

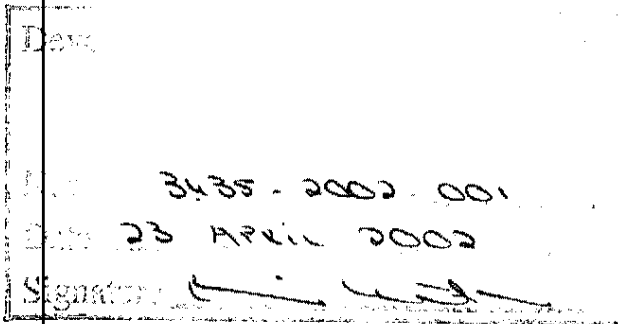
TOWN OF NEW PERLICAN DEVELOPMENT REGULATIONS

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

List of Development Regulation Amendments

November 2001

**TOWN OF NEW PERLICAN
DEVELOPMENT REGULATIONS 2001**



WITH THE CONDITION THAT:

Regulation 23. Notice of Application be deleted and replaced with the following:

“23. Notice of Application

When a change in nonconforming use is to be considered under Regulation 54 (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations the Authority 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 Authority shall, at the expense of the applicant, give written notice to the property owners in the immediate vicinity of the proposed variance.”

URBAN AND RURAL PLANNING ACT

RESOLUTION TO APPROVE

TOWN OF NEW PERLICAN DEVELOPMENT REGULATIONS

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

- a) adopted the Town of New Perlican Development Regulations on the 2nd day of January, 2002.
- b) gave notice of the adoption of the Town of New Perlican Development Regulations by advertisement inserted on the 5th day and the 12th day of March, 2002 in the Compass newspaper.
- c) set the 25th day of March, 2002 from 1 to 5 p.m. and 7 to 9 p.m. at the Town Hall, New Perlican for the holding of a public hearing to consider objections and submissions.

Now under the authority of section 23 of the *Urban and Rural Planning Act 2000*, the Town Council of New Perlican approves the Town of New Perlican Development Regulations as adopted.

SIGNED AND SEALED this 1st day of April, 2002.

Mayor: Mildred Glynn
Mildred Glynn

Clerk: Lorraine LaFitte
Lorraine LaFitte (Acting)

**URBAN AND RURAL PLANNING ACT
RESOLUTION TO ADOPT
TOWN OF NEW PERLICAN DEVELOPMENT REGULATIONS**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of New Perlican adopts the Town of New Perlican Development Regulations.

Adopted by the Town Council of New Perlican on the 2nd day of January, 2002

Signed and sealed this 30th day of January, 2002

Mayor: Mildred Glynn
Mildred Glynn

Clerk: Lorraine Lafitte
Lorraine Lafitte (Acting)

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: Arvo McMillan
Arvo McMillan, MCIP



TABLE OF CONTENTS

APPLICATION		Page 1
Regulation		
1.	Short Title	Page 1
2.	Interpretation	Page 1
3.	Commencement	Page 1
4.	Urban and Rural Planning Act 2000 - Ministerial Development Regulations	Page 1
5.	Municipal Code and Regulations	Page 1
6.	Authority	Page 1
PART I - GENERAL REGULATIONS		Page 2
Regulation		
7.	Compliance With Regulations	Page 2
8.	Permit Required	Page 2
9.	Permit to be Issued	Page 2
10.	Permit Not to be Issued in Certain Cases	Page 2
11.	Discretionary Powers of Authority	Page 2
12.	Variances by Authority	Page 3
13.	Service Levy	Page 3
14.	Financial Guarantees by Developer	Page 3
15.	Dedication of Land for Public Use	Page 4
16.	Reinstatement of Land	Page 4
17.	Form of Application	Page 4
18.	Register of Application	Page 5
19.	Deferment of Application	Page 5
20.	Approval in principle	Page 5
21.	Development Permit	Page 5
22.	Reasons for Refusing Permit	Page 6
23.	Notice of Application	Page 7
24.	Right of Entry	Page 7
25.	Record of Violations	Page 7
26.	Stop Work Order and Prosecution	Page 7
27.	Appeals	Page 7

TABLE OF CONTENTS

2.

Regulation

28.	Accesses and Service Streets	Page 8
29.	Accessory Buildings	Page 8
30.	Accessory Uses	Page 8
31.	Advertisements	Page 9
32.	Advertisements Exempt from Control	Page 10
33.	Advertisements - Temporary Signs	Page 10
34.	Advertisements - Offsite Promotional Signs - Highways	Page 11
35.	Advertisements Relating to Onsite Uses	Page 11
36.	Advertisements Relating to Offsite Uses	Page 11
37.	Agriculture and Farming	Page 11
38.	Archaeological Sites	Page 12
39.	Buffers - Designated Trails and Public Open Space	Page 12
40.	Buffers - Non-Residential	Page 12
41.	Building Line and Setback	Page 13
42.	Discretionary Use Classes	Page 13
43.	Environmental Protection	Page 13
44.	Family and Group Care Centres	Page 13
45.	Fences	Page 14
46.	Forestry	Page 16
47.	Highways - Development near Highways	Page 16
48.	Lot Area	Page 17
49.	Lot Area and Size Exceptions	Page 17
50.	Lot Frontage	Page 17
51.	Mineral Exploration	Page 17
52.	Mineral Working	Page 18
53.	Municipal Services - Unserviced Development	Page 22
54.	Non-Conforming Uses	Page 22
55.	Non-Conforming Use - Discontinuance	Page 22
56.	Offensive and Dangerous Uses	Page 22
57.	Off-Street Loading Requirements	Page 22
58.	Parking Requirements	Page 23
59.	Parks and Playgrounds, and Conservation Uses	Page 24
60.	Screening and Landscaping	Page 24
61.	Services and Public Utilities	Page 25
62.	Service Stations	Page 25
63.	Side Yards	Page 25
64.	Solid Waste Disposal Site and Scrap Yard	Page 25
65.	Street Construction Standards	Page 27
66.	Subsidiary Apartments	Page 27
67.	Unsubdivided Land	Page 27

TABLE OF CONTENTS

Regulation

- 68. Waterways - Development in Waterways and in Waterways Reservations or Buffers Page 27
- 69. Zero Lot Line and Other Comprehensive Development Page 28

PART III - SUBDIVISION OF LAND Page 29

Regulation

- 70. Permit Required Page 29
- 71. Services to be Provided Page 29
- 72. Payment of Service Levies and Other Charges Page 29
- 73. Issue of Permit Subject to Considerations Page 29
- 74. Building Permits Required Page 30
- 75. Form of Application Page 30
- 76. Subdivision Subject to Zoning Page 30
- 77. Building Lines Page 30
- 78. Land for Public Open Space Page 30
- 79. Structure in Street Reservation Page 31
- 80. Subdivision Design Standards Page 31
- 81. Engineer to Design Works and Certify Construction Layout Page 33
- 82. Developer to Pay Engineer's Fees and Charges Page 33
- 83. Street Works May Be Deferred Page 33
- 84. Transfer of Streets and Utilities to Authority Page 34
- 85. Restriction on Sale of Lots Page 34
- 86. Grouping of Buildings and Landscaping Page 34

PART IV - USE ZONES Page 35

Regulation

- 87. Use Zones Page 35
- 88. Use Classes Page 35
- 89. Permitted Uses Page 35
- 90. Discretionary Uses Page 35
- 91. Uses Not Permitted - Prohibited Uses Page 36

SCHEDULE A DEFINITIONS Page 37

SCHEDULE B CLASSIFICATION OF USES OF LAND AND BUILDINGS Page 46

TABLE OF CONTENTS

SCHEDULE C USE ZONE TABLES Page 52

RESIDENTIAL (R) ZONE Page 53

RESIDENTIAL SEASONAL (RS) ZONE Page 58

HERITAGE CONSERVATION (HC) ZONE Page 61

MIXED DEVELOPMENT (MD) ZONE Page 67

RECREATIONAL OPEN SPACE (ROS) ZONE Page 72

RURAL RESOURCE (RR) ZONE Page 74

PROTECTED WATER SUPPLY (PWS) ZONE Page 77

SCHEDULE D OFF-STREET PARKING REQUIREMENTS Page 81



Published by Authority

NEWFOUNDLAND REGULATION 3/01

Development Regulations
under the
Urban and Rural Planning Act, 2000

(Filed January 2, 2001)

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

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

Joan Marie Aylward
Minister of Municipal and Provincial Affairs

REGULATIONS

Analysis

- | | |
|------------------------------|--------------------------------|
| 1. Short title | 8. Development prohibited |
| 2. Definitions | 9. Hearing notice and meetings |
| 3. Application | 10. Hearing of evidence |
| 4. Interpretation | 11. Board decision |
| 5. Notice of right to appeal | 12. Variances |
| 6. Appeal requirements | 13. Notice of variance |
| 7. Appeal registration | 14. Residential non conformity |

- 15. Notice and hearings on change of use
- 16. Non-conformance with standards
- 17. Discontinuance of non-conforming use
- 18. Delegation of powers
- 19. Commencement

Short title

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

Definitions

2. In these regulations,

- (a) "Act", unless the context indicate otherwise, means the *Urban and Rural Planning Act, 2000*;
- (b) "applicant" means a person who has applied to an authority for an approval or permit to carry out a development;
- (c) "authority" means a council, authorized administrator or regional authority; and
- (d) "development regulations" means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

