

**TOWN OF
IRISHTOWN-SUMMERSIDE
DEVELOPMENT REGULATIONS**

IMPORTANT: To see if there were any changes to
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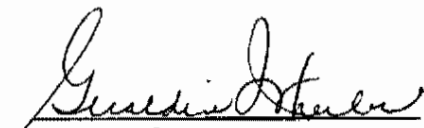
List of Development Regulation Amendments

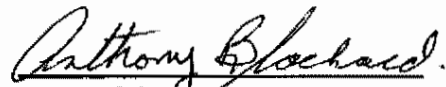
THE URBAN AND RURAL PLANNING ACT
TOWN OF IRISHTOWN-SUMMERSIDE
LAND USE ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)

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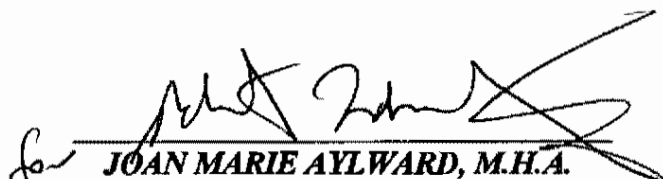
The Council of the Town of Irishtown-Summerside hereby adopts the following Land Use Zoning, Subdivision and Advertisement Regulations as required by Section 36 of The Urban and Rural Planning Act.

Made and adopted by the Council of the Town of Irishtown-Summerside, on the 5th day of April, 2000.


Clerk


Mayor

Approved by me at St. John's this 7th day of August, 2000.


JOAN MARIE AYLWARD, M.H.A.
St. John's Centre
Minister of Municipal & Provincial Affairs

All persons are hereby requested to take notice that anyone who wishes to view these Regulations may do so at the Office of the Town Clerk of the Town Council of Irishtown-Summerside.

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TOWN OF IRISHTOWN-SUMMERSIDE MUNICIPAL PLAN
LAND USE, ZONING, SUBDIVISION AND ADVERTISEMENT REGULATIONS
(DEVELOPMENT REGULATIONS)

APPLICATION

1. Short Title

These Regulations may be cited as the Irishtown-Summerside Development Regulations.

2. Interpretation

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

3. Commencement

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

4. Municipal Code and Regulations

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

5. Authority

In these Regulations, "Authority" means the Council of the Town of Irishtown-Summerside.

necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

10. Discretionary Powers of Authority

In considering an application for a permit or for outline planning permission to carry out development, the Authority shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Authority may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

11. Variances by Authority

- (1) Where a permit cannot be granted because the proposed development does not comply with these Regulations, the Authority may in its discretion vary the requirements to literal conformity with the Regulations if, in the Authority's opinion, the requirements would prejudice the proper development of the land, building or structure in question, or be contrary to the public interest.
- (2) Variance from these Regulations pursuant to Regulation 11(1) shall only be authorized in the following circumstances:
 - (a) if, in the opinion of the Authority, such variance is not contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme, plan or regulation pursuant thereto, and the public interest;
 - (b) if, prior to authorization of such variance, the Authority has considered its effect on adjoining properties;
 - (c) if the variance does not change the permitted use of the property;

- (4) The Authority may require a service levy to be paid by the owner of the real property;
 - (a) at the time the levy is imposed;
 - (b) at the time development of the real property commences;
 - (c) at the time development of the real property is completed; or,
 - (d) at such other time as the Authority may decide.

13. Financial Guarantees by Developer

- (1) The Authority may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 13(1) may be made in the form of:
 - (a) a cash deposit from the developer, to be held by the Authority, or;
 - (b) a guarantee by a bank, or other institution acceptable to the Minister, for expenditures by the developer, or;
 - (c) a performance bond provided by an insurance company or a bank, or;
 - (d) an annual contribution to a sinking fund held by the Authority.

14. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Regulation 74, the Authority may require the dedication of a percentage of the land area of any subdivision or other development for public use, and such land shall be conveyed to the Authority in accordance with the provisions of the Act.

15. Reinstatement of Land

Where the use of land is discontinued or the intensity of its use is decreased, the Authority may order the developer, the occupier of the site, or the owner or all of them to reinstate the site, to remove all or any buildings or erections,

19. Outline Planning Permission

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

- (2) Where outline planning permission is granted under this Regulation, it shall be subject to the subsequent approval by the Authority of such details as may be listed in the outline planning permission, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of outline planning permission.

20. Development Permit

- (1) A plan or drawing which has been approved by the Authority and which bears a mark and/or signature indicating such approval together with a permit shall be deemed to be permission to develop land in accordance with these Regulations but such permission shall not relieve the applicant from full responsibility for obtaining permits or approvals under any other regulation or statute prior to commencing the development; from having the work carried out in accordance with these Regulations or any other regulations or statutes; and from compliance with all conditions imposed thereunder.

- (2) The Authority may attach to a permit or to outline planning permission such conditions as it deems fit in order to ensure that the proposed development will be in accordance with the purposes and intent of these Regulations.

- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.

22. Notice of Application

The Authority may, and when a variance is necessary under Regulation 11 ~~and the Authority wishes to consider whether to authorize such a variance~~, when a change in nonconforming use is to be considered under Regulation 45, or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for outline planning permission, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

23. Right of Entry

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

24. Record of Violations

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

25. Stop Work Order and Prosecution

- (1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.
- (2) A person who does not comply with an order made under Regulation 25(1) is guilty of an offence under the provisions of the Act.

