilling over to residential areas;
13. Commercial growth through new building development and building renovation in the High Street and Main Street CD zones will be encouraged to consider the historic elements and character of these downtown commercial cores and integrate this existing character with new design concepts through significant attention on the ground level storefront façade width and height, storefront window patterns and placement, storefront entrances, pedestrian weather protection, colors and materials, and to the building design treatment of the second storey, to the roof lines and to the building sides to avoid massing, to lighting for the building and signage;
14. CD development on the newly commercial zoned properties on the Exploits River lands shall be part of an overall design concept plan for the area, and shall include site design that incorporates significant open space amenities and building design that makes extensive use of wood timbers and local materials;
15. All new Commercial building developments shall consider and provide for an attractive streetscape view in conjunction with significant site landscaping, and convenient, well lit and safe pedestrian access from the parking area to the principal building;
16. All new commercial buildings shall also be designed from the perspective of universal access for disabled and other persons and provide for multiple curb let downs, power assisted door openers, weather protection and other design elements;

17. Screening of mechanical equipment, especially mechanical systems sited on rooftops, is encouraged and, wherever possible, integrated into the architecture of the development; and,
18. Integration of Crime Prevention through Environmental Design (CPTED) principles and design elements into building form and character considerations is required in the design of all new and all significantly renovated commercial developments.

#### **44.4 LANDSCAPE GUIDELINES**

1. Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, acts a buffer to adjacent land uses, screens parking and paved areas of the site, and emphasizes the natural environment character of Grand Falls-Windsor, must be incorporated into the design and development of all commercial development projects;
2. In addition to the landscaping objectives of Regulation 47.3 (18), the intent for commercial development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
3. The frontage of new commercial developments, and other lot areas adjacent to a street, except in the CD zone, should be entirely landscaped with a minimum 3.0m (9.8ft) wide landscape boulevard to serve as the primary buffer area between the adjacent street and the paved area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
4. Street trees on a commercial site should be a minimum of 1.8m (5.9ft) in height at time of planting, and planted at a ratio of one tree for every three parking spaces on site;
5. Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the site landscape plan;

6. On large sites such as for shopping centre developments, landscaping is to also consider the provision of public art or features such as water fountains and outside landscaped amenity, courtyard or plaza areas;
7. Unenclosed storage areas are to be sited to the rear of buildings and screened by landscaping or well maintained fencing;
8. Large parking areas shall incorporate landscape features to create separated clusters of parking spaces and enable safe pedestrian circulation; and,
9. A Landscape Letter of Credit may be required by the Authority from the Development Design applicant to ensure successful planting of landscape material and ongoing maintenance for a minimum two year period.

#### **44.5 PARKING AREA DESIGN**

1. Since commercial site parking areas will be highly visible from adjacent streets, and the development design objective is to 'soften' the hard appearance of parking lot areas, surface parking lots shall be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;
2. No asphalt paving of a parking area shall directly abut a building face but rather an interface landscape area shall be planted between the car stops of the parking lot and the side of the building;
3. Large parking areas for commercial sites shall be encouraged to be broken up through the use of internal site landscaping islands that are curbed and planted with trees, raised pedestrian walkways and rest bench areas, and connective vehicle maneuvering aisles;
4. Commercial buildings should be strategically located on development sites to ensure safe pedestrian movement from the surface parking areas by initiatives such as maintaining clear public walking access to the entrance of commercial storefronts;
5. Short term bicycle parking facilities such as bike racks, should be sited in well lit locations close to building entrances;
6. Loading and service areas shall be located to the rear and side of commercial buildings, removed from the main site parking areas and all pedestrian movements;



7. Parking areas shall be designed to support and assist disabled persons, and all disabled parking spaces shall be located close to the building entrance;
8. All surface parking spaces shall be clearly marked and painted with white parking space lines, and where 'small car parking spaces' are to be used, 'small cars' shall be clearly painted on the parking spaces;
9. The amount of asphalt surfaces on commercial parking lots is encouraged to be minimized through consideration of use of more permeable surface treatments such as decorative pavers and bricks; and,
10. Lighting for commercial parking lots shall not 'spill-over' and create glare on adjacent properties.

