

**TOWN OF KIPPENS
DEVELOPMENT REGULATIONS 2011**

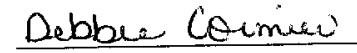
**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF KIPPENS DEVELOPMENT REGULATIONS 2011**

Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Kippens adopts the Town of Kippens Development Regulations 2011.

Adopted by the Town Council of Kippens on the 14th day of May, 2012.

Signed and sealed this 26 day of June, 2012.

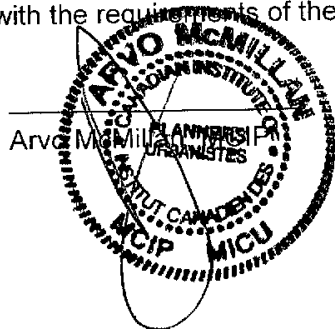
Mayor: 
Cator Best

Clerk: 
Debbie Cormier

CANADIAN INSTITUTE OF PLANNERS CERTIFICATION

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

MCIP:



**URBAN AND RURAL PLANNING ACT
RESOLUTION TO APPROVE
TOWN OF KIPPENS DEVELOPMENT REGULATIONS 2011**

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

- a) adopted the Town of Kippens Development Regulations 2011 on the 14th day of May, 2012.
- b) gave notice of the adoption of the Town of Kippens Development Regulations 2011 by advertisement inserted on the 21st day of May, 2012 and the 28th day of May, 2012 in the Georgian newspaper.
- c) set the 6th day of June, 2012 at 7:30 p.m. at the Kippens Community Centre for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, on the 14th day of June, 2012 the Town Council of Kippens approves the Town of Kippens Development Regulations 2011.

SIGNED AND SEALED this 26 day of June, 2012

Mayor: *Cator Best*
Cator Best

Clerk: *Debbie Cormier*
Debbie Cormier

Development Regulations/Amendment REGISTERED
Number <u>2011-2012-009</u>
Date <u>September 6, 2012</u>
Signature <u><i>Cormier</i></u>

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**TOWN OF KIPPENS MUNICIPAL PLAN
DEVELOPMENT REGULATIONS**

APPLICATION

1. Short Title

These Regulations may be cited as the Kippens 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 that 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 Kippens 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. Urban and Rural Planning Act 2000 - Ministerial Development Regulations

Newfoundland Regulation 3/01, Development Regulations under the Urban and Rural Planning Act 2000 (Ministerial Development Regulations), enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is a conflict between the Ministerial and the Town's Development Regulations, the Ministerial Development Regulations shall prevail. The Ministerial Development Regulations are included with the Kippens Development Regulations.

5. 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 Kippens, shall, under these Regulations apply to the entire Planning Area.

6. Town

In these Regulations, "Town" means the Council of the Town of Kippens.

PART I – GENERAL REGULATIONS

7. Compliance with Regulations

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

8. Permit Required

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

9. Permit to be Issued

Subject to Regulations 10 and 11, a permit shall be issued for development within the Planning Area that conforms to the requirements of these Regulations.

10. Permit not to be Issued in Certain Cases

Neither a permit nor approval in principle shall be issued for development within the Planning Area when, in the opinion of the Town, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Town and such cost shall attach to and upon the property in respect of which it is imposed.

11. Discretionary Powers of Town

In considering an application for a permit or for approval in principle to carry out development, the Town 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 Town 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. However, the exercise of this discretionary power does not enable the Town to allow a permitted use or discretionary use which is not permitted under Schedule C or other Regulation.

12. Variances by Town

- (1) See Ministerial Development Regulations, Section 12.
- (2) Where an approval or a permit cannot be given by the Town because a proposed development does not comply with development standards set out in these Regulations, the Town may, in its discretion, vary the applicable development standards to a maximum of 10%, if, in the Town'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.
- (3) The Town shall not allow a variance from development standards set out in these 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 not greater than 10%.
- (4) The Town shall not permit a variance from the development standards where the proposed development would increase the non conformity of an existing development.
- (5) Public Notice – When a variance is necessary under this Regulation, the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

13. Service Levy

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

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

14. Financial Guarantees by Developer

- (1) The Town may require a developer before commencing a development to make such financial provisions and/or enter into such agreements as may be required to guarantee the payment of service levies, ensure site reinstatement, and to enforce the carrying out of any other condition attached to a permit or licence.
- (2) The financial provisions pursuant to Regulation 14(1) may be made in the form of:
- a) a cash deposit from the developer, to be held by the Town, or;
 - b) a guarantee by a bank, or other institution acceptable to the Town, 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 Town.
- (3) Financial Guarantees – Mineral Workings
- a) The developer shall provide a financial guarantee in the form of a performance bond or unconditional and irrevocable letter of credit or other form acceptable to the Town for an amount to cover the cost of restoring or landscaping the site after the quarry operations have ended or the site is abandoned by the applicant.
 - b) The financial guarantee shall be returned when the Reclamation Plan has been carried out or the development terminated and any conditions attached to the development permit have been met to the satisfaction of the Town.

15. Dedication of Land for Public Use

In addition to the requirements for dedication of land under Part IV (Subdivisions), the Town 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 Town in accordance with Section 37 of the Act.

Unless the Town decides otherwise land that is dedicated for public use will not include land that the Town requires to be set aside for storm water management, roads, public services, public utilities or environmental protection and that this shall be in addition to whatever land the Town may require under Section 37 of the Act.

16. Reinstatement of Land

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

17. Form of Application

(1) An application for a development permit or for Approval in Principle shall be made only by the owner or by a person authorized by the owner to the Town on such form as may be prescribed by the Town, and every application shall include such plans, specifications and drawings as the Town may require, and be accompanied by the permit fee required by the Town.

(2) The Town shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application

18. Register of Application

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

19. Deferment of Application

- (1) The Town may, with the written agreement of the applicant, defer consideration of an application.
- (2) Applications properly submitted in accordance with these Regulations which have not been determined by the Town and on which a decision has not been communicated to the applicant within eight weeks of the receipt thereof by the Town, and on which consideration has not been deferred in accordance with Regulation 19(1), shall be deemed to be refused.

20. Approval in Principle

- (1) The Town may grant Approval in Principle for subdivision or any other development, if, after considering an application for Approval in Principle made under these Regulations, it is satisfied that the proposed development is, subject to the approval of detailed plans, in compliance with these Regulations.
- (2) Where Approval in Principle is granted under this Regulation, it shall be subject to the subsequent approval by the Town of such details as may be listed in the Approval in Principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of Approval in Principle.
- (3) An Approval in Principle or conditions attached thereto is subject to appeal under the Act.
- (4) Notwithstanding an Approval in Principle, no work shall commence until a Development Permit or other permit has been issued by the Town.

21. Development Permit

- (1) A plan or drawing which has been approved by the Town 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 Town may attach to a permit 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) A permit is valid for a specified period, not to exceed two years. If the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Part III of these Regulations.
 - (4) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Town from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
 - (5) The Town may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
 - (6) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Town.
 - (7) There shall be kept available on the premises where any work, matter or thing 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 whole progress of the work, or the doing of the matter or thing until completion.
 - (8) A development permit or permit or conditions attached thereto is subject to appeal.

22. Development Permit – Temporary Use

The Town may in its discretion issue a permit for a temporary use such as an outdoor market, a temporary shelter for a vehicle or a boat, and other permissible uses which have a limited and fixed term. The permit shall specify its duration, and upon expiry of the permit, the use shall be removed. In no case shall the term of a temporary permit exceed two years, which may be extended in writing by the Town for a further period as specified not exceeding two years. This clause does not apply to advertisements which are covered under Part III of the Development Regulations.

23. Reasons for Refusing Permit

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

24. Notice of Application

When a change in nonconforming use is to be considered (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations the Town shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

When a variance is necessary under Regulation 12 (see also Ministerial Regulations), the Town shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.

25. Right of Entry

Any official authorized by the Town 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 Town is empowered to regulate.

26. 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 Town.

27. Stop Work Order and Prosecution

(1) Where a person begins a development contrary or apparently contrary to these Regulations, the Town 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 27(1) is guilty of an offence under the provisions of the Act.

28. Appeals

See Ministerial Regulations- Sections 5 to 11.

Where an appeal lodged under Section 42 of the Urban and Rural Planning Act 2000 has been successful, the fee paid by the appellant shall be reimbursed by the Town.

PART II - GENERAL DEVELOPMENT STANDARDS

29. Access Ramps and Decks

- (1) An access ramp for a wheel chair, may, at the discretion of the Town after consultation with abutting property owners, be erected in a minimum front, rear or side yard if there is no alternative means of providing the access ramp and it does not create a safety hazard or block sight lines.
- (2) An open or partially enclosed deck attached to a building shall not extend into the minimum permissible front and side yards and flanking road setback and shall not be closer to the rear lot line than 1 metre.
- (3) An access ramp or open deck is not deemed to be part of the building when calculating lot coverage under Schedule C.

30. Access to Adjoining Properties

- (1) In order facilitate the development of the Town and improved access throughout the community, as a condition of approval of a development and/or a subdivision the Town may require that the developer provide suitable public access to adjoining properties.
- (2) The minimum right of way for such access shall be 15 metres.
- (3) The right of way shall be deeded to the Town, although this right of way shall not be developed or maintained by the Town until such time as the Town deems necessary.
- (4) See also Part IV – Subdivision of Land.

31. Accesses and Service Streets

- (1) Access shall be located to the specification of the Town so as to ensure the greatest possible convenience and safety of the street system and the Town 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.

32. Accessory Buildings – Residential Uses

- (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 and shall not have a negative effect on neighbouring properties.
- (2) The total floor area of all accessory buildings shall not exceed 7% of the undeveloped lot area or 85 m², whichever is less.
- (3) Except where required for a greater height allowance, the minimum distance of an accessory building from the side or rear lot lines and from any other structure on the property shall be 2 m.
- (4) No accessory building shall project in front of the primary lot structure.
- (5) Except as noted in Clause (6), the maximum height of an accessory building shall not exceed 4.5 m in height or the height of the primary dwelling, whichever is less.
- (6) Without exceeding the height of the primary dwelling, the maximum allowable height may be increased to 7 metres provided that the minimum side and rear lot distances are increased by 500 cm (½ metre) for each metre or part thereof of height that is built. The maximum height of 7 metres requires a minimum distance of 3.5 metres from either of the lot lines (2 m minimum plus 1.5 metres for the additional 2.5 metres of height).
- (7) Accessory buildings shall maintain a minimum separation distance of 3 metres from a dwelling.

33. Accessory Buildings - Commercial, Industrial, and Other Non-Residential Uses

- (1) The total floor area of all accessory buildings shall not exceed 7% of the undeveloped lot area or 105 m², whichever is less.
- (2) Except where required for a greater height allowance, the minimum distance of an accessory building from the side or rear lot lines and from any other structure on the property shall be 3 m.

- (3) Except as noted in Clause (4), the maximum height of an accessory building shall not exceed 4.5 m in height or the height of the main building, whichever is less.
- (4) Without exceeding the height of the main building, the maximum allowable height may be increased to 7 metres provided that the minimum side and rear lot distances are increased by 500 mm (½ metre) for each metre or part thereof of height that is built. The maximum height of 7 metres requires a minimum distance of 6 metres from either of the lot lines (3 m minimum plus 3 metres for the additional 2.5 metres of height).

34. Accessory Uses

See also Schedule A.

Subject to Schedule C, uses accessory to a permitted or discretionary use can be permitted in any zone, for example:

- a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, museum, marina, or hotel ('commercial – residential' under Schedule B);
- b) vehicle repair facilities within a shop, such as a major retail outlet, or automobile dealership;
- c) a gift or souvenir shop in a museum, hotel or other establishment;
- d) office and/or a small convenience store or catering establishment in a campground;
- e) a dock or wharf or stage associated with a permitted or discretionary use;
- f) an accessory dwelling or accessory dwelling unit, such as a caretaker's dwelling or dwelling unit;
- g) a subsidiary apartment in a single dwelling;
- h) a business conducted in a dwelling or a building accessory to a dwelling conducted by a resident of a dwelling and compatible with the primary residential use of the property (home business);
- i) a solar panel, satellite dish or similar device attached to a building.

These accessory uses shall be clearly subsidiary to and controlled so as to be compatible with the primary use and the use of nearby properties.

35. Advertisements

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

36. Archaeological Sites

- (1) If an archaeological site or historical artefacts are discovered during construction, development shall stop and the Provincial Archaeology Office of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Provincial Archaeology Office has evaluated the site.
- (2) Before approval is granted for a major development, such as a subdivision, or a new commercial or public building, the application shall be referred to the Provincial Archaeology Office for investigation.