26. Local Board of Appeal Established

A Local Board of Appeal shall be appointed to hear all appeals arising from these Regulations.

27. Appointment of Local Board of Appeal

- (1) The Authority may, subject to the approval of the Minister, appoint not less than three and not more than five persons to constitute the Local Board of Appeal.

29. Appeals to Local Board of Appeal

- (1) The Local Board of Appeal shall hear appeals from decisions of the Authority made under these Regulations and shall either confirm the decision or recommend to the Authority that the decision be varied or reversed.
- (2) Any person may appeal to the Local Board of Appeal from a decision of the Authority made under these Regulations.
- (3) An appeal shall be submitted in writing to the Authority within thirty (30) days of the date of the decision appealed from, shall include an appeal fee to be paid to the Appeal Board hearing the appeal, and shall state the circumstances and grounds of the appeal.
- ~~(3.1) Where the municipality has not appointed a Local Board of Appeal, the appeal fee shall be the fee established for appeals to the Regional Appeal Boards by Order of the Minister of Municipal and Provincial Affairs, and where the municipality has appointed the Local Board of Appeal, the appeal fee shall be an amount established by resolution of the Authority and no greater than the Regional Appeal Boards appeal fee.~~
- (4) Within one week of receiving an appeal, the Authority shall forward it to the Local Board of Appeal together with the required fee and a copy of the application appealed from and all other correspondence, plans and pertinent information.
- (5) The Local Board of Appeal shall meet to hear an appeal within sixty calendar days after that appeal has been filed with the Authority, and shall make its decision known in writing to the Authority and to the appellant within two weeks of hearing the appeal.
- (6) The Authority, the appellant, and any other person likely to be affected by the appeal, shall be advised of the time and place of the appeal hearing by the Secretary at least one week before the appeal is to be heard.
- (7) The Authority and the appellant are entitled, but are not bound, to appear before the Local Board of Appeal either personally or by representatives appointed by them.

PART II - GENERAL DEVELOPMENT STANDARDS

32. Accesses and Service Streets

- (1) Access shall be located to the specification of the Authority so as to ensure the greatest possible convenience and safety of the street system and the Authority may prescribe the construction of service streets to reduce the number of accesses to collector and arterial streets.
- (2) No vehicular access shall be closer than 10 metres to the street line of any street intersection.

33. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) The sideyard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.

34. Advertisements

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

35. Buffer Strips

Where any industrial development permitted in any Use Zone abuts an existing or proposed residential area, or is separated from it by a road only, the owner of the site of the industrial development shall provide a buffer strip not less than ten (10) metres wide between any residential activity and the industrial area. The buffer shall include the provision of such natural or structural barrier as may be required by the Authority and shall be maintained by the owner or occupier to the satisfaction of the Authority.

in any zone in which agriculture is a permitted use class in the Use Zone Tables in Schedule C of these Regulations), and, from an area designated for residential use in an approved Plan, and, from a Provincial or Federal Park.

- (b) The structure shall be at least 60 m from the boundary of the property on which it is to be erected.
 - (c) The structure shall be at least 90 m from the centre line of a street.
 - (d) The erection of the structure shall be approved by the Department of Forestry & Agriculture and the Department of Environment & Lands.
- (2) No development for residential use shall be permitted within 600 m of an existing structure designed to contain more than five animal units unless the development is first approved by the Department of Forestry & Agriculture.

41. Lot Area

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

42. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any residential zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a dwelling thereon, provided that the lot coverage and height are not greater than, and the yards and floor area are not less than the standards set out in these Regulations.

- (c) Accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

53. Side Yards

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

54. Street Construction Standards

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

55. Subsidiary Apartments

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

56. Unsubdivided Land

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

57. Zero Lot Line and Other Comprehensive Development

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

- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- (e) on a dwelling or within the curtilage of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

64. Approval Subject to Conditions

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

65. Non-Conforming Uses

Notwithstanding the provisions of Regulation 58, a permit may be used for the erection or display of advertisements on a building or within the curtilage of a building or on a parcel of land, the use of which is a non conforming use, provided that the advertisement does not exceed the size and type of advertisement which could be permitted if the development was in a Use Zone appropriate to its use, and subject to any other conditions deemed appropriate by the Authority.

- (l) community facilities;
- (m) energy conservation;
- (n) such other matters as may affect the proposed development.

70. Building Permits Required

Notwithstanding the approval of a subdivision by the Authority, a separate building permit shall be obtained for each building proposed to be erected in the area of the subdivision, and no building permit for any building in the area shall be issued until the developer has complied with all the provisions of these Regulations with respect to the development of the subdivision.

71. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority in accordance with Regulation 16.

72. Subdivision Subject to Zoning

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

73. Building Lines

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

74. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:
 - (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
 - (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;

76. Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (c) The maximum length of any cul de sac shall be:
 - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility.
 - (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (e) No cul de sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) 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:

sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Authority to service the said area.