#### **44.6 SIGNAGE AND OTHER DESIGN CONSIDERATIONS**

1. The size, height and design of commercial development name signs shall be architecturally integrated into the overall design of the site, and be generally limited to one sign per site, or on the basis of overall site frontage for large commercial developments; and,
2. Refuse collection containers and recycling storage areas are encouraged to be sited within buildings, or in the minimum, fully enclosed with attractive fencing and roofing, if necessary, that complements the principal building materials, or screened to an adequate height by similar landscape treatment.

### **45.0 INDUSTRIAL DEVELOPMENT DESIGN GUIDELINES**

#### **45.1 DEVELOPMENT DESIGN INTENT**

The intent of development design for industrial projects is to compliment continued success in local industrial growth through enhanced site, building and landscape design of new industrial projects.

## **45.2 DESIGN OBJECTIVES**

1. The building form and appearance of new industrial projects should reflect the desired character and pattern of development in the local area of the community where the industrial use is to occur by incorporating appropriate architectural and functional building styles, features, materials, size, scale, and site layout needs, and as compatible with the applicable industrial zone;
2. The Industrial Light zoned sites are intended to achieve a higher level of both building and site design so as to more fully integrate into the urban core of the community; and,
3. Industrial Special and Industrial Heavy zoned sites are intended to focus more on site design, screening of storage and achieving an improved level of visual appearance.

## **45.3 SITE DESIGN**

1. New buildings, structures, and expansions or additions thereto, on industrial sites, are to be designed in a manner to reflect an appealing public appearance by being sited as close to the adjacent street as possible, accentuated with an attractive front of building orientation to the street and complimented with well maintained site landscaping;
2. Overall site planning and development should address the entire property, and any environmentally sensitive areas should be identified, fenced and preserved;
3. Open space areas shall be created wherever possible on an industrial site, particularly within setback areas, and for employee amenity areas;
4. Site landscaping is to assume a greater role in overall site design and site layout so as to achieve goals of creating permeable areas for site drainage, and to generally 'green' the site to reflect the natural setting of the community;
5. Wherever achievable, new developments are encouraged to incorporate Low Impact Development (LID) techniques such as rain gardens, vegetated swales, separation of impervious surfaces, and/ or redirecting water from drain pipes into rain barrels and other systems for watering site landscaping;

6. Lighting of parking and outside work areas shall not illuminate adjacent or nearby properties to an intensity greater than existing street lights adjacent to nearby impacted sites;
7. Exterior site storage is encouraged to be minimized, and where present located away from public view as much as possible, and where necessary enclosed by an opaque or translucent screen, raised landscape berms, trees and substantial site landscaping;
8. Refuse collection and recycling areas are to be completely screened by landscaped vegetation or by fencing material that compliments the building design;
9. Loading areas are encouraged to be located to the rear or side of a building where a building façade does not face a street, and designed in keeping with the appearance of the principal building; and,
10. Signage is to be coordinated with the overall design of the site and landscaping.

#### **45.4 BUILDING DESIGN**

1. Buildings within the IL zone are to be designed to create an appealing visual relationship between buildings and streetscape;
2. Design detail for all new industrial buildings will be encouraged to consider the proposed building's bulk and size, and its height and massing in relation to neighbourhood area, and what building materials are to be used, and what level of landscape improvements are to be made to the building setback areas and parking locations, and additionally consider:
  - Orientating the building to the street to present an attractive public 'face' for the industrial operation;
  - Locating the office component of a new building to the front of the building and using materials such as glazing to highlight the building front;
  - Differentiating one face of the building from another by utilizing different architectural features, colors and materials;
  - Ensuring individual unit identity to units in multi-tenant buildings; and,
  - Providing for finished treatment of open space on the site through attractive and well maintained landscaping.
3. Developments should address the impact and visual exposure of building roof appearance by varying the design of the roof line, and considering all roof top equipment, stacks, roof vents, and mechanical systems as part of the overall building design, and group and screen as much as possible;

4. No exposed surfaces of buildings are encouraged to be finished with metal cladding or unpainted concrete blocks in the IL zone; and,
5. Manufactured mobile structures are not deemed as an appropriate building form in any industrial zone.