37. Bed and Breakfast, Boarding House

The following conditions shall apply to a Bed and Breakfast or Boarding House operation:

- a) the proposed building has an exterior design and landscaping which is sensitive to the residential character of the surrounding area and respects the appearance, scale and density of adjacent dwellings and properties;
- b) the parking area is suitably screened from adjacent residences;
- c) minimum frontage – see Schedule C;
- d) minimum lot area and frontage – see Schedule C;
- e) signage is consistent with a residential neighbourhood, not more than one and not to exceed 2,800 cm²;
- f) no change in the type, class or extent of the use shall be permitted except in accordance with a permit issued by the Town;
- g) the establishment is licensed under the Tourist Establishment Regulations.

38. Building Line and Setback

- (1) The Town, by resolution, may establish building lines on an existing or proposed street and may require any new buildings to be located on those building lines, whether or not such building lines conform to the standards set out in the tables under Schedule C of these Regulations.
- (2) The building line setback is measured from the property line along a road.
- (3) The building line along Provincial highways shall not be less than that specified under the Provincial Building Near Highways Regulations.

39. Building Near Highways Regulation – Highway 460

No development is allowed within 20 metres of the centre-line of Highway 460 can be permitted unless permission is obtained from the Department of Transportation and Works. Access to Highway 460 must be approved by the Department of Transportation and Works before a permit is issued by the Town.

40. Buildings on a Lot

- (1) Except for single dwellings, more than one principal or main building may be permitted on a lot provided that the requirements of Schedule C are satisfied. However, more than one single dwelling can be permitted on lot where it forms part of a comprehensive development.
- (2) Sufficient area shall be reserved to satisfy the yard and other allowances called for in the Use Zone in which the lot is located and the allowances shall be retained when the adjacent land is developed.

41. Comprehensive Development

The Town may in its discretion permit a large scale private or public comprehensive development that does not meet the requirements of these Development Regulations for frontage on a publicly owned and maintained road ('public road'), lot size, lot frontage, minimum or maximum building line setback, side yard width and rear yard depth, provided that:

- a) the Town is satisfied that either the site conditions are such that the standard requirements could not be met, or, the quality of the development would be greater than could otherwise occur through the application of the standard requirements;
- b) a comprehensive development plan of the property has been granted Approval in Principle by the Town, along with other approvals before permits are issued for development;
- c) the comprehensive development itself has frontage on a public road and the development is connected to available municipal services;
- d) the development is compatible with adjacent development;
- e) there are at least two (2) developments within the comprehensive development and the land area of the development is at least two (2) hectares;
- f) the property is situated within the town or municipal boundary as opposed to being outside the Town, but within, the Municipal Planning Area Boundary;
- g) where roads and services are to be installed, the developer supplies sureties

to the Town as required under these Regulations or a policy adopted by the Town.

42. Coordination of Development and Collector Roads Concept Plan

In order to ensure that development occurs in an orderly manner and that appropriate development opportunities are maximized, subdivisions and other major developments shall be co-ordinated with other existing and proposed developments and the Planning Area's road system and services. If deemed necessary by the Town these developments shall be required to provide for public access to adjacent undeveloped lands.

Furthermore, the Town may require that a comprehensive plan of development for an entire area be prepared and adopted before any development is permitted for any portion of that area.

To facilitate the coordination of development in the undeveloped and developing areas of Kippens and to minimize the number of accesses to Highway 460, the Town the *Kippens Collector Roads Concept Plan* establishes the collector road system that where relevant is to be incorporated into any plan of development and/or subdivision.

Implementation of the Concept Plan is set out in the adopted Concept Plan and in accordance with the requirements set out in the Concept Plan and the other relevant policies and regulations of the Town and Province.

In order to ensure that the Roads Concept Plan is properly implemented the Town may require that development occurs in such a way that elements of the collector road and local road systems are constructed and connected as development proceeds.

43. Family and Group Care Centres

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

44. Forestry and Trees

Forestry development, including timber cutting, is subject to the approval of the Forestry Division of the Department of Natural Resources and the Town.

Trees in subdivisions and on individual properties shall be retained or replaced wherever possible, and in order ensure that this occurs, the Town shall require that a landscaping and site grading plan is submitted for any new development that entails the development of the entire site or significant portion thereof.

45. Groundwater Supply Assessment – New and Existing Subdivisions

The approval of new unserviced subdivisions or the addition of unserviced lots to existing unserviced subdivisions require that a groundwater assessment be done to determine with high probability that acceptable quality and quantity drinking water will be available to homeowners for both the short and long term. This shall be done in accordance with the Provincial Land Use Policy – *‘Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Serviced by Individual Private Wells’* as from time to time amended and administered by the Department of Environment and Conservation, Water Resources Management Division.

No approval shall be granted by the Town for a new unserviced subdivision or the addition of unserviced lots to an existing unserviced subdivision until such time as a groundwater assessment has been carried out in accordance with the provincial land use policy referred to in the preceding paragraph and which assessment has been approved by the Department of Environment and Conservation, Water Resources Management Division.

46. Height Exceptions

The height requirements prescribed in Schedule C of these Regulations may be waived in the case of communication masts and antennae, flagpoles, water towers, spires, belfries, or chimneys, but any such waiver which results in an increase of more than 20% in the permitted height of the structure shall only be authorized under the provisions of Regulation 11.

47. Home Business Accessory Use

A Home Business shall only be permitted as an accessory use in a dwelling if:

- a) the primary use of the property remains residential and the scope and intensity of the use classes is compatible with the residential uses of the property and neighbourhood, and the business is operated by a resident of the dwelling;
- b) the use does not alter the residential appearance or require the external modification of the dwelling;
- c) the total floor area does not exceed 25% of the floor area of the dwelling or 45 m², whichever is less;
- d) sufficient off-street parking space is provided in accordance with Schedule D;
- e) no mechanical equipment is used except that reasonably compatible with the use of a dwelling;
- f) no wholesale or retail sale of goods is externally apparent – for example, if sale of crafts occurs it does not occur through walk-in or drive-in trade;
- g) there is no outdoor storage or display;
- h) a non-illuminated identification sign not exceeding 0.28 m² in area shall be permitted on the dwelling provided that the sign is consistent with residential character of the neighbourhood;
- i) no regular parking of commercial vehicles except for one vehicle with a gross weight of no greater than one tonne will be permitted on the lot or on the road reservation adjacent to the lot;
- j) the Town may require fencing or other screening to protect the amenity of adjacent uses; and
- k) no change in type, class or extent of the use shall be permitted except in accordance with a permit issued by the Town.

48. Livestock and Agriculture

- (1) Agricultural uses shall be approved by both the Agrifoods Development Branch of the Department of Natural Resources and the Town, together with other appropriate agencies.
- (2) Except for infill development any residential development within 300 metres of structure containing five or more animal units must be referred to the Agrifoods Development Branch for a recommendation.

- (3) Any livestock structure (barn) containing five or more animal units must be located at least 300 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Agrifoods Development Branch. The erection of the structure shall be approved by the Agrifoods Development Branch before a permit is issued by the Town.
- (4) Large livestock, such as horses and cattle and smaller livestock, such as goats, ducks or chickens, whether or not these are viewed as pets, are classed as livestock, an agricultural use that falls within the agricultural use class.

49. 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.

50. 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 or mixed use 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 Town 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, and further provided that if the lot lacks one or both municipal water and/or sewer services that approval is granted by Service Newfoundland and Labrador and/or the Department of Environment and Conservation.

51. Lot Frontage

Except where specifically provided for in the Use Zone Tables in Schedule C of these Regulations, no residential or commercial building shall be erected unless the lot on which it is situated fronts directly onto a publicly owned and maintained

street or forms part of a Comprehensive Development Scheme.

52. Mineral Exploration

- (1) No permit shall be issued by the Town for mineral exploration until the necessary permits and approvals have been obtained from the Departments of Natural Resources, Service Newfoundland and Labrador, and Environment and Conservation, together with any other relevant Provincial agencies.
- (2) Subject to the other provisions of the Development Regulations, mineral exploration which is not classed as development by virtue of appreciable ground disturbance, construction of access roads, noise, odour and appearance can be permitted anywhere in the Planning Area, provided that adequate notification is provided to the Town.
- (3) Mineral exploration which is classed as development can or may be permitted in certain zones provided that adequate provision is made for buffering/and or other mitigations of impacts of existing or future urban residential, commercial, industrial, institutional and recreational areas and provided that all necessary approvals are obtained.
- (4) Higher impact mineral exploration classed as development shall be subject to conditions that control noise, appearance, duration of the drilling or excavating program and the control of other impacts that may arise. The precise nature of these controls will depend upon the location of the mineral exploration in respect to built-up and environmentally sensitive areas, such as watersheds, waterways and wetlands.
- (5) Where there is to be ground disturbance, the developer shall provide a site restoration surety and/or other satisfactory guarantees of site landscaping to the Town.

53. Non-Conforming Uses

- (1) This Regulation is derived from Section 108 (2) of the Urban and Rural Planning Act 2000, and Sections 14, 15, and 16 of the Ministerial Development Regulations.
- (2) Notwithstanding a plan, scheme or regulations made under the Urban and Rural Planning Act 2000, the Town shall, in accordance with regulations made under this Act, allow a development or use of land to continue in a manner that does not conform with a regulation, scheme, or plan that applies to that land provided that the non-conforming use legally existed before the

- registration under Section 24 of the Act of the plan, scheme or regulations made with respect to that kind of development or use.
- (3) Notwithstanding subsection (1), a right to resume a discontinued non-conforming use of land shall not exceed one year. For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
- a) the building or use of land is clearly vacated or the building is demolished;
 - b) the owner or tenant has ceased paying business occupancy taxes for that use;
 - c) the owner or tenant has stated in writing that the use has ceased.
- (4) A building, structure or development that does not conform to a scheme, plan or regulations made under this Act that is allowed to continue under subsection (2):
- a) shall not be internally or externally varied, extended or expanded unless otherwise approved by the Town;
 - b) shall not be structurally modified except as required for the safety of the building, structure or development;
 - c) shall not be reconstructed or repaired for use in the same non-conforming manner where 50% or more of the value of that building, structure or development has been destroyed;
 - d) may have the existing use for that building, structure or development varied by the Town to a use that is, in their opinion more compatible with a plan and regulations applicable to it;
 - e) may have the existing building extended by the Town where, in its opinion that extension is not more than 50% of the existing building;
 - f) where the non-conformance is with respect to the standards included in development regulations, 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;
 - g) where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the appropriate plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed; and
 - h) a residential building or structure referred to in the above paragraph must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.

- (5) Notice and hearings on change of use – Where considering a non conforming building, structure or development under clause 4 (d) of this Regulation 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.

54. Offensive and Dangerous Uses

No building or land shall be used for any purpose which may be dangerous by causing or promoting fires or other hazards or which may emit noxious, offensive or dangerous fumes, smoke, gases, radiation, smells, ash, dust or grit, excessive noise or vibration, or create any nuisance that has an unpleasant effect on the senses unless its use is authorized by the Town and any other authority having jurisdiction.

55. Offstreet Loading and Parking Requirements

See Schedule D.

56. Recreational Trails and Walkways

See also Waterways and Wetlands.

- (1) As a condition of an Approval in Principle and/or a Development Permit the Town may require that a trail corridor be deeded to the Town or a non-profit group approved by the Town, and where applicable, this may be considered part of the open space requirement set out in Part IV – Subdivisions .
- (2) Wherever space and terrain characteristics allow, the appearance and use of well known trails and/or mapped trails shall be protected by natural vegetation buffers that separate the trail and other forms of development and from hazard areas and areas subject to erosion, such as the coastline or riverbanks.
- (3) The vegetation buffer shall be deep enough to prevent shallowly rooted trees being blown over.
- (4) The buffer is included within the trail corridor that includes the trail and the buffer.

- (5) The minimum width of a trail corridor shall be 30 metres –15 metres either direction from the centre of the trail. However, the trail corridor may be reduced to 15 metres where the area adjacent the trail is already developed or in the opinion of the Town it is necessary to reduce the corridor width due to reasons of site conditions, ownership, or other pertinent factors.
- (6) For a trail to be eligible for protection it must be shown on the Land Use Zoning Maps, and/or on a plan of trails adopted by the Town and/or, as indicated on a plan of a trail which has been accepted by the Town.
- (7) Unless it is already shown the Land Use Zoning Maps or other plan approved by the Town as a trail, the designation of a trail or trails for protection shall be advertised in accordance with the provisions of Regulation 24 and an opportunity provided for persons to comment before a trail or plan of trails is adopted by the Town.
- (8) Within the trail corridor, only accessory recreational uses, public utilities and roads can be allowed. No other development is permitted on or near the trail.

57. Residential Buffer

- (1) Where any proposed non-residential use is to abut an existing or proposed residential use or a Residential zone, the proponent of the non-residential development may be required to provide a buffer. Conversely, in the case of a residential development locating adjacent to an existing or proposed non-residential use or zone, the Town may require the developer of the residential use to provide a buffer. Any such buffer shall be made up of hedges, trees, shrubs, earthen berms or structural barriers that will sufficiently mitigate noise, visual unpleasantness and other undesirable effects. Trees and shrubs existing on the site prior to development which could form all or part of a buffer shall not be removed.
- (2) Before approving any non-residential development near existing or proposed residential development or Residential zones, the Town must be satisfied that the proposed non-residential development:
 - a) will not give rise to excessive noise or other forms or pollution;
 - b) will not generate vehicle traffic which is above the level acceptable to adjacent residential amenities;
 - c) will not cause an unacceptable nuisance or hazard to adjacent residential uses; and;

- d) in general, can be considered acceptable to the amenity of residential uses.