78. Developer to Pay Engineer's Fees and Charges

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

79. Street Works May Be Deferred

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

80. Transfer of Streets and Utilities to Authority

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

PART V - USE ZONES

83. Use Zones

- (1) For the purpose of these Regulations, the Planning Area is divided into Use Zones which are shown on the Zoning Map attached to and forming part of these Regulations.
- (2) Subject to Regulation 83(3), the permitted use classes, discretionary use classes, standards, requirements and conditions applicable to each Use Zone are set out in the Use Zone Tables in Schedule C of these Regulations.
- (3) Where standards, requirements and conditions applicable in a Use Zone are not set out in the Use Zone Tables in Schedule C, the Authority may in its discretion, determine the standards, requirements and conditions which shall apply.

84. Use Classes

The specific uses to be included in each Use Class set out in the Use Zone Tables in Schedule C shall be determined by the Authority in accordance with the classification and examples set out in Schedule B.

85. Permitted Uses

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

86. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 22 and has considered any objections or representations which may have been received on the matter.

SCHEDULE A

DEFINITIONS

ACCESS: A way, intended for use by vehicles, pedestrians or animals as a means of going from a road, street or highway to land adjacent to it.

ACCESSORY BUILDING: A detached subordinate building not used for human habitation, located on the same lot as the main building structure or use to which it is accessory, the use of which is naturally or customarily incidental and complementary to the main use of the building, land or structure, and shall include:

- (a) in the case of residential uses: domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetable storage cellars, shelters for domestic pets, or radio and television antennae;
- (b) in the case of commercial uses: workshops or garages;
- (c) in the case of industrial uses: garages, offices, raised ramps and docks.

ACT: The Urban and Rural Planning Act.

ADVERTISEMENT: Any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purposes of advertisement, announcement or direction; excluding such things employed wholly as a memorial, or functional advertisement of Councils, or other local authorities, public utilities and public transport undertakers, and including any boarding or similar structure used or adapted for use for the display of advertisements.

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

BUILDING LINE: A line established by the Authority to set the horizontal distance between the closest point of a building and the street line.

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

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

DEVELOPMENT: The carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use, or the intensity of use of any land, buildings, or premise and without limiting the generality of the foregoing, shall specifically include:

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

and shall exclude:

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

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

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

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

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

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

LAND: Includes land covered by water, and buildings and structures on, over, or under the soil and fixtures that form part of these buildings and structures.

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

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

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

LOT: Any plot, tract or parcel of land which can be considered as a unit of land for a particular use or building.

freehold or leasehold tenure and where the maintenance of streets and services is the responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Authority.

OWNER: Any person, firm or corporation controlling the property under consideration.

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

REAR YARD DEPTH: The distance between the rear lot line and the rear wall of the main building on the lot.

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

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

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

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

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

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

SCHEDULE B

CLASSIFICATION OF USES OF LAND AND BUILDINGS

NOTE: The classification of uses set out in the following table is based on the Classification of Typical Occupancies included as Table 3.1.2.A of the National Building Code of Canada, 1980. This classification is referred to in Regulation 84.

| GROUP | DIVISION | CLASS | EXAMPLES |
|------------------|---|------------------------|---|
| A. ASSEMBLY USES | 1. Assembly Uses for the production and viewing of the performing arts. | (a) Theatre | Motion Picture Theatres T.V. Studios admitting an audience. |
| | 2. General Assembly Uses | (a) Cultural and Civic | Libraries Museums Art Galleries Court Rooms Meeting Rooms Council Chambers |
| | | (b) General Assembly | Community Halls Lodge Halls Dance Halls Gymnasias Auditoria Bowling Alleys |
| | | (c) Educational | Schools Colleges (non-residential) |
| | | (d) Place of Worship | Churches and similar places of worship. Church Halls |
| | | (e) Passenger Assembly | Passenger Terminals |
| | | (f) Club and Lodge | Private Clubs and Lodges (non-residential) |
| | | (g) Catering | Restaurants Bars Lounges |
| | | (h) Funeral Home | Funeral Homes and Chapels |
| | | (i) Child Care | Day Care Centres |
| (j) Amusement | Electronic Games Arcades Pinball Parlours Poolrooms | | |

CLASSIFICATION OF USES OF LAND AND BUILDINGS

| GROUP | DIVISION | CLASS | EXAMPLES |
|-------------------------------------|--|--------------------------------|---|
| C. RESIDENTIAL USES (continued) | 2. General Residential Uses (continued) | (a) Collective Residential | Residential Colleges & Schools University & College Halls of Residence Convents & Monasteries Nurses and Hospital Residences |
| | | (b) Boarding House Residential | Boarding Houses Lodging Houses |
| | | (c) Commercial Residential | Hotels & Motels Hostels Residential Clubs |
| | | (d) Seasonal Residential | Summer Homes & Cabins Hunting & Fishing Cabins |
| | | (e) Mobile Homes | Mobile Homes |
| D. BUSINESS & PERSONAL SERVICE USES | 1. Business, Professional, and Personal Service Uses | (a) Office | Offices (including Government Offices) Banks |
| | | (b) Medical & Professional | Medical Offices and Consulting Rooms Dental Offices & Surgeries Legal Offices Similar Professional Offices |
| | | (c) Personal Service | Barbers Hairdressers Beauty Parlours Small Appliance Repairs |
| | | (d) General Service | Self-service Laundries Dry Cleaners (not using flammable or explosive substances) Small Tool and Appliance Rentals Travel Agents |