## **45.5 LANDSCAPING GUIDELINES**

1. Attractive and substantial site landscaping that creates visual interest and identity, a pleasing street and pedestrian image, acts a buffer to adjacent land uses, screens parking and paved areas of the site, and emphasizes the natural environment character of Grand Falls-Windsor, must be incorporated into the design and development of all industrial development projects;
2. The overall landscaping intent for industrial development sites is to maximize the amount of landscaped areas on the site including retention of stands of mature trees, and to minimize the amount of impervious surfaces so as to increase the natural absorption of rainwater of the site through consideration of innovative practices such as incorporating oil-water separators in the catch basins of parking lot drains to cleanse parking lot runoff waters before they enter watercourses;
3. The frontage and streetscape sides of new industrial developments in the IL zone should be landscaped with a minimum 3.0m (9.8ft) wide landscape boulevard to serve as the primary buffer area between the adjacent street and the building area of the site, with specific attention to providing within the landscape boulevard area, deciduous street tree species and a variety of plant materials and treatments, some of which should achieve substantial size at maturity, and in creating visual landmarks of hard and soft landscaping features on significant street corners and at locations of high visibility;
4. Street trees on an industrial site should be a minimum of 1.8m (5.9ft) in height at time of planting, and planted at a ratio of one tree for every four parking spaces on the perimeter of the site;
5. Use of hedges, floral displays, lawns with park benches, brickwork fences, shade areas and ornamental lights is also encouraged to be included in the front building area and employee amenity areas;
6. Wherever possible, use of raised landscape berms to screen parking and storage areas of a site is encouraged; and,

7. The overall industrial development is encouraged to maximize the positive impact of finished open space.

## **45.6 PARKING AREA DESIGN**

1. Employee parking areas and loading bays are not to be located within the setback area between the building and the street;
2. Since industrial site parking areas will be highly visible from adjacent streets in the IL zone, and the development design objective is to 'soften' the hard appearance of parking lot areas, surface parking lots shall be screened as much as possible from streetscape view by use of landscape hedges, grassed and raised landscape berms, and in specific locations, by attractive good-quality fencing;
3. No asphalt paving of a parking area shall directly abut a building face but rather an interface landscape area shall be planted between the car stops of the parking lot and the side of the building;
4. Parking lot area and loading bay access locations to the street shall be minimized;
5. Parking areas shall be designed to support and assist disabled persons, and all disabled parking spaces shall be located close to the building entrance;
6. All surface parking spaces shall be clearly marked and painted with white parking space lines, and where 'small car parking spaces' are to be used, 'small cars' shall be clearly painted on the parking spaces; and,
7. Short term bicycle parking facilities for employees such as bike racks, should be sited in well lighted locations close to building and workplace entrances.

## **46.0 COMPREHENSIVE DEVELOPMENT AREA DESIGN GUIDELINES**

### **46.1 DEVELOPMENT DESIGN INTENT**

The intent of development design for the two Comprehensive Development Area Zone locations is to provide a managed approach for evaluating the proposed design appearance of buildings to be considered for site development.

### **46.2 DESIGN OBJECTIVES**

1. The building form and appearance of new projects for a Comprehensive Development Area zoned site should reflect the desired character and the desired pattern of development in the local area of the community where the proposed use is to occur by incorporating appropriate architectural and functional building styles, features, materials, size, scale, and site layout needs, and as compatible with the applicable CDA zone;
2. The CDA zoned sites are intended to achieve a high level of both building and site design so as to more successfully integrate into the urban lands of the community and function as significant development opportunities for each site; and,
3. Site and building development of the projected mixed uses for the CDA sites shall be in accordance with the applicable single unit compact lots, multi-unit residential, commercial and industrial design guidelines.

### **46.3 BUILDING AND SITE DESIGN GUIDELINES**

1. Hotel and High Density Multi-Unit Residential developments on CDA lands shall represent a prominent building form with superior architectural detail and building materials, complemented with a landscape design that has an emphasis on street and site perimeter trees, and raised flower beds with shrubbery;
2. Cluster Residential development on CDA and other lands within the community shall be designed to preserve the environmentally sensitive area of a site, and having residential units 'cluster' the housing density on the remaining developable area of the site in a fashion that is most appropriate for the property, without strict adherence to individual lot line setbacks for individual residential homes;

3. Any potential future Shopping Centre development on CDA lands shall include a traffic impact analysis to determine potential traffic volume flows to the existing street network, and shall include site design principles of significant perimeter and internal site landscaping, limiting the expanse of single parking lot areas and providing for highly designed buildings that utilize wood and local aggregate material in storefront facades;
4. Industrial Light, Commercial Neighbourhood, Commercial General and Civic uses, where permitted, shall pursue highly designed building forms that are orientated to the street and complemented with professionally designed site landscaping;
5. Any potential future Service Station use on a CDA site shall pursue site and building design that is visually appealing to the streetscape, with an emphasis on 'greening' the site; and,
6. Industrial Light uses on a CDA site shall provide for a visually appealing industrial setting that is able to aesthetically contribute to the adjacent neighbourhood through effective building placement and site layout design, and attention to varied landscaping, greenery and tree planting on the site.