Application

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

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

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

Interpretation

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

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

- (i) a detached subordinate building not used as a dwelling, located on the same lot as the main building to which it is an accessory and which has a use that is customarily incidental or complementary to the main use of the building or land,
 - (ii) for residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets or radio and television antennae,
 - (iii) for commercial uses, workshops or garages, and
 - (iv) for industrial uses, garages, offices, raised ramps and docks;
- (c) "accessory use" means a use that is subsidiary to a permitted or discretionary use and that is customarily expected to occur with the permitted or discretionary use;
- (d) "building height" means the vertical distance, measured in metres from the established grade to the
- (i) highest point of the roof surface of a flat roof,
 - (ii) deck line of a mansard roof, and
 - (iii) mean height level between the eave and the ridge of a gable, hip or gambrel roof,
- and in any case, a building height shall not include mechanical structure, smokestacks, steeples and purely ornamental structures above a roof;
- (e) "building line" means a line established by an authority that runs parallel to a street line and is set at the closest point to a street that a building may be placed;
- (f) "discretionary use" means a use that is listed within the discretionary use classes established in the use zone tables of an authority's development regulations;
- (g) "established grade" means,

- (i) where used in reference to a building, the average elevation of the finished surface of the ground where it meets the exterior or the front of that building exclusive of any artificial embankment or entrenchment, or
- (ii) where used in reference to a structure that is not a building, the average elevation of the finished grade of the ground immediately surrounding the structure, exclusive of any artificial embankment or entrenchment;
- (h) "floor area" means the total area of all floors in a building measured to the outside face of exterior walls;
- (i) "frontage" means the horizontal distance between side lot lines measured at the building line;
- (j) "lot" means a plot, tract or parcel of land which can be considered as a unit of land for a particular use or building;
- (k) "lot area" means the total horizontal area within the lines of the lot;
- (l) "lot coverage" means the combined area of all building on a lot measured at the level of the lowest floor above the established grade and expressed as a percentage of the total area of the lot;
- (m) "non-conforming use" means a legally existing use that is not listed as a permitted or discretionary use for the use zone in which it is located or which does not meet the development standards for that use zone;
- (n) "owner" means a person or an organization of persons owning or having the legal right to use the land under consideration;
- (o) "permitted use" means a use that is listed within the permitted use classes set out in the use zone tables of an authority's development regulations;
- (p) "prohibited use" means a use that is not listed in a use zone within the permitted use classes or discretionary use classes

or a use that an authority specifies as not permitted within a use zone;

- (q) "sign" means a word, letter, model, placard, board, device or representation, whether illuminated or not, in the nature of or employed wholly or in part for the purpose of advertisement, announcement or direction and excludes those things employed wholly as a memorial, advertisements of local government, utilities and boarding or similar structures used for the display of advertisements;
- (r) "rear yard depth" means the distance between the rear lot line and the rear wall of the main building on a lot;
- (s) "side yard depth" means the distance between the side lot line and the nearest side wall of a building on the lot;
- (t) "street" means a street, road, highway or other way designed for the passage of vehicles and pedestrians and which is accessible by fire department and other emergency vehicles;
- (u) "street line" means the edge of a street reservation as defined by the authority having jurisdiction;
- (v) "use" means a building or activity situated on a lot or a development permitted on a lot;
- (w) "use zone" or "zone" means an area of land including buildings and water designated on the zoning map to which the uses, standards and conditions of a particular use zone table apply;
- (x) "variance" means a departure, to a maximum of 10% from the yard, area, lot coverage, setback, size, height, frontage or any other numeric requirement of the applicable Use Zone Table of the authority's regulations; and
- (y) "zoning map" means the map or maps attached to and forming a part of the authority's regulations.

(2) An authority may, in its discretion, determine the uses that may or may not be developed in a use zone and those uses shall be

listed in the authority's regulations as discretionary, permitted or prohibited uses for that area.

Notice of right to appeal

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

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

Appeal requirements

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

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

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

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

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

Appeal registration

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

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

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

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

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

Development prohibited

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

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

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

Hearing notice and meetings

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

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

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

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

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

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

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

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

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

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

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

- Residential non conformity **14.** A residential building or structure referred to in paragraph 108(3)(g) of the Act must, where being repaired or rebuilt, be repaired or rebuilt in accordance with the plan and development regulations applicable to that building or structure.
- Notice and hearings on change of use **15.** Where considering a non conforming building, structure or development under paragraph 108(3)(d) of the Act and before making a decision to vary an existing use of that non-conforming building, structure or development, an authority, at the applicant's expense, shall publish a notice in a newspaper circulating in the area or by other means give public notice of an application to vary the existing use of a non-conforming building, structure or development and shall consider any representations or submissions received in response to that advertisement.
- Non-conformance with standards **16.** Where a building, structure or development does not meet the development standards included in development regulations, the building, structure or development shall not be expanded if the expansion would increase the non-conformity and an expansion must comply with the development standards applicable to that building, structure or development.
- Discontinuance of non-conforming use **17.** An authority may make development regulations providing for a greater period of time than is provided under subsection 108(2) of the Act with respect to the time by which a discontinued non-conforming use may resume operation.
- Delegation of powers **18.** An authority shall, where designating employees to whom a power is to be delegated under subsection 109(3) of the Act, make that designation in writing.
- Commencement **19.** These regulations shall be considered to have come into force on January 1, 2001.

©Earl G. Tucker, Queen's Printer

TOWN OF NEW PERLICAN MUNICIPAL PLAN
(DEVELOPMENT REGULATIONS)

APPLICATION

1. Short Title

These Regulations may be cited as the New Perlican Development Regulations.

2. Interpretation

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

3. Commencement

These Regulations come into effect throughout the New Perlican 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

The Ministerial Development Regulations (Ministerial Regulations), enacted under Section 36 of the Act, shall apply to development within the Planning Area. Where there is conflict between these and the New Perlican Development Regulations, the Ministerial Regulations shall prevail. The Ministerial Development Regulations are included with the New Perlican 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 New Perlican, shall, under these Regulations apply to the entire Planning Area.

6. Authority

In these Regulations, "Authority" means the Council of the Town of New Perlican.

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 Authority.

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 Authority, it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by the Authority and such cost shall attach to and upon the property in respect of which it is imposed.

11. Discretionary Powers of Authority

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

12. Variances by Authority (see Ministerial Development Regulations, Section 12)

13. Service Levy

- (1) The Authority may require a developer to pay a service levy where development is made possible or where the density of potential development is increased, or where the value of property is enhanced by the carrying out of public works either on or off the site of the development.
- (2) A service levy shall not exceed the cost, or estimated cost, including finance charges to the Authority of constructing or improving the public works referred to in Regulation 13(1) that are necessary for the real property to be developed in accordance with the standards required by the Authority and for uses that are permitted on that real property.
- (3) A service levy shall be assessed on the real property based on:
 - (a) the amount of real property benefited by the public works related to all the real property so benefited; and,
 - (b) the density of development made capable or increased by the public work.
- (4) The Authority may require a service levy to be paid by the owner of the real property;
 - (a) at the time the levy is imposed;
 - (b) at the time development of the real property commences;
 - (c) at the time development of the real property is completed; or,
 - (d) at such other time as the Authority may decide.

14. Financial Guarantees by Developer

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

- (c) a performance bond provided by an insurance company or a bank, or;
- (d) an annual contribution to a sinking fund held by the Authority.

15. Dedication of Land for Public Use

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

16. Reinstatement of Land

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

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 Authority on such form as may be prescribed by the Authority, and every application shall include such plans, specifications and drawings as the Authority may require, and be accompanied by the permit fee required by the Authority.
- (2) The Authority shall, on request, supply to every applicant a copy of the application forms referred to in Regulation 17(1) and a description of the plans, specifications and drawings required to be provided with the application.

18. Register of Application

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

19. Deferment of Application

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

20. Approval in Principle

- (1) The Authority may grant approval in principle for the erection, alteration or conversion of a building 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 Authority of such details as may be listed in the approval in principle, which shall also specify that further application for approval of these details shall be received not later than two years from the grant of approval in principle.

21. Development Permit

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

- (3) Where the Authority deems necessary, permits may be issued on a temporary basis for a period not exceeding two years, which may be extended in writing by the Authority for further periods not exceeding two years.
- (4) A permit is valid for such period, not in excess of two years, as may be stated therein, and if the development has not commenced, the permit may be renewed for a further period not in excess of one year, but a permit shall not be renewed more than once, except in the case of a permit for an advertisement, which may be renewed in accordance with Regulation 31 of these Regulations.
- (5) The approval of any application and plans or drawings or the issue of a permit shall not prevent the Authority from thereafter requiring the correction of errors, or from ordering the cessation, removal of, or remedial work on any development being carried out in the event that the same is in violation of this or any other regulations or statute.
- (6) The Authority may revoke a permit for failure by the holder of it to comply with these Regulations or any condition attached to the permit or where the permit was issued in error or was issued on the basis of incorrect information.
- (7) No person shall erase, alter or modify any drawing or specifications upon which a permit to develop has been issued by the Authority.
- (8) There shall be kept available on the premises where any work, matter or thing 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.

22. Reasons for Refusing Permit

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

23. Notice of Application

The Authority may, and when a variance is necessary under Regulation 12 (see also Ministerial Regulations), when a change in nonconforming use is to be considered under Regulation 54 (see also Ministerial Regulations), or when the development proposed is listed as a discretionary use in Schedule C of the Regulations shall, at the expense of the applicant, give notice of an application for a permit or for approval in principle, by public advertisement in a newspaper circulating in the area or by any other means deemed necessary.

24. Right of Entry

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

25. Record of Violations

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

26. Stop Work Order and Prosecution

(1) Where a person begins a development contrary or apparently contrary to these Regulations, the Authority may order that person to stop the development or work connected therewith pending final adjudication in any prosecution arising out of the development.

(2) A person who does not comply with an order made under Regulation 26(1) is guilty of an offence under the provisions of the Act.

27. Appeals

See Ministerial Regulations - Sections 6 to 11..