CLASSIFICATION OF USES OF LAND AND BUILDINGS

| GROUP | DIVISION | CLASS | EXAMPLES |
|-----------------------------------|--|-----------------------------|---|
| F. INDUSTRIAL USES (continued) | 2. General Industrial Uses involving Limited Hazardous Substances and Processes. | (a) General Industry | Factories Cold Storage Plants Freight Depots General Garages Warehouses Workshops Laboratories Laundries Planing Mills Printing Plants Contractors' Yards |
| | | (b) Service Station | Gasoline Service Stations Gas Bars |
| | 3. Light, Non-hazardous or Non-intrusive Industrial Uses. | (a) Light Industry | Light Industry Parking Garages Indoor Storage Warehouses Workshops |
| G. NON-BUILDING USES | 1. Uses not directly related to building | (a) Agriculture | Commercial Farms Hobby Farms Market Gardens & Nurseries |
| | | (b) Forestry | Tree Nurseries Silviculture |
| | | (c) Mineral Working | Quarries Pits Mines Oil Wells |
| | | (d) Recreational Open Space | Playing Fields Sports Grounds Parks Playgrounds |
| | | (e) Conservation | Watersheds Buffer Strips Flood Plains Architectural, Historical and Scenic Sites Steep Slopes Wildlife Sanctuaries |
| | | (f) Cemetery | Cemeteries Graveyards |
| | | (g) Scrap Yard | Car Wrecking Yards Junk Yards Scrap Dealers |

SCHEDULE "C"

USE ZONE TABLES

NOTE

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

The schedule contains tables for the following Use Zone:

| | |
|--------------------------|------|
| Mixed Development | C-2 |
| Rural Residential | C-8 |
| Recreational Open Space | C-13 |
| Rural Resource | C-14 |
| Environmental Protection | C-19 |

USE ZONE TABLE

| | | |
|---|--------------------------|-------------------------------|
| ZONE TITLE | MIXED DEVELOPMENT | (IRISHTOWN-SUMMERSIDE) |
| PERMITTED USE CLASSES - (see Regulation 85) | | |
| Single dwelling, double dwelling. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 22 and 86) | | |
| Shop, catering, cultural & civic, child care, office, personal service, general service, apartment, bldg., light industry, educational, take out food service, commercial residential, general industry, medical and professional, hazardous industry (see condition 7) convenience store, place of worship, outdoor market, club and lodge, boarding house residential, recreational open space, agriculture, service station. | | |

| STANDARDS | WHERE PERMITTED | | | | | | |
|--|--|-----------------|------------------|--------------------|---------------|---------------|------------------|
| | Single Dwelling | Double Dwelling | Row Dwelling | APARTMENT BUILDING | | | |
| | | | | 1 Bed Apt. | 2 Bed Apt. | 3 Bed Apt. | 4 Bed Apt. |
| Lot area (m ²)** minimum | | | | 200 * Serv | 250 * iced | 300 * Deve | 300 * lopment |
| Floor area (m ²) minimum | 56 | 40 * | 40 * | 40 * | 50 * | 60 * | 70 * |
| Street Line*** Frontage (m) minimum | 15.2 | 15.2 | 12* (average) | 36 | | | |
| Building Line Setback(m) (minimum) (maximum) | 8 30.5 m | 8 30.5 m | 8 30.5 m | 8 | | | |
| Sidyard Width (m) (minimum) Minor Major | 2 3 m | - | - | 5 | | | |
| Rearyard Depth (m) (minimum) | 15 | 13 | 13 | 15 | | | |
| Lot Coverage (%) (maximum) | 33 | 33 | 33 | 33 | | | |
| Height (m) (maximum) | 10 | 10 | 10 | 10 | | | |
| Services | All development shall be connected to the water and sewer system, where available. | | | | | | |

* Per dwelling unit

** See Condition 1

*** See Conditions 1 & 2

CONDITIONS

1. Advertisements Relating to Onsite Uses

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

- (i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (ii) No advertisement shall exceed 5 square metres in area.

2. Advertisements Relating to Offsite Uses

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

- (i) Each advertisement shall not exceed three square metres in area.
- (ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- (iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

3. Lot Areas - Residential

Subject to the requirements of the Department of Health and the Department of Environment and Lands, the minimum area of land required for non-residential development and per single dwelling unit shall be determined, in accordance with the water and sewer services available, as follows:

- (a) With a municipal piped water supply, and connection to a municipal sewer or to a private sewer discharging directly to the sea
..... 470 m²
- (b) With a municipal piped water supply, and sewage disposal by septic tank and tilefield
..... 1400 m²
- (c) With a well water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea
..... 1400 m²
- (d) With a well water supply and sewage disposal by septic tank and tilefield
..... 1860 m²
- (e) The minimum unserviced or semi-serviced lot size for double dwellings and row dwellings shall be that specified by the Department of Health.

Conditions for Mixed Development (cont'd.)