## **47.0 PUBLIC USE DEVELOPMENT DESIGN GUIDELINES**

### **47.1 DEVELOPMENT DESIGN INTENT**

The intent of development design for public use projects is to continue to provide superior design appearance for new government buildings, assembly and cultural facilities, and community and residential care institutions.

### **47.2 DESIGN OBJECTIVES**

1. The form and appearance of new public use buildings should reflect the desired character and pattern of development in the local area of the community where the building is to be constructed by incorporating appropriate architectural building styles, features, materials, size and scale, and as compatible with the adjacent neighbourhood area;
2. To encourage a high standard of site and building design to reflect the unique historical and future focus of the community; and,
3. In order to reinforce the outstanding natural environment and forested setting of Grand Falls-Windsor, extensive use of landscaping and open space, and general 'greening' of public use sites will be pursued.

### **47.3 BUILDING, SITE AND LANDSCAPING GUIDELINES**

1. Site development shall be in general accordance with the design guidelines of Regulation 45.3;
2. Building design for new public use buildings shall be in general accordance with the intent of Regulations 43.3 and 45.3; and,
3. Landscaping guidelines shall be in general accordance with the intent of Regulations 43.4 and 44.4.

### **47.4 PARKING AREA AND SIGNAGE DESIGN GUIDELINES**

1. Parking area design guidelines shall be in general accordance with the intent of Regulations 43.5 and 44.5;
2. Signage design guidelines will be in general accordance with the intent of Regulations 43.6 and 44.6, in addition to adherence to Council's Policy on Signs and Advertisements.



## **48.0 SOUTH SIDE OF EXPLOITS RIVER DESIGN GUIDELINES**

### **48.1 DESIGN INTENT**

The intent of design guidelines for that approximate 300.0m (984.2ft) wide linear portion of land that is situated directly opposite the southern Municipal Area Boundary and located on the south side of the Exploits River, and contained within the Town's Municipal Planning Area Boundary, as illustrated by attached **Appendix 1**, is to provide for view management of the natural environment from the Town on the north side of the Exploits River to the south side of the Exploits River.

### **48.2 SITE AND DEVELOPMENT DESIGN OBJECTIVES**

1. The Town seeks to maintain the natural treed environment viewscape to the south side of the Exploits River;
2. The Town considers that no tree removal, soil disturbance or development of land within the Planning Area on the south side of the Exploits River should occur that will impede the current natural viewscape;
3. The Town is of the position that any development proposal of any manner within the south side of the Exploits River Planning Area Boundary should be referred to the Town for consultation, review and comment.
4. Referral of development proposals to the Provincial Archaeological Office will be required for any proposed development location that contains protected archaeological sites.

## PART V: NL MINISTER'S DEVELOPMENT REGULATIONS

### NEWFOUNDLAND AND LABRADOR REGULATION 3/01

*Development Regulations*  
under the  
*Urban and Rural Planning Act, 2000*

*(Filed January 2, 2001)*

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

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

Joan Marie Aylward  
Minister of Municipal and Provincial Affairs

### REGULATIONS

#### *Analysis*

1. Short title
2. Definitions
3. Application
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5. Notice of right to appeal
6. Appeal requirements
7. Appeal registration
8. Development prohibited

- 9. Hearing notice and meetings
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- 11. Board decision
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- 13. Notice of variance
- 14. Residential non conformity
- 15. Notice and hearings on change of use
- 16. Non-conformance with standards
- 17. Discontinuance of non-conforming use
- 18. Delegation of powers
- 19. Commencement

#### **Short title**

1. These regulations may be cited as the *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, Nfld., A1B 4J6 is the

secretary to all boards in the province and an appeal filed with that secretary within the time period referred to in subsection 42(4) of the Act shall be considered to have been filed with the appropriate board.