PART II - GENERAL DEVELOPMENT STANDARDS

28. Accesses and Service Streets

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

29. Accessory Buildings

- (1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot unless otherwise set out in Schedule C.
- (2) No accessory building or part thereof shall project in front of any building line.
- (3) The sideyard requirements set out in the use zone tables in these Regulations shall apply to accessory buildings wherever they are located on the lot but accessory buildings on two (2) adjoining properties may be built to property boundaries provided they shall be of fire resistant construction and have a common firewall.
- (4) The rearyard requirement for accessory buildings shall be the same as the sideyard requirements under Regulation 29 (3) or as otherwise specified in Schedule C.

30. Accessory Uses

Subject to the Conditions under Schedule C for a use zone, uses accessory to the permitted or discretionary use may be permitted. Examples include, but are not limited to:

- (a) facilities for the serving of food and alcoholic beverages in an arena or other place of assembly, marina, hotel (commercial - residential);
- (b) a gift or souvenir shop in a museum, hotel or other establishment;
- (c) office and/or a small convenience store or catering establishment in a campground.

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

31. Advertisements

(1) Permit Required

Subject to the provisions of Regulation 32, no advertisement shall be erected or displayed in the Planning Area unless a permit for the advertisement is first obtained from the Authority.

(2) Form of Application

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

(3) Advertisements Prohibited in Street Reservation

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

(4) Permit Valid for Limited Period

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

(5) Removal of Advertisements

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

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

(6) Signs - 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 Authority.

32. Advertisements Exempt from Control

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

- (a) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area;
- (b) on an agricultural holding or farm, a notice board not exceeding 1.5 m² in area and relating to the operations being conducted on the land;
- (c) on land used for forestry purposes, signs or notices not exceeding 1 m² in area and relating to forestry operations or the location of logging operations conducted on the land;
- (d) on land used for mining or quarrying operations, a notice board not exceeding 1 m² in area relating to the operation conducted on the land;
- (e) on a dwelling or within the courtyard of a dwelling, one nameplate not exceeding 0.2 m² in area in connection with the practice of a professional person carried on in the premises;
- (f) on any site occupied by a church, school, library, art gallery, museum, institution or cemetery, one notice board not exceeding 1 m² in area;
- (g) on the principal facade of any commercial, industrial or public building, the name of the building or the name of the occupants of the building, in letters not exceeding one-tenth of the height of that facade or 3 m, whichever is the lesser;
- (h) on any parking lot directional signs and one sign not exceeding 1 m² in size, identifying the parking lot.

33. Advertisements - Temporary Signs

A temporary sign may be permitted in any zone for a period not exceeding seven consecutive days, provided the sign:

- (a) does not exceed 1.5 square metres 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 in keeping with the character and appearance of the area;
- (e) if necessary, is approved by the Department of Government Services and Lands.

34. Advertisements - Offsite Promotional Signs - Highways

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

35. Advertisements Relating to Onsite Uses

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

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

36. Advertisements Relating to Offsite Uses

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

- (a) each advertisement shall not exceed three square metres in area;
- (b) 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;
- (c) the location, siting and illumination of each advertisement shall be to the satisfaction of the Authority, having regard to the grade and alignment of streets, the location of street junctions, the location of nearby buildings and the preservation of the amenities of the surrounding area.

37. Agriculture and Farming

- (1) Approvals must be obtained from the Department of Forest Resources and Agrifoods for any farming operation that falls within its jurisdiction.

- (2) Except for infill development any *residential development* within 600 metres of structure containing more than five animal units the Development Regulations must be referred to the Soils and Lands Management Division of the Department for a recommendation. The Authority shall not issue a permit contrary to the recommendation.
- (3) Any *livestock structure (barn)* containing five or more animal units must be located at least 600 metres from a non-farm dwelling, unless otherwise determined after referral to, and upon recommendation of, the Soils and Lands Management Division of the Department, and, the structure shall be at least 60 m from the boundary of the property on which it is to be erected and shall be at least 90 m from the centre line of a street. The erection of the structure shall be approved by the Department of Forest Resources and Agrifoods before a permit is issued by the Authority.
- (4) *Blueberry Management Area* - Applications for development in areas identified as Blueberry Management Areas on the Zoning Maps shall be referred to the Department of Forest Resources and Agrifoods for review and approval.

38. Archaeological Sites

If an archaeological site or historical artifacts are discovered during construction, development shall stop and the Historic Resources Division of the Department of Tourism, Culture and Recreation consulted. Development shall not proceed until the Historic Resources Division has evaluated the site.

39. Buffers - Designated Trails and Public Open Space

Along selected trails and public open spaces, the Authority may require that a buffer of fifteen (15) metres be provided between a development permitted under a zone and a designated trail, public amenity area, or public open space as set forth on the Zoning Maps.

40. Buffers - Non-Residential

Where any non-residential use abuts a residential use or area, the owner of the site of the non-residential development may be required to provide a buffer strip between any non-residential building or activity and the residential use. The buffer shall include the provision of grass strips, hedges, trees or shrubs, or structural barriers as may be required by the Authority, and shall be maintained by the owner or occupier to the satisfaction of the Authority.

41. Building Line and Setback

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

42. Discretionary Use Classes

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

43. Environmental Protection

- (1) Before approving development of a site having a slope greater than 15 percent, the Authority shall require the submission of a review of the development proposal by a certified engineer, landscape architect or similar professional. The review shall evaluate the adequacy of site grading, drainage and landscaping and the potential of the development to cause erosion onto and pollution of adjacent development and lands and bodies of water receiving run-off from the site, and other similar matters.
- (2) The Authority shall ensure that the proposal is not inappropriate by reason of:
 - (a) precipitating or contributing to a pollution problem in the area; or
 - (b) creation of erosion and/or sedimentation.
- (3) The Authority shall consider the suitability of the site in terms of steepness of grades, soil and geographic conditions, location of watercourses, marshes, swamps, or bogs when reviewing a development proposal.

44. Family and Group Care Centres

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

45. Fences

- (1) Except as otherwise set out in Schedule C or in a Fence Regulation adopted under the Municipalities Act, the requirements of this Section shall apply to all fences.
- (2) For the purpose of this Section a fence includes a vertical physical barrier constructed out of typical fencing materials, and includes hedges, shrubs and landscaping features used for these purposes, and, that portion of a retaining wall which projects above the surface of the ground which it supports.

Sight Lines

- (3) Except as otherwise provided in Schedule C, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line within the triangle formed by two street lines and a line connecting two points on the two street lines located 15 metres from the point of intersection of the two street lines where one of the streets is an arterial or collector street, or 8 metres from the point of intersection of the two street lines where the two streets are local streets.
- (4) Except as otherwise provided in Schedule C, no fence shall be erected with a height of greater than 0.75 metres above the grade of the street line at the intersection of a driveway and a road where in the opinion of the Council it impedes sight lines.

Maximum Height between the Building Line and the Street Line

- (5) Except as otherwise provided in Schedule C, or as required for screening, no fence shall be greater than 0.75 metres in height between the building line and the street line.

Maximum Height

- (6) The maximum height of a fence shall not exceed 1.8 metres in height, except in the Mixed Development, Recreational Open Space and Rural Resource Zones, where the maximum allowable fence height shall be 3 metres.

Fence Materials

- (7) The material or materials used in the erection and repair of a fence, shall only be of a type which meets the approval of the Council.

Fence Maintenance

- (8) Every person who owns a fence shall maintain such fence in a good state of repair. For the purpose of this section, "good state of repair" shall mean:
- (a) the fence is complete and in a structurally sound condition and plumb and securely anchored;
 - (b) protected by weather -resistant materials;
 - (c) fence components are not broken, rusted, rotten or in a hazardous condition;
 - (d) all stained or painted fences are maintained free of peeling; and
 - (e) that the fence does not present an unsightly appearance deleterious to abutting land or to the neighborhood.

Electrical Fence and Barbed Wire Fence

- (9) No person shall erect an electrical fence on any land, unless required for the containment of livestock or the protection of crops from marauding animals.
- (10) No person shall erect a fence consisting wholly or partly of barbed wire or other barbed material except along the top of any fence in excess of 2.1 metres enclosing a lot used for commercial or industrial purposes provided the industrial or commercial lot does not abut a residential lot or residential use zone.

Snow Fence

- (11) No person shall erect or maintain a snow fence for the period May 1st to October 31st in any year on land used for residential or commercial purposes.

Swimming Pool Fence

- (12) A fence with a minimum height of 1.8 metres shall be erected and maintained around an open swimming pool.

Order to Remove Fence

- (13) When in the opinion of the Authority, a fence creates a safety hazard or obstruction due to its location, height or construction material, the Authority may issue an order to the property owner stating that the fence or portions thereof be removed, reconstructed or repaired within a specified time in order to correct the safety hazard or obstruction and the cost to remove, construct or repair said fence or part thereof will be at the owner's expense. In the event that the property owner does not remove

the fence within the specified time as ordered, the Town may remove the fence and the cost to remove, reconstruct or repair said fence will be at the owner's expense.

Public Authorities

- (14) The provision of these Regulations shall apply to all public authorities except in those cases where an exception from the Regulations is require to respond to an emergency or for a public purpose.

Responsibility For Damage

- (15) The Authority shall not be liable for any damages for the repair of any fence whatsoever where the Authority, its employees or agents or otherwise have acted without negligence. In particular, the Authority shall not be liable for any damages or repairs of any fence whatsoever during the normal operation of snow clearing on streets or sidewalks located within the Municipal Planning Area.

46. Forestry

- (1) Approvals for woodcutting or other forestry related activities must be obtained from the provincial Department of Forest Resources and Agrifoods - Forest Management Unit.
- (2) Any non-forestry activity in an area set aside for silviculture, and domestic cutting must be approved by the Forest Management Unit.

47. Highways - Development near Highways

The Province has designated "control lines" alongside each provincially maintained route. These lines extend 400 metres from the highway centrelines. The control area is reduced within Municipal Boundaries, where the lines instead fall 100 metres from the centreline.

Also note the conditions pertaining to the areas covered by the Trinity South Protected Road Highway Zoning Plan in the applicable zones under Schedule C.