- (f) The following standards shall apply to single dwellings, double dwellings, row dwellings and non-residential development.

| <u>Minimum Street Line Frontage</u> | <u>Serviced With Water & Sewer</u> | <u>Unserviced or Semi-Serviced</u> |
|-------------------------------------|--|------------------------------------|
| Single Dwelling | 15.2 metres | 22.8 m |
| Double Dwelling | 15.2 metres (per double unit) | 22.8 m |
| Row Dwelling | 12 metres* (average) | |
| <u>Minimum Lot Size</u> | | |
| Single Dwelling | 470 m ² | |
| Double Dwelling | 470 m ² (per double unit) | |
| Row Dwelling | 350 m ² (average*) | |
| <u>Minimum Sideyard</u> | | |
| Double Dwelling | 3 metres | 3 m |
| Row Dwelling | 3 metres | 3 m |

* Per dwelling unit

4. Frontage

All development in this zone shall have street line frontage on a publicly owned and maintained road and shall be serviced by municipal water and sewer systems where these are available.

5. Discretionary Use Classes

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

6. Agriculture

Agricultural activities in the Mixed Development zone must be compatible with surrounding uses. No form of agriculture shall be permitted if it causes or is likely to cause odor, excessive noise or any unpleasant effect to the environment.

7. Hazardous Industry

This use class is limited to spray painting activities associated with autobody repair shops.

8. Home Based Business

Home based business uses may be permitted as a discretionary use in a single dwelling in the form of doctors' consulting rooms, personal services, small business services, small appliance repair and sporting goods repair service, office, light industry, and similar uses provided that:

Conditions for Mixed Development (cont'd)

1. The use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood.
2. The use does not alter the residential appearance or require external modification of the dwelling unit.
3. Activities associated with the use shall be carried on inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
4. Not more than twenty-five (25) percent of the floor area of the dwelling unit up to a maximum of forty-five (45) square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirement.
5. The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident.
6. Office uses shall be limited to small business services and professional offices.
7. Light Industry uses shall be limited to production of baked goods, handmade articles such as clothing and arts and crafts objects.
8. There is no open storage of goods or materials on the lot.
9. the use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
10. Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
11. One building only separate from the dwelling unit, may be used in connection with a light industrial use and shall conform to the Accessory Building condition for the use zone.
12. No sign will be permitted other than a name plate not exceeding 0.2 m in area which is attached to the principal building. No illumination of the sign will be permitted.
13. The Authority may require fencing, screening and separation or a combination of the two to protect the amenity of adjacent uses.
14. Parking requirements are as set out in Schedule 'D', however, a minimum of one space is required for a subsidiary use. The minimum required parking for the dwelling must continue to be met.
15. The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the subsidiary use.
16. No change in type, class or extent of the use shall be permitted except in accordance with a permit issued by the Authority.

*Conditions for Mixed Development (cont'd.)***9. Accessory Buildings**

Accessory buildings shall have a total maximum lot coverage no greater than 7% and a maximum floor area of 55 m² for each accessory building, whichever is the lesser, and a maximum height of 3 metres. Accessory buildings shall be located in the rear yard or side yard and shall be a minimum of 3 metres from the nearest part of the main building and a minimum of 1 metre from a side and rear lot line.

10. Special Infill Area Lots

The following standards and conditions shall apply to Special Infill Area lots:

- a. The maximum setback of a single dwelling from a publicly owned and maintained road shall be 91.5 metres and shall not be subject to variance.
- b. The minimum access width and street line frontage shall be 6.1 metres.
- c. The standards set out in Sections "b" above shall not be subject to variance below 4.5 metres.
- d. All special infill lots should have a separate permanent and direct access to a public road through the street line frontage.
- e. Where municipal water and sewer systems are available, all development shall be connected to both services at the cost of the developer. All private water and sewer lines shall be constructed to standards set by the Authority.

The following standards shall apply to private lines:

- Sewer Lines -
- (a) minimum slope - 2 percent
 - (b) minimum diameter - 100 mm
 - (c) the maximum distance between cleanouts shall be 100 metres.

- Water Lines -
- (a) minimum diameter - 19 mm
 - (b) a curb stop is required at the public right-of-way
 - (c) All water and sewer lines shall be covered to the same depth as main lines, or covered to a sufficient depth to prevent freezing.

- f. All accesses shall be ditched on both sides to provide drainage to a public storm drainage system or public ditch.
- g. The following standards shall apply to special infill building lot areas:
 - (a) minimum lot area - as per the standards set out in condition 1.
 - (b) minimum side yard - 2 metres
 - (c) minimum rear yard - 15 metres
 - (d) maximum front yard measured from front of the dwelling - 15 metres
minimum front yard - 5 metres
 - (e) minimum distance between dwellings - 2 metres
 - (f) one (1) parking spaces shall be provided exclusive of the access.
- h. Only special infill building lots that have or can obtain street line frontage on public roads that exist at the time of the coming into effect of these regulations may be considered for development.

Conditions for Mixed Development (cont'd.)

11. **Buffers**

The Authority may require protective buffers between residential and non-residential uses where, in its opinion, immediate or future conflict or incompatibility is likely to occur.

12. **General Industrial**

Contractors' yards shall be limited to a maximum of 4 pieces of equipment, excluding one float. All equipment shall be stored within the sideyard requirements for that building lot.