58. Screening and Landscaping

The provision of adequate and suitable landscaping or screening may be made a condition of any development permit where, in the opinion of the Town, the landscaping or screening is desirable to preserve amenity, or protect the environment, and, in the case of existing unsightly development, the Town may order the owner or occupier to provide adequate and suitable landscaping or screening; and for this purpose may require the submission of an application giving details of the landscaping or screening, and these Regulations shall then apply to that application.

59. Site Development

When reviewing a development proposal, including roads, the Town shall consider the suitability of a site in terms of steepness of slopes, soils and geology, potential for coast-line erosion, location of waterways and wetlands along with other matters and shall, when considering approval, ensure, to the best of its ability, that the development has minimal or no negative effects on other properties and bodies of water or that the development itself will not be negatively affected. If the Town is of the opinion that development of a site may create negative impacts on nearby properties and water bodies, and/or raises concerns about short or long term the safety of the development itself, the Town can require the submission of a review of the development proposal by a certified engineer, geoscientist, landscape architect or similar professional.

60. Site Development – Fill and Landscaping Permit Requirements

- (1) A permit shall not be required for ordinary landscaping of a property or the creation of a garden and similar activity unless such activity is likely to affect adjacent properties or a water body.
- (2) A permit shall be obtained from the Town before any filling-in or excavation of land takes place. This permit may be the same as the one obtained for the construction of a dwelling or other use.
- (3) Where such filling-in or excavation can affect the buffer of water body or the water body, then a permit shall also be obtained from the Department of Environment and Conservation, and where applicable, the Department of Transportation Canada (Navigable Waters Act).

- (4) A landscaping and site grading plan for any new development shall form part of the application for a development permit for a development which entails the development of the entire site or significant portion thereof and to this application shall be attached a plan showing vegetation – particularly trees, water-bodies, rock outcrops and other natural features.

61. Site Development – Quarry and Soil Removal

- (1) If, as part of another development, quarry material is to be removed and sold or otherwise disposed of, then a separate permit shall be obtained from the Department of Natural Resources, Mineral Lands Division, for the removal of quarry materials. A copy of the Town's permit must be forwarded to the Mineral Lands Division.
- (2) A site development quarry under this section is permitted wherever the use that this quarry is associated with is permitted.
- (3) A quarry permit issued under this section shall only be valid for a period of one year or the term of the site development, whichever is the lesser. However, if the Town feels that it is warranted, the permit may be renewed for additional one-year periods up to a maximum of three years from the date of the issuance of the first permit.
- (4) When the work is completed, the area affected shall be suitably landscaped and drained in accordance with a plan approved by the Town.
- (5) If the site work is extensive, the Town may require the deposit of surety in accordance with Regulation 14(3) that shall be returned to the developer upon satisfactory completion of the work.

62. Site Development – Slope Greater than 15 Percent or 20 Percent

- (1) Before approving development of a site having a slope greater than 15 percent up to 20 percent, the Town may require the submission of a review of the development proposal by a certified planner, engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and storm water management and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.
- (2) No development shall be permitted on a slope greater 20 percent unless it is

a public or private recreational use or public service or utility.

63. Street Construction Standards

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

64. Subsidiary Apartment

A subsidiary apartment can be permitted in a single dwelling only, and for the purposes of calculating lot area and yard requirements, shall be considered part of the single dwelling. See also Regulation 34.

65. 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.

66. Uses Permitted In All Zones

In addition to conservation, which includes architectural, historical and scenic sites under Schedule B, accessory buildings and uses, public services and public utilities, recreational open space, trails, roads, accesses and driveways can be allowed in all zones subject to the necessary reviews and compliance with these Regulations and the Municipal Plan.

67. Utilities – Wind Mills, Wind Farms, Other Energy Sources

Wind mills, wind turbines, wind farms and other energy forms, including solar based and small hydro generating facilities – “Utilities” in Schedule B – and associated facilities and services are subject to the approval of the Town and the conditions set out below.

Utilities are subject to the approval of or exemption by relevant provincial and federal departments and agencies and public utilities, including the Mines and Energy Division of the Department of Natural Resources and Transport Canada. The design and location of such utilities shall take into consideration their impact on nearby land uses and persons, the environment and archaeological resources within the Town, along with other matters that the Town may deem to be significant. Wind mills utilities within the built-up areas are limited to single wind mills or wind turbines designed to serve particular properties.

To prevent damage to persons and properties due to the failure of a windmill or any of its components or the shedding of ice, the Town shall ensure that there is adequate separation distance between the windmill and nearby structures and properties.

Unless specifically exempted by the relevant agencies, the design, construction and location of a utility shall be certified by a professional engineer who has consulted with the required agencies.

68. Waterways and Wetlands and Salmon Rivers

- (1) Development within waterways and wetlands is subject to this Regulation and all relevant provincial and federal policies and statutes, including Department of Environment and Conservation Policy Directives W.R. 97-1, Development in Shorewater Zones and 97-2, Development in Wetlands which are set out in Schedule E. Where there is a conflict between the Policy Directives and this Regulation, the more restrictive standards shall apply.
- (2) The minimum width of a buffer along a waterway or wetland shall be 15 metres from the highwater mark, or flood zone, of the stream, river, pond or other freshwater body of water or wetland. This minimum buffer is expanded to 30 metres along the marine coastline and estuaries.
- (3) If the toe of an embankment with an average slope of 30% or more lies within 15 or 30 m of the highwater mark, or flood zone of the waterway, then the buffer shall be measured from the top of the embankment.
- (4) However, where a water body is designated Environmental Protection, then the water body buffer shall be the Environmental Protection Designation or the minimum buffer under Clause (3) of this Regulation, whichever is greater.
- (5) Subject to the approval of the Department of Environment and Conservation and the Town, the only uses that can be permitted in the buffer area of a waterway are fences, roads, driveways, public utilities, recreational open space and trails and uses requiring direct access to a body of water, such as wharves and docks and other marine related uses.
- (6) Development, and this includes placing fill or other materials, within a waterway and the buffer area of a waterway is subject to the approval of the Town, the Provincial Government, and where necessary, the Government of Canada.

- (7) The Town or the Provincial Government may subject development within the buffer area of a watercourse to an environmental review, and may approve, approve subject to conditions, or refuse such development. The matter of adequate and usable legal public access to the waterway shall be a consideration in the review of an application for a structure within a buffer and/or waterway.
- (8) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the Department of Environment and Conservation for Crown Lands and referrals Department of Transportation Canada – Navigable Waters Act, Fish Habitat Division of the Department of Fisheries and Oceans and/or, the Water Resources Division of the Department of Environment and Conservation before a permit is issued by the Town.

Development within a buffer is subject to the approval of the Water Resources Management Division of the Department of Environment and Conservation, Department of Fisheries and Oceans Canada and where applicable, the Government Service Centre of the Department of Government Services.

- (9) Salmon Rivers – Romaines Brook is a protected salmon river so that any development within 100 metres of this brook must be approved by Fisheries and Oceans Canada before a permit is issued by the Town.
- (10) Wetlands can only be developed in such a way as to minimize damage and impacts on the hydrology and environment of the area.
- (11) Any development within a wetland or the buffer of a wetland shall require the approval of the Minister of Environment and Conservation as well as the Town whether or not that wetland is zoned Environmental Protection under the Development Regulations.
- (12) If a waterway or wetland is deemed to be minor, wherever possible such waterways and wetlands shall remain undeveloped and protected by a buffer. If a site is to be developed, alternatives to covering over or eliminating such waterways and wetlands shall be explored, including relocation of the waterway or wetland and/or redesign of the development.
- a) A **minor waterway** is defined as being a drainage course, an intermittent stream which does not carry significant storm flows

- and/or a stream which is not a fish habitat.
- b) A **minor wetland** is defined as a wetland less than 5,000 square metres in area not associated with a waterway and not deemed have a role in water management, wildlife habitat or the conservation of an environmentally sensitive area.

PART III – ADVERTISEMENTS

69. Advertisements and Signs

Note: The terms “advertisement” and “sign” are interchangeable.

(1) Permit Required

Unless specifically exempted, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Town, and, where necessary, from the Department of Government Services.

(2) Form of Application

Application for a permit to erect or display an advertisement shall be made to the Town in accordance with Regulation 17.

(3) Advertisements in Street Reservation

No advertisement shall be permitted to be erected or displayed within, on or over any highway or street reservation unless it is a premises sign (advertisement relating to onsite uses) and unless this sign has been approved by the Town and where necessary, the Department of Government Services.

(4) Permit Valid for Limited Period

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

(5) Advertisements, Non-Compliant

Except where an advertisement is deemed to fall under one of the categories described under Clause (6) of this Regulation, an advertisement presently not in compliance with the Regulations shall be removed or brought into compliance within one year of the date of written notification by the Town.

(6) Removal of Advertisements

Notwithstanding the provisions of these Regulations, the Town may require the removal of any advertisement which, in its opinion, is:

- a) hazardous to road traffic by reason of its siting, colour, illumination, maintenance or structural condition, or;
- b) detrimental to the amenities of the surrounding area.

(7) Advertisements - Non-Conforming Uses

A permit may be used for the erection or display of advertisements on a building or within the courtyard 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 Town.

(8) Prohibition

A sign shall not be erected, posted or placed:

- a) where, in the opinion of the Town, that sign would be hazardous to road traffic by reason of its siting, illumination or structural condition;
- b) where, in the opinion of the Town that sign would be detrimental to the amenities of surrounding areas or length of highway or road;
- c) where that sign is not maintained to the satisfaction of the Town;
- d) within or over a highway or street intersection unless otherwise approved by the Town for Town roads, or by the Department of Transportation and Works for roads under Provincial jurisdiction;
- e) with the exception of premises advertisements, within 300 metres, or a distance specified by the Department Transportation and Works, or the Town of the intersection of two or more highways and/or for Town roads, or from the crossing of a public road; and
- f) on a sign erected by the Department Transportation and Works.

(9) Signs or Advertisements Not Specifically Covered

If an application is received for a sign or advertisement that does not fall into one of the categories set out under these Regulations, subject to the

other applicable requirements of these Regulations, the Town may approve, approve with conditions, or refuse to approve the sign or advertisement.

70. Advertisements Exempt from Control

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

- a) a posting of a candidate in a federal, provincial or municipal election or a regional school board election;
- b) a temporary sign relating to federal, provincial or municipal public works;
- c) a notice required by law to be posted;
- d) a regulatory, warning, directional, guide or informational sign erected by the Department of Transportation and Works;
- e) a sign placed by a telephone, telegraph or electric power company to indicate danger;
- f) a sign, not exceeding 0.5 square metres, advertising the sale or rental of a building or lot upon which the sign is located;
- g) a flag, emblem or insignia of a nation, country or province;
- h) one temporary sign related to building construction located on a site on which the work is being carried out;
- i) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- j) on an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- k) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- l) 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;
- m) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a business carried on in the premises;
- n) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board placed no closer than 3 metres from a street line;
- o) 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;
- p) on any parking lot directional signs and one sign not exceeding 1 m² in size,

- identifying the parking lot; and,
- q) a sign indicating the location of a municipal or municipal planning area boundary, located beyond the back slope of a highway ditching.

71. Advertisements - Temporary and/or Portable Signs

- (1) A temporary and/or portable sign may be permitted in any zone for a period not exceeding 30 consecutive days, or 45 days at the Town's discretion where purpose of the sign is to promote a not-for-profit initiative, provided the sign:
- a) does not exceed 3 m² in area;
 - b) does not create or aggravate a traffic hazard, such as by blocking a sight-line;
 - c) does not interfere with other lawful signs, including directional signs;
 - d) is of a location, materials, design and colour in keeping with the character and appearance of the area;
 - e) if necessary, is approved by the Department of Government Services, together with the Town.
- (2) A renewal permit for a temporary sign may only be issued after 30 days have passed since the original permit has expired.
- (3) A free standing temporary or portable sign affixed to the ground by legs shall be properly anchored to the ground in a manner that is sound and attractive.
- (4) If it is not exempted from these Regulations, with the written permission of Newfoundland Power, or the owner if not Newfoundland Power, a sign may be permitted on a utility pole.

72. Advertisements and Signs near Highways

Pursuant to Newfoundland Regulation 85/99 as amended, the Provincial Government has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centrelines, except that the control area is reduced within Municipal Boundaries to 100 metres from the centreline of a provincial highway.

Advertisements and signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services office serving the area.

73. Advertisements Relating to On-Site Uses

This section deals with signage relating to on site uses - that is, uses located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

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 a use zone shall be as set out below.