Offsite Promotional Signs falling within the designated control lines of any highway must be referred to and approved or exempted by the Government Services and Lands Office serving the area.

The Department of Works, Services and Transportation should be notified of any other proposed developments within a highway control area, and must approve any new access off a provincial highway.

48. 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 lots 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.

49. Lot Area and Size Exceptions

Where, at the time of coming into effect of these Regulations, one or more lots already exist in any zone, with insufficient frontage or area to permit the owner or purchaser of such a lot or lots to comply with the provisions of these Regulations, then these Regulations shall not prevent the issuing of a permit by the Authority for the erection of a 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.

50. 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 front directly onto a street or forms part of a Comprehensive Development Scheme.

51. Mineral Exploration

Where permitted Mineral exploration is subject to the following conditions:

- (a) all applicable Provincial requirements are satisfied, including those of Government Services and Lands, Environment and Labour, and Mines and Energy;

- (b) no exploration may proceed unless a permit is issued by the Authority for any facilities and access roads and/or other uses of land related to the activity of mineral exploration;
- (c) exploration that requires the construction or erection of any sort of support facility such as a building, a drill rig, and/or access road shall not be permitted :
 - (i) in environmentally sensitive areas, unless an environmental impact assessment has been prepared and approved under Provincial regulations,
 - (ii) in areas that the Authority has set aside for recreational and/or residential purposes, and,
 - (iii) within 300 metres of existing or proposed residential areas.

52. Mineral Working

Where permitted, mineral workings are subject to this Regulation, any other applicable regulations and the approval of the Department of Mines and Energy.

(1) Separation from Adjacent Uses

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

- (a) Existing or Proposed Residential Development
 - where no blasting is involved 300 metres
 - where blasting is involved 1000 metres
- (b) Any Other Existing or Proposed Development 150 metres
- (c) Public Highway or street 50 metres
- (d) Protected Road 90 metres
- (e) Body of water or watercourse 50 metres

(2) Screening

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

- (a) Where tree screens exist between the mineral working and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition (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 of any part of the mineral working from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (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 (a) - (c) above, the Authority may refuse to permit the use or associated activity.

(3) Fencing

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

(4) Water Pollution

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

(5) Water Ponding

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

(6) Erosion Control

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

(7) Site Maintenance

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

(8) Access Roads

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

(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 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.

(10) Operating Plant and Associated Processing and Manufacturing

- (a) The Authority may permit processing and manufacturing use associated with mineral workings provided that, in the opinion of the Authority, the use does not create a nuisance nor is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of fumes, dust, dirt, objectionable odour, or by reason of unsightly storage of materials.
- (b) 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.
- (c) The Authority may specify a minimum separation distance between operating plant or associated processing and manufacturing structure or equipment and adjacent developed areas likely to be developed during the life of the mineral working.

(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° or to the slope conforming to that existing prior to the mineral working;
- (c) topsoil and any organic materials shall be re-spread over the entire quarried area;
- (d) the access road to the working shall be ditched or barred to the satisfaction of the Authority.
- (e) If the mineral working contains reserves of material sufficient to support further extraction operations, the Authority may require the work described above to be carried out only in areas of the site where extraction has depleted aggregate reserves.

53. Municipal Services - Unserviced Development

Unserviced or partially serviced development shall be approved by the Department of Government Services and Lands.

54. Non-Conforming Uses

See Ministerial Regulations - Sections 14, 15, and 16, and the Urban and Rural Planning Act.

55. Non-Conforming Use - Discontinuance

Pursuant to Section 17 of the Ministerial Regulations and Section 108 (2) of the Urban and Rural Planning Act:

- (a) A non-conforming use of land may be resumed within **one year** of its discontinuance;
- (b) For the purpose of this Regulation, discontinuance of a non-conforming use begins when any one of the following conditions is met:
 - (i) the building or use of land is clearly vacated or the building is demolished;
 - (ii) the owner or tenant has ceased paying taxes for that use;
 - (iii) the owner or tenant has stated in writing that the use has ceased.

56. Offensive and Dangerous Uses

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

57. Off-Street Loading Requirements

- (1) Where the Authority 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 Authority.
- (3) The loading facilities required by this Regulation shall be so arranged that vehicles can manoeuvre clear of any street and so that it is not necessary for any vehicle to reverse onto or from a street.

58. Parking Requirements

- (1) For every building, structure or use to be erected, enlarged or established, there shall be provided and maintained a quantity of off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure or use.
- (2) The number of parking spaces to be provided for any building, structure, use of occupancy shall conform to the standards set out in Schedule D, except as otherwise modified by Schedule C, of these Regulations.
- (3) Each parking space, except in the case of one or two-family dwellings, shall be made accessible by means of a hard surfaced right-of-way at least 3 m in width. Parking required in a Residential Zone shall be provided on the same lot as the dwelling or dwellings. Parking space for apartments shall be provided in the rear yard where possible. In a Non-Residential Zone, parking spaces shall be provided within the limits of the zone in which the use is situated and not more than 200 m distant from the use concerned.
- (4) The parking facilities required by this Regulation shall, except in the case of single or attached dwellings, be arranged so that it is not necessary for any vehicle to reverse onto or from a street.
- (5) Where, in these Regulations, parking facilities for more than four vehicles are required or permitted:
 - (a) parking space shall mean an area of land, not less than 15 m² in size, capable of being used for the parking of a vehicle without the need to move other vehicles on adjacent areas;
 - (b) the parking area shall be constructed and maintained to the specifications of the Authority;
 - (c) the lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent development;

- (d) a structure, not more than 3 m in height and more than 5 m² in area may be erected in the parking area for the use of attendants in the area;
- (e) except in zones in which a service station is a permitted use, no gasoline pump or other service station equipment shall be located or maintained on a parking area;
- (f) no part of any off-street parking area shall be closer than 1.5 m to the front lot line in any zone;
- (g) access to parking areas in non-residential zones shall not be by way of residential zones;
- (h) where a parking area is in or abuts a residential zone, a natural or structural barrier at least 1 m in height shall be erected and maintained along all lot lines;
- (i) where, in the opinion of the Authority, strict application of the above parking requirements is impractical or undesirable, the Authority may as a condition of a permit require the developer to pay a service levy in accordance with these Regulations in lieu of the provision of a parking area, and the full amount of the levy charged shall be used by the Authority for the provision and upkeep of alternative parking facilities within the general vicinity of the development.

59. Parks and Playgrounds, and Conservation Uses

Nothing in these Regulations shall prevent the designation of conservation areas or the establishment of parks and playgrounds in any zones provided that such parks and playgrounds are not located in areas which may be hazardous to their use and are not operated for commercial purposes.

60. Screening and Landscaping

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

61. Services and Public Utilities

The Authority may within any zone permit land to be used in conjunction with the provision of public services and public utilities if the use of that land is necessary to the proper operation of the public service or public utility concerned provided that the design and landscaping of any development of any land so used is, in the opinion of the Authority, adequate to protect the character and appearance of the area.

62. Service Stations

The following requirements shall apply to all proposed service stations:

- (a) all gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side;
- (b) pump islands shall be set back at least 4 metres from the front lot line;
- (c) accesses shall not be less than 7 metres wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres and the lot line between entrances shall be clearly indicated.

63. Side Yards

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

64. Solid Waste Disposal Site and Scrap Yard

(1) Solid Waste Disposal Site Buffer

Where applicable, development within 1.6 km of a Solid Waste Disposal/Incinerator Site shall be referred to the Department of Government Services and Lands for approval.

(2) Separation from Adjacent Uses

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

Type of Development	Minimum Distance from Solid Waste Site or Scrap Yard
Existing or proposed residential development	
- where no blasting is involved	300 metres
- where blasting is involved	1000 metres
Any other developable area or area likely to be developed during the life of the mineral working	150 metres
Public highway or street	50 metres
Watercourse or waterbody	50 metres
Protected Road	90 metres

(3) Screening

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

- (i) Where tree screens exist between the solid waste site or scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), the tree screens shall be retained in a 30-metre wide strip of vegetation so that visibility of any part of the use from the surrounding uses or streets will be prevented. The tree screens must be maintained by the owner or occupier of the use to retain 30 metres in a forested appearance. Where vegetation dies or is removed from the 30-metre strip, the Authority may require new trees of a minimum height of 1 metre be planted to fill in the areas affected to the satisfaction of the Authority or, at the discretion of the Authority, condition 2(ii) must be undertaken.
- (ii) Where no tree screens exist of sufficient width and density to constitute a visual screen, earthen berms shall be constructed to a height sufficient to prevent visibility of any part of the solid waste site or scrap yard from adjacent uses (excepting forestry and agriculture), or adjacent public highways and streets. The berms shall be landscaped to the Authority's satisfaction.
- (iii) Where natural topography creates a visual screen between a solid waste site or scrap yard and adjacent public highways and streets or other land uses (excepting forestry and agriculture), additional screening may not be required.

- (iv) Where effective screening for any solid waste site, scrap yard or associated processing or manufacturing use cannot be installed or located as required in (a) - (c) above, the Authority may refuse to permit the use or associated activity.

(4) Fencing

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

65. Street Construction Standards

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

66. Subsidiary Apartments

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

67. 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.

68. Waterways - Development in Waterways and in Waterways Reservations or Buffers

- (1) The minimum width of a buffer along a watercourse shall be 15 m from the highwater mark of the stream, river, pond or other body of water. If the embankment is steep, then the buffer shall be measured from the top of the embankment.
- (2) The only uses that may be permitted in the buffer area of a watercourse are hiking trails, marinas, wharves, and similar uses, subject to the approval of the Water Resources Division of the Department of Environment and Labour, and where applicable, the Government Service Centre of the Department of Government Services and Lands for Crown Lands and referrals.