USE ZONE TABLE

| | |
|--|--|
| ZONE TITLE | RURAL RESIDENTIAL INFILL (IRISHTOWN-SUMMERSIDE) |
| PERMITTED USE CLASSES - (see Regulation 85) | |
| Single dwelling. | |
| DISCRETIONARY USE CLASSES - (see Regulations 22 and 86) | |
| Recreational open space, antenna, convenience store, agriculture, double dwelling, child care, personal services, mobile home, light industry, medical and professional, boarding house residential, outdoor market, office general service. (Hazardous industry, general industry - See condition No. 10) | |

| STANDARDS | WHERE PERMITTED | |
|---|-----------------|-----------------|
| | Single Dwelling | Double Dwelling |
| Lot area (m ²) minimum | See Condition 2 | See Condition 2 |
| Floor area (m ²) minimum | 56 | 40 per unit |
| Street Line Frontage (m) minimum | 22.8 | 22.8 |
| Building Line Setback(m) Minimum | 8 | 8 |
| Maximum | 30.5 | 30.5 |
| Sideyard Width (m) Minor (minimum) Major | 2 3 | 2 |
| Rearyard Depth (m) (minimum) | 15 | 13 |
| Lot Coverage (%) (maximum) | 33 | 33 |
| Height (m) (maximum) | 8 | 8 |

* Per dwelling unit

CONDITIONS

1. Advertisements Relating to Onsite Uses

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

- (i) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Authority, having regard to the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (ii) No advertisement shall exceed 5 square metres in area.

2. Advertisements Relating to Offsite Uses

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

- (i) Each advertisement shall not exceed three square metres in area.
- (ii) When the advertisements relate to a specific land use, they shall be located within a reasonable distance of, and only show thereon the name and nature of the distance or direction to the premises to which they relate.
- (iii) The location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

3. Discretionary use Classes

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

4. Lot Areas - Residential

Subject to the requirements of the Department of Health and the Department of Environment and Lands, the minimum area of land required per dwelling unit shall be determined, in accordance with the water and sewer services available, as follows:

- (a) With a municipal piped water supply, and connection to a municipal sewer or to a private sewer discharging directly to the sea
 470 m²
- (b) With a municipal piped water supply, and sewage disposal by septic tank and tilefield
 1400 m²

Conditions for Rural Residential Infill (cont'd)

- (c) With a well water supply and connection to a municipal sewer or to a private sewer discharging directly to the sea
..... 1400 m²
- (d) With a well water supply and sewage disposal by septic tank and tilefield
..... 1860 m²
- (e) The semi-serviced and unserviced lot site for double dwellings shall be that specified by the Department of Health for the specific development proposed.
- (f) The minimum lot area for non-residential development shall conform to the standards set out for residential lots.

5. Convenience Stores

The retail use shall be subsidiary to the residential character of the area, and shall not affect residential amenities of adjoining properties.

6. Frontage

All development shall have street line frontage on a publicly owned and maintained road.

7. Rearyards

The minimum rearyard depth may be altered at the discretion of the Authority where the property adjoins a dock or harbour.

8. Distance of Dwelling from Public Street

A dwelling unit shall not be closer than 8 metres to, nor at the distance greater than 30.5 metres from a public street capable of being used year round by service and emergency vehicles, and each dwelling shall be serviced by an adequate pedestrian access.

9. Agriculture

Agricultural activities must be compatible with surrounding uses. No form of agriculture shall be permitted if it causes or is likely to cause, malodor, excessive noise or any unpleasant effect on the senses or pollution to surface or ground water.

10. Hazardous Industry and General Industry (Other than as home occupations)

Hazardous Industrial Uses shall be limited to spray painting associated with automobile body repair shops. General industrial uses shall be limited to general garages and contractors' yard.

11. Home Based Business

Home based business uses may be permitted as a discretionary use in a single dwelling in the form of doctors' consulting rooms, personal services, small business services, small appliance repair and sporting goods repair service, office, light industry, and similar uses provided that:

Conditions for Rural Residential Infill (cont'd)

- (i) The use is clearly a subsidiary use to the residential use and does not detract from the residential character of the neighbourhood.
- (ii) The use does not alter the residential appearance or require external modification of the dwelling unit.
- (iii) Activities associated with the use shall be carried on inside the dwelling unit or inside a building separate from the dwelling unit but on the same lot.
- (iv) Not more than twenty-five (25) percent of the floor area of the dwelling unit up to a maximum of forty-five (45) square metres is devoted to the use. The dwelling unit must continue to meet the dwelling unit minimum floor area requirement.
- (v) The use is operated by a resident of the dwelling unit and does not employ more than one person in addition to the resident.
- (vi) Office uses shall be limited to small business services and professional offices.
- (vii) Light Industry uses shall be limited to production of baked goods, handmade articles such as clothing and arts and crafts objects.
- (viii) There is no open storage of goods or materials on the lot.
- (ix) the use shall not generate traffic, sewerage or water use in excess of what is normal in the residential area and can be accommodated by the existing municipal road, water and sewer services.
- (x) Activities associated with the use are not hazardous and do not cause noticeable noise, odor, dust or fumes, nor cause electrical interference or in any other way result in a nuisance to the occupants of surrounding residences.
- (xi) One building only separate from the dwelling unit, may be used in connection with a light industrial use and shall conform to the Accessory Building condition for the use zone.
- (xii) No sign will be permitted other than a name plate not exceeding 0.2 m in area which is attached to the principal building. No illumination of the sign will be permitted.
- (xiii) The Authority may require fencing, screening and separation or a combination of the two to protect the amenity of adjacent uses.
- (xiv) Parking requirements are as set out in Schedule 'D', however, a minimum of one space is required for a subsidiary use. The minimum required parking for the dwelling must continue to be met.
- (xv) The residential lot has sufficient area to accommodate the parking requirements of both the dwelling unit and the subsidiary use.
- (xvi) No change in type, class or extent of the use shall be permitted except in accordance with a permit issued by the Authority.