- (1) The size, shape, illumination and material construction of the advertisement shall meet the requirements of the Town, having regard for the safety and convenience of users of adjacent streets and sidewalks, and the general amenities of the surrounding area.
- (2) The maximum allowable size of the advertisement shall be determined in accordance with Clause (1) above and in consideration of the size of the premise or premises being advertised. For example, a sign for a large shopping centre would necessarily be of a different scale than one for a convenience store.
- (3) Only one free standing advertisement per entrance or exit shall be permitted in the front of a multi-use building, strip mall, shopping centre and similar facilities containing more than one premise. However, one additional sign shall be permitted in the front of a building if it is a free-standing temporary sign as set out under Regulation 71.
- (4) Where an advertisement is attached to the roof of a building and protrudes above the roof, then it shall be included in the calculation of the height of the building.

74. Advertisements Relating to Off-Site Uses

This Regulation deals with signage relating to off-site site uses – that is, uses not located on the same property as the sign or signs. Sign types include free standing signs, signs affixed to buildings, fences and other structures, fascia signs and the use of building surfaces for advertising.

The conditions to be applied to the erection or display of an advertisement on any site, relating to a use permitted in a zone, or not relating to a specific land use, shall be as set out below.

- (1) Except as set out under Clause (4) of this Regulation, the advertisement shall not exceed 3 m² in area.
- (2) Except as set out under Clause (4) of this Regulation, 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.
- (3) The location, siting and illumination of each advertisement shall be to the satisfaction of the Town, 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.
- (4) The size and location restriction of this Regulation is waived where the Town has erected or permitted to be erected an advertisement related to a civic or improvement or other public purpose;

PART IV - SUBDIVISION OF LAND

75. Permit Required and Sureties

- (1) No land in the Planning Area shall be subdivided into two or more lots unless a permit for the development of the subdivision is first obtained from the Town.
- (2) Before an Approval in Principle or permit is issued for a subdivision requiring the construction and/or upgrading of roads and municipal water and/or sewer services the Town shall require the deposit of surety in a form satisfactory to the Town to ensure the completion of the work in accordance with the approval. The requirements for a surety, along with other matters, shall be set out in the Subdivision Policy adopted by the Town and any agreements pursuant to that policy.

76. Services to be Provided

No permit shall be issued for the development of a subdivision unless provisions satisfactory to the Town have been made in the application for a supply of drinking water, a properly designed sewage disposal system, and a properly designed storm drainage system.

77. Payment of Service Levies and Other Charges

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

78. Issue of Permit Subject to Considerations

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

- a) the location of the land;
- b) the availability of and the demand created for schools, services, and utilities;
- c) the provisions of the Plan and Regulations affecting the site;

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

79. Groundwater Supply Assessment – New and Existing Subdivisions

See Regulation 45.

80. Building Permits Required

Notwithstanding the approval of a subdivision by the Town, 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.

81. Form of Application

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

82. Subdivision Subject to Zoning and Roads Concept Plan, Other Plan

The subdivision of land shall be permitted only in conformity with the Use Zones delineated on the Zoning Maps and the Roads Concept Plan or other plan adopted by the Town.

83. Building Lines

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

84. Land for Public Open Space

- (1) Before a development commences, the developer shall, if required, dedicate to the Town, at no cost to the Town, an area of land equivalent to 10% of the gross area of the subdivision for park land or other public use, provided that:
 - a) where land is subdivided for any purpose other than residential use, the Town shall determine the percentage of land to be dedicated;
 - b) if, in the opinion of the Town, no public open space is required, the land may be used for such other public use as the Town may determine;
 - c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Town but in any case, the Town shall not accept land which, in its opinion is incapable of development for any purpose;
 - d) the Town may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - e) money received by the Town in accordance with clause (1) d) above, shall be reserved by the Town 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 Town and may be sold or leased by the Town for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Town may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Town, constitute the requirement of land for park land under Clause (1) of this Regulation.
- (4) Land that the Town requires to be set aside for storm water management, roads, public services, public utilities or environmental protection and that this shall be in addition to whatever land the Town may require under Regulation 15 and Clause (1) of this Regulation.

85. Structure in Street Reservation

The placing within any street reservation of any structure (for example, a hydro pole, telegraph or telephone pole, fire hydrant, mail box, fire alarm, sign post)

shall receive the prior approval of the Town which shall be satisfied on the question of safe construction and relationship to the adjoining buildings and other structures within the street reservation.

86. Subdivision Design Standards

Except as otherwise specified in a Subdivision Policy adopted by the Town, no permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the standards below.

- (1) The finished grade of streets shall not exceed 10 percent, up to 12 percent at the discretion of the Town where it would otherwise be impossible to develop the site, or compliance with the 10 percent requirement would entail excessive cutting and filling.
- (2) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (3) The maximum length of any cul de sac shall be 250 m where no emergency access is provided; or 300 m where emergency access is provided.
- (4) The 250 m under clause (3) is measured from the mid-point of the intersection to the beginning of the cul de sac bulb, or the beginning of the loop in a p-loop.
- (5) 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.
- (6) No cul de sac shall be located so as to appear to terminate a collector street.
- (7) A cul de sac shall not be permitted unless the Town is satisfied that there is no reasonable alternative to developing the property.
- (8) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land and where deemed necessary by the Town new subdivisions shall have street connections with an existing street or streets. See also Regulation 30.
- (9) All street intersections shall be constructed within 5 degrees of a right angle and this alignment shall be maintained for 30 m from the intersection.

- (10) No street intersection shall be closer than 60 m to any other street intersection.
- (11) No more than four streets shall join at any street intersection.
- (12) No residential street block shall be longer than 490 m between street intersections unless otherwise determined by the Town and provided that the Town is satisfied that there is adequate access provided to lands adjoining the subdivision.
- (13) Streets subdivisions shall be designed in accordance with the Subdivision Policy adopted by the Town, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Walkway Width and Design	Walkway Number
Arterial Streets	30 m	15 m	As determined by the Town	As determined by the Town
Major Collector Streets	26 m	As determined by the Town	As determined by the Town	As determined by the Town
Collector Streets	20 m	9 m	As determined by the Town	As determined by the Town
Local Collector Streets	15 m	As determined by the Town	As determined by the Town	As determined by the Town
Local Streets	15 m	7.5 m	As determined by the Town	As determined by the Town

- (14) No lot intended for residential purposes shall have a depth exceeding four times the frontage except as otherwise approved by the Town.
- (15) Residential lots shall not be permitted which abut a local street at both

front and rear lot lines except as otherwise approved by the Town.

- (16) The Town may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (17) Water and sewer mains shall be designed as loops to avoid dead-ending.

87. Engineer to Design Works and Certify Construction Layout

- (1) Plans and specifications for all water mains, hydrants, sanitary sewers, storm sewers and all appurtenances thereto and all streets, paving, curbs, gutters and catch basins and all other utilities deemed necessary by the Town to service the area proposed to be developed or subdivided shall be designed and prepared by or approved by the Engineer. Such designs and specifications shall, upon approval by the Town, be incorporated in the plan of subdivision.
- (2) Upon approval by the Town of the proposed subdivision, the Engineer shall certify all work of construction layout preliminary to the construction of the works and thereupon the developer shall proceed to the construction and installation, at his own cost and in accordance with the approved designs and specifications and the construction layout certified by the Engineer, of all such water mains, hydrants, sanitary sewers and all appurtenances and of all such streets and other works deemed necessary by the Town to service the said area.

88. Developer to Pay Engineer's Fees and Charges

The developer shall pay to the Town 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 and Geoscientists of Newfoundland and Labrador and in effect at the time the work is carried out.

89. Street Works May Be Deferred

The construction and installation of all curbs and gutters, catch basins, sidewalks and paving specified by the Town as being necessary, may, at the Town's discretion, be deferred until a later stage of the work on the development of the subdivision but the developer shall deposit with the Town 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 Town 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 Town the amount of the excess. If the contract price is less than the deposit, the Town shall refund the amount by which the deposit exceeds the contract price. Any amount so deposited with the Town 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.

90. Transfer of Streets and Utilities to Town

- (1) The developer shall, following the approval of the subdivision of land and upon request of the Town, transfer to the Town, at no cost to the Town, 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 Town for public uses as streets, or other rights-of-way, or for other public use;
 - b) all services or public works including streets, water supply and distribution and sanitary and storm drainage systems installed in the subdivision that are normally owned and operated by the Town.
- (2) Before the Town shall accept the transfer of lands, services or public works of any subdivision, the Engineer shall, at the cost to the developer, test the streets, services and public works installed in the subdivision and certify his satisfaction with their installation.
- (3) The Town shall not provide maintenance for any street, service or public work in any subdivision until such time as such street, service or public work has been transferred to and accepted by the Town.

91. Restriction on Sale of Lots

The developer shall not develop or dispose of any lot within a subdivision for the purposes of development and no building permit shall be issued until the Town is satisfied that:

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

92. Grouping of Buildings and Landscaping

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

93. Residential Development on New Roads

No residential subdivision entailing new roads may be permitted unless:

- a) the other requirements of Part IV of these Regulations are met;
- b) there is provision for at least six (6) building lots, more where deemed necessary by the Town;
- c) where deemed necessary or desirable by the Town for long range planning and servicing purposes, provision is made for another or second access to an existing road.

94. Collector Roads Concept Plan, Coordination of Development

See Regulation 42.

PART V - USE ZONES

95. 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 86 (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 Town may in its discretion, determine the standards, requirements and conditions which shall apply.

96. 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 Town in accordance with the classification and examples set out in Schedule B.

97. 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 Town in that Use Zone.

98. 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 Town 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 Town has given notice of the application in accordance with Regulation 24 and has considered any objections or representations which may have been received on the matter.

99. Uses Not Permitted

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

SCHEDULE A – DEFINITIONS

GENERAL NOTE:

A definition marked with an asterix is also included in the Ministerial Development Regulations or the Act. Where there is a conflict, the Ministerial Development Regulations or the Act prevail.

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.

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 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, vegetable 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.

ACCESSORY USE* means the use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use.

ACT*, unless the context indicates otherwise, means the Urban and Rural Planning Act 2000.

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

AGRICULTURE means horticulture, fruit growing, grain growing, seed growing, dairy farming, the breeding or rearing of livestock, including any creature kept for the production of food, wool, skins, or fur, or for the purpose of its use in the farming of land, the use of land as grazing land, meadow land, osier land, market gardens and nursery

grounds and the use of land for woodlands where that use is ancillary to the farming of land for any other purpose. "Agricultural" shall be construed accordingly.

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

ANIMAL UNIT means any one of the following animals or groups of animals:

- 1 bull;
- 1000 broiler chickens or roosters (1.8 - 2.3 kg each);
- 1 cow (including calf);
- 100 female mink (including associated males and kits);
- 4 goats;
- X hogs (based on 453.6 kg = 1 unit);
- 1 horse (including foal);
- 125 laying hens;
- 4 sheep (including lambs);
- 1 sow or breed sow (including weaners and growers based on 453.6 kg = 1 unit);
- X turkeys, ducks, geese (based on 2,268 kg = 1 unit).

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

APPEAL BOARD means the appropriate Appeal Board established under the Act.

APPLICANT means a person who has applied to a Town for an approval or permit to carry out a development.

ARTERIAL STREET means the streets in the Planning Area constituting the main traffic arteries of the area and defined as arterial streets or highways.

AUTHORITY* means a council, authorized administrator or regional authority.

BED AND BREAKFAST means an owner-occupied or owner-managed establishment for paid temporary accommodation for up to sixteen (16) overnight guests that may include a dining room for the use of overnight guests and their invitees. The establishment must be registered with and receive a rating from Canada Select and also must be approved by the Provincial Department of Tourism, Culture and Recreation as a Bed and Breakfast operation.

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

BUILDING* means

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

BUILDING HEIGHT* 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 eave and 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.

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.

CAMPGROUND means the use of land for the accommodation of travel trailers, recreational vehicles, and/or tents.

COLLECTOR STREET means a street that is designed to link local streets with arterial streets.

DAYCARE CENTRE or **DAY NURSERY** means 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.

DECK means a raised structure that has a walking surface within one storey of the established grade at the ground level of that face of the building that may or may not be attached to a main or principal building, and does not have a permanent roof.

DEVELOPMENT* means the carrying out of any building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use,

or the intensity of use of any land, buildings, or premise and the

- (i) making of an access onto a highway, road or way,
- (ii) erection of an advertisement or sign,
- (iii) construction of a building,
- (iv) 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 excludes the

- (v) carrying out of works for the maintenance, improvement or other alteration of 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,
- (vi) 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,
- (vii) 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 street or other land for that purpose, and
- (viii) use of any building or land within the courtyard of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as a dwelling.

DEVELOPMENT REGULATIONS* means regulations made under sections 34 to 38 (of the Urban and Rural Act 2000).

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.

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

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

ENGINEER means a professional engineer employed or retained by the Town.