-
- (3) The Authority 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.
- (4) Any development within a body of water or involving the alteration of a body of water must be approved by or exempted by the following agencies:
- Government Service Centre of the Department of Government Services and Lands for Crown Lands and referrals;
 - Coast Guard Canada of the Department of Fisheries and Oceans - Navigable Waters Act;
 - Fish Habitat Division of the Department of Fisheries and Oceans;
 - Water Resources Division of the Department of Environment and Labour.

69. Zero Lot Line and Other Comprehensive Development

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

PART III - SUBDIVISION OF LAND

70. Permit Required

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

71. Services to be Provided

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

72. Payment of Service Levies and Other Charges

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

73. Issue of Permit Subject to Considerations

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

- (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.

74. Building Permits Required

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

75. Form of Application

Application for a permit to develop a subdivision shall be made to the Authority.

76. Subdivision Subject to Zoning

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

77. Building Lines

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

78. Land for Public Open Space

(1) Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision or 25 m² for every dwelling unit permitted in the subdivision, whichever is the greater, for public open space, provided that:

- (a) where land is subdivided for any purpose other than residential use, the Authority shall determine the percentage of land to be dedicated;
- (b) if, in the opinion of the Authority, no public open space is required, the land may be used for such other public use as the Authority may determine;
- (c) the location and suitability of any land dedicated under the provisions of this Regulation shall be subject to the approval of the Authority but in any case, the Authority shall not accept land which, in its opinion is incapable of development for any purpose;

- (d) the Authority may accept from the developer in lieu of such area or areas of land the payment of a sum of money equal to the value of the land which would otherwise be required to be dedicated;
 - (e) money received by the Authority in accordance with Regulation 78(1)(d) above, shall be reserved by the Authority for the purpose of the acquisition or development of land for public open space or other public purpose.
- (2) Land dedicated for public use in accordance with this Regulation shall be conveyed to the Authority and may be sold or leased by the Authority for the purposes of any development that conforms with the requirements of these Regulations, and the proceeds of any sale or other disposition of land shall be applied against the cost of acquisition or development of any other land for the purposes of public open space or other public purposes.
- (3) The Authority may require a strip of land to be reserved and remain undeveloped along the banks of any river, brook or pond, and this land may, at the discretion of the Authority, constitute the requirement of land for public use under Regulation 78(1).

79. Structure in Street Reservation

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

80. Subdivision Design Standards

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

- (a) The finished grade of streets shall not exceed 10 percent.
- (b) Every cul de sac shall be provided with a turning circle of a diameter of not less than 30 m.
- (c) The maximum length of any cul de sac shall be:
 - (i) 200m in areas served by or planned to be served by municipal piped water and sewer services, as shown in the map and letter of agreement signed by the Municipality and the Minister of Municipal and Provincial Affairs in connection with municipal five-year capital works program eligibility;

- (ii) 300m in areas not served by or planned to be served by municipal piped water and sewer services.
- (d) Emergency vehicle access to a cul de sac shall be not less than 3 m wide and shall connect the head of the cul de sac with an adjacent street.
- (e) No cul de sac shall be located so as to appear to terminate a collector street.
- (f) New subdivisions shall have street connections with an existing street or streets.
- (g) All street intersections shall be constructed within 5° of a right angle and this alignment shall be maintained for 30 m from the intersection.
- (h) No street intersection shall be closer than 60 m to any other street intersection.
- (i) No more than four streets shall join at any street intersection.
- (j) No residential street block shall be longer than 490 m between street intersections.
- (k) Streets in residential subdivisions shall be designed in accordance with the approved standards of the Authority, but in the absence of such standards, shall conform to the following minimum standards:

Type of Street	Street Reservation	Pavement Width	Sidewalk Width	Sidewalk Number
Arterial Streets	30 m	15 m	1.5 m	discretion of Council
Collector Streets	15 m	12 m	1.5 m	discretion of Council
Local Streets	12 m	9 m	1.5 m	discretion of Council

- (l) No lot intended for residential purposes shall have a depth exceeding four times the frontage.
- (m) Residential lots shall not be permitted which abut a local street at both front and rear lot lines.
- (n) The Authority may require any existing natural, historical or architectural feature or part thereof to be retained when a subdivision is developed.
- (o) Land shall not be subdivided in such a manner as to prejudice the development of adjoining land.

81. Engineer to Design Works and Certify Construction Layout

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

82. Developer to Pay Engineer's Fees and Charges

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

83. Street Works May Be Deferred

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

84. Transfer of Streets and Utilities to Authority

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

85. Restriction on Sale of Lots

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

- (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.

86. Grouping of Buildings and Landscaping

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

PART IV - USE ZONES

87. Use Zones

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

88. Use Classes

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

89. Permitted Uses

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

90. Discretionary Uses

Subject to these Regulations, the uses that fall within the Discretionary Use Classes set out in the appropriate Use Zone Table in Schedule C may be permitted in that Use Zone if the Authority is satisfied that the development would not be contrary to the general intent and purpose of these Regulations, the Municipal Plan, or any further scheme or plan or regulation pursuant thereto, and to the public interest, and if the Authority has given notice of the application in accordance with Regulation 23 and has considered any objections or representations which may have been received on the matter.

91. Uses Not Permitted - Prohibited Uses

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 and are deemed to be prohibited uses.

SCHEDULE A

DEFINITIONS

GENERAL NOTE:

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

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 the case of residential uses, domestic garages, carports, ramps, sheds, swimming pools, greenhouses, cold frames, fuel sheds, vegetables storage cellars, shelters for domestic pets, or radio and television antennae,
- (iii) for commercial uses, workshops or garages, and
- (iv) in the case of 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 indicate 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 an authority 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 in the Municipal Plan or on the Zoning Map.

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), and
- (iv) an excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in subparagraphs (i) to (ii).

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

- (i) the highest point of the roof surface of a flat roof,
- (ii) the deck line of a mansard roof, and
- (iii) the 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 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 and which is designated as a collector street in the Municipal Plan, or on the Zoning Map.

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.

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

- (i) the making of an access onto a highway, road or way;
- (ii) the erection of an advertisement or sign;

- (iii) the parking of a trailer, or vehicle of any description used for the sale of refreshments or merchandise, or as an office, or for living accommodation, for any period of time;

and shall exclude:

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

DEVELOPMENT REGULATIONS* means these regulations and regulations and by-laws respecting development that have been enacted by the relevant authority.

DIRECTOR means the Director of Urban and Rural Planning.

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 Authority.

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 Authority 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, or under the soil and fixtures that form part of these 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 in the Municipal Plan, or on the Zoning Map.

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.

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, together with a club house and catering facilities.

MINERAL EXPLORATION means the activity of searching for minerals or mineral occurrences, including oil exploration, wherein, 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.

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 Authority, 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, snowclearing and garbage collection, or any of them, are the responsibility of the mobile home park management, and where the mobile home development is classified as a mobile home park by the Authority.

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

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.

PROHIBITED USE* means a use that is not listed within the permitted use classes set out in the use zone tables of an authority's development regulations.

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

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.

SIDEYARD 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.

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 two 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.

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 in Schedule C of the Regulations relate.

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 Regulations.

SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Theatre	Movie Theatre, 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

GROUP	CLASS	EXAMPLES
ASSEMBLY USES	Outdoor Assembly	Bleachers, Grandstands, Outdoor Ice Rinks and Swimming Pools, Amusement Parks and Fairgrounds, Exhibition Grounds, Drive-in Theatres
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	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**

GROUP	CLASS	EXAMPLE
RESIDENTIAL USES	Collective Residential	Residential Colleges & Schools, University & College Halls of Residence, Convents & Monasteries, Nurses and Hospital Residences
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
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

**SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
BUSINESS & PERSONAL SERVICE USES	Communications	Radio Stations, Telephone Exchanges
BUSINESS & PERSONAL SERVICE USES	Police Station	Police Stations without detention quarters
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 Stalls, 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

**SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
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
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
NON-BUILDING USES	Conservation	Watersheds, Buffer Strips, Flood Plains, Architectural, Historical and Scenic Sites, Steep Slopes, Wildlife Sanctuaries
NON-BUILDING USES	Cemetery	Cemeteries, Graveyards

**SCHEDULE B
CLASSIFICATION OF USES OF LAND AND BUILDINGS**

GROUP	CLASS	EXAMPLES
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 and Harbours
NON-BUILDING USES	Marina	Marina, Yacht Club, Boating Club

SCHEDULE C

USE ZONE TABLES

NOTE:

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

The schedule contains tables for the following Use Zones:

Residential
Residential Seasonal
Heritage Conservation
Mixed Development
Recreational Open Space
Rural Resource
Protected Water Supply

**USE ZONE TABLE
RESIDENTIAL (R) ZONE**

ZONE TITLE			RESIDENTIAL (R)		(New Perlican)
PERMITTED USE CLASSES - (see Regulation 89)					
Conservation, double dwelling, business and personal services use group (home business - Condition 15), light industry (home business - Condition 15), marina (Condition 17), mobile home, public utility, recreational open space, and single dwelling.					
DISCRETIONARY USE CLASSES - (see Regulations 23 and 90)					
Boarding house, boarding house (bed and breakfast), child care, outdoor market, place of worship, shop, and antenna.					
	STANDARDS		Single Dwelling & Mobile Home		Double Dwelling
	Frontage (m) minimum		15		15
	Building Line Setback (m) (minimum)		3		3
	Sidyard Width (m) (minimum)		2		2
	Rearyard Depth (m) (minimum)		4		4
	Height (m) maximum		8		8

CONDITIONS FOR THE RESIDENTIAL ZONE

1. **Accesses and Service Streets (see Regulation 28)**
2. **Accessory Buildings**
 - (1) See also Regulation 29 for Accessory Buildings.