USE ZONE TABLE

| ZONE TITLE | RECREATIONAL OPEN SPACE | (IRISHTOWN-SUMMERSIDE) |
|--|--------------------------------|-------------------------------|
| PERMITTED USE CLASSES - (see Regulation 85) | | |
| Recreational open space. | | |
| DISCRETIONARY USE CLASSES - (see Regulations 22 and 86) | | |
| Outdoor assembly, antenna, conservation. | | |

CONDITIONS**Discretionary Use Classes**

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

USE ZONE TABLE

| | | |
|---|----------------|------------------------|
| ZONE TITLE | RURAL RESOURCE | (IRISHTOWN-SUMMERSIDE) |
| <p>PERMITTED USE CLASSES - (see Regulation 85)</p> <p>Agriculture and forestry.</p> | | |
| <p>DISCRETIONARY USE CLASSES - (see Regulations 22 and 86)</p> <p>Outdoor assembly, single dwelling, outdoor market, general industry, mineral working, recreational open space, cemetery, antenna, solid waste, transportation, service station, conservation, commercial industrial, mineral exploration.</p> | | |

CONDITIONS

1. The development standards for this zone for all uses other than residential shall be as follows:

| | | |
|-------|-----------------------------|---------------------|
| (i) | Minimum Setback | 10 metres |
| | Maximum Setback | 30.5 metres |
| (ii) | Minimum Lot Size | 1860 m ² |
| (iii) | Minimum Streetline Frontage | 23 metres |
| (iv) | Minimum Road Access Width | 6.1 metres |

2. **Permanent Access**

Dwellings and uses that require permanent year round access shall have frontage on a publicly owned and maintained road as specified in the development standards for this zone.

3. **Semi-Permanent Access**

All uses other than those that require permanent year round access must provide a road access to a publicly owned and maintained road according to the development standards for this zone.

4. **Non-Building Uses**

The Authority may waive or vary the requirement of road access for a non-building use that is not accessible to a publicly owned and maintained road provided that vehicular access is not required and access for fire protection equipment is adequate.

*Conditions for Rural Resource (cont'd.)***5. Discretionary Use Classes**

The discretionary use classes listed in this table may be permitted at the discretion of the Authority provided they are complementary to uses within the permitted use classes or that their development will not inhibit or prejudice the existence or the development of such uses, and in the case of general industry that they are restricted to maintenance and repair of equipment, processing and storage related to agriculture or forestry uses.

6. Residential Dwellings

A single dwelling shall not be permitted in the Rural Resource zone except at the discretion of the Authority, where such a dwelling is clearly ancillary and necessary for the effective operation of a permitted use.

7. Environmental Reserve

There shall not be any development in the Rural Resource Zone within 30.5 metres of the usual high water mark of any water course or water body in that zone, with the exception of Transportation uses.

8. Buffer Zone

The Authority may establish a buffer area between any rural resource use and any other use zone if the adjacent uses are not compatible.

9. Disposal Sites

There shall not be any permanent or seasonal residences within the 1.6 km radius buffer area of a waste disposal or incinerator site.

10. Mineral Workings**a. Separation from Adjacent Uses**

Unless the Authority is satisfied that the working will not create a nuisance and will not adversely affect the amenity of the adjacent development or natural feature, no mineral working shall be located closer than the minimum distances set out below to the specified development or natural feature.

Conditions for Rural Resource (cont'd)

| <u>Minimum Separation Distances</u> | <u>Pit or Quarry Working</u> |
|---|------------------------------|
| Existing or proposed Residential Development | 300 metres |
| Any other developed area or area likely to be developed during the life of the pit or quarry working. | 150 metres |
| Public highway or street | 50 metres |
| Protected Road | 90 metres |
| Waterbody or watercourse | 50 metres |

b. Screening

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

- (i) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 10b(ii) must be undertaken.
- (ii) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (iii) Where natural topography creates a visual screen between mineral workings and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.
- (iv) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in (i) - (iii) above, the Authority may refuse to permit the use or associated activity.

c. Fencing

The Authority may require the mineral working site or excavated areas of a pit or quarry working to be enclosed by a fence designed and constructed to its specifications and no less than 1.8 metres in height.

*Conditions for Rural Resource (cont'd.)***d. Water Pollution**

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

e. Water Ponding

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

f. Erosion Control

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

g. Site Maintenance

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

h. Access Roads

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

i. Stockpiling Cover Material

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

j. Operating Plant and Associated Processing and Manufacturing

The Authority may permit processing and manufacturing uses associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.

k. All permanent or temporary buildings, plants and structures associated with processing and manufacturing will be located so as not to interfere with the present or future extraction of aggregate resources.