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.

FAMILY AND GROUP CARE CENTRE means a dwelling accommodating up to but no more than six (6) persons exclusive of staff in a home-like setting. Subject to the size limitation, this definition includes, but is not limited to, the facilities called "Group Homes", "Halfway House", and "Foster Home".

FLOOR AREA* means the total area of all floors in a building measured to the outside face of exterior walls.

FRONTAGE* means the horizontal distance between side lot lines measured at the building line.

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.

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

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

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

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

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

INSPECTOR means any person appointed and engaged as an Inspector by the Town or by any federal or provincial authority or the agent thereof.

INSTITUTION means 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, under the soil and fixtures that form part of those buildings and structures.

LIGHT INDUSTRY means the 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 means a street designed primarily to provide access to adjoining land and which is not designated as a collector street or arterial street.

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

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

LOT AREA* means the total horizontal area within the lines of the lot.

LOT COVERAGE* means the combined area of all buildings on the 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.

MAIN BUILDING – See Principal Building.

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

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, where, for the purposes of these Regulations it

takes the form of development –that is, visible and appreciable disturbance to soil.

MINERAL WORKING means land or buildings used for the working or extraction of construction aggregates.

MINI-HOME means a prefabricated single dwelling complying with the National Building Code and having the dimensions of a single-wide mobile home and which has been transported to the site on a single trailer.

MINING means land or buildings used for the extraction of ores, salts, oil and/or natural gas.

MOBILE HOME means a transportable factory-built single family dwelling unit:

- (a) which complies with space standards substantially equal to those laid down in the Canadian Code for Residential Construction and is in accordance with the construction standards laid down and all other applicable Provincial and Municipal Codes and;
- (b) which is designed to be:
 - (i) transported on its own wheels and chassis to a mobile home lot, and subsequently supported on its own wheels, jacks, posts or piers, or on a permanent foundation and;
 - (ii) connected to exterior public utilities approved by the Town, namely, piped water, piped sewer, electricity and telephone, in order for such mobile home unit to be suitable for year round term occupancy.

MOBILE HOME PARK means a mobile home development under single or joint ownership, cared for and controlled by a mobile home park operator where individual mobile home lots are rented or leased with or without mobile home units placed on them and where ownership and responsibility for the maintenance and development of site facilities including underground services, access roads, communal areas, snow clearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Town.

MOBILE HOME SUBDIVISION means a mobile home development requiring the subdivision of land whether in single or joint ownership into two or more pieces or parcels of land for the purpose of locating thereon mobile home units under either freehold or leasehold tenure and where the maintenance of streets and services is the

responsibility of a municipality or public authority, and where the mobile home development is classified as a mobile home subdivision by the Town.

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.

OWNER* means a person or an organization of persons owning or having the legal right to use the land under consideration.

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.

PIT AND QUARRY WORKING carries the same meaning as Mineral Working.

PRINCIPAL BUILDING(S) means the building or buildings in which the primary use of the lot on which the building is located is conducted. This term is interchangeable with the term Main Building.

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.

REAR YARD DEPTH* means the distance between the rear lot line and the rear wall of the main building on a lot.

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

ROW DWELLING means a dwelling containing three or more dwelling units at ground level in one building, each unit separated vertically from the others.

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

SEMI-SERVICED DEVELOPMENT means development which is connected to the municipal water or municipal sewer system, whether or not the sewage is piped directly to a body of water.

SERVICE STATION means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing and

polishing of motor vehicles.

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

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

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

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

SIDE YARD DEPTH* means the distance between the side lot line and the nearest side wall of a building on the lot.

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.

SINGLE DWELLING means a single dwelling which is free standing, separate, and detached from other main buildings and consists of a constructed, prefabricated, or manufactured detached dwelling unit, but not including a mini-home or a mobile home.

STREET* means a street, road or highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles.

STREET LINE* means the edge of a street reservation as defined by the authority having jurisdiction.

SUBDIVISION* means the dividing of any land, whether in single or joint ownership into 2 or more pieces for the purpose of development.

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

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

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

UNSERVICED DEVELOPMENT means development which is not connected to the municipal water and sewer system, whether or not the sewage is piped directly to a body of water.

USE* means a building or activity situated on a lot or a development permitted on a lot.

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.

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.

ZONING MAP* means the map or maps attached to and forming part of the authority's regulations.

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Motion Picture Theatres T.V. Studios admitting an audience.
ASSEMBLY USES	Cultural and Civic	Libraries, Museums, Art Galleries, Court Rooms, Meeting Rooms, Council Chambers
ASSEMBLY USES	General Assembly	Community Halls, Lodge Halls, Dance Halls, Gymnasias, Auditoria, Bowling Alleys
ASSEMBLY USES	Educational	Schools, Colleges (non-residential)
ASSEMBLY USES	Place of Worship	Churches and similar places of worship, Church Halls
ASSEMBLY USES	Passenger Assembly	Passenger Terminals
ASSEMBLY USES	Club and Lodge	Private Clubs and Lodges (non-residential)
ASSEMBLY USES	Catering	Restaurants, Bars, Lounges
ASSEMBLY USES	Funeral Home	Funeral Homes and Chapels
ASSEMBLY USES	Child Care	Day Care Centres
ASSEMBLY USES	Amusement	Electronic Games Arcades, Pinball Parlours, Poolrooms
ASSEMBLY USES	Indoor Assembly	Arenas, Armouries, Ice Rinks, Indoor Swimming Pools

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fair-grounds, Exhibition Grounds, Drive-in Theatres, Paint Ball
ASSEMBLY USES	Campground	Campgrounds, Recreational Vehicle and Travel Trailer Campgrounds
INSTITUTIONAL USES	Penal and Correctional Detention	Jails, Penitentiaries, Police Stations (with detention quarters), Prisons, Psychiatric, Hospitals (with detention quarters), Reformatories
INSTITUTIONAL USES	Medical Treatment and Special Care	Children's Homes, Convalescent Homes, Homes for Aged, Hospitals, Infirmaries
RESIDENTIAL USES	Single Dwelling	Single Detached Dwellings, Family & Group Homes
RESIDENTIAL USES	Mini-Home	Mini-Home
RESIDENTIAL USES	Double Dwelling	Semi-detached Dwelling, Duplex Dwellings, Family & Group Homes
RESIDENTIAL USES	Row Dwelling	Row Houses, Town Houses, Family & Group Homes
RESIDENTIAL USES	Apartment Building	Apartments, Family & Group Homes

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	Collective Residential	Educational Residences, Nurses and Hospital Residences, etc.
RESIDENTIAL USES	Boarding House Residential and/or Bed and Breakfast	Boarding Houses, Lodging Houses, Bed and Breakfast
RESIDENTIAL USES	Commercial Residential	Hotels & Motels, Hostels, Residential Clubs
RESIDENTIAL USES	Seasonal Residential	Summer Homes & Cabins, Hunting & Fishing Cabins
RESIDENTIAL USES	Mobile Homes	Mobile Homes
RESIDENTIAL USES	Seniors' Housing and Personal Care Facilities	Seniors' Housing and Personal Care Facilities
BUSINESS & PERSONAL SERVICE USES	Office	Offices (including Government Offices), Banks
BUSINESS & PERSONAL SERVICE USES	Medical and Professional	Medical Offices and Consulting Rooms, Dental Offices & Surgeries, Legal Offices & Similar Professional Offices
BUSINESS & PERSONAL SERVICE USES	Personal Service	Barbers, Hairdressers, Beauty Parlours, Small Appliance Repairs
BUSINESS & PERSONAL SERVICE USES	General Service	Self-service Laundries, Dry Cleaners (not using flammable or explosive substances), Small Tool and Appliance Rentals, Travel Agents
BUSINESS & PERSONAL SERVICE USES	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE USES	Police Station	Police Stations without detention quarters

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE USES	Taxi Stand	Taxi Stands
BUSINESS & PERSONAL SERVICE USES	Take-out Food Service	Take-out Food Service
BUSINESS & PERSONAL SERVICE USES	Veterinary	Veterinary Surgeries
MERCANTILE USES	Shopping Centre	Shopping Centres
MERCANTILE USES	Shop	Retail Shops and Stores and Showrooms, Department Stores
MERCANTILE USES	Indoor Market	Market Halls, Auction Halls
MERCANTILE USES	Outdoor Market	Market Grounds, Animal Markets, Produce and Fruit Stands, Fish Stalls
MERCANTILE USES	Convenience Store	Confectionary Stores, Corner Stores, Gift Shops, Specialty Shops
INDUSTRIAL USES	Hazardous Industry	Bulk Storage of hazardous liquids and substances, Chemical Plants, Distilleries Feed Mills, & Lacquer, Mattress, Paint, Varnish, and Rubber Factories, Spray Painting
INDUSTRIAL USES	General Industry	Factories, Cold Storage Plants, Freight Depots General Garages, Warehouses, Workshops, Laboratories, Laundries, Planing Mills, Printing Plants, Contractors' Yards
INDUSTRIAL USES	Service Station	Gasoline Service Stations, Gas Bars, Car Wash

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
INDUSTRIAL USES	Light Industry	Light Industry, Parking Garages, Indoor Storage, Warehouses, Workshops
NON-BUILDING USES	Agriculture	Commercial Farms, Hobby Farms, Market Gardens & Nurseries
NON-BUILDING USES	Forestry	Tree Nurseries, Silviculture
NON-BUILDING USES	Mineral Exploration	Mineral Exploration
NON-BUILDING USES	Mineral Working	Quarries, Pits
NON-BUILDING USES	Mining	Mining, Oil Wells
NON-BUILDING USES	Recreational Open Space	Playing Fields, Sports Grounds, Parks, Playgrounds, Recreational Trails
NON-BUILDING USES	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING USES	Cemetery	Cemeteries, Graveyards
NON-BUILDING USES	Scrap Yard	Car Wrecking Yards, Junk Yards, Scrap Dealers
NON-BUILDING USES	Solid Waste	Solid Waste Disposal, Sanitary Land Fill Incinerators
NON-BUILDING USES	Animal	Animal Pounds, Kennels, Zoos
NON-BUILDING USES	Antenna	TV, Radio and Communications Transmitting and Receiving Masts and Antennae
NON-BUILDING USES	Transportation	Airfields, Docks, Marina, Yacht Club, Boating Club, Boat House and Harbours

SCHEDULE B - CLASSIFICATION OF USES OF LAND AND BUILDINGS...cont'd		
GROUP	CLASS	EXAMPLES
NON-BUILDING USES	Utilities	Windmills, Wind Turbines, Solar, and other energy sources not classed as a Public Utility under the Public Utilities Act.

SCHEDULE C – USE ZONE SCHEDULES

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

Before issuing an Approval in Principle or a permit for a development, the Town shall review the application to ensure that it is in compliance with Application, Parts I – General Regulations, II – General Development Standards, III – Advertisements, IV – Subdivision of Land; and Schedules A – Definitions, B – Classification of Uses of Land and Buildings, C – Use Zone Schedules, and D – Offstreet Loading and Parking Requirements of the Development Regulations.

Schedule C contains tables for the following Use Zones:

Residential	RES
Mixed Development	MD
Public	PB
Recreation	REC
Rural	RU
Environmental Protection	EP
Designated Floodway	DF
Wellhead Protected Water Supply Area	WPSA

USE ZONE TABLE

RESIDENTIAL (RES) ZONE

ZONE TITLE	RESIDENTIAL (RES) (Kippens)
PERMITTED USE CLASSES (see Regulation 97) Conservation, Mini-Home, Recreational Open Space, Single Dwelling	
DISCRETIONARY USE CLASSES (see Regulations 24 and 98) Antenna, Bed and Breakfast, Boarding House, Child Care	
<p>SEMI-SERVICED DEVELOPMENT means development which is connected to the municipal water <u>or</u> municipal sewer system, whether or not the sewage is piped directly to a body of water.</p> <p>UNSERVICED DEVELOPMENT means development which is not connected to the municipal water and sewer system, whether or not the sewage is piped directly to a body of water.</p>	
STANDARDS	ALL DEVELOPMENT
Lot area Semi-serviced (minimum)	1,400 m ² or minimum specified by the Department of Government Services, whichever is greater
Lot area Unserviced (minimum)	1,860 m ² or minimum specified by the Department of Government Services, whichever is greater
Dwelling Floor area (minimum)	80 m ²
Semi-Serviced Minimum Frontage – Highway 460	30 m See also <i>Private Sewage Disposal and Water Supply Standards – Department of Government Services</i>

Semi-Serviced Minimum Frontage – Other than Highway 460	23 m See also <i>Private Sewage Disposal and Water Supply Standards – Department of Government Services</i>
Frontage Unserviced (minimum)	30 m
Building Line and Setback Highway 460 (minimum)	15 m
Building Line Setback Except Highway 460 (minimum)	8 m
Side yard Width (minimum)	2 m
Side yard Width Flanking Road/ Corner Lot (minimum)	15 m (Highway 460) and 8 m (except Highway 460)
Rear yard Depth (minimum)	15 m
Lot Coverage (maximum)	33 %
Height maximum	8 m

CONDITIONS FOR RESIDENTIAL ZONE

1. General Development Standards

Along with the Town, all development in this zone shall be approved by the Government Service Centre of the Department of Government Services and other appropriate agencies.