- (2) Exclusive of cold frames, decks, gazebo's, greenhouses, swimming pools and temporary repair shelters, accessory buildings may have a floor area of 40 m². This floor area can be expanded to a maximum of 75 m² provided it does not exceed 7% of the total lot coverage. The height shall not exceed 5 metres.
- (3) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials.
- (4) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1.5 m to rear lot line.
- (5) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1.5 m.
- (6) An accessory building as described under Clause (2) of this section may be erected on a lot separate from the lot of the dwelling provided that the use of the building is accessory to a residential use, and provided that all other requirements for accessory buildings under this section are met.

3. Accessory Uses (see Regulation 30)

4. Advertisements (see Regulations 31 to 36)

5. Archaeological Sites (see Regulation 38)

6. Bed and Breakfast, Boarding House

Bed and breakfast and boarding house may be permitted as a discretionary uses provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and
- (b) the development is landscaped in a manner compatible with the surrounding residential area.

7. Buffers - Designated Trails and Public Open Space (see Regulation 39)

8. Buffers - Non-Residential (see Regulation 40)

9. Building Line and Setback (see Regulation 41)

10. Discretionary Uses

(1) See Regulation 42.

(2) Where permitted, a place of worship, an educational use, medical and professional uses, personal services, shop, outdoor market, and light industry shall conform to the frontage, building line setback, sideyard, rearyard, lot coverage and height requirements specified for a single dwelling.

11. Environmental Protection (see Regulation 43)

12. Family and Group Care Centres (see Regulation 44)

13. Fences (see Regulation 45)

14. Highways - Development Near Highways (see Regulation 47)

15. Home Business

A Home Business shall only be permitted if:

- (a) the use is clearly subsidiary to a residential use and the primary use of the property remains residential;
- (b) the use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- (c) the floor area of the Home Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (d) no wholesale sales or storage of goods is carried out and any retail sales are incidental and subsidiary to the approved home business;
- (e) no outdoor activities or storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;

- (f) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic, or hours of operation.

16. Lot Area, Lot Area, and Size Exceptions (see Regulations 48, 49 and 50)

17. Marina

Marinas shall be permitted provided they are located on or adjacent to the shoreline of Trinity Bay, do not contain any catering facilities or clubs and lodges, and provided that they generally form part of a residential use located nearby.

18. Municipal Services - Unserviced Development (see Regulation 53)

19. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 54 and 55)

20. Parking Requirements and Offstreet Loading Requirements (see Regulations 58 and 57)

21. Parks and Playgrounds, and Conservation Uses (see Regulation 59)

22. Road Frontage

All use classes, except for marinas, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.

23. Screening and Landscaping (see Regulation 60)

24. Services and Utilities (see Regulation 61)

25. Shop, and Outdoor Market

Shop, and outdoor market may be permitted provided:

- (a) the use is not intrusive and is compatible with the surrounding area in terms of building scale, site design and lay-out, and level of activity;
- (b) impact on adjacent dwellings is minimized through appropriate site design and provision of appropriate buffers and screening;

-
- (c) no outdoor storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;
 - (d) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic or hours of operation; and
 - (e) adequate off-street parking and loading facilities are available on-site.

26. Side Yards (see Regulation 63)

27. Street Construction Standards (see Regulation 65)

28. Subsidiary Apartments (see Regulation 66)

29. Unsubdivided Land (see Regulation 67)

30. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 68)

31. Zero Lot Line and Other Comprehensive Development (see Regulation 69)

32. Subdivision of Land (see Part III - Regulations 70 to 86)

33. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 87 to 91)

USE ZONE TABLE
RESIDENTIAL SEASONAL (RS) ZONE

ZONE TITLE	RESIDENTIAL SEASONAL (RS)	(New Perlican)
PERMITTED USE CLASSES - (see Regulation 89)		
Conservation, public utility, recreational open space, seasonal residential, and antenna.		

CONDITIONS

1. General Development Standards

Lot Area: As determined by the Department of Government of Services and Lands or 1860 m², whichever is greater.

Lot Frontage: As determined by the Department of Government of Services and Lands or 30 metres, whichever is greater.

Building Line: The minimum setback from a public road shall be 10 metres.

Sideyards: 5 metres minimum.

Rearyard: 10 metres minimum.

2. Accesses and Service Streets (see Regulation 28)

3. Accessory Buildings

(1) See Regulation 29

(2) Exclusive of cold frames, decks, gazebo's, greenhouses, swimming pools and temporary repair shelters, accessory buildings shall have a lot coverage no greater than 30 percent of the dwelling lot coverage, up to a maximum of 60 square metres, and a height of no more than 5 metres.

(3) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials.

-
- (4) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1.5 m to rear lot line.
- (5) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1.5 m.
- 4. Advertisements (see Regulations 31 to 36)**
- 5. Archaeological Sites (see Regulation 38)**
- 6. Buffers - Designated Trails and Public Open Space (see Regulation 39)**
- 7. Building Line and Setback (see Regulation 41)**
- 8. Environmental Protection (see Regulation 43)**
- 9. Fences (see Regulation 45)**
- 10. Lot Area, Lot Area, and Size Exceptions (see Regulations 48, 49 and 50)**
- 11. Municipal Services - Unserviced Development (see Regulation 53)**
- 12. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 54 and 55)**
- 13. Parking Requirements and Offstreet Loading Requirements (see Regulations 58 and 57)**
- 14. Parks and Playgrounds, and Conservation Uses (see Regulation 59)**
- 15. Screening and Landscaping (see Regulation 60)**
- 16. Services and Utilities (see Regulation 61)**
- 17. Side Yards (see Regulation 63)**
- 18. Street Construction Standards (see Regulation 65)**
- 19. Unsubdivided Land (see Regulation 67)**

-
20. **Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 68)**
 21. **Zero Lot Line and Other Comprehensive Development (see Regulation 69)**
 22. **Subdivision of Land (see Part III - Regulations 70 to 86)**
 23. **Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 87 to 91)**

**USE ZONE TABLE
HERITAGE CONSERVATION (HC) ZONE**

ZONE TITLE	HERITAGE CONSERVATION (HC)	(New Perlican)
PERMITTED USE CLASSES - (see Regulation 89)		
Apartment building, bed and breakfast, boarding house, conservation, double dwelling, business and personal services use group (home business - Condition 18), light industry (home business - Condition 18), marina (Condition 21), public utility, recreational open space, row dwelling, and single dwelling.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 90)		
Commercial residential, cultural and civic, general assembly, light industry, marina, office, medical and professional, personal service, outdoor market, place of worship, shop and antenna.		

CONDITIONS FOR THE HERITAGE CONSERVATION ZONE

1. Development Standards

(1) The development standards for residential uses in this zone shall be as follows:

- | | |
|-----------------------------------|------------|
| (a) Minimum Building Line Setback | 3.0 metres |
| (b) Minimum Side yards Width | 1.5 metres |
| (c) Minimum Rear yard Depth | 4.0 metres |

(2) The development standards for all other uses in this zone shall be as follows:

- | | |
|-----------------------------------|------------|
| (a) Minimum Building Line Setback | 5.0 metres |
| (b) Minimum Side yards Width | 5.0 metres |
| (c) Minimum Rear Yard Depth | 5.0 metres |

2. Building Appearance (Existing Buildings)

(1) Building plans must be submitted for any proposed exterior alteration including additions and extensions to existing buildings, or any to an existing renovation. Such plans must be approved by Council before construction is initiated.

- (2) Any major renovation of an existing building in the Heritage Conservation zone shall respect the historic character of the zone in terms of overall style, massing and bulk, material, architectural scale and features.
 - (a) Original architectural design elements and features, such as corner boards, cornices, brackets, window architraves, and doorway pediments shall be maintained. Exact copies, using contemporary materials, can be used to replace the features. The restoration of original features is encouraged.
 - (b) The number, size, shape and orientation of windows and the style of windows shall have the same appearance as the original building at the time of its initial construction.
 - (c) The direction, slope, architectural style and arrangement of the roof must match that of the original at the time the building was initial constructed. Architectural features, such as dormer widows, cornices and brackets, shall be maintained. The restoration of these original features is encouraged.
 - (d) Exterior siding shall be visually compatible with the historic character of the area and surrounding buildings.
- (3) Any extension or addition to an existing building shall respect the historic character of the zone and/or respect the character of the main building.
 - (a) The building height shall not exceed two storeys or exceed 8 metres. In cases where the existing building is larger than 2 stories, no expansion in height shall be permitted.
 - (b) The size, proportion and pattern of windows, roof shape and design, and exterior siding must be the same as that of the original building.

3. Building Appearance (New Development)

The appearance of a new building in the zone shall be visually compatible with existing buildings in terms of overall style, massing and bulk, material, architectural scale and features, and must not diminish the overall historic appearance of the Historic Conservation zone. The use of traditional architectural features, such as corner boards, cornices, brackets, window architraves and doorway pediments, is encouraged.

4. Accesses and Service Streets (see Regulation 28)

5. Accessory Buildings

- (1) See Regulation 29
- (2) Exclusive of cold frames, decks, gazebo's, greenhouses, swimming pools and temporary repair shelters, accessory buildings may have a floor area of 40 m². This floor area can be expanded to a maximum of 75 m² provided it does not exceed 7% of the total lot coverage. The height shall not exceed 5 metres.
- (3) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials.
- (4) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1.5 m to rear lot line.
- (5) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1.5 m.
- (6) An accessory building as described under Clause (2) of this section may be erected on a lot separate from the lot of the dwelling provided that the use of the building is accessory to a residential use, and provided that all other requirements for accessory buildings under this section are met.

6. Accessory Uses (see Regulation 30)

7. Advertisements (see Regulations 31 to 36)

8. Archaeological Sites (see Regulation 38)

9. Bed and Breakfast, Boarding House

Bed and breakfast and boarding house are to be permitted provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and
- (b) the development is landscaped in a manner compatible with the surrounding residential area.