Conditions for Rural Resource (cont'd.)

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

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

USE ZONE TABLE

| | | |
|---|---------------------------------|-------------------------------|
| ZONE TITLE | ENVIRONMENTAL PROTECTION | (IRISHTOWN-SUMMERSIDE) |
| PERMITTED USE CLASSES - (see Regulation 85) | | |
| Conservation | | |
| DISCRETIONARY USE CLASSES - (see Regulations 22 and 86) | | |
| Forestry, agriculture, animal, recreational open space, transportation. | | |

CONDITIONS**Discretionary Use Classes**

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

Animal, agricultural, and recreational activities shall be limited to non-building uses.

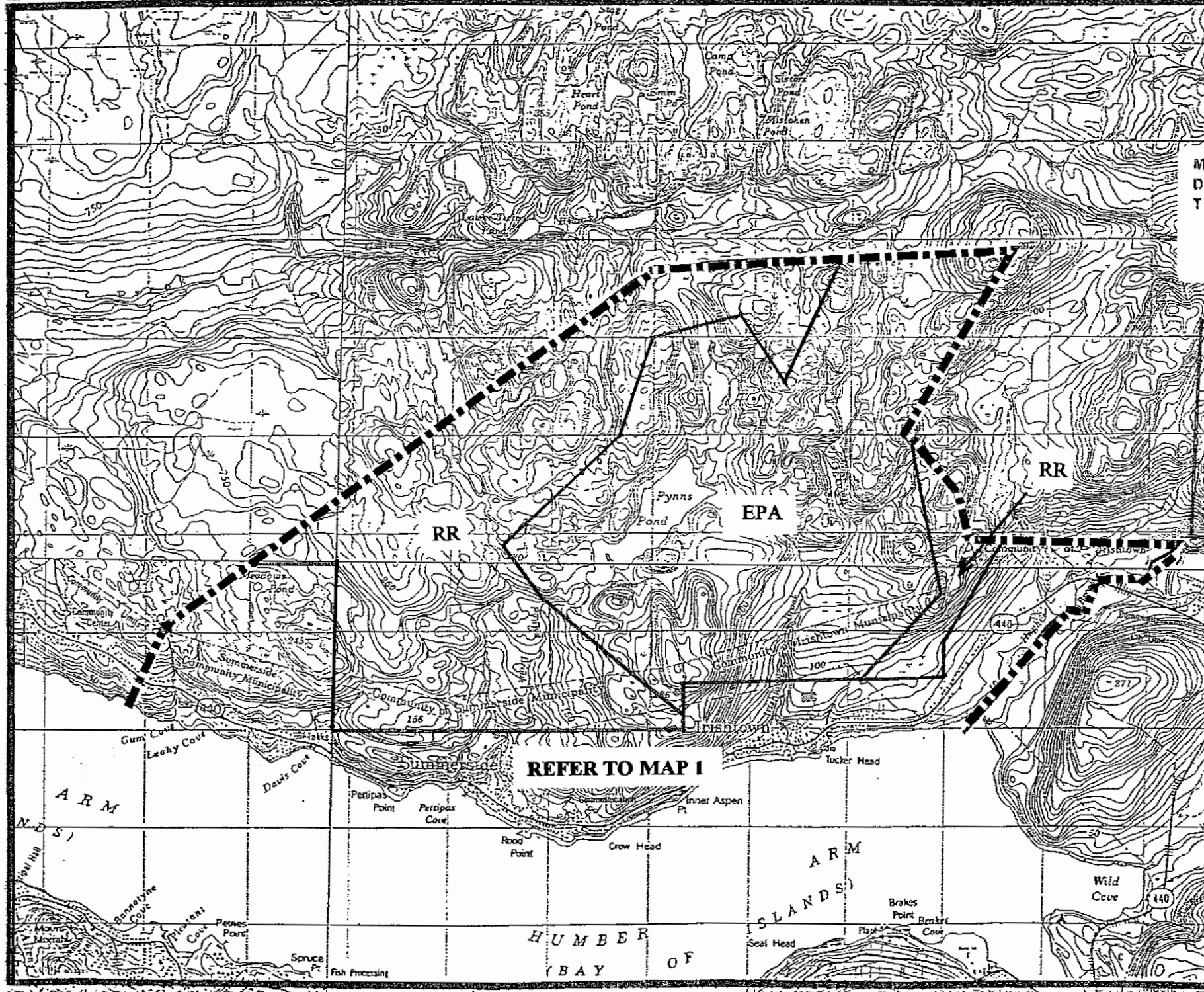
Development shall not be permitted within 30.5 metres of the usual high water mark of any water course in the Municipal Planning Area.

SCHEDULE D

OFF-STREET PARKING REQUIREMENTS

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

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



MINISTER
 Dated at St John's
 This *10th* day of *August* A.D. 2008
Joan Marie Aylward
 JOAN MARIE AYLWARD

John A. ...
...
 MAYOR
...
 CLERK

**TOWN OF
 IRISHTOWN-SUMMERSIDE
 FUTURE LAND USE ZONING
 MAP 2**

- Rural Resource.....RR
- Environmental Protection Area.....EPA
- Municipal Planning Area.....
- Scale.....1:50,000

REFER TO MAP 1

HUMBER
 BAY OF