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

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

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

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

### **Appeal registration**

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

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

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

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

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

### **Development prohibited**

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

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

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

### **Hearing notice and meetings**

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

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

### **Hearing of evidence**

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

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

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

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

### **Board decision**

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

### **Variances**

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

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



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

#### **Notice of variance**

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

#### **Residential non conformity**

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

#### **Notice and hearings on change of use**

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

#### **Non-conformance with standards**

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

#### **Discontinuance of non-conforming use**

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

#### **Delegation of powers**

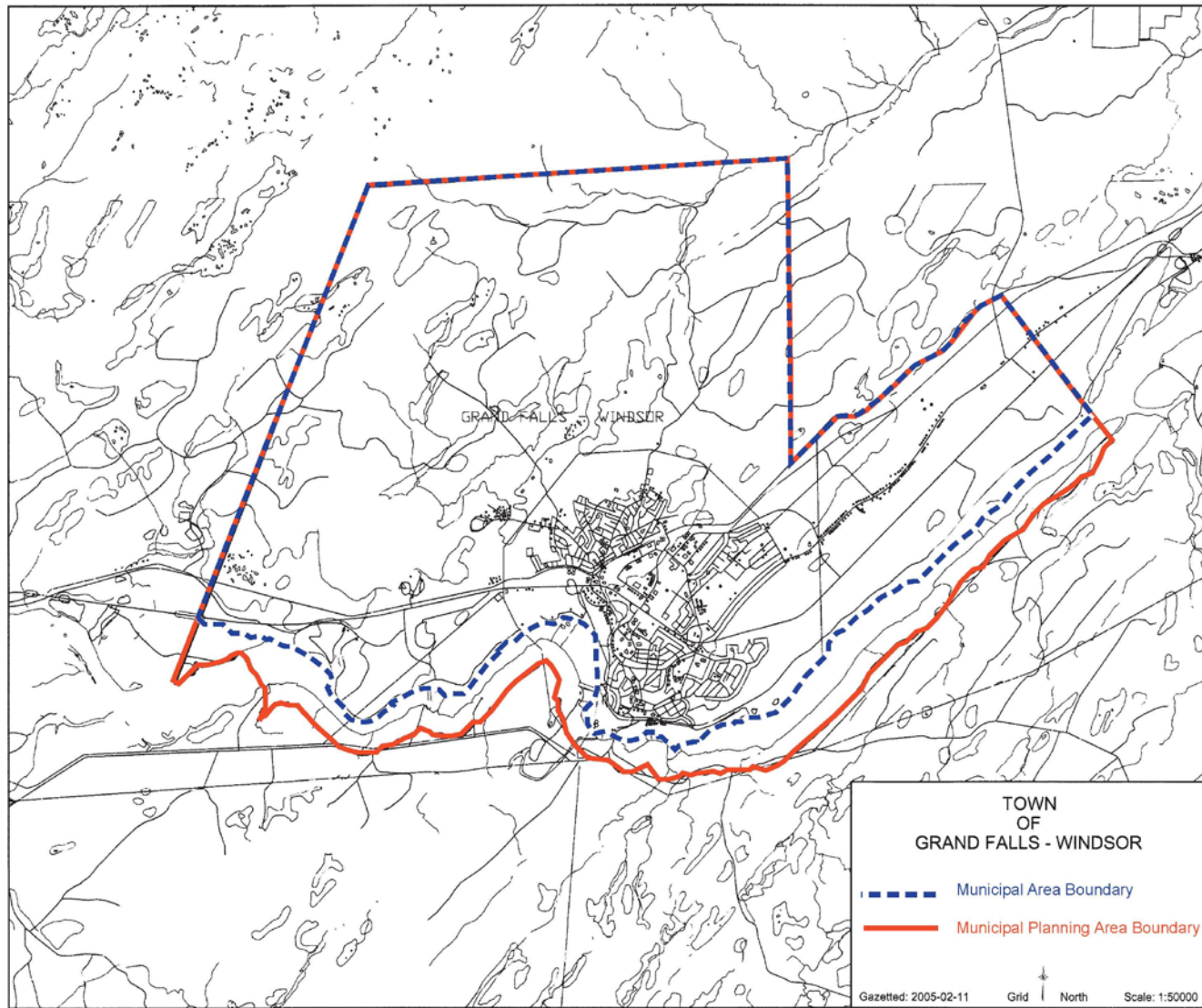
**18.** An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.

#### **Commencement**

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

**APPENDIX 1:**  
**GRAND FALLS-WINDSOR MUNICIPAL PLANNING AREA BOUNDARY MAP**

## APPENDIX 1



**ATTACHMENT**  
**SCHEDULE A-2 ZONING MAP**