Access to Highway 460 (Kippens Road) is subject to the approval of the Department of Transportation and Works.

2. Animals on Property (See also Regulation 48)

(1) The only animals permitted to be kept on a property in this zone are pets.

(2) For the purpose of this Condition, a pet is any domesticated animal, excluding animals in small or large numbers deemed to be “livestock” – that is, horses, pigs, cattle, sheep, goats, poultry and other creatures that may be used on a farm or ranch for commercial purposes.

3. Home Business Accessory Use (See Regulations 34 and 47)

A home business accessory use is permitted in this zone.

4. Subsidiary Apartment Accessory Use (See Regulations 34 and 64)

A subsidiary apartment accessory use is permitted in this zone.

USE ZONE TABLE

MIXED DEVELOPMENT (MD) ZONE

ZONE TITLE	MIXED DEVELOPMENT (MD)	(Kippens)
<p>PERMITTED USE CLASSES - (see Regulation 97)</p> <p>Conservation, Mini-Home, Recreational Open Space, Single Dwelling</p>		
<p>DISCRETIONARY USE CLASSES - (see Regulations 24 and 98)</p> <p>Agriculture, Amusement, Antenna, Apartment attached to a business, Apartment Building, Boarding House Residential and Bed and Breakfast, Catering, Child Care, Club and Lodge, Commercial – Residential, Communications, Convenience Store, Cultural and Civic, Double Dwelling, Educational, Funeral Home, General Assembly, General Industry, General Service, Indoor Market, Light Industry, Medical and Professional, Office, Medical Treatment and Special Care, Outdoor Market, Passenger Assembly, Personal Service, Place of Worship, Police Station, Row Dwelling, Seniors’ Housing and Personal Care Facilities, Shop, Shopping Centre, Take-out Food Service, Taxi Stand, Theatre, Transportation, Veterinary</p>		

CONDITIONS FOR MIXED DEVELOPMENT ZONE

1. General Development Standards

Along with the Town, all development in this zone shall be approved by the Government Service Centre of the Department of Government Services and other appropriate agencies. *Where they exceed the Town’s standards, the standards established by the Department of Government Services shall apply.*

Access to Highway 460 (Kippens Road) is subject to the approval of the Department of Transportation and Works.

2. Residential Development Standards

(1) Single and double dwelling residential development (except for ‘commercial – residential’) is subject to the standards and other

requirements set out in the Residential Zone for single dwellings. However, the minimum floor area per dwelling unit for a double dwelling shall be 60 m². In respect of Boarding House, Bed and Breakfast refer to Regulation 34 and the Residential Zone.

(2) Apartment Building

- a) Minimum Lot Area 1,860 m² or 300 m² per unit whichever is greater
- b) Minimum Floor Area Per Unit 60 m²
- c) Minimum Frontage 42 m
- d) Minimum Building Line Setback 10 m
- e) Minimum Building Line Setback Highway 460 15 m
- f) Minimum Side yard 5 m
- g) Minimum Side yard Corner or Flanking Road Lot – same as building line setback
- h) Minimum Rear yard Depth 15 m
- i) Maximum Lot Coverage 33%
- j) Maximum Height 10 m

(3) Row Dwelling

- a) Minimum Lot Area – 1,860 m² or 300 m² per dwelling unit whichever is greater
- b) Minimum Floor Area Per Unit 60 m²
- c) Minimum Frontage – 30 m or 8 m per dwelling unit, whichever is greater
- d) Minimum Building Line Setback 10 m
- e) Minimum Building Line Setback Highway 460 15 m
- f) Minimum Side yard 5 m
- g) Minimum Side yard Corner or Flanking Road Lot – same as building line setback
- h) Minimum Rear yard Depth 15 m
- i) Maximum Lot Coverage 33%
- j) Maximum Height 10 m

3. Non-Residential Development Standards

- (1) Non-residential uses not located in a dwelling and/or not on a dwelling lot, are subject to the following standards:

a) Minimum Lot Area	1,860 m ²
b) Minimum Frontage	30 m
c) Minimum Building Line Setback	15 m
d) Minimum Side yard	6 m
e) Minimum Side yard Corner or Flanking Road Lot – same as building line setback	
f) Minimum Rear yard	20 m
g) Maximum Height	10 m

- (2) For non-residential uses located in a separate building or extension on a dwelling lot, the requirements and standards for an accessory building shall apply.

4. Home Business Accessory Use (See Regulations 34 and 47)

A home business accessory use is permitted in this zone.

5. Subsidiary Apartment Accessory Use (See Regulations 34 and 64)

A subsidiary apartment accessory use is permitted in this zone.

6 Agriculture

Agriculture is limited to greenhouses and horticultural operations.

7. Animals on Property (See also Regulation 48)

- (1) Excluding Veterinary use discretionary use no animal shall be kept on a property in this Zone for commercial purposes - such as boarding, care, or for hire.
- (2) With the exception of Veterinary use discretionary use, the only animals permitted to be kept on a property in this Zone are Pets.
- (3) For the purpose of this Regulation, a Pet is any domesticated animal excluding animals in small or large numbers deemed to be “livestock” - that is, horses, pigs, cattle, sheep, goats, poultry, and other creatures that may be used on a farm or ranch for commercial purposes.

8. General Industry

General Industry is limited to contractor's yards and general garages.

9. Medical Treatment and Special Care – Seniors' Housing and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, including those of the parking standards for dwellings in this Zone under Schedule D, the following provisions shall apply to Medical Treatment and Special Care and Seniors' Housing and Personal Care Facilities:

- a) tailored to the needs of the persons occupying the development in accordance with their condition, the development shall be planned as a single development with all of the necessary facilities and services;
- b) the minimum dwelling floor areas, building line setbacks and yards shall be as determined by the Town;
- c) the overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth shall be attractive, and compatible with other uses in the vicinity;
- d) a single management authority shall be responsible for the maintenance of properties within the development;
- e) allowable building types can be those necessary to serve the purposes of the development, including a variety of dwelling types, special purpose structures, communal storage areas and workshops for the use of the residents, communal garages and care facilities;
- f) the total lot coverage of all buildings does not exceed 33%;
- g) the parking standards shall be tailored to the needs of the users of the facilities, provided that there is adequate provision for both residents and visitors, and provided that where independent living accommodation is provided in single, double or row dwelling types that at least one (1) parking space per dwelling unit is provided adjacent the dwelling unit;
- h) the development is connected to the Town's municipal water and sewer services.

10. Open Storage

The Town will not permit open dry storage of materials, goods and machinery, on sites abutting or on the opposite side of a road from a residential property.

Where permitted, open storage shall meet the following requirements:

- a) open storage on non-residential lots shall not occupy more than 25 percent of the site area and shall not be located in the front yard or in any required buffer areas;
- b) open storage areas shall be enclosed by a wall or fence not less than 2 metres in height constructed of uniform materials approved by the Town;
- c) open storage areas shall be maintained with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

11. Site Maintenance Standards, Non-Residential Uses

Any use other than a private residence occupying a site in the Mixed Development Zone shall meet the conditions below.

- (1) Trash and Garbage Receptacles. Trash and garbage receptacles which contain garbage awaiting collection shall be located within a screened enclosure constructed of opaque materials and of a design satisfactory to the Town.
- (2) Exterior Lighting. Exterior lighting for use on the site shall be erected and maintained so the light is confined to the property and will not cause direct light or glare upon the adjacent properties or roads. The light source shall not be higher than 6 metres.
- (3) Landscaping and Surfacing. Lots shall be landscaped or provided with a stable surface to prevent raising or movement of dust, clay, mud, and loose particles.

USE ZONE TABLE

PUBLIC (PB) ZONE

ZONE TITLE	PUBLIC (PB)	(Kippens)
PERMITTED USE CLASSES (see Regulation 97)		
Conservation, Child Care, Cultural and Civic, Educational, General Assembly, Indoor Assembly, Medical Treatment And Special Care, Office, Outdoor Assembly, Place Of Worship, Recreational Open Space, Seniors' Housing and Personal Care Facilities		
DISCRETIONARY USE CLASSES (see Regulations 24 and 98)		
Antenna, Cemetery, Club And Lodge, Collective Residential		

CONDITIONS FOR PUBLIC ZONE

1. General Development Standards

Along with the Town, all development in this zone shall be approved by the Government Service Centre of the Department of Government Services and other appropriate agencies. *Where they exceed the Town's standards, the standards established by the Department of Government Services shall apply.*

Access to Highway 460 (Kippens Road) is subject to the approval of the Department of Transportation and Works.

2. Development Standards

The development standards for this zone shall be as follows:

- | | | |
|----|---------------------------------|------|
| a) | Minimum Building Line Setback | 15 m |
| b) | Minimum Side yard | 6 m |
| c) | Minimum Side yard Flanking Road | 15 m |
| d) | Minimum Rear yard | 15 m |

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- e) Maximum Height 15 m

3. Medical Treatment and Special Care – Seniors’ Housing and Personal Care Facilities

Notwithstanding any other provisions of these Regulations, including those of the parking standards for dwellings in this Zone under Schedule D, the following provisions shall apply to Medical Treatment and Special Care and Seniors’ Housing and Personal Care Facilities:

- a) tailored to the needs of the persons occupying the development in accordance with their condition, the development shall be planned as a single development with all of the necessary facilities and services;
- b) the minimum dwelling floor areas, building line setbacks and yards shall be as determined by the Town;
- c) the overall design of the development – including road layout, landscaping, building design and location, parking areas, and so forth shall be attractive, and compatible with other uses in the vicinity;
- d) a single management authority shall be responsible for the maintenance of properties within the development;
- e) allowable building types can be those necessary to serve the purposes of the development, including a variety of dwelling types, special purpose structures, communal storage areas and workshops for the use of the residents, communal garages and care facilities;
- f) the total lot coverage of all buildings does not exceed 33%;
- g) the parking standards shall be tailored to the needs of the users of the facilities, provided that there is adequate provision for both residents and visitors, and provided that where independent living accommodation is provided in single, double or row dwelling types that at least one (1) parking space per dwelling unit is provided adjacent the dwelling unit;
- h) the development is connected to the Town’s municipal water and sewer services.

USE ZONE TABLE

RECREATION (REC) ZONE

ZONE TITLE	RECREATION (REC)	(Kippens)
PERMITTED USE CLASSES (see Regulation 97)		
Antenna, Conservation, Club and Lodge, Cultural and Civic, General Assembly, Indoor Assembly, Outdoor Assembly, Place Of Worship, Recreational Open Space, Theatre		

CONDITIONS FOR RECREATION ZONE

Development Standards

The development standards shall be as determined by the Town.

USE ZONE TABLE

RURAL (RU) ZONE

ZONE TITLE	RURAL (RU)	(Kippens)
PERMITTED USE CLASSES (see Regulation 97)		
Agriculture, Antenna, Conservation, Forestry, Mineral Exploration, Recreational Open Space		
DISCRETIONARY USE CLASSES (see Regulations 24 and 98)		
Animal, Campground, Catering, Cemetery, Commercial Residential, Communication, General Industry, Mineral Working, Mining, Outdoor Assembly, Single Dwelling, Transportation, Utilities, Veterinary		

CONDITIONS FOR RURAL ZONE

1. Development Standards

Development standards in this zone will be determined by the Town, and the Department of Government Services, and other departments.

All development in this zone shall be approved by the Department of Government Services, Department of Environment and Conservation and the Department of Natural Resources, and other agencies or departments as required, before a permit is issued by the Town.

2. Campground

- 1) A campground may only be permitted as a discretionary use, provided a plan of the development is submitted in a format satisfactory to the Town, showing and specifying:
 - a) camping sites - location and sizes;
 - b) roads and accesses;
 - c) parking areas;
 - d) accessory uses, such as laundry facilities, storage areas, showers, snack-bar, and convenience stores and the caretaker residence,

- and any other building or facility accessory to the campground facility;
 - e) water supply and waste disposal services;
 - f) landscaping;
 - g) buffers, and screening between the campground and existing and future residential development;
 - h) the land to be developed on a legal survey prepared by a Newfoundland Land Surveyor;
 - i) where deemed, necessary by the Town, a phasing plan of the campground.
- (2) Commercial uses, washroom facilities, laundromats, and similar facilities, and parking areas and recreational areas shall not be located adjacent residential areas.
- (3) All sites and facilities shall only be accessed by the internal road network of the campground.
- (4) A suitable buffer located on the property that is landscaped and planted with materials approved by the Town and/or a privacy fence of a design approved by the Town, shall be provided where the development is abuts a public road, right of way, and/or a present or future residential neighbourhood.
- Any buffering or screening shall be properly maintained by the owner, and not allowed to fall into disrepair or become unsightly.
- (5) The permit for a campground shall specify the maximum number of units and sites - in the form of tents, recreational vehicles, and so forth - that may be accommodated on the site at any one time. This number shall not be exceeded.
- (6) Any expansion or alteration to a campground shall be subject to review by the Town, and except for repairs and maintenance, shall be treated as a discretionary use application.
- (7) The owner and/or the operator shall ensure that all bylaws and regulations of the Town pertaining to noise, rowdy behaviour, and litter are complied with.
- (8) Where deemed necessary by the Town, a deposit sufficient to cover the cost the buffer and screening shall be deposited with the Town, and then
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subsequently returned by the Town upon satisfactory completion of the work, or, used by the Town to complete the work in accordance with the approved plan.