-
10. **Buffers - Designated Trails and Public Open Space (see Regulation 39)**
 11. **Buffers - Non-Residential (see Regulation 40)**
 12. **Building Line and Setback (see Regulation 41)**
 13. **Discretionary Uses (see Regulation 42)**
 14. **Environmental Protection (see Regulation 43)**
 15. **Family and Group Care Centres (see Regulation 44)**
 16. **Fences (see Regulation 45)**
 17. **Highways - Development Near Highways (see Regulation 47)**
 18. **Home Business**

A Home Business shall only be permitted if:

- (a) the use is clearly subsidiary to a residential use and the primary use of the property remains residential;
- (b) the use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;
- (c) The floor area of the Home Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (d) No wholesale sales or storage of goods is carried out and any retail sales are incidental and subsidiary to the approved home business;
- (e) No outdoor activities or storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;
- (f) Activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic, or hours of operation.

19. Landscaping and Surfacing

Non-residential lots shall be landscaped and provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

20. Lot Area, Lot Area, and Size Exceptions (see Regulations 48, 49 and 50)

21. Marina - Permitted Use

Marinas as a permitted use shall be permitted provided they are located on or adjacent to the shoreline of Trinity Bay, do not contain any catering facilities or clubs and lodges, and provided that they generally form part of a residential use located nearby.

22. Municipal Services - Unserviced Development (see Regulation 53)

23. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 54 and 55)

24. Parking Requirements and Offstreet Loading Requirements

(1) see Regulations 57 and 58

(2) Council may exempt a development within the Heritage Conservation Area from all or part of the parking required under Schedule D, provided it is satisfied that such exemption will not create negative impacts on nearby residential uses or businesses.

25. Parks and Playgrounds, and Conservation Uses (see Regulation 59)

26. Road Frontage

All use classes, except for fishing and marine uses, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.

27. Screening and Landscaping (see Regulation 60)

28. Services and Utilities (see Regulation 61)

29. Shop, Outdoor Market

Shop, and outdoor market may be permitted provided:

- (a) the use is not intrusive and is compatible with the surrounding area in terms of building scale, site design and lay-out, and level of activity;
- (b) impact on adjacent dwellings is minimized through appropriate site design and provision of appropriate buffers and screening;
- (c) no outdoor storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;
- (d) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic or hours of operation; and
- (e) adequate off-street parking and loading facilities are available on-site.

30. Side Yards (see Regulation 63)

31. Street Construction Standards (see Regulation 65)

32. Subsidiary Apartments (see Regulation 66)

33. Unsubdivided Land (see Regulation 67)

34. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 68)

35. Zero Lot Line and Other Comprehensive Development (see Regulation 69)

36. Subdivision of Land (see Part III - Regulations 70 to 86)

37. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 87 to 91)

**USE ZONE TABLE
MIXED DEVELOPMENT (MD) ZONE**

ZONE TITLE	MIXED DEVELOPMENT (MD)	(New Perlican)
PERMITTED USE CLASSES - (see Regulation 89)		
Apartment building, boarding house (bed and breakfast), boarding house, business and personal services use group (home business - Condition 16), conservation, double dwelling, light industry (home business - Condition 16), marina (Condition 19) mobile home, public utility, recreational open space, row dwelling, and single dwelling.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 90)		
All use classes in the business and personal service use group, child care, catering (restaurant only), collective residential, commercial residential, cultural and civic, educational, funeral home, general assembly, general industry, indoor assembly, light industry, marina, medical treatment and special care, all use classes in the mercantile group except shopping centre, outdoor assembly, place of worship, service station, take-out food service, theatre, and antenna.		

CONDITIONS FOR THE MIXED DEVELOPMENT ZONE

1. Development Standards

(a) The development standards for this zone shall be as follows:

- | | |
|-----------------------------------|-----------|
| (i) Minimum Building Line Setback | 8 metres |
| (ii) Minimum Sideyard Width | 5 metres |
| (iii) Minimum Rearyard Depth | 10 metres |
| (iv) Maximum Height | 10 metres |

(b) Residential development shall conform to the standards of the Residential zone, except that the minimum building line setback shall be 8 metres.

2. Accesses and Service Streets (see Regulation 28)

3. Accessory Buildings

- (1) See Regulation 29.
- (2) Exclusive of cold frames, decks, gazebo's, greenhouses, swimming pools and temporary repair shelters, accessory buildings may have a floor area of 40 m². This floor area can be expanded to a maximum of 75 m² provided it does not exceed 7% of the total lot coverage. The height shall not exceed 5 metres.
- (3) Accessory buildings must be similar in appearance to the main building in terms of design, colour and materials.
- (4) Accessory buildings shall not be closer the front lot line than the main building, 1 m to the side lot line, and 1.5 m to rear lot line.
- (5) An open or partially enclosed deck attached to the dwelling shall not extend into the minimum permissible front and side yards, and shall not be closer to the rear lot line than 1.5 m.
- (6) An accessory building as described under Clause (2) of this section may be erected on a lot separate from the lot of the dwelling provided that the use of the building is accessory to a residential use, and provided that all other requirements for accessory buildings under this section are met.

4. Accessory Uses (see Regulation 30)

5. Advertisements (see Regulations 31 to 36)

6. Archaeological Sites (see Regulation 38)

7. Bed and Breakfast, Boarding House

Bed and breakfast and boarding house are to be permitted provided:

- (a) the proposed building has an exterior design which is sensitive to the residential character of the surrounding area and respects the scale and density of adjacent dwellings; and

- (b) the development is landscaped in a manner compatible with the surrounding residential area.

8. Buffers - Designated Trails and Public Open Space (see Regulation 39)

9. Buffers - Non-Residential (see Regulation 40)

10. Building Line and Setback (see Regulation 41)

11. Discretionary Uses

- (1) see Regulation 42

- (2) Non residential discretionary uses may be permitted provided:

- (a) the use is not intrusive and is compatible with the surrounding area in terms of building scale, site design and lay-out, and level of activity;
- (b) impact on adjacent dwellings is minimized through appropriate site design and provision of appropriate buffers and screening;
- (c) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic or hours of operation.

12. Environmental Protection (see Regulation 43)

13. Family and Group Care Centres (see Regulation 44)

14. Fences (see Regulation 45)

15. Highways - Development Near Highways (see Regulation 47)

16. Home Business

A Home Business shall only be permitted if:

- (a) the use is clearly subsidiary to a residential use and the primary use of the property remains residential;
- (b) the use is entirely enclosed within the dwelling and/or the accessory building and the use does not change the appearance of the dwelling or accessory building;

- (c) the floor area of the Home Business does not exceed fifty (50) percent of the total floor area of the dwelling;
- (d) no wholesale sales or storage of goods is carried out and any retail sales are incidental and subsidiary to the approved home business;
- (e) no outdoor activities or storage associated with the use shall be permitted and no repairs to vehicles or heavy equipment shall be carried out;
- (f) activities associated with the use are not hazardous and do not cause noticeable noise, odour, dust, fumes, inconvenience or nuisance to adjacent dwellings because of type of operation, traffic, or hours of operation.

17. Landscaping and Surfacing

Non-residential lots shall be landscaped and provided with a stable surface to prevent raising or movement of dust, clay, mud or loose particles.

18. Lot Area, Lot Area, and Size Exceptions (see Regulations 48, 49 and 50)

19. Marina

Marinas as a permitted use shall be permitted provided they are located on or adjacent to the shoreline of Trinity Bay, do not contain any catering facilities or clubs and lodges, and provided that they generally form part of a residential use located nearby.

20. Municipal Services - Unserviced Development (see Regulation 53)

21. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 54 and 55)

22. Outdoor Storage

The Authority may permit open storage of materials, goods and machinery associated with a permitted or discretionary use provided:

- (a) the open storage occupies not more than 50 percent of the site area;
- (b) the open storage is not located in the front yard or in the required side and rear sideyards; and
- (c) the Authority may require open storage to be fenced or screened.

-
23. **Parking Requirements and Offstreet Loading Requirements (see Regulations 58 and 57)**
 24. **Parks and Playgrounds, and Conservation Uses (see Regulation 59)**
 25. **Protected Road**

Within the area shown as Protected Road under the Trinity South Highway Protected Road Plan, and as shown on the Zoning Maps, development is subject to the approval of the Department of Government Services and Lands as well as the Authority. Where there is a conflict between zoning under the Protected Road Plan and the New Perlican Development Regulations, the zoning under the New Perlican Zoning Maps shall prevail.
 26. **Road Frontage**

All use classes, except for fishing and marine uses, must front onto an existing public road or a subdivision road built in conformity with the standards in these Regulations.
 27. **Screening and Landscaping (see Regulation 60)**
 28. **Service Stations (see Regulation 62)**
 29. **Services and Utilities (see Regulation 61)**
 30. **Side Yards (see Regulation 63)**
 31. **Street Construction Standards (see Regulation 65)**
 32. **Subsidiary Apartments (see Regulation 66)**
 33. **Unsubdivided Land (see Regulation 67)**
 34. **Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 68)**
 35. **Zero Lot Line and Other Comprehensive Development (see Regulation 69)**
 36. **Subdivision of Land (see Part III - Regulations 70 to 86)**
 37. **Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 87 to 91)**

**USE ZONE TABLE
RECREATIONAL OPEN SPACE (ROS) ZONE**

ZONE TITLE	RECREATIONAL OPEN SPACE (ROS)	(New Perlican)
PERMITTED USE CLASSES - (see Regulation 89)		
Conservation, general assembly, indoor assembly, outdoor assembly, public utility, recreational open space.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 90)		
Antenna.		

CONDITIONS FOR THE RECREATIONAL OPEN SPACE ZONE

1. Development Standards

The development standards for this zone are as determined by the Authority.