3. Commercial Residential, Outdoor Assembly, Catering

A Commercial Residential, Outdoor Assembly, and associated camping park, or Catering uses may be permitted provided the use is a tourist or recreation oriented operation which requires a site in the Rural Zone. A Catering use may only be permitted if accessory to and clearly subordinate to another use named in this condition.

4. Forestry

Forestry activities must preserve the scenic views of the community. Logging will not be permitted in areas clearly visible from the urban area of the Town.

5. General Industry and Light Industry

General and Light Industrial uses shall be restricted to the maintenance and repair of equipment, processing and storage related to agriculture, forestry or mineral working uses, or to uses meeting the following criteria:

- a) unsuitable for location near urban development because they interfere with the amenity and use of adjacent lands by reason of appearance, noise, vibration, smell, fumes, smoke, grit, soot, ash, dust or glare;
- b) operations of a manufacturing or assembly nature or activities which require large areas for open storage and handling of materials, goods, and equipment and whose buildings are accessory to the open storage and handling;
- c) capable of being serviced by on-site water supply and sanitary sewage disposal;
- d) capable of being screened from public roads and lands designated for urban uses;
- e) generating low volumes of traffic; and
- f) capable of operations with no deleterious effect on the environment including, quality of water in any stream, pond or bog.

No warehousing or wholesale and retail sales activities shall be permitted.

7. Mineral Working

Mineral Working uses shall meet the conditions set out below:

7.1. Separation from Adjacent Uses

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

	<u>Minimum Buffer Distance of Pit or Quarry Working</u>
Hardrock quarry and Urban Development	1,000 metres
Other than hardrock quarry and existing or Proposed Residential Development	300 metres
Any other development 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

7.2. 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 working:

- a) 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 operation from the surrounding uses or streets will be prevented. The tree screens must be

maintained by the owner or occupier of the mineral working to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Town may require new trees of a minimum height of 1 metre to be planted to fill in the area affected to the satisfaction of the Town or, at the discretion of the Town, condition 7.2(b) must be undertaken.

- b) 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 from any part of the mineral working operation from adjacent uses (excepting forestry and agriculture) or adjacent public highways and streets. The berms shall be landscaped to the Town's satisfaction.
- c) 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.
- d) Where effective screening for any mineral working or associated processing or manufacturing use cannot be installed or located as required in 7.2(a) - 7.2(c) above, the Town may refuse to permit the mineral working or associated activity.

7.3. Fencing

The Town may require the mineral working site or excavated area 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.

7.4. Water Pollution

No mineral working or associated storm or sanitary drainage shall unacceptably reduce the quality of water in any waterbed or watercourse. Any access road to a pit and 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 Conservation.

7.5. Water Ponding

No mineral working shall result in the excavation of areas below the level of the water table, nor in any way cause the accumulation or ponding of water in any

part of the site. Settling ponds may be permitted with the approval of the Department of Environment and Conservation.

7.6. Erosion Control

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

7.7. Site Maintenance

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

7.8. Access Roads

No quarry may be developed where the access road passes through a residential neighbourhood.

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

7.9. 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 uncleared areas and 10 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.

7.10. Operating Plant and Associated Processing and Manufacturing

The Town may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Town, 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.

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.

The Town 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.

7.11. Termination and Site Rehabilitation

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

- a) All buildings, machinery and equipment shall be removed.
- b) All pit and quarry slopes shall be graded to slopes less than 20 percent or to the slope conforming to that existing prior to the mineral working.
- c) Topsoil and many organic materials shall be respread over the entire quarried area.
- d) The access road to the working shall be ditched or barred to the satisfaction of the Town.

If the mineral working contains reserve of material sufficient to support further extraction operations, the Town may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

7.12. Security

The Town may require the posting of a bond or other type of financial guarantee as security to ensure the rehabilitation of quarry sites to acceptable standard.

7.13. Buffers

No cutting of timber or mineral working will occur within 50 m of any tributary of any body of water.

7.14. Extraction & Rehabilitation Plan

As a condition of approval, the Town may require the developer:

- a) to submit for the consideration and approval of the Town a Mineral Working Development Plan for the proposed Mineral Working use which shall include a site plan showing the location of physical site features and extraction and processing features; and

- b) to submit for the consideration and approval of the Town a Mineral Working Reclamation Plan for the proposed mineral working use which shall explain, illustrate and show to the satisfaction of the Town a plan for restoration of the site which includes final ground contours, slopes, depth of topsoil, and vegetation and a phasing plan if necessary in the form of a grading and landscape plan or plans.

7.15. Permit Fee

The development permit fee for a mineral working shall be determined by the Town in an amount sufficient to cover the review of any required Development and Reclamation Plans by a professional engineer, ongoing inspection of the site for conformity with any required Plans and with the conditions of the development permit, and inspection of the site to determine acceptable reclamation, and, where applicable, for purposes of return or cancellation of the financial guarantee required in 7.12 above.

8. Municipal Services

Development in this Zone shall not be connected to the Town's water and sewer system unless otherwise determined by the Town.

9. Public Roads

Uses open to or used by the public shall front on a publicly owned and maintained road in accordance with the standards specified in Part IV of the Regulations.

10. Single Dwelling

A single dwelling may be permitted if it is necessary to support a permitted use.

USE ZONE TABLE

ENVIRONMENTAL PROTECTION (EP) ZONE

ZONE TITLE	ENVIRONMENTAL PROTECTION (EP)	(Kippens)
PERMITTED USE CLASSES (see Regulation 97)		
Conservation		
DISCRETIONARY USE CLASSES (see Regulations 24 and 98)		
Antenna, Mineral Exploration, Recreational Open Space, Transportation		

CONDITIONS FOR THE ENVIRONMENTAL PROTECTION ZONE

All development in this zone is subject to the approval of the Department of Environment and Conservation along with the Town.

Transportation uses are limited to uses requiring access to a body of water.

USE ZONE TABLES

DESIGNATED FLOODWAY (DF) ZONE

ZONE TITLE	DESIGNATED FLOODWAY (DF)	(Kippens)
PERMITTED USE CLASSES (see Regulation 97)		
Conservation		
DISCRETIONARY USE CLASSES (see Regulations 24 and 98)		
Antenna, Recreational Open Space		

CONDITIONS - DESIGNATED FLOODWAY ZONE

1. Approval of the Minister of Environment and Conservation

Any development within this Zone is subject to the written approval of the Minister of Environment and Conservation under the Water Resources Act.

2. Hydraulic Structures

Hydraulic structures are class of structures which includes most hydraulic structures such as dams, bridges, causeways, dykes, canals etc, are by their own needs and characteristics constructed in buffer zones and flood plains. However, every effort must be made to ensure that such structures do not adversely affect the capability of the body of water to convey flow. In the case of dams, new areas of flooding and the impact of that flooding must be fully assessed by the proponent.

3. Structures

A structure in this Zone can only be permitted where:

- a) the ground floor elevation of the structure is higher than the 1 in 100 year flood level;
- b) the structure will not interfere with the flow of water or displace water such that it creates a worse flooding situation for other properties;

- c) the structure and the associated utilities have been designed and constructed in accordance with the approved flood proofing guidelines of the Department of Environment and Conservation and entrances and exits from the building can be safely used without hindrance in the event of a flood;
- d) the proposed use of the facility and site will not involve any storage of pollutants such as fuels, chemicals, pesticides etc.

Additional conditions may be set out for specific projects and included in a permit issued under section 48 of the *Water Resources Act*.

4. Additions and Modifications to Existing Development

Additions, modifications, enhancements and improvements to existing structures where there is an increase in the floor area within this Zone, will be assessed for its impacts on the flood plain before a permit is issued.

USE ZONE TABLE

WELLHEAD PROTECTED WATER SUPPLY AREA (WPWSA) ZONE

ZONE TITLE WELLHEAD PROTECTED WATER SUPPLY AREA(WPWSA)
PERMITTED USE CLASSES (see Regulation 97) Conservation
DISCRETIONARY USE CLASSES (see Regulations 24 and 98) Antenna, Mineral Exploration, Recreational Open Space, Utilities

CONDITIONS FOR THE WELLHEAD PROTECTED WATER SUPPLY AREA ZONE

1. General Conditions and Referrals

In addition to any other approvals or requirements by the Town, all development in this zone shall be subject to the approval of the Minister of Environment and Conservation.

Conditions 1, 2, 3, 4, and 5 are based upon Department of Environment and Conservation Policy Directive W.R. 95-01 - Water Resources Division as modified.

2. Activities Not Permitted

The following activities shall not be permitted in this zone:

- a) placing, depositing or discharging or permitting the placing, depositing or discharging into a body of water any sewage, refuse, chemicals, municipal and industrial wastes or any other material which impairs or has potential to impair water quality;
- b) using a waterway or wetland or specified buffer zones for any activity detrimental to water quality, and not permitted in the Environment Act;

- c) using ice covered water body for transporting logs or wood, riding skidoos/motor vehicles/all terrain vehicles, leading of animals, or any other activity, including littering, which impairs or has potential to impair water quality;
- d) using or operating existing facilities in such a manner that impairs or has potential to impair water quality;
- e) storage and disposal of pesticides and manure, application of manure and chemicals in specified buffer zones, extensive land clearing, and peat land drainage without adequate treatment.
- f) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures; and,
- g) any other storage or disposal facilities that the Minister of Environment and Conservation considers environmentally unacceptable.

3. Activities Regulated

Subject to the other provisions of these Regulations, in this zone no person shall undertake any of the following activities without obtaining prior written approval from the Minister of Environment and Conservation and a permit from the Town:

- a) expansion and upgrading of the existing activities, operations or facilities;
- b) land clearing or drainage, construction of access roads, servicing of lands for subsequent use, or extension and upgrading of existing buildings or facilities;
- c) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- d) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- e) modification to intake structures, pump house, reservoir; and

- f) any other development or activity which, in the opinion of the Minister of Environment and Conservation, has caused impairment or has potential to impair water quality.

4. Approval Process

- (1) The proponent shall submit a detailed development plan along with maps, drawings and specifications and other information as required by the Town and the Minister of Environment and Conservation for approval.
- (2) The Minister of Environment and Conservation may, on the recommendation of his/her officials, issue a certificate of approval for the proposed development on such terms and conditions as the Minister considers necessary to protect water quality.
- (3) The proponent shall obtain separate approvals from the Minister and Conservation for all permanent or temporary stream crossings or for alteration to bodies of water that may be necessary to carry out the approved development.
- (4) The proponent shall also obtain licences, permits or approvals under other Acts and Regulations, including the Development Regulations as required prior to commencing the approved work.
- (5) The proponent of the approved development shall notify the Town by providing a copy of the approval issued under this policy before commencing the work.
- (6) The proponent shall maintain adequate liaison and consultation with the person or authority responsible for the operation and maintenance of the waterworks during the implementation and operation of the approved work.
- (7) The Minister of Environment and Conservation may require the inspection of the approved development from time to time by his/her officials to ensure that the development is carried out in an environmentally acceptable manner and the proponent is complying with the terms and conditions of the approval.

- (8) The Minister of Environment and Conservation may require a proponent to monitor water quality according to a monitoring program approved by the Minister in order to evaluate the impact of the approved development on public water supply.

5. Wellhead Protected Area

No development or other activity shall be permitted within 200 metres of the well head except for maintenance and operation of the water supply system. The Wellhead Protected Area is shown on Land Use Zoning Map 1.

SCHEDULE D - OFFSTREET LOADING AND PARKING REQUIREMENTS

1. Off-Street Loading Requirements

- (1) Where the Town deems necessary, for every building, structure or use to be erected, enlarged or established requiring the shipping, loading or unloading of animals, goods, wares or merchandise, there shall be provided and maintained for the premises loading facilities on land that is not part of a street comprised of one or more loading spaces, 15 m long, 4 m wide, and having a vertical clearance of at least 4 m with direct access to a street or with access by a driveway of a minimum width of 6 m to a street.
- (2) The number of loading spaces to be provided shall be determined by the Town.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

2. Parking Area Standards

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use or occupancy shall conform to the standards set out in Schedule D, except as otherwise modified by Schedule C, of these Regulations.
- (3) Each parking space, except in the case of single or duplex dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.

- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted, with parking perpendicular to the curb the minimum dimensions shall be as follows:
- | | |
|--|--------------|
| (a) parking stall width | 2.75 metres |
| (b) parking stall length or depth | 5.80 metres |
| (c) aisle width, parking stalls across from each other | 7.30 metres |
| (d) aisle width, other obstruction | 7.30 metres |
| (e) driveway width | 7.00 metres. |

Where the parking stall is horizontal to the curb, the minimum length of the stall shall be 7.00 metres, and the minimum aisle width (if applicable) shall be at least 4 metres, more if deemed necessary by the Town. However, For any other parking lot configuration, the requirements shall as be as specified by the Town, but in no instance shall the requirements be less than that specified for perpendicular parking spaces.

- (6) Other requirements for parking areas are as follows:
- (a) the parking area shall be constructed and maintained to the specifications of the Town;
 - (b) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;
 - (c) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
 - (d) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
 - (e) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
 - (f) access to parking areas in non-residential zones shall not be by way of residential zones;
 - (g) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;

- (h) where, in the opinion of the Town, strict application of the above parking requirements is impractical or undesirable, the Town may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Town for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

3. Parking Requirements

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

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Theatre	One space for every 5 seats.
Cultural and Civic	One space for every 50 square metres of gross floor areas.
General Assembly	One space for every 10 square metres of gross floor area.
Educational	Schools - 2 spaces for every classroom. Further education - 1 space for every 5 persons using the facilities (students, faculty and staff).
Place of Worship	One space for every 5 seats.
Passenger Assembly	As specified by the Town.
Club and Lodge	One space for every 3 persons that may be accommodated at one time.
Catering	One space for every 3 customers that may be accommodated at one time.
Funeral Home	One space for every 10 square metres of gross floor area.
Child Care	One space for every 20 square metres of gross floor area.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Amusement	One space for every 10 square metres of gross floor area.
Outdoor Assembly	As specified by the Town
Campground	As specified by the Town.
Penal and Correctional Detention	As specified by the Town.
Medical Treatment and Special Care	Once space per 20 square metres of suite or ward area
Single Dwelling	Two spaces for every dwelling unit.
Double Dwelling	Two spaces for every dwelling unit.
Row Dwelling	Two spaces for every dwelling unit.
Apartment Building	Three spaces for every two dwelling units.
Collective Residential	As specified by the Town.
Boarding House Residential and/or Bed and Breakfast	As specified by the Town.
Commercial Residential	One space for every guest room.
Seasonal Residential	One space per dwelling unit.
Mobile Homes	Two spaces for every dwelling unit.
Office	One space for every 20 m ² of gross floor area.
Medical and Professional	One space for every 20 m ² of gross floor area.
Personal Service	One space for every 20 m ² of gross floor area.
General Service	One space for every 20 m ² of gross floor area.
Communications	As specified by the Town.
Police Station	As specified by the Town.
Taxi Stand	As specified by the Town.
Take-out Food Service	One space for every 20 m ² of gross floor area.
Veterinary	One space for every 20 m ² of gross floor area.
Shopping Centre	One space for every 15 m ² of gross floor area.
Shop	One space for every 20 m ² of gross floor area.
Indoor Market	As specified by the Town.
Outdoor Market	As specified by the Town.
Convenience Store	One space for every 20 m ² of gross floor area.
Hazardous Industry	As specified by the Town, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
General Industry	As specified by the Town, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
Service Station	One space for every 20 m ² of gross floor area.
Light Industry	As specified by the Town, but not less than one space per 50 m ² of gross floor area or 5 parking spaces, whichever is greater.
Agriculture	Not specified.
Forestry	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.
Scrap Yard	Not specified.
Solid Waste	Not specified.
Animal	Not specified.
Antenna	Not specified.
Transportation	As determined by the Town, taking into consideration associated uses, such as boat repairs, and other facilities and services.
Marina	As determined by the Town, taking into consideration associated uses, such as boat repairs, and other facilities and services.

SCHEDULE E - WATERWAYS AND WETLANDS – W.R. 97-1 AND W.R. 97-2

NOTE: Schedule E sets out the applicable policy directives under the Water Resources Act concerning development in and near bodies of water – waterways and wetlands – as described in Part II of the Development Regulations. These directives were obtained from the Government of Newfoundland and Labrador Department of Environment and Conservation Website and may be amended or changed without notice.

WATERWAYS

Development in Shore Water Zones – Policy Directive W.R. 97-1

1.0 INTRODUCTION

The shore water zone is the interface between land and water, and includes the land along the edge of an ocean, or a fresh water body. The shore water zone owes its unique ecological attributes to the area encompassing both the land draining into the water body and the water body itself. Unplanned and imprudent development on shore water zones, including infilling and waste disposal, may have detrimental effects on water quality, water quantity, and on terrestrial and aquatic life and habitat. Human impacts on salt water shore zones, caused by, for example, untreated sewage disposal, surface runoff from urban and industrial sites, etc., has led to closures of bays to aquaculture and shellfish harvesting. The economic impacts of environmental damage of fresh water shore zones include loss of recreational opportunities, depreciation of land values, etc. Shore water zones are also areas that are subject to flooding, with possible adverse impacts on life and property along the zones.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.01, for all development activities in and affecting shore water zones. The objective of the policy is to permit developments of shore water zones such that potential economic losses and impacts on water quantity, water quality, and terrestrial and aquatic habitats and life are minimized.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

- Body of Water -** (Statutory definition from the Act) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water
- Shore Water Zone -** "Shore Water Zone" means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.
- Development -** "Development" means the carrying out of an activity or operation which includes construction of wharves, moorings, jetties, other docking facilities, marinas, boathouses, etc., mechanical disturbance of the land, infilling, drainage, dredging, channelization, erosion control works, and removal of vegetation on shore water zones for social or economic benefits, or any change in the use or the intensity of use of any shore water zone.

5.0 POLICIES

5.1 High Water Level of a Water Body

The high water level of a water body is taken to be the 1:100 year return period water level. For a fresh water body, this level includes water levels caused strictly by storm runoff or hydraulic effects of ice or both. In marine situations, the level must include maximum waves, wind setup, storm surge, and ultimate mean sea levels under current global climatic forecasts for a 1:100 year design.

5.2 Developments Not Permitted

5.2.1 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones, which could aggravate flooding problems, will not be permitted.

- 5.2.2 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones, which have unmitigable adverse water quality impacts on the shore water zones, will not be permitted.
- 5.2.3 Infilling, drainage, dredging, channelization, or removal of surface or underwater vegetation on or along shore water zones which have significant impacts on water circulation patterns within the shore water zones or on sediment deposition or accretion or removal rates along the shore water zones will not be permitted.
- 5.2.4 Placing, depositing or discharging into shore water zones of any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material, which impairs or has the potential to impair the water quality of the shore water zones will not be permitted.
- 5.2.5 Construction of extensive paved surfaces along a shore water zone, which changes the intrinsic character of the shore water zone, will not be permitted.

5.3 Developments Requiring Written Permission

The following developments on or along shore water zones will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the *Act*.

- 5.3.1 Limited removal of surface vegetation cover for the construction of marinas, boathouses, jetties, wharves, moorings, and other docking facilities.
- 5.3.2 Construction of marinas, boathouses, jetties, wharves, moorings and other docking facilities which would require only minor disturbances to water circulation patterns within the shore water zone and which have limited impacts on sediment deposition or accretion rates along the shore water zone.
- 5.3.3 Extension and upgrading of existing buildings, structures and facilities within shore water zone areas.
- 5.3.4 Development related to recreational activities including the setting up of campgrounds, permanent and semi-permanent facilities, etc., along shore water zones.

5.4 Implementation of Mitigative Measures

All developments which are permitted within shore water zones and which could result in potentially adverse changes to water quantity or water quality of the shore water zone will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.5 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on shore water zones.

WETLANDS

Subject:

Development in Wetlands

1.0 INTRODUCTION

Wetlands, which include bogs, fens, marsh, swamps, and shallow water, collect and store runoff, moderate and attenuate downstream flood flows, reduce downstream flooding and erosion, clean and purify water, recharge groundwater zones, and provide unique habitat for plants and animals. The wetlands of Newfoundland and Labrador are increasingly being altered from their natural state to support alternative land uses such as agriculture, urbanization, industrial development, and recreation. Unplanned and imprudent development of wetlands, including drainage, infilling, and channelization, have detrimental effects on the wetlands' and downstream water quality and water quantity, and on terrestrial and aquatic habitat, life, flora and fauna. The potential consequences of impacts on water resources include structural damage to bridges and culverts from increased flood flows; river bed erosion causing siltation; and detrimental impacts on fish resources, drinking water quality and recreational uses of water bodies.

The problem facing wetland management is that the ecological and socio-economic benefits of these ecosystems are usually not directly measurable and in many instances are not recognized until it is too late. The extensive nature of wetlands, peatlands in particular, in this province means that there is room for more developments to occur to meet social and economic needs, as long as hydrologic and environmental impacts are minimized.

2.0 OBJECTIVES

This policy will establish the criteria for issuing a permit under Section 48 of the *Water Resources Act*, SNL 2002 cW-4.01 1, for all development activities in and affecting wetlands. The objective of the policy is to permit developments in wetlands, which do not adversely affect the water quantity, water quality, hydrologic characteristics or functions, and terrestrial and aquatic habitats of the wetlands.

3.0 LEGISLATION

Water Resources Act, SNL 2002 cW-4.01, ("the Act") sections 30, 48 and 64

4.0 DEFINITIONS

- Body of Water -** (Statutory definition from the *Act*) "body of water" means a surface or subterranean source of fresh or salt water within the jurisdiction of the province, whether that source usually contains liquid or frozen water or not, and includes water above the bed of the sea that is within the jurisdiction of the province, a river, stream, brook, creek, watercourse, lake, pond, spring, lagoon, ravine, gully, canal, wetland and other flowing or standing water and the land occupied by that body of water.
- Wetland -** (Statutory definition from the *Act*) "wetland" means land that has the water table at, near or above the land surface and includes bogs, fens, marshes, swamps and other shallow open water areas
- Wetland development -** "Wetland development" means the carrying out of an activity or operation which includes the construction of ditches, mechanical disturbance of the ground, alteration of normal water level fluctuations, infilling, drainage, dredging, channelization, and removal of vegetation cover and/or organic matter on a wetland for social or economic benefits, or the making of any change in the use or the intensity of use of any wetland which affects its hydrologic characteristics or functions

5.0 POLICIES

5.1 Developments Not Permitted

- 5.1.1** Infilling, drainage, dredging, channelization, removal of vegetation cover or removal of soil or organic cover of wetlands which could aggravate flooding problems or have unmitigable adverse water quality or water quantity or hydrologic impacts will not be permitted.
- 5.1.2** Developments of wetlands which are located within the recharge zones of domestic, municipal or private groundwater wells will not be permitted.
- 5.1.3** Placing, depositing or discharging any raw sewage, refuse, municipal and industrial wastes, fuel or fuel containers, pesticides, herbicides or other chemicals or their containers, or any other material which impairs or has the potential to impair the water quality of wetlands will not be permitted.

5.2 Developments Requiring Written Permission

The following developments affecting wetlands will be permitted subject to the prior written permission of the Minister of Environment and Conservation (the "Minister") in accordance with the *Act*:

- 5.2.1** Removal of the surface vegetation cover of wetlands for extraction of peat, or for preparing the area for agricultural or forestry activities.
- 5.2.2** Construction of ditches, tile fields and other types of flow conveyances to drain wetlands for extraction of peat, or for preparing the area for agricultural or forestry operations.
- 5.2.3** Removal of the topsoil or organic cover of wetlands for use as horticultural or fuel peat, or for preparing the area for agricultural or forestry activities.
- 5.2.4** Infilling, dredging, or any other disturbance of wetlands for the construction of permanent or temporary roads, bridges, culverts, trails, power and telecommunication transmission lines, pipelines, etc., through wetlands which would necessitate only minor disturbances to the vegetation and organic cover, the flow drainage pattern of the area and ground slope.
- 5.2.5** Infilling, dredging or other disturbance of wetlands for the construction of residential, commercial, industrial and institutional facilities or extension and upgrading of existing buildings and facilities within wetland areas.
- 5.2.6** Development related to recreational activities including the setting up of campgrounds, permanent and semi-permanent facilities, etc., on wetland areas.
- 5.2.7** Construction of flow control structures to alter the normal water level fluctuations of wetlands for the purposes of enhancing the quality or quantity of fish and other wildlife habitat.

5.3 Implementation of Mitigative Measures

All uses and developments of wetlands resulting in potentially adverse changes to water quantity or water quality or hydrologic characteristics or functions of the wetlands will require the implementation of mitigative measures to be specified in the terms and conditions for the environmental approval.

5.4 Restoration Measures

The terms and conditions of the environmental approval will specify the restoration measures to be implemented upon cessation of activities or abandonment of facilities on wetland areas.