2. Accesses and Service Streets (see Regulation 28)

3. Accessory Buildings (see Regulation 29)

4. Accessory Uses (see Regulation 30)

5. Advertisements (see Regulations 31 to 36)

6. Archaeological Sites (see Regulation 38)

7. Buffers - Designated Trails and Public Open Space (see Regulation 39)

8. Buffers - Non-Residential (see Regulation 40)

9. Building Line and Setback (see Regulation 41)

10. Discretionary Uses (see Regulation 42)

11. Environmental Protection (see Regulation 43)

-
- 12. Fences (see Regulation 45)**
 - 13. Highways - Development Near Highways (see Regulation 47)**
 - 14. Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 54 and 55)**
 - 15. Parking Requirements and Offstreet Loading Requirements (see Regulations 58 and 57)**
 - 16. Parks and Playgrounds, and Conservation Uses (see Regulation 59)**
 - 17. Protected Road**

Within the area shown as Protected Road under the Trinity South Highway Protected Road Plan, and as shown on the Zoning Maps, development is subject to the approval of the Department of Government Services and Lands as well as the Authority. Where there is a conflict between zoning under the Protected Road Plan and the New Perlican Development Regulations, the zoning under the New Perlican Zoning Maps shall prevail.

See also Condition 13.
 - 18. Services and Utilities (see Regulation 61)**
 - 19. Side Yards (see Regulation 63)**
 - 20. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 68)**
 - 21. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 87 to 91)**

**USE ZONE TABLE
RURAL RESOURCE (RR) ZONE**

ZONE TITLE	RURAL RESOURCE (RR)	(New Perlican)
PERMITTED USE CLASSES - (see Regulation 89)		
Agriculture, cemetery, conservation, forestry, mineral exploration, public utility, recreational open space, antenna.		
DISCRETIONARY USE CLASSES - (see Regulations 23 and 90)		
Campground, mineral working, outdoor assembly, outdoor market and single dwelling.		

CONDITIONS FOR THE RURAL RESOURCE ZONE

1. General Development Standards

The minimum lot area, frontage and front, rear and sideyards shall be as determined by the Authority, subject to the approval of the Department of Government Services and Lands, and where applicable, the Department of Forest Resources and Agrifoods, and the Department of Works, Services and Transportation.

2. Accesses and Service Streets (see Regulation 28)

3. Accessory Buildings (see Regulation 29)

4. Accessory Uses (see Regulation 30)

5. Advertisements (see Regulations 31 to 36)

6. Agriculture and Farming (see Regulation 37)

7. Archaeological Sites (see Regulation 38)

8. Buffers - Designated Trails and Public Open Space (see Regulation 39)

9. Buffers - Non-Residential (see Regulation 40)

-
10. **Building Line and Setback (see Regulation 41)**
 11. **Discretionary Use Classes (see Regulation 42)**
 12. **Environmental Protection (see Regulation 43)**
 13. **Fences (see Regulation 45)**
 14. **Forestry (see Regulation 46)**
 15. **Highways - Development Near Highways (see Regulation 47)**
 16. **Lot Area, Lot Area, and Size Exceptions (see Regulations 48, 49 and 50)**
 17. **Mineral Exploration (see Regulation 51)**
 18. **Mineral Working (see Regulation 52)**
 19. **Municipal Services - Unserviced Development (see Regulation 53)**
 20. **Non-Conforming Uses and Non-Conforming Uses - Discontinuance (see Regulations 54 and 55)**
 21. **Offensive and Dangerous Uses (see Regulation 56)**
 22. **Parking Requirements and Offstreet Loading Requirements (see Regulations 58 and 57)**
 23. **Parks and Playgrounds, and Conservation Uses (see Regulation 59)**
 24. **Protected Road**

Within the area shown as Protected Road under the Trinity South Highway Protected Road Plan, and as shown on the Zoning Maps, development is subject to the approval of the Department of Government Services and Lands as well as the Authority. Where there is a conflict between zoning under the Protected Road Plan and the New Perlican Development Regulations, the zoning under the New Perlican Zoning Maps shall prevail.

See also Condition 15.
 25. **Screening and Landscaping (see Regulation 60)**

26. Services and Utilities (see Regulation 61)

27. Side Yards (see Regulation 63)

28. Single Dwelling

A single dwelling may be permitted only as accessory to a permitted use after two (2) years in operation. Such dwellings shall be subject to the review and approval of the Government Service Centre, Department of Government Services and Lands, to ensure the safe installation and long-term operation of an on-site septic system and private well.

29. Street Construction Standards (see Regulation 65)

30. Unsubdivided Land (see Regulation 67)

31. Waterways - Development in Waterways and Waterways Reservations or Buffers (see Regulation 68)

32. Subdivision of Land (see Part III - Regulations 70 to 86)

33. Use Zones, Use Classes, Permitted Uses, Discretionary Uses, Uses Not Permitted (see Part IV - Regulations 87 to 91)

**USE ZONE TABLE
PROTECTED WATER SUPPLY (PWS) ZONE**

Zone Title	PROTECTED WATER SUPPLY (PWS)	New Perlican
PERMITTED USE CLASSES (see Regulation 89)		
Conservation, public utility, recreational open space		
DISCRETIONARY USE CLASSES (See Regulations 23 and 90)		
Agriculture, forestry, mineral exploration, and antenna		

CONDITIONS FOR THE PROTECTED WATER SUPPLY ZONE

1. General Conditions and Referrals

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

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

- (1) Existing resource development and other activities will be allowed to continue unless it is established that these are impairing water quality or have potential to impair water quality.
- (2) The Minister of Environment may require proponents of existing activities, which have potential to impair water quality, to obtain his/her approval.
- (3) No development shall be carried out in a designated area except in accordance with this policy.
- (4) No person shall carry out any development in a designated area without obtaining prior approval in writing from the Minister.

2. Activities Not Permitted in a Designated Area

Although they may be associated with any one of the Permitted or Discretionary Uses, the following activities shall not be permitted in the Protected Water Supply:

- (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 an intake pond, lake or specified buffer zones for any activity detrimental to water quality, and not permitted in the Department of Environment and Lands 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 which impairs or has potential to impair water quality;
- (d) using or operating existing facilities in such a manner which 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) clear cutting of forest in sensitive areas, establishment of camps and camp facilities, storage of chemicals, application of pesticides, drainage of peat land for afforestation, and application of toxic fire retardants;
- (g) activities, operations or facilities associated with aggregate extraction and mineral exploration such as work camps, vehicle parking and maintenance facilities, washing of aggregates, asphalt plants, discharge or deposit of waste material into a body of water, and significant disturbance to land for mineral exploration purposes;
- (h) application of herbicides in the right-of-way, and use of chemically treated utility poles and other related structures;
- (i) aquaculture development and associated activities having potential to impair water quality; and
- (j) any other storage or disposal facilities that the Minister of Environment considers environmentally unacceptable.

3. Activities Regulated in a Designated Area

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 a permit from the Authority:

- (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) development of farm lands for crop production, forage production, vegetable production, and blueberry and other fruit production;
- (d) recreational activities or facilities including fishing, swimming, boating, hiking, camp grounds, or canoe routes, vacation or other camps, or recreational facilities;
- (e) installation of storm or sanitary sewer pipelines, pipelines for transmission of water for hydroelectric generation, agriculture uses, or any other purposes;
- (f) construction of roads, bridges, culverts, and other stream crossings, and installation of power and telecommunication transmission lines;
- (g) modification to intake structures, pumphouse, reservoir, etc. will require approval under Section 27 of the Department of Environment and Lands Act; and
- (h) any other development or activity which, in the opinion of the Minister of Environment, 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 Authority and the Minister of Environment for approval.
- (2) The Minister of Environment 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 under Section 27 of the Department of Environment & Lands Act, 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 municipal authority or the person responsible for the operation and maintenance of the waterworks 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 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 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. Buffer Zones

The proponents shall provide the following widths of buffer zones along and around water bodies from the high water mark in a designated area:

<u>Water Body</u>	<u>Width of Buffer Zones</u>
Intake pond or lake	a minimum of 150 metres
River intake	a minimum of 150 metres for a distance of one kilometre upstream and 100 metres downstream
Main river channel	a minimum of 75 metres
Major tributaries, lakes or ponds	a minimum of 50 metres
Other water bodies	a minimum of 30 metres

No development activity shall be permitted in buffer zones except those which are intended to promote vegetation.

**SCHEDULE D
OFF-STREET PARKING REQUIREMENTS**

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

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 class-room. 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 Authority.
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.
Indoor Assembly	One space for every 10 spectators that may be accommodated at one time.
Outdoor Assembly	As specified by the Authority.
Campground	As specified by the Authority.
Penal and Correctional Detention	As specified by the Authority.
Medical Treatment and Special Care	One space per 20 m ² 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 Authority.
Boarding House Residential and/or Bed and Breakfast	As specified by the Authority.
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.
Home Business	As specified by the Authority.
Communications	As specified by the Authority.
Police Station	As specified by the Authority.

CLASS	MINIMUM OFF-STREET PARKING REQUIREMENT
Taxi Stand	As specified by the Authority.
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 Authority.
Outdoor Market	As specified by the Authority.
Convenience Store	One space for every 20 m ² of gross floor area.
Hazardous Industry	As specified by the Authority, but not less than one space per 100 m ² of gross floor area or 10 parking spaces, whichever is greater.
General Industry	As specified by the Authority, 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 Authority, 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 Exploration	Not specified.
Mineral Working	Not specified.
Mining	Not specified.
Recreational Open Space	Not specified.
Conservation	Not specified.
Cemetery	Not specified.

CLASS

MINIMUM OFFSTREET PARKING
REQUIREMENTS

Solid Waste.

Not specified.

Scrap Yard

Not specified

Animal

Not specified.

Antenna

Not specified.

Transportation

As determined by the Authority, taking into consideration associated uses, such as boat repairs, and other facilities and services.

Marina

As determined by the Authority, taking into consideration associated uses, such as boat repairs, and other facilities and services.